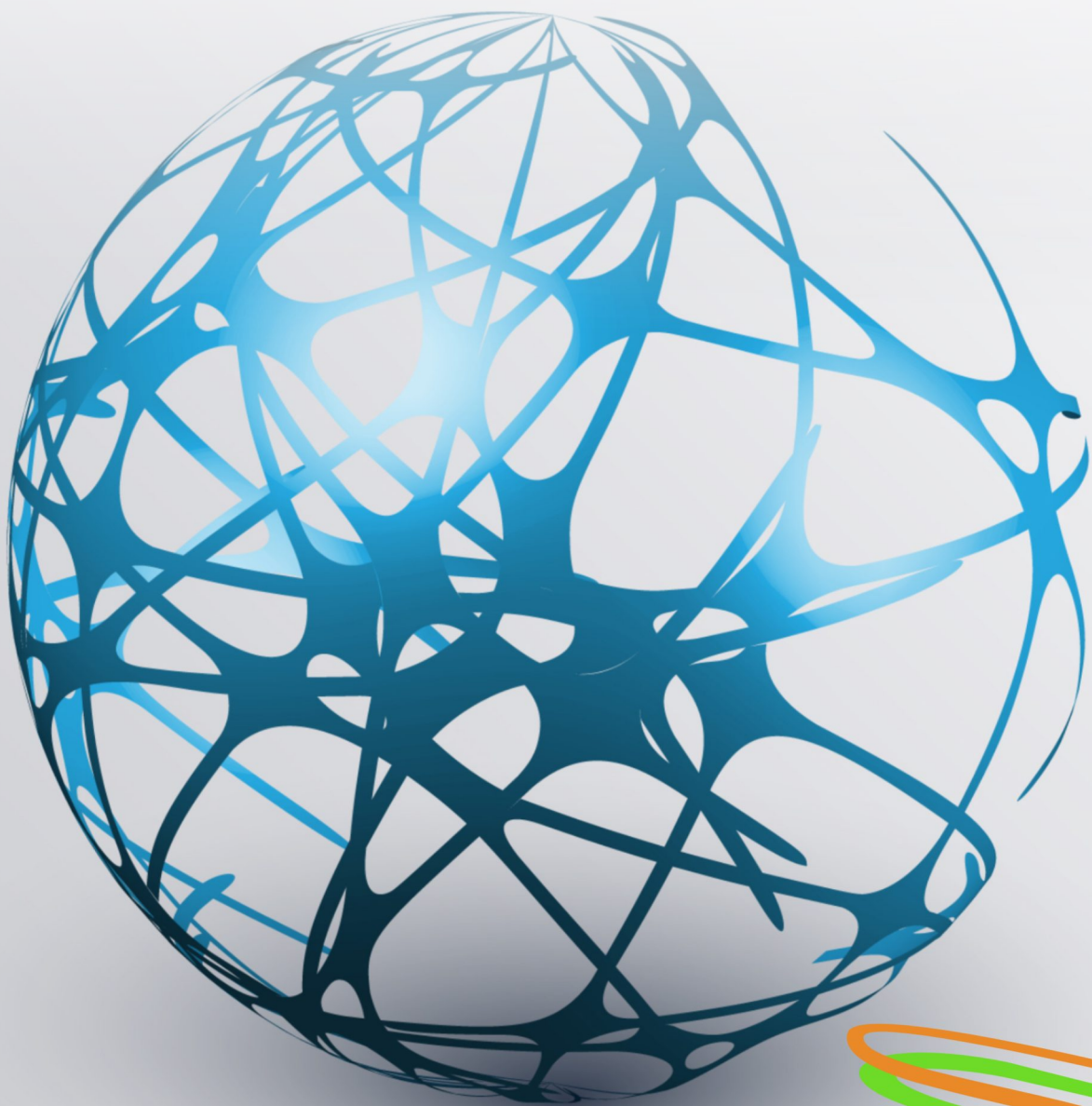


Civil Service Country Profiles: Select Caucasus and CIS countries



**Civil Service Country Profiles:
Select Caucasus and CIS countries**

The country profiles are a result of a collective and collaborative effort between the Regional Hub's Research Team together with representatives of the authorities responsible for human resources management in their respective countries. The Research Team gathered information through extensive desk research of legal documents, country reports and other national and international publications. It also compiled data from national statistics and various governance and human development indices.

Each profile contains basic statistical information about the country, i.e. area, population, GDP, GNI per capita, HDI, life expectancy at birth and mean years of schooling. It also contains indicators on quality of public service for the past 5-year period, as measured through indices for government effectiveness, regulatory quality, rule of law and control of corruption. It also comprises information on the political and administrative structure of civil service, its legal basis and the definition of a civil servant in the country; as well as the most current information on the civil servants' profile, i.e. eligibility criteria, total numbers broken down by gender, by age and service locale, and their remuneration structures. In addition, each profile contains information on the body responsible for public human resources management policy and implementation, as well as on selection and recruitment practices, promotion processes, performance evaluation modalities and training and career development in the civil service. Moreover, it includes extensive reference to the ethics, integrity and anti-corruption policies in place and the structures assigned with the responsibility to implement them. It concludes by presenting and discussing past, current and planned civil service reforms in each country.

For the most current versions of these country profiles visit:
<http://www.regionalhub.org/category/library/country-profiles>

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1. ARMENIA

I. BACKGROUND

Area:	29,743 sq. km
Population:	3,006 million (2014)
GDP:	USD 11,64 billion (2014)
GNI per capita:	USD 8,124 (2014)
HDI:	0.733; ranked 85 out of 188 countries (2014)
Life expectancy at birth:	74.7 years (2014)
Mean years of schooling:	10.9

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	31.71	51.71	49.28	58.37	46.15
Regulatory quality	45.10	55.39	60.29	58.85	60.10
Rule of Law	36.84	41.15	39.81	45.02	43.76
Control of corruption	30.24	32.20	30.48	39.23	40.38

Source: World Bank (2015)

b. Political and Administrative Structure

The Republic of Armenia (RA) is a democratic state with a semi-presidential system of government. State power is exercised in compliance with the Constitution and laws based on the principle of separation of the legislative, executive and judicial powers.

The **President of the Republic of Armenia** is the Head of State. The President ensures adherence to the Constitution and provides for the uninterrupted and smooth functioning of legislative, executive and judicial authorities. He is also the guarantor of the Republic of Armenia's sovereignty, territorial integrity and security. The President of the Republic is elected by the citizens of the Republic for a term of five years.

Legislative Power. The single-chambered National Assembly is the supreme legislative authority of the Republic. The National Assembly consists of 131 deputies, of which 90 are elected by proportional and 41 by majority representation. The members of the National Assembly are elected through general elections for a term of five years.

Executive Power. The Executive power is exercised by the Government. The Government is composed of the Prime Minister and its Ministers. Based on consultations held with the parties represented in the National Assembly, the President appoints the person nominated by parliamentary majority as Prime Minister. The President of the Republic appoints and dismisses members of the Government following proposals by the Prime Minister.

The Government's policies are developed and implemented through republican executive bodies (18 ministries and 6 public administration bodies adjunct to the Government), which may be established, restructured and/or dissolved by Presidential Decree, following recommendations of the Prime Minister.

The Ministry is the supreme body overseeing state bodies and organizations within its jurisdiction. A Ministry is composed of the Minister, Deputy Ministers, Advisers, Press Secretary, Assistants and Aides, Ministry Staff, regional units, relevant state bodies, as well as state non-profit organizations under a Ministry's jurisdiction.

A public administration body adjunct to the Government is comprised of the Head, Deputy Heads, Staff, regional units as well as state non-profit organizations under its jurisdiction.

The Staff of a Republican Executive Bodies are comprised of structural units (departments, divisions, and secretariats) and standalone units (agencies, inspectorates) whose tasks and responsibilities are defined by the Government.

The Republic of Armenia's **administrative and territorial units** are composed of *marzes* (regions) and communities. The country is divided into 10 *marzes*. The Government appoints and dismisses the *Marzpets* (Marz / Regional Governors), who occupy discretionary positions and they are accountable to the Government. *Marzpets* implement the government's regional policy, coordinate the activities related to regional services of executive bodies, as determined by the applicable laws.

The *marzes* are subdivided into urban and rural communities, administered by local self-governments. There are 915 communities in Armenia: 49 urban and 866 rural communities. The capital city of Yerevan also has the status of a "community".

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

It should be noted that measures to establish the country's civil service were initiated about a decade after gaining independence from the Soviet Union in 1991. In fact, it was not until 1998 when a number of working groups were set up to develop a draft law on civil service, when the Government assigned the Public Administration Reform Commission to propose civil service reforms aimed at building a new civil service system in the country. The results of the Commission's deliberations led to the adoption of the Law on Civil Service (2001) and the establishment of the Civil Service Council (2002). Later, the Law on Public Service was enacted to provide for comprehensive regulation of public and community civil service (2011).

The legal framework for the civil service of Armenia is based on the Constitution, the international agreements signed by the Republic, the Law on Civil Service of 2001, the Law on Public Service of 2011, legal acts and regulations of the Civil Service Council and other legal acts.

Following its establishment in January, 2002, the Civil Service Council initiated the development and adoption of regulations falling within its jurisdiction, i.e. Regulation on Holding Compe-

titions and Attestations, Regulation on Trainings, Regulation on Enrollment in the Personnel Reserve, as well as other acts and regulations.

Such other issues as remuneration of civil servants is regulated by the Law on Remuneration of Civil Servants, whereas other employment-related issues, not explicitly regulated by the civil service legislation are subject to the general labour legislation provisions.

In particular, the legal framework for public service includes:

- RA Law "On Public Service", adopted on 26 May 2011;
- RA Law "On Civil Service", adopted on 4 December 2001;
- RA Law "On Remuneration of Persons Occupying State Positions", adopted on 12 December 2013;
- Decision N 3 of 29 January 2002 of the Civil Service Council of the Republic of Armenia "On Approval of the Charter of the RA Civil Service Council";
- Decision N 17-N of 13 June 2002 of the Civil Service Council of the Republic of Armenia "On Establishing the Procedure of Conducting Competitions for Filling Vacant Civil Service Position";
- Decision N 546-N of 26 June 2006 of the Civil Service Council of the Republic of Armenia "On Establishing the Procedure of Secondment of Civil Servants for the Purpose of Training, Improvement of Professional Knowledge and Work Skills";
- Decision N 818-N of 12 October 2010 of the Civil Service Council of the Republic of Armenia "On Establishing the Procedure of Testing for Certificates of Civil Service Junior Position and of Occupying Vacant Civil Service Junior Position";
- Decision N-1510- N of the RA Government of 20 October 2011 "On Approving the Procedure of Developing Work Plans, Accessing Work Plans into Electronic Document Flow System and Approving thereof, Appraising Performance through the System and Relating Pay to Performance in RA Public Administration Bodies".

The **Civil Service Law of 2001** covers civil service positions in the President's Administration, ministries, executive bodies at the republican and regional levels, other government administrative bodies established by law, excluding the Central Bank.

In its nine chapters, the Civil Service Law of 2001 regulates relations pertaining to the civil service, namely:

- Definitions and the Law's applicability (in terms of which state bodies, positions and position holders are included);
- Main principles for the civil service and delineation of legislation regulating the civil service, (including the subsidiary application of the Labour Code to some aspects of employment relationships and working conditions);
- Classification of the civil service positions (11 levels in four groups) and the corresponding grading system for the position holders (the civil servants); regulation of the "roster" of Civil Service positions and the "passport" of each individual position as key elements of the civil service system¹;

¹ The Law sets the minimum general requirements for such "passports" or job descriptions with regard to professional grade and years of experience needed to access such positions.

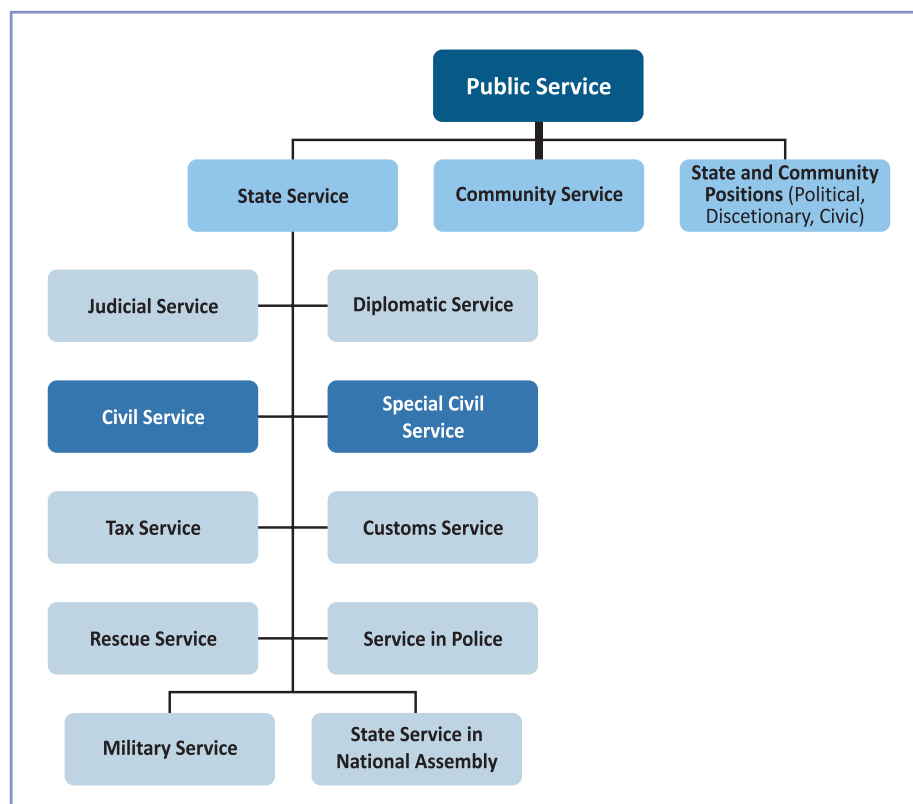
- General requirements and conditions for accessing civil service positions and the methods to be used for filling vacancies for positions included in the Civil Service Roster (plus rules on final appointments);
- Mandatory training and “attestation” of civil servants;
- Legal status of civil servants (rights, duties, restrictions, incentives, disciplinary regime, retirement age, etc); as well as causes for removal from civil service positions and termination of the civil service relationship/status;
- Civil Service organization and management bodies”².

b. Definition of civil servant

The Law on Public Service of 2011 defines public service as “the exercise of powers vested in the State under the Constitution and laws of the Republic of Armenia, which shall include state service, community service³ and state and community positions”.

According to the Civil Service Law of 2001 (CSL), the state service is defined as “a professional activity aimed at performing functions and resolving issues conferred upon state entities by the Republican legislation”. The state service incorporates the civil service, judicial service, diplomatic service, and special service⁴.

Figure 3: Public Service in Armenia



² OECD/ SIGMA. 2010. Assessment of the Civil Service System of the Republic of Armenia.

³ Community service is defined as a professional activity aimed at performing functions and resolving issues conferred upon local self-governing bodies by the legislation of the Republic of Armenia.

⁴ Special service in, respectively, Defence, National Security, Police, Tax, Customs and Rescue Services of Republican Executive Bodies; State Service in the Staff of the National Assembly of the RA, National Security Council, Investigative Committee of the RA, Department of the Investigative Committee of the RA, as well as other services envisaged by the law.

The same Law defines civil service as “a professional activity independent from the changes of political forces in power, which is performed by the government bodies included in Clause 1, Article 4 of the CSL⁵, with the purpose of implementing the objectives and functions assigned to those bodies by the legislation of the Republic of Armenia” (Article 3, clause 1/a). A civil service position is a position envisaged by the Roster of Civil Service Positions.

A Civil Servant is “a person occupying a position envisaged in the Roster of Civil Service Positions (Article 15.1, Clause 1 of the CSL), or listed in the Civil Service Personnel Short-term Reserve” (Article 3, Clause 1/d).⁶

Civil service positions are classified into four groups: highest, chief, leading and junior positions based on the levels of responsibility, decision-making authority, representation, as well as complexity of their assigned functions and responsibilities (Article 7 of the CSL of 2001).

The groups of the highest civil service positions are further classified into subgroups 1 and 2. The groups of the chief, leading and junior civil service positions into subgroups 1, 2 and 3 (subgroup 1 being considered the highest subgroup of a given group). Each civil servant can move up one grade without a change in the position no earlier than 3 years upon receiving the grade corresponding to his/her position.

The CSL also clarifies that persons occupying political, discretionary and civil positions, as well as technical support personnel in the bodies envisaged under Clause 1 of Article 4 (see also footnote 193) are not considered civil servants.

In September 2002, the Civil Service Personnel Roster was approved. Thus, starting on 1 November 2002, persons occupying positions listed in the Personnel Roster were considered civil servants. This signified the shift to the new system. The newly formed civil service system incorporated 41 state entities with 7,297 civil servants.

c. Civil servants' profile

Eligibility criteria

The Constitution of the Republic (adopted in 1995 and substantially amended in 2005) recognises and guarantees “equal access (for all citizens) to the public service” (Article 30.2, Clause 2).

Article 11 of the Civil Service Law (CSL) of 2001 stipulates that in order to enter the civil service candidates must be citizens of the Republic meeting the requirements established by the job description (or Passport) of a given position, as well as that they possess knowledge of the Armenian language and have attained the age of 18 years.

Total number of civil servants

Total number of civil servants in Armenia was 6,508 as of November 2014⁷.

⁵ These bodies are: (a) the Staff of the President of the RA; (b) The Staff of the Government of the RA; (c) The Staffs of the Republican Executive Bodies of the RA; (c1) The Staffs of state bodies acting in the administrative field of the RA Ministries; (d) The Staffs of the *Marzpetarans* / Regional Governor's Offices / of the RA; and (e) The Staffs of the permanently operating bodies created by the laws of the RA, with the exception of the Central Bank.

⁶ Temporary vacant positions are exempted from these procedures.

⁷ Civil Service Council of the Republic of Armenia. Selection and Recruitment Procedure of Senior Civil Servants in Armenia, <http://dsc.kprm.gov.pl/sites/default/files/pliki/armenia.pdf>

d. Civil servants' remuneration structure

The Civil Service Law of 2001 and the Law on Remuneration of Persons Occupying State Positions of 2013 regulate the remuneration of civil servants. According to these Laws, civil servants' pay includes basic salary (or official pay rate), additional salary and bonuses. The basic salary is estimated on the basis of a common base amount, multiplied by a coefficient set for each group (grade), sub-group (class) and duration of service in the relevant sub-group. In turn, the common base amount is determined on an annual basis as stipulated by the Law on State Budget⁸.

Additional salary includes extra payments, i.e. wage supplements for overtime, work in hazardous conditions, etc and increments, i.e. as wage premiums determined on the basis of rank and work experience. However, additional salary cannot exceed 30 per cent of the basic salary⁹.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Article 36 of the CSL of 2001 stipulates that the Civil Service Council and the Chiefs of Staff are primarily responsible for the management and organisation of the civil service.

The Civil Service Council is an independent state body in charge of implementing a unified state policy in the area of civil service. Article 37 of the CSL of 2001 regulates the Council. Its seven members are appointed by the President based on nominations provided by the Prime Minister. The Council is an autonomous entity in terms of its organization and budget.

The main objectives of the Council are to ensure the introduction of the new civil service system in the Republic of Armenia; as well as the effective management and organization of its activities and further improvement ensuring transparency in the civil service system.

Specifically, the Civil Service Council's functions include:

- Developing primary and secondary legislation related to civil service;
- Monitoring enforcement of civil service legislation;
- Approving, updating and amending the Roster of Civil Service Positions;
- Organizing and implementing competitions to fill in vacant positions in the civil service;
- Organizing and holding certifications of civil servants;
- Organizing trainings for civil servants and secondments for improving their professional knowledge and skills;
- Maintaining long- and short-term reserves;
- Dealing with appeals on civil service matters; and
- Monitoring compliance with the Civil Service Code of Ethics.

⁸ As such, the 2014 State Budget set the common base salary of persons holding state positions for the period from 1 July to 31 December at 66,140 Armenian Dram (AMD) per month (about USD 140).

⁹ For example, in 2015, a junior level civil servant with four years of experience is paid in the range of approximately 90,000 AMD (or USD 190-260) per month, based on information provided by the Civil Service Council.

In addition, the Council is in charge of supervising human resources management and providing methodological guidance to public administration bodies. Yet, a SIGMA report¹⁰ notes two important omissions in the Council's functional scope: firstly, that it does not participate in workforce planning of public administration bodies despite that it is managing the personnel registry; and secondly, the Council is not authorised to deal with the management of top-level civil servants (Parrado, 2014). It also points out that the Council's position is weakened due to its "minor role in policy making" and the "lack of institutionalisation of its independence".

Ministries also have personnel management units responsible for the HR function, including calculation of the seniority/length of experience of personnel, conduct of competitions and attestations, organization of trainings, conclusion of employment and temporary contracts (employment contracts for specific time), control over employee labour discipline issues, management of personal files, record keeping, acceptance acts (handovers), maintenance of personal files, etc.

a. Organisation of the selection and recruitment process in civil service

Recruitment in civil service is regulated by the Law on Civil Service of 2001 and the Civil Service Council Decision N 17-N on "Defining Order on Conducting Competitions for Occupying Vacant Civil Service Position" adopted on 13 June, 2002.

According to the Article 12(1) of the CSL of 2001, a vacant position is to be filled through out-of-competition or competition procedures. The out-of-competition procedure applies in case of an urgent need to fill a vacant civil service position (within a period of a week), or until the announcement of the competition for the position is published. In this case, a civil servant from the respective body, who meets the formal requirements of the job can be appointed to this post. Open competition is conducted to fill new civil service positions and positions which are not filled by the "out-of-competition" process (Article 14, Clause 1 of the CSL).

The CSC manages the recruitment process jointly with the hiring agency/government department. It provides methodological support and it monitors the recruitment process. It may also intervene should the merit-based principle is violated during the process.

The Civil Service Council publishes the announcement of a competition for the positions of the highest and chief levels and the hiring government bodies publish the announcement for positions of the leading and junior levels one month, in advance to holding the competition, in the press and another media, as well as online on the official website of the CSC.

The Competition Commission is formed no sooner than 24 hours before each competition is held and is comprised of CSC representatives (one third), representatives of the hiring body (one third) and experts from scientific and academic institutions in relevant fields of specialisation (one third). Representatives of the civil society organisations many also participate as observers.

The competition process involves two stages: testing and interviewing. Multiple-choice tests are designed to check applicants' knowledge of the relevant legislation (including the Constitution, civil service legislation, and legislation relevant to the hiring body). They are also designed to test applicants' capability of working in a given position (Article 7 of the CSL). Those candidates obtaining a score of at least 90 per cent for correct answers qualify for an interview. The interview is held by a Competition Commission to determine candidates' professional knowledge,

¹⁰ OECD/ SIGMA, 2010. Assessment of the Civil Service System of the Republic of Armenia

competencies, qualifications and ability to perform the functions of the announced position. Following calculation of the interview results, the official responsible for the appointment selects and appoints one of the three top-listed candidates within three working days upon receipt of notification¹¹. Competition results can be appealed by an applicant in a written form and these appeals are dealt by the CSC.

Newly recruited civil servants are subject to a probation period of up to six months in compliance with general labour legislation.

The CSL of 2001 (Article 15.1) provides for permanent tenure of civil servants by default¹². However, the Law also provides an extensive list of reasons for dismissing civil servants. In most cases, they relate to voluntary resignations, and to a lesser extent, dismissal cases resulting from the reorganisation and abolition of government agencies.

A length of service or *seniority* of a civil servant is estimated as the entire period of occupying a civil service position, or being enlisted in the Civil Service Personnel Short-term Reserve (Article 17 of the CSL). The Law also specifies that ranking calculation of seniority should take into account a civil servant's overall professional service.

b. Promotion process in civil service. What legal instruments regulate this area?

The CSL of 2001 provides several provisions on promotion or mobility practices in civil service¹³. The Law (Article 20, Clause 7) also provides for secondment of civil servants for improving their professional knowledge and skills.

c. Performance evaluation, training, and career development. What legal instruments regulate this area?

In accordance with Article 20 of the CSL of 2001, the CSC is responsible for organising, coordinating and assessing training needs for civil servants jointly with the HR units of relevant agencies. HR units provide their recommendations on training plans to the CSC on an annual basis.

The CSL mandates that civil servants shall undergo mandatory training at least once every three years. Civil servants are also entitled to receive non-mandatory training in case of special requirements for improving their professional knowledge and skills. Training is organised based on the request of the responsible Chief of Staff and in line with a programme approved by the CSC.

As for performance evaluation, Armenia practices both attestation and performance appraisal systems, each serving a different purpose. All civil servants undergo performance appraisal conducted semi-annually by their immediate supervisor (Article 20.1 of the CSL of 2001). Appraisal includes the assessment of work performed by a civil servant, timeliness and quality performed tasks, as well as of managerial skills. However, performance appraisal results have no connection with promotion or training of a civil servant, but they do affect bonus payments.

Another type of performance evaluation, a regular mandatory attestation of civil servants is conducted once every three years. "Extraordinary" attestations may also be conducted based on

¹¹ However, the selection of one candidate out of three is not required to be substantiated. The SIGMA report (2014) indicates this is one of the flaws of the recruitment process in civil service (Parrado, 2014). Overall, however, SIGMA reports that recruitment of civil servants follows mostly the principles of meritocracy, although "the scope and the practice are less transparent than advocated".

¹² Exception is the position of the chief of staff; their term of office is set for four years, which can be renewed for additional periods of four years.

¹³ A SIGMA report (Parrado, 2014) notes that the recruitment on the basis of the "out-of-competition" procedure presents a promotion process, yet without applying merit-based principles.

the decision of the direct supervisor and after one year the last regular attestation took place. Attestation is carried out in two stages: first, a documentary attestation and second, a test and an interview. Both aim to verify that civil servants possess appropriate and relevant knowledge to perform the functions for a position, as specified in the job description. The CSC coordinates attestation of the highest and chief positions, while public authorities manage attestation of the leading and junior level civil servants' positions in their respective agencies. Attestation is carried out not by the immediate supervisor, but by Attestation Commissions, which are formed in the same manner as Competition Commissions. Attestation results are used to decide whether civil servants conform with the position they occupy. Attestation results are not linked with a civil servant's professional promotion or identification of his/her training needs¹⁴, as is also the case with performance appraisal.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The legal framework dealing with corruption prevention and promotion of ethical behaviour of civil servants includes the CSL of 2001 and the Public Service Law of 2011. The latter provides rules of ethics for public servants and high-ranking officials (Article 28, Clause 3) to ensure proper behaviour, prevent conflicts between public and private interests and enhance public confidence in public institutions. Enforcement of these rules relies on Ethics Commissions, which are established in the respective public institutions. However, there is no one central body responsible for ensuring uniform enforcement of ethics rules in the civil service (OECD, 2014).

The Civil Service Council established Ethics Commissions in 2004 with the aim to contribute in the formulation and enhancement of ethics in public administration institutions. Each Commission¹⁵ includes two Council representatives, two public administration body representatives (one of them a civil servant and representative of a public association/union) and one representative from the Armenian Apostolic Church.

There is a separate Ethics Commission for High-Ranking Officials, established in 2012. It consists of five independent members appointed by the President, in line with Article 38 of the Public Service Law of 2011. The Commission, is responsible for the collection and analysis of asset declarations by high-ranking officials, a new integrity-related system introduced in 2013¹⁶, among other functions.

The Law on Public Service of 2011 also introduced the concept of "whistle blowing", requiring public servants to report offences committed by other civil servants and any other unlawful activity, including corruption-related ones (Article 22).

In 2013, a 72-hour anti-corruption course was introduced, as part of mandatory training programme for civil servants¹⁷.

¹⁴ In relation to these performance evaluation systems, the 2014 SIGMA report (Parrado, 2014, p. 7) points out that the existence of these two processes of attestation and performance appraisal "confuses the purpose of a real appraisal of the achievement of results", and it is, hence, recommended to abolish the attestation process.

¹⁵ However, the OECD (2014) reports these commissions to be non-operational in practice and recommends that action should be taken to ensure their effectiveness.

¹⁶ However, the Round 3 Monitoring OECD report of the Istanbul Anti-Corruption Action Plan on Armenia notes that these "declarations are narrow in scope", while the Ethics Commission for High-Ranking Officials "has no mandate or resources to verify the declarations or to sanction non-compliance" (2014, p. 5).

¹⁷ In 2011, training was provided to 26 officials; in 2012 to 61; in 2013 to 107; and in 2014 (1st half-year) to 38 officials.

The Ethics Commission for high-ranking officials also delivers anti-corruption trainings to civil servants but mainly on the topic of asset declaration. The Commission jointly with SIGMA, is currently elaborating a draft code of conduct for high-ranking officials¹⁸.

The Anti-Corruption Council, established in 2004, became operational in a revamped format in July 2015 following the Government's decision No 165-N (19 February 2015) "On Establishing the Council and Expert Task Force", as well as approving the Council's composition and its rules of procedures. The Council is chaired by the Prime Minister. The Council is responsible for: [i] devising and endorsing the national anti-corruption strategy¹⁹, [ii] developing recommendations for amending the strategy; [iii] endorsing sector-specific programmes developed within the strategic framework; [iv] coordinating and monitoring implementation of activities congruent with the anti-corruption strategy deployed; and [v] ensuring cooperation with the international community, as well as with civil society representatives and other stakeholders in the anti-corruption field.

The Government Unit on Monitoring Anti-Corruption Programmes acts as a Secretariat to the Anti-Corruption Council responsible for implementing the national anti-corruption strategy for the period 2015–2018. The Government and USAID have signed an agreement for joint implementation of the Strategy²⁰.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

A multitude of measures have been implemented aiming to improve the legislative basis, recruitment, performance assessment and other civil service aspects. As reported by the Civil Service Council, these include the following:

- Mandatory medical insurance was introduced in 2012, as part of a social security package;
- A new unified system of remuneration of persons occupying state positions, including civil servants that envisaged a significant salary increase, was launched on 1 July 2014;
- Following review of the attestation process for civil servants, a performance appraisal system has been deployed;
- A unified certification system has been put into place for candidates to civil service junior positions in order to improve the process of recruitment into the civil service; and a point system has been developed for candidates' evaluation during the interview stage of the competition;
- Amendments have been made to the Law "On Civil Service" (June 2014) in order to make the civil service more competitive and attractive and to enhance motivation, as well as to increase flexibility in staff recruitment and promotion. Accordingly, a new scale of requirements pertaining to work experience has been adopted, which significantly

¹⁸ The Commission on Ethics of High-Ranking Officials has initiated activities to elaborate the content of public officials' code of conduct, <http://ethics.am/en/news/item/2016/02/04/news46/>

¹⁹ The strategy's priority areas are education, health, public revenue and services delivered by the Police

²⁰ The Government of the RA and USAID have signed an agreement on implementation of the Anti-Corruption Strategy of the RA. <http://www.gov.am/en/news/item/8265/>

narrowed the scope of differences existing between the requirements of the civil service and the non-civil service related work experience;

- The Law “On Public Service”, adopted in 2011 aiming to harmonise differences among civil and other state services and to ensure uniformity of principles across the civil service;
- The new Civil Service Council website (www.csc.am) became operational in order to provide a platform for electronic document flow system and common databases, as well as to ensure adequate information exchange;
- A draft “Ethics Code for Civil Servants” has been developed in order to improve the rules of ethics for civil servants.

b. Current reforms

Considering the future priorities for the development of the civil service, “A New Policy Paper on Civil Service Reforms” has been developed jointly with EU/SIGMA, to be followed by the development and implementation of an Action Plan.

The Government of the Republic approved the Civil Service Reform Strategy on 29 December 2015. The Strategy aims to depoliticise the Armenian civil service and promote building a corps of professional and impartial civil servants. The goal of the strategy is to shift from the current system to a merit and career-based civil service system incorporating both the strengths of the existing one and the best EU practices, standards and principles. Furthermore, the strategy envisages setting up unified principles of performance appraisal of civil servants, of promotion and career development, as well as bring the civil servants’ code of conduct rules in line with EU and OECD standards.

c. Planned reforms

Based on the new approved strategy, civil service reforms are planned to focus on three main areas²¹:

- Strengthening civil service values and principles in a sustainable manner while focusing on enhancing the efficiency of public administration and improving quality of services provided to citizens;
- Modernising key HRM mechanisms with regard to recruitment and selection, training, performance appraisal, promotion and mobility, ethics rules and integrity, job classification and other related areas²²; and
- Improving civil service management.

²¹ In addition, the 2014 SIGMA report has provided a list of specific recommendations, which, among other call for higher transparency in the recruitment process, application of merit-based practices to internal competition, conducting organisational and individual training needs assessments and introducing a unified monitoring mechanism to promote integrity of civil servants.

²² For instance, the attestation system for civil servants will be replaced by a performance appraisal system in the beginning of 2017.

References:

Civil Service Council of the Republic of Armenia, 2015. *The Structure and the Mission of Civil Service Council*. <http://www.excellence-bsb.eu/docs/about/Armenia.pdf>

Decision of the Government of the Republic of Armenia on Establishing Anti-Corruption Council and Expert Task Force, on Approving the Composition of the Council and Rules of Procedure for the Council, Expert Task Force and Anticorruption Programmes Monitoring Division of the Staff of the Government of the Republic of Armenia of 19 February 2015. http://www.gov.am/u_files/file/xorhurdner/korupcia/165-N_ENG.pdf

Law of the Republic of Armenia on Civil Service 2001 [provided by the Civil Service Council of the RA]

Law of the Republic of Armenia on Public Service of 2011 [provided by the Civil Service Council of the RA]

OECD/ SIGMA. 2010. *Assessment of the Civil Service System of the Republic of Armenia*. Available online [accessed on 18 January 2016] <http://www.oecd.org/countries/armenia/47600439.pdf>

Organisation for Economic Co-operation and Development, Anti-corruption network for Eastern Europe and Central Asia, 2014. *Anti-corruption Reforms in Armenia. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan*.

Parrado, Salvador. 2014. "Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova, and Ukraine", OECD/SIGMA. <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

United Nations Development Programme, 2015. Human Development Report 2015. http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf

World Bank. 2015. *Armenia, country data*. <http://data.worldbank.org/country/armenia>

World Bank. 2015. *Worldwide Governance Indicators*. <http://info.worldbank.org/governance/wgi/index.aspx#reports>

2. AZERBAIJAN

I. BACKGROUND

Area	86,600 sq. km
Population	9,590,000 (July 2015)
GDP	USD 34 billion (2015)
GNI per capita	USD 3,564.3 (2015)
HDI	0.751; ranked 78 out of 188 countries (2014)
Life expectancy at birth	71.2 years
Mean years of schooling	11.2

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	13.2	28.8	23.9	38.3	42.3
Regulatory quality	16.7	30.9	39.7	34.9	43.8
Rule of Law	14.4	28.7	23.2	29.9	30.8
Control of corruption	7.3	16.1	9.6	19.1	17.8

Source: World Bank (2015)

b. Political and Administrative Structure

Azerbaijan is a democratic, legal, secular and unitary republic. It has a presidential system, in which the executive branch exercises broad authority relative to the parliament. For example, the President can propose appointment of judges, cancel a decision of the Cabinet of Ministers or dismiss it.

The executive branch consists of the President, his Office, the Prime Minister, and the Cabinet of Ministers. The legislative branch is comprised of the Parliament (*Milli Majlis*). The Parliament has one chamber of 125 members, who are elected for a period of 5 years. Latest parliamentary elections were held in 2015, in which the New Azerbaijan Party (YAP, in its Azeri acronym), chaired by President Ilham Aliyev, won a majority and currently holds 69 seats²³. The judicial branch in Azerbaijan is comprised of the Constitutional Court and the Supreme Court, the judges of which are nominated by the President. It also includes the Courts of Appeal, ordinary and other specialized law courts.

²³ Republic of Azerbaijan, Parliamentary Elections, OSCE/ODIHR Needs Assessment Mission Report, <http://www.osce.org/odihr/elections/azerbaijan/179216?download=true>

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The Constitution and the Civil Service Law (2000)²⁴ regulate the civil service in Azerbaijan. In addition, there are about 90 legislative acts, both primary and secondary, which also regulate the civil service in different sectors and in different areas.

The Constitution (Article 109) makes a distinction between political appointees and civil servants. The President of the Republic appoints the heads of the central administration (ministries, collegial bodies, services, agencies and commissions, among other) and of the local executive entities.

While the Civil Service Law regulates the civil service, other laws regulate political appointees. According to the Law "On Civil Service" of the Republic of Azerbaijan, the state bodies based on their status, hierarchical order and jurisdiction are divided into 6 categories: supreme state bodies and bodies in the categories from 1 through 5.

Positions in state bodies are classified as administrative and auxiliary depending on the nature of their functions and sources of authority. Administrative positions are positions of heads of offices and departments of state bodies of the Supreme to 5th category and their deputies, as well as positions of specialists recruited into the civil service. Administrative positions are divided into 8 categories (supreme category and categories from 1 through 7). Auxiliary positions are positions of civil servants carrying out technical work in state bodies of the Supreme to 5th category (clerk, typist, courier, archivist, lift operator, driver and other types of employees). Auxiliary positions are divided into 4 categories.

Table 28: Classification of Administrative Positions in the Azerbaijani Civil Service

Category	State bodies
Supreme	Parliament; Constitutional Court; Cabinet of Ministers and Presidential Administration; Supreme Court of the Republic of Azerbaijan.
1 st	Parliament of the Nakhichevan Autonomous Republic (NAR); Chief Prosecutor's Office; Chamber of Accounts; Office of Judicial Legal Board; Office of the Attorney for Human Rights (Ombudsman).
2 nd	Supreme Court of the NAR; Cabinet of Ministers of the NAR; Prosecutor's Office of the NAR; Office of the Attorney of the NAR for Human Rights (Ombudsman); Military Prosecutor's Office; Appeal Courts; Central Election Commission; Secretariat of the Commission on Fight against Corruption; Office of the National TV and Radio-broadcasting Board.
3 rd	State agencies and state services established under the central executive power bodies; regional centres of Ombudsman; courts on grave crimes; administrative economic courts; military courts of the RA; Central Election Commission of the NAR; central executive power bodies of the NAR; Office of the National TV and Radio-broadcasting Board of the NAR; Military Prosecutor's Office of the NAR.
4 th	Local executive power bodies; regional divisions of the central executive power bodies; bodies being subordinated under the central executive power bodies; city (region) courts; district (city) prosecutor's offices; military prosecutor's offices.
5 th	Local divisions of state agencies and state services established under the central executive power bodies, being under and subordinated to relevant executive power bodies; representations of local executive power bodies on administrative territorial districts.

²⁴ Law of the Republic of Azerbaijan On Civil Service, <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan039052.pdf>

The qualifications ranks are established in accordance with the classification of administrative positions. The professional rank of civil servants indicates their professional level, gives them the right to hold an administrative position and to receive a bonus in addition to a wage, as well as social benefits.

A person entering the civil service for the first time is placed at the lowest professional rank determined by the administrative classification of the relevant position. Civil servants are deprived their professional rank only in case they renounce their Azerbaijani citizenship.

b. Definition of civil servant

According to the Law "On Civil Service", a "civil servant is a citizen of the Republic of Azerbaijan who holds a salaried civil service position (the salary should be exclusively paid from the state budget) as determined by this Law and takes an oath to the Republic of Azerbaijan when recruited to occupy a civil service administrative position". Deputies and judges are not considered civil servants.

c. Civil servants' profile

Eligibility criteria

Citizens of the Republic of Azerbaijan aged 16 and over, possessing professional skills in accordance with the requirements of a position have the right to be recruited into the civil service regardless of race, nationality, language, sex, social origin, property status, place of residence, religion beliefs, and membership in social and other organizations.

Total number of civil servants

The number of civil servants in Azerbaijan was 30,108 in 2014. 1,147 civil servants hold administrative positions from the superior through to the 3rd classification. The remaining 23,017 civil servants hold positions from the 4th to the 7th classifications.

Number of civil servants as proportion of the total population and of the labour force.

Civil servants represented 0.314% of the country's population, and 0.628% of the labour force in 2014.

Gender and age distribution of civil service

Male employees prevail over women employees in the civil service of Azerbaijan. Out of 30,108 civil servants in the country, 8,580 are women (28.5%) and 21,528 are men (71.5%).

In 2014, 16.7% (5,019) of the total number of civil servants were under 30 years old, 14.5% (4,354) were between 30 and 34 years old, 22.3% (6,731) were between 35 and 44 years old, 25.8% (7,766) were between 45 and 54 years old, 16.9% (5,085) were between 55 and 62 years old, 2.6% (781) were between 63 and 64 years old and 1.2% (372) were 65 years and older.

d. Civil servants' remuneration structure

The average monthly salary is 617.6 manat (USD 484 approximately) across the country, while the average monthly salary for the superior administrative positions is 760.3 manat (USD USD

approximately). Total compensation consists of official salary, bonuses and allowances paid for professional rank, length of service, etc.

The salary of civil servants of the 7th classification of administrative and of auxiliary positions is equal to the minimum official salary as defined by the legislation of the Republic of Azerbaijan. In general, the official salary of civil servants is determined by the civil service position classification matrix.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

The Civil Service Commission²⁵ established by Presidential Decree in 2005 is responsible for human resources policy and implementation. It is the central executive body, directly accountable to the President of the Republic. The Commission employs a staff of 45 (2015).

The Commission is in charge of:

- Development of legislation; adoption of legal acts regulating personnel relations in public service and monitoring implementation of legislation;
- Coordination and supervision of the development of job descriptions for civil service positions;
- Organization and oversight of the centralized admission to the civil service system (competition and interview);
- Enhancement of public servants' ethical behaviour;
- Formulation and enhancement of the Register of Civil Servants (centralised information database);
- Training-needs analysis for civil servants; development of training strategies; organisation of short-term trainings, etc.

a. Organisation of the selection and recruitment process in civil service

The selection and recruitment process is regulated by the Law "On Civil Service" (2000) and the "Rules of recruitment to the civil service in the state bodies through competition" (2009). The Rules apply to the general civil service. Positions in the specialised civil service²⁶ have their own recruitment and promotion systems; however, based on similar competition rules. According to the Rules, the Civil Service Commission announces vacancies for positions from the 5th to 7th grades through an open and competitive recruitment process. The competition consists of an examination/test and an interview. The tests is administered by the Civil Service Commission. Applicants who successfully pass the test are invited for an interview.

Interviews are conducted by panels of interviewers established by the Civil Service Commission. A Panel consists of representatives of the hiring state bodies, members of the Commission and independent experts. Candidates, who successfully pass the test and the interview are introduced to the Head of the hiring state body for appointing them to a vacant position. The Head

²⁵ www.csc.gov.az

²⁶ Specialised civil service includes the Ministries of Justice, Internal Affairs, Taxes and Foreign Affairs; the State Customs Committee; the Prosecutor's Office; and the Judiciary.

of the hiring body makes the final decision and informs the Commission of their choice(s)²⁷. Candidates who also passed the test and the interview, but were not recruited, are registered in the reserve list for 2 years. Competition results and recruitment decisions are made public through the Commission's website. Candidates dissatisfied with a recruitment decision may file an administrative complaint to the Appeals Commission established by the Civil Service Commission, and/or to the courts.

b. Promotion process in civil service

Promotion of civil servants between the fifth and seventh categories adheres to merit-based criteria. Promotion is carried out through upgrading, competition or interview (internal and external). The competition or interview assesses the knowledge, professional capacity and logical thinking of candidates with reference to a particular vacancy in any state body. The following elements are also taken into consideration during an interview²⁸: specialisation level, attestation results, performance evaluation results and additional education qualifications congruent with the requirements of the vacant position. However, promotion of civil servants from the first to fourth categories is not performed using a merit-based process.

Horizontal mobility is also practiced, however, no regulation exists. Reform efforts are currently under way to improve the openness and competitiveness of the promotion process, by utilising performance appraisal results (recently enforced) and relevant provisions in the civil service code²⁹.

c. Performance appraisal, training and career development

Performance Appraisal:

According to Article 30-1 of the Law on Civil Service, the service performance of civil servants holding administrative positions is evaluated at the end of each calendar year by their direct supervisor. Results of the service performance appraisal are documented through a service performance appraisal template developed for the purpose. Performance of a civil servant is evaluated against a list of criteria. Comments may also be added. The opinion of the civil servant, whose performance is appraised may also be attached to the appraisal document.

Civil servants, both on administrative and auxiliary positions, pass an attestation every five years. An attestation is performed collectively by the attestation commission, comprising of a representative from the relevant government organisation and of independent experts. Professional competencies, ethical standards and diligence of civil servants are evaluated during attestation.

Training:

Civil servants in Azerbaijan are entitled to receiving appropriate training and educational leave at the State's expense (Civil Service Law, Article 19). Article 22 describes in detail the circumstances in which civil servants may receive additional training. However, the legislation does not specify, the frequency and volume of training a civil servant should undertake.

²⁷ This is also provided for in the Civil Service Law.

²⁸ Only valid for candidates already holding a civil service position.

²⁹ Civil Service Professionalisation in Armenia, Azerbaijan, Georgia, Moldova and Ukraine. November 2014, <http://www.sigmaweb.org/publications/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

Training and professional development of civil servants is one of the main functions of the Civil Service Commission. This function comprises of a needs analysis, preparation of proposals and delivery of training additional educational activities to civil servants. In this context, the Commission delivers courses on management, ethical behaviour, and anti-corruption, civil service legislation and other related training modules, both in the capital and in the regions. The state agencies meet their own needs for training and some have their own training centres. The Academy of Public Administration under the President also organises advanced vocational training for civil servants³⁰.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

According to the Law on “Rules of Ethics Conduct of Civil Servants”, (2007), the Civil Service Commission is the main body responsible for monitoring observance to the ethical conduct rules.

The Civil Service Commission performs the following functions as an oversight body:

- Receive information and complaints from civil servants and other persons relating to a breach of the Law;
- Prepare proposals, recommendations or opinions providing solutions to issues arising from complaints and other information received;
- Prepare annual ethics-related reports;
- Prepare proposals on legislation improvements related to ethical conduct issues of civil servants;
- Cooperate with independent experts, the mass media and NGOs to confront issues related to ethical conduct of civil servants.

Besides the Civil Service Commission - as implied by Article 22 of the Law on Ethical Rules - each state body appoints an Ethics Commissioner, who is in charge of overseeing implementation of ethical rules. In practice, Ethics Commissioners come from either human resources management or internal audit departments, or they are Heads of agencies themselves. Most Ethics Commissioners are high-level officials. In some cases, they are appointed from the expert rank³¹.

The Commission on Combating Corruption under the Cabinet of Ministers is the coordinating institution for implementation of the anti-corruption strategy. It is a non-profit well-established operational body.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Anti-corruption

The National Strategy for Increasing Transparency and Combatting Corruption 2007-2011 has been implemented, in order to improve performance of state institutions in line with contempo-

³⁰ Ibid.

³¹ Eastern Partnership-Council of Europe Facility Project on “Good Governance and Fight against Corruption”. Technical Paper Country risk assessment – Azerbaijan “Ethics in Civil Service”, http://www.coe.int/t/DGHL/cooperation/economiccrime/corruption/Projects/EaP-CoE%20Facility/Technical%20Paper/2524-EaP-6%202012-AZ%20RA%20ethics%20in%20civil%20service_Final.pdf

rary standards. An analysis of current levels and trends in corruption was carried out to provide the basis for developing this policy document.

The Government has undertaken a substantial number of programmes and activities to raise awareness about corruption. In particular, legal issues and reporting among public officials and law enforcement officers.

E-services

In 2010, the Second E-Azerbaijan State Program was adopted. The President signed the Decree “On The Measures of Organizing E-Services” (2011). According to this Decree, state institutions are bound to incorporate E-services in their functions and activities. In this connection, the “egov.az” portal was launched in order to provide e-services through the “One Stop Shop” principle.

One Stop Shop

Administrative procedures associated with entrepreneurial activities are carried out through the One Stop Shops since 2008³².

Administrative procedures for registering physical persons, wishing to engage in entrepreneurial activities started on 1 June 2011 and the incorporation of other legal entities in February 2012.

The One Stop Shop facility was also implemented in border-checking of transported goods and vehicles in 2008, in immigration procedures in 2009 and in registration of imported vehicles in 2011.

The Citizen Services and Social Innovations State Agency under the President was established in July 2012 along with the “Azerbaijan’s Network of Simplified Access to government services” (ASAN), in order to ensure that all services are rendered to citizens from a single source at a higher quality and in a more convenient manner. The ASAN service was given the United Nations Public Service Award in 2015³³.

b. Current reforms

According to the Civil Service Commission, the following policy documents are currently being developed:

- Code of Civil Service;
- Reform Strategy of the Civil Service of Azerbaijan (2016-2020);
- Training Strategy.

c. Planned reforms

Planned reforms are outlined in the “Azerbaijan 2020: Look into the Future” development concept note adopted in 2012. One of its main priorities is the improvement of legislation and strengthening of government institutions. Institutional strengthening includes three main direc-

³² At the same time, the number of administrative procedures needed for incorporation of a commercial legal entity dropped from thirteen to three and the time period for completion of the process was reduced from 53 days to just three. Furthermore, the number of documents to be submitted was reduced five-fold. For these improvements, Azerbaijan was named as a “reformer state” in the World Bank 2009 Survey of Doing Business.

³³ The United Nations Public Service Award is the most prestigious international recognition of excellence in public service. It rewards creative achievements and contributions of public service institutions that lead to a more effective and responsive public administration in countries worldwide.

tions: [i] the development of human resources management in the state-owned sector; [ii] the expansion of e-governance; and [iii] the continuation of institutional reforms.

The following policy measures will also continue: Strengthening of public servants' social protection and social security system; intensifying the fight against corruption; strengthening the capacity of municipalities; providing specialised training to staff in municipal administration; and taking measures to support the activities of non-government organizations, especially in the regions. Furthermore, special attention will be paid to citizens' access to information held by the government and delegating public service delivery to private sector.

In line with the concept note, complex measures will be employed to improve methods and mechanisms of governance in government agencies and to ensure that citizens and civil society organisations may receive public services in a simple and convenient manner. This assumes that the number of state services provided through electronic means will increase in the near future.

References:

"Azerbaijan 2020: Look into the Future" Development Concept, 2012. Available online http://www.president.az/files/future_en.pdf

Civil Service Professionalisation in Armenia, Azerbaijan, Georgia, Moldova and Ukraine. November 2014. Available online <http://www.sigmaweb.org/publications/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

The Constitution of the Republic of Azerbaijan, 1995. Available online <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan039052.pdf>

Eastern Partnership-Council of Europe Facility Project on "Good Governance and Fight against Corruption". Technical Paper Country risk assessment – Azerbaijan "Ethics in Civil Service", http://www.coe.int/t/DGHL/cooperation/economiccrime/corruption/Projects/EaP-CoE%20Facility/Technical%20Paper/2524-EaP-6%202012-AZ%20RA%20ethics%20in%20civil%20service_Final.pdf

Law of the Republic of Azerbaijan "On Civil Service," 2004. Available online http://www.commission-anticorruption.gov.az/upload/file/CivilServiceLaw%20_eng_.pdf

Law of the Republic of Azerbaijan on "Rules of Ethics Conduct of Civil Servants" adopted on 31 May 2007. Available online <http://ictfund.gov.az/wp-content/uploads/2013/11/Law-of-the-Republic-of-Azerbaijan-On-Rules-of-Ethics-Conduct-of-Civil-Servants.pdf>

National Strategy for Increasing Transparency and Combating Corruption 2007-2011: <https://www.unodc.org/documents/corruption/Best%20Practices/Azerbaijan%202007-2011Strategy%20Expl%20Note-Eng.pdf>

Regulations on types and rules of civil servants' reward, August 2002. Available online <http://www.csc.gov.az/index.php/home/page/593>

Republic of Azerbaijan, Parliamentary Elections, OSCE/ODIHR Needs Assessment Mission Report, <http://www.osce.org/odihr/elections/azerbaijan/179216?download=true>

Rules of recruitment to the civil service in the state bodies through competition" adopted in June 2009, http://www.economy.gov.az/index.php?option=com_content&view=article&id=341:-civil-service&catid=50&Itemid=263&lang=en

3. BELARUS

I. BACKGROUND

Area:	207,600 sq. km
Population:	9,500,000 (2016)
GDP:	USD 54.61 billion (2015)
GNI per capita (Atlas method):	USD 6,460 (2015)
HDI:	0.798; ranked 50 out of 188 countries (2014)
Life expectancy at birth:	72.15 years (2014)
Mean years of schooling:	12

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	28.29	12.20	11.00	17.70	35.10
Regulatory quality	5.39	5.88	11.48	14.35	13.94
Rule of Law	17.70	10.53	15.17	20.38	22.60
Control of corruption	37.07	19.51	27.14	37.80	47.60

Source: World Bank (2015)

b. Political and Administrative Structure

The Republic of Belarus is a unitary, democratic, welfare state based on the rule of law. The Government of the Republic exercises supreme control and absolute authority over its territory and implements an independent domestic and foreign policy. The Constitution of the Republic was adopted in 1994 and it was amended through national referenda on 24 November 1996 and 17 October 2004 respectively.

Belarus is a presidential republic. The President of the Republic is the Head of State, the guarantor of the Constitution of the Republic and the rights and freedom of its citizens. The President personifies the unity of the nation, he guarantees implementation of domestic and foreign policy, and he represents the Republic in relations with other states and with international organizations. Furthermore, the President takes measures to protect the sovereignty of the Republic, its national security and territorial integrity. One of the main functions vested in the President is to ensure political and economic stability in the country. The President enjoys immunity; his honour and dignity are protected by law. He is elected directly by the people for a 5-year term in office on the basis of universal, free, equal and direct suffrage.

Legislative power is exercised by a bicameral parliament – the National Assembly of the Republic of Belarus. The lower chamber is the House of Representatives and the upper is the Council of the Republic. Members of Parliament are elected to serve a 4-year term. The House of Representatives consists of 110 members, who are elected in their constituencies and represent the interests of citizens. Public organizations, working teams and citizens of the Republic have the right to nominate candidates for deputies' position. Every citizen of the Republic, who is at least 21 years old is eligible to become a deputy of the House of Representatives.

The Council of the Republic is the chamber of territorial representation. It consists of 64 members representing every oblast and the city of Minsk (eight from each) who are elected by secret vote by the local councils of deputies. The procedure of forming the Council of the Republic combines elements of election and appointment. Eight members of the Council of the Republic are appointed by the President. A citizen of the Republic of Belarus aged 30 or more, who has lived in the respective region or Minsk City for at least five years may become a member of the Council of the Republic.

The right of legislative initiatives is vested in the President, members of the House of Representatives, members of the Council of the Republic, the Government and citizens, eligible to vote³⁴, and is exercised through the House of Representatives.

The main functions of the Parliament of the Republic are:

1. Law-making;
2. Adoption of the government budget;
3. Participation in the composition of the executive and judicial powers;
4. Exercise of control and audit functions;
5. Foreign policy activities.

Executive power in the country is exercised by the Government – the Council of Ministers of the Republic – which is the central body of state administration. The Prime Minister is the head of government. The Government is accountable to the President and responsible to the Parliament of the Republic for its activities. The Government relinquishes powers to the President-elect of the Republic.

Judicial power in the Republic of Belarus is vested in the courts. The judicial system is based on the principles of territorial delineation and specialization. The judicial system consists of the Constitutional Court and a system of courts of general jurisdiction. Review of the constitutionality of normative acts is exercised by the Constitutional Court of the Republic. The Supreme Court is the leading court of general jurisdiction and the supreme judicial body which handles civil, criminal, administrative and economic cases.

Citizens' voice and opinion at the local government level is heard through local councils of deputies, executive and administrative bodies, self-government bodies, referenda, assemblies, and other forms of direct participation in state and public affairs.

II. CIVIL SERVICE PROFILE

c. Legal basis of the civil service

1. Constitution of the Republic of Belarus;
2. The Law on Civil Service in the Republic of Belarus (Law No 204-3, 14.06.2003);
3. Decree of the President of the Republic of Belarus No 705, 30.11.2006 (amended on 23.01.2009) "On the monthly salaries of certain categories of public servants" (with the "Regulations on the procedure for appointment and payment of monthly salaries for certain categories of public servants");

³⁴ In this case, at least 50,000 signatures are required

4. Decree of the President of the Republic of Belarus No 217, 07.05.2007 (amended on 24.01.2014) "On the commissions for the designation of classes of civil servants";
5. Decree of the President of the Republic of Belarus No 489, 06.11.2003 (amended on 29.11.2013) "On approval of the provision on holding attestation of civil servants";
6. Decree of the President of the Republic of Belarus No 58, 09.02.2004 N (amended on 25.07.2013) "On the correlation of classes of civil servants and public positions";
7. Decree of the President of the Republic of Belarus No 94, 22.02.2012 "On assignment of classes of civil servants";
8. Decree of the President of the Republic of Belarus No 139, 17.03.2005 (amended on 24.01.2014) "On approval of the provision of qualifying exam for first-time applicants to the civil service";
9. Resolution of the Council of Ministers of the Republic of Belarus No 1271, 07.10.2003 (amended 04.06.2014) "On approval of the resolution on procedure and conditions of concluding contracts with civil servants and recognition of repealing of certain decisions of the Council of Ministers of the Republic of Belarus";
10. Resolution of the Council of Ministers of the Republic of Belarus No 564, 28.06.2013 (amended on 31.12.2013) "On the correlation of classes of civil servants and civil service positions in the republican organizations of public administration, local government and self-government";
11. Resolution of the Council of Ministers of the Republic of Belarus No 565, 28.06.2013 (amended on 28.11.2014) "On the correlation of classes of civil servants and civil service positions in some government bodies and public organizations";
12. Resolution of the Council of Ministers of the Republic of Belarus No 1321, 21.10.2004 (amended on 05.06.2012) "On approval of the provision about the commission for the designation of classes of civil servants of republican bodies of public administration";
13. Resolution of the Council of Ministers of the Republic of Belarus No 821, 22.06.2011 (amended on 16.05.2014) "On some issues of distribution, redistribution, job placement, subsequent job placement of graduates, reimbursement of funds spent by the state on their training and targeted training of specialists, workers, employees";
14. Resolution of the Ministry of Labour and Social Protection of the Republic of Belarus No 135, 24.10.2003 (amended on 26.05.2011) "On approval of the qualifying directory" "State positions of civil servants";
15. Decree of the Ministry of Education of the Republic of Belarus No 13, 28.03.2013 (amended on 25.08.2014) "On approval of the educational standards of training of managerial staff and specialists";
16. Resolution of the Council of Ministers of the Republic of Belarus No 1732, 26.12.2011 (amended on 23.04.2015) "On approval of the Model provision on anti-corruption"; and others.

d. Definition of civil servant

According to Article 5 of the Law “On Civil Service in the Republic of Belarus”, a civil servant is a citizen of the Republic of Belarus, who holds a state position in the manner prescribed by law and who possesses adequate powers in performing his/her duties for a financial reward from the national or local budgets or other sources of financing provided by the law.

The status of civil servants includes basic institutional characteristics. The legal status of a civil servant consists of elements such as: [i] responsibilities; [ii] rights; [iii] restrictions; [iv] guarantee; [v] material provision; and [vi] responsibilities of civil servants. The above elements are organically linked, because only together they form the real status of a civil servant.

e. Civil servants’ profile

Total number of civil servants

During the period of 2003–2009, the total number of civil servants in Belarus was about 50,000. However, in 2013 the Government introduced measures to reduce the number of civil servants by 25%. As of 2016, the total number of civil servants in Belarus is about 40,000³⁵.

Number of civil servants as proportion of the total population and of the labour force.

The number of civil servants as proportion of the total population is about 0.42%.

The total number of the work force in the Republic of Belarus is 4,496,000 (2015). The number of civil servants as proportion of the work force is about 1.0%.

Gender and age distribution of civil service

The total number of male civil servants is 14,856 and of female is 34,470. The gender and age distribution of civil servants is presented in the table below:

Table 29: Gender and Age Distribution of the Belarussian Civil Service

	Age range				
	up to 29	30 to 39	40-49	50-59	60 +
Total number of civil servants	7,866	14,636	13,884	11,798	1,142
% of total	15,9%	29,7%	28,2%	23,9%	2,3%
Male	2,410	4,369	3,538	3,788	751
% of total	16,2%	29,4%	23,8%	25,5%	5,1%
Female	5,456	10,267	10,346	8,010	391
% of total	15,8%	29,8%	30,0%	23,3%	1,1%

The average age of a Belarussian civil servant is around 41 years old. Furthermore, one in six civil servants are under 30 years old.

70% of all civil servants are women (according to 2014 data). However, only few of them occupy high decision-making positions. Female civil servants occupy executive or line management positions in government departments predominantly. Thus, with the exception of the Ministry of Labour and Social Welfare, men occupy all positions of heads of ministries. In addition, among 90

³⁵ <http://www.sb.by/obshchestvo/article/ne-kolichestvom-a-kachestvom-17092014.html>

deputy ministers only 12 are women, a mere 13.3% of the total³⁶. However, the Government is active on achieving gender equality. For this reason, educational programmes, including a Master's Degree Programme in Women's Leadership and a 2-week programme for women public administration officials and teachers, as well as projects through which the factors that encourage women's participation in public life are fully funded by the State.

f. Civil servants' remuneration structure

The remuneration structure of the civil service is directly controlled by the government. The Government sets wage targets for all sectors of the economy, which means that it is the key driver determining growth of salaries in the civil service of Belarus.

Remuneration levels are determined by the position of a civil servant, his/her grade and length of service. However, the administratively set minimum monthly wage is 2,300,000 BYR (USD 115 approximately)³⁷.

The average monthly salary of 7,211,918 BYR (USD 358 approximately) in the civil service sector does not significantly differ from the average in the country, which is 7,094,521 BYR (USD 353 approximately). However, it varies across the country, where at some regions like Minsk civil servants are paid 22% more than the rest of the country.

In 2009, civil servants in Belarus were well paid, in comparison with other sectors of the economy. Their salary was among the highest in the country along with those in the financial sector. However, in 2013, the situation changed drastically as salaries of civil servants were reduced due to the crisis of 2011. It is worth noting that after the crisis, people preferred to work in the private sector as salaries of line managers were higher and workload was lower. By 2014 this situation was reversed, but mostly because of reduction of staff in the civil service sector³⁸.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

There is no special and separate agency responsible for developing and implementing policy on personnel management for the civil service in the Republic of Belarus. Currently, the functions of public service management are dispersed among several government agencies and officials, i.e. the President of the Republic, the Parliament, the Council of Ministers and the Presidential Administration. However, the primary body carrying out activities related to state personnel policy, as well as ensuring the preservation of the Belarussian state ideology and implementation and monitoring of the decisions of the President of the Republic is the Administration of the President.

³⁶ Despite the predominance of female civil servants in the civil service, they are less likely to hold a leading position. See also http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National_reviews/Belarus_review_Beijing20.pdf

³⁷ International Monetary Fund, (2014). *Republic of Belarus*. Selected Issues. IMF.

³⁸ It is worth mentioning that rapid increases of monthly salaries in all sectors of the Belarussian economy initiated by the government has been the key reason for high inflation and perpetuation of the economic crisis. The annual inflation rate between 2010 and 2013 was almost 4%. As a result, the government has been criticized for short-sighted policy implementation that led to crisis in 2011 (<http://belarusinfofocus.info/for-print/5946>).

IV. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

The amendments to the Constitution, adopted in 1996, have completed the process of institutionalising government bodies and forming a coherent system of law in accordance with national priorities in various fields.

A series of laws were prepared and adopted in order to regulate a wide range of social relations. In the period from 1996 to 2005 more than 40 laws were adopted, the majority of which previously had no equivalents in the domestic legal system.

In recent years, the law enforcement and judicial systems of the Republic have undergone a number of rational and consistent reforms aimed at optimising their structures and improving the quality of their work.

The latest wave of reforms began in 2011 with the creation of a single mechanism for preliminary investigations – the Investigative Committee of the Republic of Belarus. The Committee was established jointly with the investigative unit of the Prosecutor's Office and the financial investigation departments of the Police and the State Control Committee.

Judicial reforms, which took place during the latter part of 2013 and the first half of 2014 resulted to the merger of the administrative and financial units of courts. At the same time, military courts were abolished. Furthermore, the authority for organizational, material, technical and personnel matters in the courts and for monitoring legal compliance of the courts' activities were transferred to the Supreme Court from the Ministry of Justice. The main objectives of these reforms were to establish a system of uniform interpretation and application of the law by all courts, improve access to justice and create the conditions for more effective protection of the rights of citizens and private companies.

The Law "On constitutional proceedings" (enacted 8 January 2014) was a major step in adhering to provisions of the Constitution. Through this law, the principles and general rules of constitutional proceedings were developed and the procedural order of the Constitutional Court were regulated in detail. This included the implementation of obligatory preliminary review of the constitutionality of laws passed by Parliament before they were signed by the Head of State. Additionally, the legal enforcement and the legal consequences of the Constitutional Court's decisions were clearly defined.

Moreover, important work on de-bureaucratising the civil service was carried out. De-bureaucratization aimed at eliminating unnecessary administrative barriers in order to simplify interactions between public authorities and citizens and to improve the quality of services provided by to citizens. The first and most important step in the direction of de-bureaucratization was a speech by the Head of State on 17 November 2004, during the signing ceremony for approving the results of the national referendum of 17 October 2004. The key theme of this speech – which became the basis for a new course of social development – was the idea of building a country for the people. The objectives were to liberate the person and to provide decent living conditions, thus allowing individuals to enjoy their rights and de-bureaucratise the work of government bodies.

The President acknowledged the necessity for government bodies to work with citizens through the "one stop shop" facility. In order to improve service delivery by government agencies, he pro-

posed a series of measures, including the widespread introduction of notebooks for comments and suggestions³⁹ provided by citizens; simplification of public services delivery, reduction in document flows and the elimination of duplication in administrative processes.

This policy decision required government agencies and organisations to make this notebook available to citizens upon their request. This should facilitate a timely consideration of appeals providing, at the same time, a substantive justification for rejection, in writing, if necessary. Thus, the Presidential Decree No 2 created a tool for citizens to hold public agencies accountable for their activities and actions. The simultaneous introduction of the notion of “administrative responsibility” for violation of administrative requirements in dispensing public services to citizens and business provided a guarantee for the effectiveness of such a tool.

De-bureaucratisation of the public sector has been elevated to one of the most important areas of public policy, since 2014. As part of this trend, a number of regulations have been adopted, in recent years, to ensure the availability of solutions for day-to-day issues of citizens, delivered in a simplified and efficient manner. The drive for de-bureaucratization of government organisations is reflected in a special legal act approved by the Head of State: the Directive No 2 of the President of the Republic of Belarus (27 December 2006) “On measures of further de-bureaucratisation of the government organisations and improving the quality of life support of the population” (hereinafter – the Directive). This document has consolidated the efforts of public bodies, public associations and Belarussian citizens towards eradicating adverse practices in interactions between citizens and government agencies. The Directive has changed the approach public authorities work. It has triggered the review of working hours of government departments and in particular, the working hours of their personnel engaged with receiving citizens, issuing certificates and other documents, to ensure that these were convenient time for the population⁴⁰.

Another important element of the Directive is that it takes into consideration the best interests of citizens, with respect to ambiguity or vagueness of requirements in laws and other legal documents, while a government organisation makes a decision on services requested. The principle of putting citizens first has gradually become a legal precedent and it is reflected in many other legislative acts.

Great importance is also placed on the improvement of legislation regulating citizens’ and legal entities’ appeals. Another milestone is the Law of the Republic of Belarus of 18 July 2011 “On appeals of citizens and legal entities”, which entered into force on 22 January 2012 and introduced electronic appeals for a more efficient communication of citizens with government entities.

Legislation on regulation of public services was also introduced along with the legislation on appeals of citizens and legal entities. The Law of the Republic “On the fundamentals of public services” (28 October 2008), which comprehensively regulates the sequence of actions of public officials in their interactions with citizens and organizations in providing public services played a key role in this respect.

This Law excluded departmental and severely restricted local rule-making in administrative procedures both for citizens and legal entities. It also established the rights and duties of the partici-

³⁹ An effective tool in establishing better relationships between the government and society in order to increase the involvement of citizens in public affairs was a book of comments and suggestions for citizens introduced by Presidential Decree No. 2 (14 January 2005) «On improvement of work with population» (hereinafter - the Decree No. 2) in all government organizations.

⁴⁰ Reception of citizens, on week days, starts no later than at 8 am and ends no earlier than 8 pm. Such work is also carried out on Saturdays and (or) Sundays, if it is necessary, taking into account the amount and character of applications for services received.

pants, set the requirements for the submission and consideration of appeals and the adoption of administrative decisions and defined the mechanism of appeal and execution of such decisions.

The uniqueness of this legislation on administrative procedures is the availability of lists of public services provided to individuals and legal entities. These lists are complex legal acts, which contain information about the organizations to which a citizen should apply for a particular administrative procedure, on the documents that should be submitted, the timing of completion, the validity of documents issued and the fees that should be paid. Such detailed lists were first approved by Decree No 152 of the President of the Republic on 16 March 2006. Their publication was preceded by intensive work to reduce and simplify existing procedures in various fields in order to minimise the number of documents citizens should submit for completing an administrative procedure. Preparatory work also included optimisation and streamlining of functions of government agencies and organizations in order to enhance their performance.

This Decree allowed citizens, for the first time, to have access to information on availability of public services in a systematic way, as well as to information about documents and (or) other information they have to provide when applying to a government agency for a service. This has been the first attempt to introduce a system regulating the relationship between the state and its citizens among post-Soviet states. As a result, opportunities for officials to dictate and impose their own informal “rules of the game” have been limited and citizens are provided with a “guide” containing information on the methods and order of application, thus safeguarding their rights and legitimate interests. A new list of administrative procedures for citizens’ affairs was approved by Presidential Decree No 200 “On administrative procedures undertaken by government agencies and other organizations on appeals of citizens” (26 April 2010).

The overall result of the reforms that took place in 2013 were the optimization of the structure and functions of public organizations leading to the creation of a more compact, manageable and effective state administration. Implementation of Presidential Decree No 168 “On some measures to optimize the system of government bodies and other government organizations, as well as the number of their employees” (12 April 2013) led to substantial reduction of the number of employees in the civil service (25% on average).

b. Current reforms

The Presidential Administration continues to work on de-bureaucratisation of the state administration. The Presidential Administration and its subordinate organizations are monitoring compliance to legislation on a regular basis. Furthermore, sociological surveys are conducted in order to record the citizens’ views about the reforms implemented in this field. The survey results, along with some other monitoring measures, are utilised in the elimination of shortcomings aiming at further improvement of the quality of public services provided by public bodies to citizens.

Following the initiative of the Presidential Administration on 23 March 2015, the Head of the State issued Decree No 135, which approved a new version of the Directive. According to this Decree, the process of de-bureaucratisation was expanded to cover not only public agencies, but also all organizations interacting with citizens. A key feature of this new Directive is that priority is provided to resolving problems confronting the population, focusing at the local level, in particular. In this regard, the enhancement of the quality of public services has become the most important task of local governments and their administrations. Thus, local governments (*oblispolkoms*) and the Minsk City Hall were assigned the provision of different services that are on demand by

citizens, including paid services (for example, rental equipment for agriculture and construction). Furthermore, priority was given to ensuring proper functioning of organizations that provide housing and communal services to the population.

In addition, in order to improve the transparency of state bodies in responding to citizens' initiatives and complaints, the new version of the Directive obliged the heads of central government bodies and local authorities (and their deputies) to accept citizens in person from 8am to 1pm every Wednesday, as well as receive direct phone calls from 9am to midday every Saturday.

c. Planned reforms

As far as the future direction of reforms in Belarus is concerned, de-bureaucratisation of its public sector remains a priority area with continuous improvements of forms and methods in their implementation. Further de-bureaucratisation measures include the following:

1. **Improvement of the structure and the functions of government bodies:** In this case, the reforms are not about reduction of government organizations or mergers. Rather, what is considered necessary is to analyse management activities in order to eliminate any unnecessary duplication of functions or transfer to commercial organizations and to make changes in the evaluation criteria for government agencies performance⁴¹.
2. **Introduction of information technologies:** Effective implementation of state functions is not possible without widespread introduction of information technologies and development of e-government. A whole range of existing telecommunications and electronic means of transmission of information should be utilised to provide citizens with comprehensive information about administrative procedures requirements and the benefits derived through the application of the "one stop shop" services principle.
3. **Maximizing availability of public services to the public:** There are many different government bodies, which provide public services today in Belarus. This situation requires citizens to find the necessary information each time, e.g. location of the organization, timetable to get an appointment; tasks which are time-consuming and cumbersome. Such burdens may be eliminated through the establishment of multi-functional centres (one stop shops) allowing citizens to receive a multitude of public services at one place.

⁴¹ Assessment of state organisations should be conducted by citizens and not by higher government bodies, based on a predetermined set of key performance indicators.

4. GEORGIA

I. BACKGROUND

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

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

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

Source: World Bank (2015)

b. Political and Administrative Structure

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

The national Government of Georgia is the supreme authority of executive power. It implements domestic and foreign policies, coordinates and monitors activities of government agencies and carries out governmental programmes.

The Government is composed of the Prime Minister and 19 Ministers, including three offices of State Ministers⁴². The Government is accountable to the Parliament of Georgia.

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

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

⁴² State Ministers include the State Minister of Georgia on European and Euro-Atlantic Integration, the State Minister of Georgia for Reconciliation and Civic Equality and the State Minister of Georgia for Diaspora Issues.

Dolidze et al (2013) note that Georgia inherited weak governmental institutions from the Soviet Union, and, when the latter collapsed, the Georgian government did not have sufficient resources to launch reforms in the public service. At the end of 1990s, corruption and nepotism were widespread in the public service, dominated by a protectionist system that provided a strong tool to exercise power at the central and local levels.

Despite the challenges faced in public administration, adoption of the Law on Civil Service of the Republic of Georgia in 1997 paved the way for civil service reform in the country based on the principles of the rule of law, protection of rights and transparency.

Following the Rose Revolution in 2003 and with the introduction of a new government structure in 2004, Georgia started to gradually implement reforms in the civil service. These included legislative amendments and introduction of e-government projects aimed at improving the efficiency of public service delivery. To date, some 80 amendments have been made to the Civil Service Law, however, each modification being fragmented and focused on a short-term result. Relatedly, there is still a need for complex reforms in this area, however, it seems that there is a strong political will from the government to reform the civil service in a modern and unified manner.

II. CIVIL SERVICE PROFILE

a. *Legal basis of the civil service*⁴³

According to the Law on Civil Service of 1997 – the main legal act regulating civil service in Georgia – state policy for civil service is determined by the Parliament of Georgia. In addition, bylaws, i.e. Decrees of the Government and Ordinances, provide the legal basis for competitive recruitment, attestation, bonus distribution and other activities in the civil service.

However, a new Law on Civil Service was enacted by the Parliament of Georgia on 27 October 2015 and a range of modifications is planned to be introduced with this new legislation to come into force on 1 January 2017⁴⁴.

The Law of 1997 determines the legal basis for the organisation of the civil service in Georgia, it regulates relations in the civil service and establishes the legal status of a civil servant. Specifically, Chapter I of the Law of 1997 defines the concepts of the civil service, civil service agencies and civil servants including description of their types. It also spells out the main principles of the civil service. It further determines provisions of entry into civil service detailing the basic and special requirements, competition and selection procedures, appointment terms, service duration, as well as for service suspension cases and dismissal from civil service (Chapters II, IX, X, and XII). The Law also sets conditions for granting incentives, for career development and promotion, for imposing disciplinary sanctions and for attestation / certification processes (Chapters VII and VIII).

Depending on competence and authority, civil service positions are divided into the ranks of chief, leading, senior and junior civil servants (Chapter V). Each rank is further sub-divided into three classes. Rights and guarantees of civil servants are delineated in Chapter III of the Law; regulating accordingly issues of remuneration and other payments, types of leave a civil servant is eligible for, as well as transfer provisions.

⁴³ In this analysis, provisions of the current Law on Civil Service of Georgia of 1997, as well as those of the newly enacted Georgian Law on Civil Service of 2015 – but to enter into force on 1 January 2017- are taken into consideration, in order to provide comprehensive information on the civil service of Georgia.

⁴⁴ Since these changes are not legally adopted yet, for the purpose of this analysis, provisions of both the Civil Service Laws of 1997 and of 2015 are examined and presented.

The Law further stipulates service duties, including civil servants' job responsibilities, conditions of replacement, limitations of engaging in entrepreneurial activity, participating in political party activities and terms of performing additional paid jobs (Chapter VI). In addition, general rules and principles of behaviour for civil servants including measures to ensure confidentiality of information, handling conflict of interest and preventing corruption delinquency are provided among other. It also contains conditions of dispute resolution (Chapter XIV). Finally, the Law spells out the role and functions of the Civil Service Council as the advisory body of the Government of Georgia, the Civil Service Bureau and the human resources departments of government agencies. This Law⁴⁵ does not cover provisions related to state-political officials, members of the local self-government / municipality councils (*Sakrebulo*); mayors (*Gamgebelis*), deputy mayors, heads of structural units of a City Hall (*Gamgeoba*) and to district *Gamgebelis* of the Tbilisi municipalities, with the exception of certain conditions as stipulated in the Law.

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

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

Chapter I of the Law contains general provisions underlying the aim and scope of the law, provides definitions and it specifies the officials who are subject to this law. The civil service principles of legality, loyalty, equality before the law, economic efficiency and effectiveness, merit, impartiality, equal access to civil service for citizens, accountability, political neutrality, career promotion and transparency are determined in Chapter II of the Law. Chapter III describes the central civil service management system including the Civil Service Council, the Civil Service Bureau and the HRM units of public institutions and their functions. It further specifies rank classification (Chapter IV) that is followed by the provisions of entry into civil service, including basic, special and additional qualification requirements, terms of the service, competitive recruitment regulations and probation terms (Chapter V).

The next chapter outlines conditions of career management related to the issues of transfer, career promotion, assignment of temporary functions, mobility, performance evaluation, professional development and suspension terms (Chapter VI), whereas dismissal terms are stipulated in Chapter XII. Chapter VII considers remuneration and incentives systems, types of leave, as well as the rights and obligations of civil servants. The provisions of Chapters VIII and IX regulate recruitment into public service under administrative and labour contracts. An important novelty introduced by this Law is provisions of disciplinary liability as specified in Chapter X.

The Law also provides for new regulations for reorganization, liquidation or mergers of public institutions that lead to the introduction of the "mobility principle"⁴⁶ to protect the interests of

⁴⁵ According to Article 11 of the Law on Civil Service, "Articles 1, 6, 9, 10, 39, 41, 66 and 121 apply to the members of the representative body of the local self-government Sakrebulo. Beside the articles listed in this paragraph, paragraph 3 of article 71 applies to state-political officials."

⁴⁶ According to Article 52 of the Law, the mobility principle means that in the case of reduction in the number of job positions due to reorganisation, liquidation and/or merger with another public institution, an officer may be transferred, upon his/her proper consent, to an equal position in the same or another public institution, and if no such position is available, to a lower position, taking into account his/her competence. If mobility, as defined above, is not possible, an officer shall be transferred to the reserve of officers and shall be paid appropriate compensation.

professional civil servants (Chapter XI). Chapter XIII regulates protection of rights of a candidate participating in competitive recruitment, as well as of professional civil servants and persons employed under administrative contracts. The last three chapters (XIV, XV, and XVI) provide for conditions of organisational support and contain transitional and final provisions.

b. Definition of civil servant

In accordance with the Law on Civil Service of 1997, civil service is defined as employment in state and local self-government fiscal (budgetary) institutions – public governance bodies.

The 1997 Law defines a civil servant as a person who serves in a remunerated position in a state or local self-government agency. Civil service in Georgia is unified and divided into the categories of state service and local self-government service.

The 1997 Law defines the following types of civil servants:

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

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

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

Civil service relates to “performance of public service (except for service performed by persons defined in Article 4 (1) of the Law), service in municipal bodies, service in legal entities under public law (except for service in cultural, educational, scientific, research, sports and religious and membership-based legal entities under public law and in legal entities under public law defined by the Law on Civil Service and the Law of Georgia on Legal Entities under Public Law)⁴⁷.”

⁴⁷ “Public service includes working in the Administration of the President; on the staffs of the Advisory Bodies of the President; the Prime Minister and the Government; the National Bank of Georgia; the State Audit Office; the High Council of Justice; in the Office of the Public Defender; the Office of the Business Ombudsman; the Office of the Personal Data Protection Inspector; the Office of the Central Election Commission; the Offices of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara; and in the Administration of the state trustees – the Governors (Article 3c).

A professional civil servant is a person whose appointment in civil service is termless and who carries out civil and legal authority, in the state institutions and in the autonomous republics institutions, as well as in local self-government and legal entities under public law (LEPL); for which a person receives relevant remuneration and social benefits. The Law on Civil Service of 2015 also provides a detailed list of the political positions⁴⁸ in the administration, to which this Law does not apply.

In addition, service and administrative contracts can be concluded between government institutions and professional civil servants. Persons employed under service contracts are granted an authority to carry out complementary or temporary tasks in the civil service⁴⁹. Recruitment of persons under labour contracts in the civil service is carried out utilising a simplified competition procedure.

The Law of 2015 introduces the use of administrative contracts by political officials. This means that state political officials are authorized to recruit individuals under an administrative contract, at their discretion. However, according to the terms and conditions for this type of contract, individuals may be hired to only render sectoral/subject-matter advisory, intellectual-technical and/or organizational-managerial and supportive services⁵⁰.

According to Article 25 of the Law on Civil Service of 2015, each civil service position corresponds to one career level, and is ranked as follows:

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

Classification of ranks is made on the basis of factors related to the functions of a position, e.g. (a) responsibility; (b) level of complexity of duties; (c) competencies; (d) required qualifications; and (e) work experience. Each rank has 12 rank classes. A class is assigned to civil servants based on their performance evaluation results and length of service.

c. Civil servants' profile

Eligibility criteria

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

- For state service: an applicant should be a Georgian citizen of minimum age of 21 possess the legal capacity, have knowledge of the state language and relevant education and experience;

⁴⁸ Political positions include: the President of Georgia; Members of Parliament of Georgia; the Prime Minister and other members of the Government and their deputies; members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara; members of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara and their deputies; as well as the Governor and his/her deputy; the officials of a municipal Sakrebulo (municipal assembly); the municipal Gamgebeli (head of local administration) mayor; and the deputy Gamgebeli (mayor) in the latter category.

⁴⁹ However, the Law's provisions on disciplinary responsibility also apply to holders of these contracts in case they violate the civil service principles, as is the case for permanent civil servants.

⁵⁰ As a rule, such recruitment may be concluded without a competitive procedure. However, recruitment of persons under administrative contracts may also be conducted through use of the simplified competition procedures, determined by Decree of the Government.

- For local self-government service: an applicant should be a Georgian citizen of minimum age of 18 possess the legal capacity, have knowledge of the state language and have completed secondary education.

The Law of 1997 also specifies that a Georgian citizen, who resides abroad, possesses relevant knowledge and experience, has reached 21 years of age and is fluent in the state language of Georgia can enter the state service, however, on a labour agreement only.

It should be noted that these basic requirements are set for new entrants only. Additional requirements apply to all civil servants, including state, their subordinates and those working on a contractual basis. Additional job requirements are determined by the Law and additional qualification requirements are defined by the Head of an agency or a senior executive.

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

Total number of civil servants

Recent statistics⁵¹ indicate that the total number of civil servants is 53,109.

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

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

Gender and age distribution of civil service

Gender wise, the civil service is dominated by male civil servants representing 69 per cent (36,558) of the total, while female civil servants constitute the remaining 31 per cent (16,551)⁵².

The average age of civil servants was estimated at 40 years old, in 2015. However, the average age for female civil servants is slightly lower than of their male counterparts: 39 and 41 years old respectively.

d. Civil servants' remuneration structure

A civil servant's average monthly salary in Georgia is 1,278 GEL (520 USD), with a national GDP per capita of 7,582 GEL (3,083 USD).

Remuneration includes basic salary and a salary increment. Salary rates for each hierarchical rank are determined by the Law of Georgia "On the Remuneration in Public Institutions". A salary increment is determined by civil servants' class rank, any additional functions they have been assigned to perform by their immediate supervisor and overtime work.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

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

⁵¹ See the Civil Service Bureau Annual Report 2015 at http://csb.gov.ge/uploads.2015_ENG_web.pdf

⁵² In 2015

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

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

In pursuing its mandate, the Bureau has initiated and it is implementing a range of activities related to: institutionalisation of the civil service, optimisation of the number of civil servants, improvement of motivation systems, enhancement of budget planning and spending, as well as anti-corruption related activities among other (Dolidze et al, 2013: 116). Following the introduction of the Civil Service Reform Concept, the Bureau's functions have expanded in human resources selection processes.

In 2015, the CSB was re-organised. The Human Resources Management Department and the Civil Service Institutional Set-up and Practice Generalisation Department were established. A second Deputy Head position was introduced and the Bureau's budget was doubled.

According to the Law on Civil Service of 1997, human resources departments of state agencies should: [i] ensure that competitive selection processes are employed to fill vacant civil service positions in state agencies; [ii] organise and conduct certification examinations and examinations and performance evaluations; [iii] manage the personal files of civil service personnel; [iv] provide guidance and advice to civil servants on their legal status and other related issues; [v] assess professional qualifications of civil servants; and [vi] arrange professional development trainings and other relevant activities (Chapter XV).

The new Law on Civil Service of 2015 defines the main functions of the human resources management unit of a public institution as follows: [i] facilitation and planning for the development of a human resources management policy of public institutions; and [ii] management and administration of human resources in the public sector (Article 24).

a. Organisation of the selection and recruitment process in civil service

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

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

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

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

The new Law on Civil Service (2015) stipulates that the recruitment for civil service positions will be made exclusively on a competitive basis, except for transfer and mobility related cases (Articles 47 and 52).

Recruitment for the fourth (the lowest) rank of a professional civil servant will be conducted through an open competition for all applicants possessing the certificate of required skills and knowledge. Promotion of a professional civil servant on a position with a higher rank (third, second and first) will be carried out through a closed competition, i.e. selection of the candidates from within the civil service system, excluding, however, persons employed under administrative contracts.

Appointment of a professional civil servant to a higher rank position through an open competition will be made only in case of failure to select an appropriate candidate using a closed competition procedure, or on the basis of a justification provided by CSB on the non-availability of a candidate with the required qualifications within the civil service system⁵³.

A Competition Committee will be established to evaluate compliance of candidates with the requirements for a vacant position. The Competition Committee's Chairperson will be selected among the higher rank officials and will be appointed following the approval of the Head of the hiring public institution. The Head of a public institution will no longer be eligible to become Chairperson of a Competition Committee. A Bureau representative will be allowed to attend ongoing competitions in any government agency to ensure transparency of the process.

Evaluation of candidates is conducted through a written and/or oral assignment and an interview. Other forms of evaluation may also be used provided for by the legislation of Georgia (Article 41, Law of 2015).

A person not possessing professional civil servant status may be accepted to fill a vacant professional civil service position a mandatory probation period (12 months).

One of the priorities of the CSB is to introduce job descriptions for civil servants that would allow managers to explicitly define the rights and responsibilities of their employees. The Bureau's Civil Service HRM Department has completed a job analysis and job description project aimed

⁵³ Non availability may be determined through a search of the unified HR Management System (e-HRMS) data.

at updating existing job description templates and job analysis questionnaires. As a result of the project, guidelines and manuals for HRM staff have been developed and HR-related ministries' staff have been trained on developing job descriptions.

b. Promotion process in civil service. What legal instruments regulate this area?

According to the 1997 Law on Civil Service, civil servants can be promoted to a higher position, if they were appointed through a competitive recruitment process and have served a minimum of one year at their current position. In cases where several civil servants have been nominated for promotion to the same position, the one with the highest certification scores shall be appointed.

Article 49 of the Law of 2015 stipulates that civil servants are promoted in case they are transferred from a lower to a higher rank position, or are transferred from a lower to a higher position of the same rank. The promotion process is conducted through a closed competition process.

c. Performance evaluation, training and career development. What legal instruments regulate this area?

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

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

The new Law of 2015 defines a number of rules for the career management of professional civil servants, including: transfer and career development, assignment of temporary functions, as well as terms and conditions related to the mobility of civil servants. These career development tools serve the purpose of ensuring that the needs of professional civil servants are met. In this respect, the newly established practice of transfers is of particular relevance. It allows, in the interests of both civil servants and of the civil service, to assign an officer other and/or functionally similar responsibilities corresponding to the same rank and position within the same public institution or within its system (horizontal transfer)⁵⁴.

The current performance appraisal system is based on regular attestation carried out every three years. Attestation (or certification) is defined by Article 81 of the Law of 1997 as "an evaluation of professional skills, qualifications, capabilities and personal qualities and characteristics of civil servants against the requirements of the position they hold". Contrary to the current legislation provisions, the new Law provides for a mandatory annual evaluation of civil servants' performance, the results of which lead to provision of incentives⁵⁵ and determine their training needs for career development.

⁵⁴ Article 47 of the CSL 2015. Procedures for transfers are specified in Article 48 of the same Law.

⁵⁵ In compliance with the Law of 2015, incentives for professional civil servants' performance will be in the forms of expression of appreciation, monetary bonus or a valuable gift.

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

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

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The Law on Civil Service and the Law on Conflict of Interests in the Public Service regulate ethical standards in the civil service. Amendments introduced to the Law of 2009, handwritten applications have been replaced by electronic ones. Property and assets declaration upon entry into the civil service has been abolished⁵⁶ and the categories of officials, who are subject to submitting a property declaration have been expanded. Another amendment made information contained in civil servants' property declarations subject to publication (excluding personal identity details). Changes in the two Laws resulted to the introduction of annual submission of property declarations, the abolishment of the reserve (or database) of employees and the establishment of an anti-corruption council to enforce anti-corruption activities.

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

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

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

⁵⁶ As such, officials are now required to declare their property when they occupy a particular level, mainly of a head of division and higher (Dolidze et al, 2013: 126).

There is no special position for an officer in charge of ethics compliance within ministries or other government agencies. However, there are staff members who serve as an agency's internal focal point for ethics related issues.

The CSB is also responsible for developing a Code of Ethics for civil servants, planned to be elaborated in 2016. The CSB has developed the Handbook on Ethics and Code of Conduct in civil service⁵⁷, which includes practical exercises and situational analyses. It also provides trainings on ethics and the code of conduct to civil servants.

The CSB also works to raise awareness of civil servants on the issues of whistle-blowers' protection. In 2015, it implemented a joint project on strengthening whistle-blowers protection in Georgia with UNDP and the Government of Sweden. As a result of this project, guidelines on "Whistle-blowers Protection" were developed. In addition, the Law on Conflict of Interests and Corruption in Public Service provides for significant improvement in legal protection for whistle blowers and related issues⁵⁸.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

As already noted, the new government started to gradually reform the civil service, following the manifestation of the Rose Revolution. It introduced a series of actions to combat and curb corruption. Such efforts led to reforms in the public service at large, in law enforcement and in the management of public funds.

Reform of the police system within the Ministry of Internal Affairs was the most successful case in a series of anti-corruption reform activities in the civil service⁵⁹. Recruitment of new qualified personnel, provision of a stable working environment and introduction of audit and control measures ensured that corruption practices would not be present in the Ministry. Consequently, not only the police, but also other government agencies are reported to be corruption-free. According to the OECD (2013), Georgia's progress in reducing corruption levels is significant as evidenced by the various opinion polls and international ratings⁶⁰.

Development and deployment of e-governance projects helped to increase the efficiency of public service delivery. For instance, the process of registering a company or real estate takes a few minutes nowadays. State procurement is also made online now. Such innovations contributed to promoting transparency and accountability of public service to citizens.

The CSB has been advancing e-governance systems since 2009. A successful initiative was the introduction of the civil service jobs' web portal (www.hr.gov.ge) in 2011. This website made both the vacancy announcement and application procedures easier, and most importantly, it promoted unbiased access to employment opportunities in the civil service.

⁵⁷ Ethics and Rules of Conduct of Civil Servants are available on the website of the Regional Hub of Civil Service in Astana at <http://www.regionalhub.org/en-us/E-Journal.aspx>

⁵⁸ For more information, see <https://matsne.gov.ge/document/view/33550>

⁵⁹ A case study of the Georgian anti-corruption reform in the Police system published by the Regional Hub of Civil Service in Astana is available online at: http://www.regionalhub.org/Portals/0/Documents/Anti-corr-G_Eng.pdf

⁶⁰ According to Transparency International Corruption Perception Index (2014), Georgia's score increased from 1.8 in 2003 to 5.2 in 2014. It ranked 50th out of 174 countries.

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

Despite these progressive actions in reforming the public service, the following challenges still persist: need for de-politicisation of civil service, lack of common HR practices nationwide, lack of a system of continuous capacity building of civil servants and low levels of citizens' engagement in the policy-making process.

b. Current reforms

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

The civil service reforms aimed to:

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

Accordingly, a Civil Service Reform Concept was developed and approved in 2014, providing solid ground for elaboration of the new Law on Civil Service. The Civil Service Reform Concept aims at: [i] the establishment of a professional civil servants' institute; [ii] the introduction of regulations ensuring the independence of the civil service from political influence; and [iii] the development of a fair system for promotion and career advancement. The Concept includes recommendations based on the EU categorisation system⁶¹, which have been applied to other countries in transition and it provides an exhaustive list of civil service reform initiatives. The Concept revealed several legislative gaps, i.e. contradictory provisions laws and absence of by-laws. This, coupled with adoption of new legal approaches and national priorities led to the decision to enact a new law on civil service, instead of merely amending existing legislation.

The new Civil Service Law of Georgia was passed by the Parliament of Georgia on 27 October 2015 and will enter into force on 1 January 2017. This Law aims at establishing a politically neutral, unified system of civil service, based on the principles of merit and promoting professionalism, integrity, impartiality and accountability, as well as introducing solid career development perspectives for civil servants.

⁶¹ These categories include: Definition of Civil Service; Civil Service Employees; Central System for Management of Civil Service; Entry into the Civil Service System; Classification System of Civil Servants; System of Remuneration; Management of Civil Servants; Rights and Duties of Civil Servants; Training and Professional Development; and Gender Equity in Civil Service.

New competition procedures introduced by the Law of 2015 are directed towards relieving recruitment into civil service from political influence. Specifically, certification and new rules relating to composition of Competition Committees should ensure elimination of favouritism and nepotism and potential interference of Heads of government departments into human resources issues based on political opinion. The new Law of 2015 also contributes to strengthening the civil service management system. Furthermore, through this Law, the Civil Service Bureau's scope of functions is widened and the Head of the Bureau is granted the authority to provide recommendations.

c. Planned reforms

According to the CSB, the period between 2013 and 2015 has been momentous in terms of the large-scale reform initiatives undertaken in the civil service system. Current reform activities initiated with the Civil Service Reform Concept will continue into 2016 to prepare the ground for effective implementation of the new Law from 1 January 2017.

The Law envisages amendments in a number of ways – considered above – including revision of the concept of civil service and related definitions, as well as changes in the eligibility criteria for becoming a civil servant, entry into the civil service, remuneration and classification systems, training and professional development, among other. This law also provides for significant improvements in legal protection of whistle-blowers⁶².

References:

Civil Service Bureau. *Civil Service Bureau Annual Report 2015*. Available online [accessed on 15 January 2016] <http://www.csb.gov.ge/en/civil-service-bureau-annual-report-2015/1007>

Decree of the Government of Georgia №627 on the Approval of the Civil Service Reform Concept and Some Other Related Measures 2014. Available online [accessed on 10 September 2015] <http://csb.gov.ge/en/useful-links/legislative-acts>

Dolidze, N, Jobava, I. and Sopromadze, E. 2013. Public Administration in Georgia. In: Liebert, S., Condrey, S. and Goncharov, D. eds. *Public Administration in Post-Communist Countries: Former Soviet Union, Central and Eastern Europe, and Mongolia*. CRC Press, Taylor & Francis Group.

Law of Georgia on Civil Service 1997. Available online [accessed on 10 September 2015] <http://csb.gov.ge/en/useful-links/legislative-acts>

Law of Georgia on Civil Service 2015. Available online [accessed on 15 January 2016] <https://mat-sne.gov.ge/en/document/view/3031098>

Law of Georgia on the Conflict of Interests and Corruption in Public Service 1997. Available online [accessed on 10 September 2015] <http://csb.gov.ge/en/useful-links/legislative-acts>

Organisation for Economic Co-operation and Development. Anti-Corruption Network for Eastern Europe and Central Asia. *Istanbul Anti-Corruption Action Plan, Third Round of Monitoring: Georgia*. 2013. Available online [accessed on 17 September 2015]

<http://www.oecd.org/corruption/acn/GEORGIAThirdRoundMonitoringReportENG.pdf>

⁶² For more information on the new Civil Service Law, as well as on the Civil Service Concept, visit the website of the Civil Service Bureau of Georgia, <http://www.csb.gov.ge/en/home>

Transparency International. 2014. *Corruption Perceptions Index 2014: Results*. Available online [accessed on 17 September 2015] <http://www.transparency.org/cpi2014/results>

United Nations Development Programme, 2015. Human Development Report 2015. Available online. [accessed on 15 February 2016] http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf

World Bank. 2015. *Georgia, country data*. Available online [accessed on 18 September 2015] <http://data.worldbank.org/country/georgia>

World Bank. 2015. *Worldwide Governance Indicators*. Available online [accessed on 15 February 2016] <http://info.worldbank.org/governance/wgi/index.aspx#reports>

5. KAZAKHSTAN

I. BACKGROUND

Area	2,724,900 sq. km
Population	17,563,300 (August 2015)
GDP	USD 217.87 billion (2014 est.)
GNI per capita	USD 11,850 (2014)
HDI	0.788 — ranked 56 out of 188 countries (2014)
Life expectancy at birth	69.4 years
Mean years of schooling	11.4

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	25.9	34.6	40.7	35.4	54.3
Regulatory quality	27.0	44.6	41.1	36.8	44.7
Rule of Law	16.3	24.9	32.7	30.3	34.1
Control of corruption	8.3	15.6	16.7	19.6	26.0

Source: World Bank (2015)

b. Political and Administrative Structure

The Republic of Kazakhstan is a unitary state with a presidential system of government. According to its Constitution, Kazakhstan is a democratic, secular, legal, and social state which recognizes Man, his life, rights and freedoms as the supreme values of the country.

Kazakhstan gained independence on 16 December 1991. Astana is the capital city of the country. The Kazakh language is the official language of Kazakhstan and Russian has the status of the language of interethnic communication.

The President of the Republic of Kazakhstan is the head of state, the highest political official, who determines the main directions of domestic and foreign policy of the country and represents Kazakhstan on the international arena. The President is a symbol and guarantor of the national unity, state power, inviolability of the Constitution, as well as of the rights and freedoms of individuals and citizens.

The Government exercises executive powers, heads the system of executive bodies and coordinates and supervises their activities. The Parliament of the Republic performs legislative functions and consists of two Chambers: The Senate and the Majilis. The Senate is composed of 47 members. Two members from each of the 14 regions and two from each of the two cities of national significance (Astana and Almaty); as well as 15 members who are appointed by the President with due regard to equal representation of national, cultural and other significant interests of the society. Senate members serve a term of six years. The Majilis consists of 107 members, nine of whom are elected by the Assembly of the People of Kazakhstan. Three parties are currently (2016) represented in the Mazhilis: "Nur Otan" (the People's Democratic Party), "Ak zhol" (Democratic Party

of Kazakhstan) and the Communist People's Party of Kazakhstan. The term of office of the Majilis members is five years.

Following its independence, Kazakhstan witnessed a great path of political, socio-economic and administrative transformation. An integral part of these has been civil service reform.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The Law on Civil Service of 2015, which came into effect on 1 January 2016, is the main legal instrument regulating civil service in Kazakhstan. In addition, such bylaws as Presidential decrees, Government acts and directives of the Civil Service Agency (formerly the Ministry for Civil Service Affairs) provide the legal basis for the organisation of civil service and for the legal status of civil servants, as well as the regulations pertaining to functional relations in the civil service.

Specifically, Chapter I of the Law defines the concepts and specifies the main principles of the civil service and the functions of the civil service regulatory body. It also outlines civil servants' posts classification and the roles and functions of HRM departments in government bodies. The Law further stipulates service duties, including civil servants' status and rights, job responsibilities, limitations of engaging in entrepreneurial activities or other gainful activities outside the civil service and participation in political party activities. It also describes the functions of political civil servants, permanent secretaries and chiefs of staff (Chapter II). Furthermore, it delineates provisions of entry into civil service including minimum and special requirements, competition and selection processes, appointment terms, background checks, probation periods, as well as for suspension and dismissal from the civil service (Chapters III, V, VII, and X). In addition, the Law sets the conditions for performance evaluation, promotion, career development, rotation, training, internships and for disciplinary sanctions (Chapters VI, VII). Chapter IX considers remuneration and incentives system, types of leave, and pensions.

General rules and principles of behaviour for civil servants including measures to ensure confidentiality of information, to handle conflict of interest and prevent corruption delinquency, among other, are provided in Chapter VIII. The Law also delineates conditions for dispute resolution, attestation, reinstatement to office and employment of foreigners (Chapter XI)⁶³.

b. Definition of civil servant

In accordance with the Law on Civil Service of 2015, civil service is defined as the work of civil servants in government bodies which entails exercising official powers in the implementation of the government's policy and administrative functions. The Law defines a civil servant as a citizen of the Republic of Kazakhstan holding a government post and exercising official power in implementing government policy and performing administrative functions, in accordance with legally established practices; and he is compensated from the state or local budget or from the funds of the National Bank of the Republic of Kazakhstan.

⁶³ The Law on Civil Service of 2015 also states that labour legislation provisions are applicable to civil servants, however taking into consideration the specificities of this Law. Relations pertaining to the civil service, which are not regulated by this Law are subject to provisions of other relevant legislation

Civil service in Kazakhstan is unified and is divided into two categories: central and local government civil service. According to the Law of 2015, there are two types of civil servants:

- **Political civil servants:** Their appointment or election is politically determined and they are responsible for policy implementation based on some political goals⁶⁴;
- **Administrative civil servants:** Their employment is permanent⁶⁵. Administrative civil servants are divided into two Corps: "A" and "B", where Corps "A" consists of civil servants at a managerial level, for whom specific recruitment, employment and dismissal conditions are in place⁶⁶; and Corps "B" which consists of the remaining civil servants.

In sum, according to the Presidential Decree "On the Registry of Civil Service Posts (2015), civil service posts are divided as follows:

- a. Political.
- b. Corps "A":
 - Category 1 – central government and heads of local districts;
 - Category 2 – local audit commissions.
- c. Corps "B":
 - Category A – Presidential Administration;
 - Category B – Offices of Parliament, Prime-Minister's Office, government bodies reporting to the President;
 - Category C – ministries;
 - Category D – regions;
 - Category E – districts.

The 2015 Law introduced the possibility of hiring foreign experts and professionals through service contracts by government bodies, subject to approval by the National Commission on cadre policy under the President and positive background check results by the National Security Commission.

c. Civil servants' profile

Eligibility criteria

In order to apply and be considered for a position in the civil service, the following basic requirements should be met (Law on Civil Service 2015, Article 16): "an applicant should be a citizen of Kazakhstan of minimum age of 18 years and not older than the retirement age and should meet job requirements, possess relevant education, work experience, knowledge and qualities and be of sound health". The Law of 2015 also specifies several restrictions for entering the civil service:

- Persons deemed legally incapable; having certain medical conditions preventing them from carrying out certain tasks;
- Persons who were previously dismissed for disciplinary offences and/or corruption;
- Persons who have outstanding convictions, convictions for grave offences and crimes committed as part of an organised criminal group.

⁶⁴ To address certain ambiguities in the functional division of vice-ministers (political appointees) and permanent secretaries (Corps "A"), a special article was included in the Law on Civil Service of 2015 which provides a detailed list of functions for both of these posts.

⁶⁵ With the exception of some cases, determined by the laws of the Republic and Decisions of the President.

⁶⁶ Corps "A" civil servants are employed by ministries and heads of region on the basis of service contracts with a maximum duration of eight years.

General job requirements pertaining to educational level and work experience vary from post to post. Specific job requirements outlining educational profile and knowledge and skills required are determined on the basis of this Law by each ministry.

Total number of civil servants

The total number of civil servants' posts in Kazakhstan were 98,886, of which 91,330 are filled (1/01/2016).

Number of civil servants as proportion of the total population and of the labour force.

There is one civil servant for every 192 people. 91,330 civil servants over a population of 17,417,673 (as of 2015), representing just over half a percent (0.52%) of the total population.

Gender and age distribution of civil service

In January 2015, civil service comprised 55% of female civil servants (50,219) and 45% of male civil servants (41,111).

The average age of civil servants in Kazakhstan is estimated to be at 39 years of age. However, the average age of political appointees is slightly higher than the average age of administrative civil servants (Corps A and B). 48.3 years and 38.9 years respectively.

d. Civil servants' remuneration structure

According to the Law of Civil Service of 2015, remuneration in civil service includes a salary and a salary increment and/or a bonus. Salary rates for each hierarchical rank are determined by Presidential Decree and they are based on the position category and work experience in years.

A bonus is determined based on performance, while a salary increment is given for working overtime and for performing additional functions.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Human resources management in civil service is regulated by several legal acts, mainly by the Law on Civil Service (2015) and the Labour Code. The Agency for Civil Service Affairs and Anti-Corruption is the legal entity responsible for the human resources management function in the civil service. The Agency for Civil Service Affairs and Anti-Corruption was first established in 2014. In 2015, it was transformed to the Ministry for Civil Service Affairs and in September 2016, it reverted back to the Agency for Civil Service Affairs and Anti-Corruption. The Agency is directly subordinate to the President.

The Agency for Civil Service Affairs and Anti-Corruption provides coordination and methodological support to the HRM processes within the civil service, monitors and assesses quality of public service delivery, oversees compliance of civil servants to ethical norms and evaluates HRM-related functions and their implementation by government bodies. Furthermore, the Agency coordinates activities of HR units⁶⁷ of government agencies, provides guidance on HRM practices, as well as professional development and training to civil servants through the Academy of Public Administration under the President of the Republic of Kazakhstan and several regional study centres.

⁶⁷ As outlined in the Law on Civil Service of 2015, human resources departments of government bodies are independent of other departments within and report directly to a permanent secretary / chief of staff / head of the government. Local government bodies and regional departments of central government bodies are also allowed to create centralised HR departments for several closely located districts.

a. Organisation of the selection and recruitment process in civil service

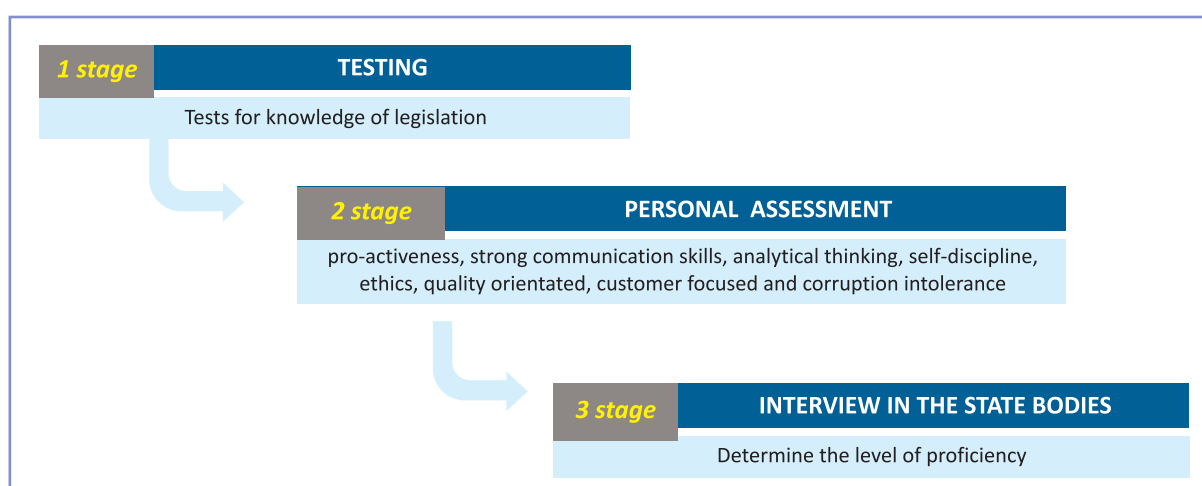
Article 14 of the 2015 Law on Civil Service stipulates that “a civil servant enters the service either through appointment or election, as well as some other cases determined by the legislation of the Republic of Kazakhstan”.

Recruitment of Corps “A” civil servants is conducted through a personnel reserve pool, which is formed by the decision of the National Commission on cadre policy under the President. Government bodies can then recruit Corps “A” civil servants by choosing candidates from this personnel reserve pool. Recruitment of Corps “B” civil servants is carried out through a three-tier system starting from the bottom (entry-level posts). Recruitment is either internal (among current employees only) or external (however, this applies to entry-level positions only).

According to Article 20 of the Law, new entrants into the civil service and those re-entering are subject to a probation period of up to 6 months (by a 3 + 3 system). Each new civil servant is assigned a mentor, whose responsibility is to guide the integration of the new entrant into the civil service along an agreed adaptation plan. A new entrant is on a 3-month probationary period upon entering the civil service. If, at the end of this 3-month period, the civil servant receives an unsatisfactory rating, the probationary period is prolonged for another 3 months. Upon completion of the 6-month probationary period, a decision is made on whether the civil servant can remain in the civil service. If a newly recruited civil servant receives another unsatisfactory rating at the end of the 6-month probationary period, the public organisation – the officer on probation works for has to seek approval from the Agency for Civil Service Affairs and Anti-Corruption on whether to keep this person or let go.

Internal recruitment is carried out by a recruitment committee of the hiring ministry or government body hiring only from among its own. If no suitable candidate is found, recruitment is then open to all civil servants and civil service-wide. If, again, no suitable candidate is found, then external recruitment procedures are used.

Figure 4: Stages of external recruitment in Kazakhstan



Source: Ministry of Civil Service Affairs of the Republic of Kazakhstan (2015)

External recruitment consists of three stages: [a] a test administered by the Agency; [b] an interview conducted with the Agency to assess whether the candidate possesses the required civil service values; and [c] an interview conducted with the government body that announced the vacancy.

A unified electronic system for human resources management⁶⁸ has been introduced since 2013. It is gradually being implemented across all government bodies, in which HR databases are developed and maintained. This system functions as an automated personnel administration system to ensure electronic management of human resources in compliance with relevant policies and standards.

b. Promotion and transfer processes in civil service

According to the 2015 Law on Civil Service, civil servants are promoted to a higher post following an evaluation of their qualifications, competencies, ability, merit, and performance. The promotion process is carried out through general and internal competitions.

Civil servants can also be transferred between state agencies to eligible positions for administrative category positions of “A” and “B” of Corps “B”, as well as from posts of categories “A” and “B” of Corps “B” in government agencies to other state agencies⁶⁹ in accordance with the legislation on public service.

c. Performance appraisal, training and career development

According to the 2015 Law on Civil Service, there are separate performance evaluation procedures for political appointees and for civil servants of Corps “A” and “B”. Performance evaluation of political civil servants is carried out by the President⁷⁰ (or an official appointed by him for the purpose). Performance evaluation of Corps “A” civil servants is carried out by the official who is responsible for their appointment and/or dismissal. Performance evaluation of Corps “B” civil servants is carried out by their direct supervisors, colleagues and subordinates. Once civil servants’ performance is assessed, the evaluation results are approved by an Evaluation Commission established for the purpose within each government body.

Performance evaluation rules for administrative civil servants are approved by Presidential Decree. Performance evaluation methodology for Corps “A” is designed and formulated by the Agency for Civil Service Affairs and Anti-Corruption, while government bodies design their own performance evaluation methodologies for Corps “B” personnel, based on a model methodology provided centrally.

According to the Law unsatisfactory performance evaluation is the basis for contract termination for Corps “A” civil servants and downgrading or dismissal for Corps “B” personnel.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The Law on Civil Service and the Law on Anti-Corruption regulate ethical standards in the civil service of Kazakhstan. The Law on Civil Service regulates disciplinary action for ethical misdemeanours, conflict of interest and ethical standards. The Law on Anti-Corruption outlines the principles for combatting corruption and provides for anti-corruption measures. It also highlights the

⁶⁸ “E-kyzmet” (“e-service”).

⁶⁹ The option of transfer between jobs in different ministries and government bodies is no longer available (apart from personal aides, press secretaries and advisors).

⁷⁰ This provision was recently introduced by Decree No. 295 of the President of the Republic (4 July 2016). See also: http://online.zakon.kz/Document/?doc_id=32642822#pos=7;-294

entities responsible for anti-corruption activities and it outlines the extent of their authority, as well as how to manage and deal with corruption-related offences. The Law on Anti-Corruption has introduced such new anti-corruption measures as anti-corruption monitoring and standards, corruption risk analysis, development and cultivation of an anti-corruption culture, control of finances, conflict of interest and preparation of the National anti-corruption report.

According to the Law on Combatting Corruption, property and assets of civil servants are subject to declaration upon entry into the civil service. For the rest of the civil servants, declaration is compulsory on a yearly basis. Information contained in civil servants' property declaration is subject to publication for political and Corps "A" civil servants, members of Parliament and managerial level staff in the quasi-governmental sectors. The Law also outlines the basic procedures for whistleblowers' protection.

The National Anti-Corruption Bureau⁷¹ of the Civil Service Affairs and Anti-Corruption Agency provides systematic cautionary notices and policy advice on prevention of corruption. Among the main tasks of the Bureau are anti-corruption monitoring, analysis of corruption risks, development and cultivation of an anti-corruption culture in the civil service.

The Civil Service Affairs and Anti-Corruption Agency has also developed the Anti-Corruption Strategy 2025 and an Action Plan, which identify corruption sensitive areas and provide for targeted actions aimed at modernising anti-corruption investigation and enforcement processes, state procurement, public finance systems, as well as increased interagency coordination for prevention of corruption, introduction of corruption risk analysis and monitoring and education. The strategy provides for a special position, an officer in charge of ethics compliance within every ministry and government body. Ethics Officers positions are institutionalised in government bodies in order to foster ethical compliance for civil servants. Every regional department of the Agency has an ethics council responsible for disciplinary action and ethics compliance.

The "Ethical Code of Civil Servants of the Republic of Kazakhstan" and the "Regulations of Ethics Officer" were approved in 2015. The Code includes a chapter "On Ethics of Civil Servants, which defines the requirements for civil servants' behaviour, including standards of behaviour for relations at the work place, as well as for during non-office hours.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Phase 1: 1995-2000

The Presidential Decree on civil service (1995) laid the foundation of the modern civil service system in Kazakhstan. In 1999, the Civil Service Law and 11 Presidential Decrees were passed, making Kazakhstan to be the first among the post-soviet countries to introduce innovations in civil service related legislation⁷². In sum, the legislation introduced:

- Division of civil servants into political and career officers;
- Open and mandatory competitive selection and recruitment processes as the means to admit only qualified candidates into the civil service;

⁷¹ Reorganised in September 2016, based on the National Anti-Corruption Bureau of the Ministry for Civil Service Affairs.

⁷² Intensive study of international experience and analysis of its own problems allowed Kazakhstan to determine the main directions of the first stage of reforms in the late nineties (Baimenov, 2000).

- Protection of career civil servants when the political leadership changes take place;
- Creation of a specialized Civil Service Agency.

One needs to take into account the historical context within which these seemingly basic features of a professional civil service were introduced. In a country with a long history of a Soviet style civil service, where all civil servants were considered political appointees (party members), understanding of the need to distinguish between administrative (non-political) and political civil servants took almost a decade inevitably.

Considering the peculiarities of the transition period, a position-based civil service model was chosen. The position-based model allowed for more flexibility in hiring internally (from within the civil service), as well as externally (from the national job market). This was deemed necessary, as rapidly changing societal demands along with the strategy to speed up the modernisation of the country, required new knowledge, skills and leadership styles that could be found easier in the wider job market (Baimenov, 2000). Since the adoption of this model over 550,000 citizens participated in competition procedures to enter civil service, of which 130,000 were recruited and appointed in the civil service.

It is important to highlight that a test on legislation knowledge was part of the selection procedures. This was a very important step in a country, where the traditions of the Rule of Law were weak. Thus, in short, the first stage of reforms was directed towards elimination of a patronage-based system, which should be understood as an effort to enhance meritocracy.

In this connection, based on the assumption that access to education is the key to meritocracy⁷³, President Nazarbayev initiated, in 1993, a generous scholarship programme – the “*Bolashak*”⁷⁴ programme, (it means future in Kazakh). The idea was to provide talented youth with free access to education in leading universities around the world, the expenses for which would be fully covered by the state. Then, these individuals could come back to Kazakhstan better equipped to contribute to the country’s modernization efforts. Since its inception, about 10,000 Kazakhstani citizens from all strata of society were awarded degrees from the best international universities and joined the job market at home including the civil service⁷⁵. This scholarship served to level the playing field in terms of access to quality education. Year by year the Programme has been gaining pace and thus it has been adopted to serve the implementation of state objectives.

Phase 2: 2011-2013

Despite the measures introduced, Kazakhstan continued to analyse implementation of the legal framework. The analysis revealed the following challenges:

- Lack of an unbiased approach of competition commissions (it has been found that at times sometimes the results of a competition were predetermined);
- Use of loopholes in the legislation for so-called “team movements” by newly appointed ministers/ governors;
- Inadequate utilisation of the personnel reserve;

⁷³ In order to mitigate the risks associated with elites monopolising access to education and thus perpetuating themselves.

⁷⁴ For more information on the history of the programme, see <http://bolashak.gov.kz/en/o-stipendii/istoriya-razvitiya.html>

⁷⁵ Since its inception, the Bolashak Scholarship Programme has benefited 11,126 Kazakhstan citizens, who studied and graduated from the top 200 universities in 33 countries. As a result of this purposeful policy initiative, the Bolashak Scholarship Programme was named as the best academic mobility programme among 11 such programmes, during the VIII International Going Global Conference in Miami (2014).

- High levels of corruption;
- Insignificant role of HR units in state agencies and municipalities.

Following further analysis of the challenges and a review of good practices, the President approved the Concept Note of a new model for civil service (2011), taking into consideration the increasing expectations of society. The Concept Note defined the basic principles of civil service as meritocracy, efficiency, transparency and accountability to society. As a result, principal changes in the existing legislation and 18 Presidential Decrees were adopted in March 2013. This phase of reforms focused on introducing new instruments and mechanisms in human resources management to enhance meritocratic recruitment and promotion processes. These were:

- ***Enhancement of transparency and objectivity of competitions:***

For the first time, observers and experts were introduced to monitor and evaluate the competition process. Observers could attend the interviews with candidates, review the work of recruitment panels and provide their opinions to the management of the hiring organisation. Members of the media and of non-governmental organizations may also participate as observers.

- ***Restriction of out-of-competition movements:***

Out-of-competition movement of civil servants – the so-called “team movements”⁷⁶ was a major loophole leading to irregular practices in staff movements. Changes in the legislation limiting out-of-competition movements allowed to resolve this issue. The number of rotations between public bodies has decreased 30 times over the past five years. At the same time, however, transfers within departments have been introduced.

- ***Professionalization of personnel management units:***

It was recognised that Personnel Management Units (HR units) in state agencies must be professionalised, along the rest of the state administration. Thus, unified personnel management units were created in the districts, whose primary responsibility is to handle human resources management processes. This action aspired to professionalise HRM functions, to the extent possible, by introducing new staffing techniques in civil service. These units took over the work, previously performed by civil servants at the district and village levels, along with their regular duties and responsibilities.

- ***Introduction of Senior Executive Service - Corps “A”:***

In 2013, the President decreased the number of political appointees eightfold⁷⁷ by introducing the Senior Executive Service – so-called Corps “A” – through a Presidential Order. A special selection procedure was employed utilising the personnel reserve pool⁷⁸. The result of this process was to establish 550 Corps “A” positions out of a total of approximately 97,000 civil service positions). The open competitive selection processes utilised

⁷⁶ When a new minister was appointed, he/she crowded out almost half of the ministry's officers by putting unreasonable pressure on them and replaced them with his/her loyal officers, by means of “rotation”.

⁷⁷ This action was considered as an unprecedented manifestation of the political will and a clear sign of a move towards professionalization of the civil service, by international experts.

⁷⁸ Appointment to administrative positions of Corps “A” is made exclusively from the personnel pool formed by the National Commission on Personnel Policy under the President of the Republic of Kazakhstan. The National Commission, based on test results, allocated candidates into four groups: [i] strategic; [ii] organizational; [iii] economic, expert-analytical; and [iv] financial and auditing; and ranked candidates within each group according to test scores they had obtained.

for entering Corps “A” helped explore the human resource capacity lying dormant in the civil service and find potential managers, who they could not have been found otherwise under the prevalent patronage system and the political nature of most appointments.

- ***Strengthening the system of ethical and disciplinary control:***

The Law “On Civil Service” was enhanced with a new chapter dealing with: [a] Code of ethics and anti-corruption behaviour of civil servants; [b] An increased role of disciplinary committees of government agencies; and [c] Coordination of their activities with the Civil Service Agency. Moreover, the Law stipulated that political civil servants, who are heads of state bodies and governors of local governments should resign in cases subordinates, they have appointed, are involved in corruption offenses⁷⁹.

In sum, the key goals of this new model of civil service are:

- Enhancement of public trust in the system of competitive selection and recruitment for civil service personnel;
- Enhancement of civil servants’ trust in the principle of meritocracy; and
- Increasing levels of citizens’ satisfaction with the availability and quality of public services.

b. Current reforms

Phase 3: 2015 – to present

Current civil service related reforms are framed within the “Five Institutional Reforms” and “100 Concrete Steps” national plan, both adopted in 2015⁸⁰. The five institutional reforms proposed the “creation of a modern and professional civil service ensuring quality implementation of economic programmes and the provision of public services”. They are directed towards building a professional civil service, based on the career-based civil service model, incorporating a competency and competitive approach. A competency profile will be developed, i.e. a comprehensive description of the necessary skills needed for each position⁸¹. In this manner, a candidate’s capacity may be assessed in terms of effectiveness and suitability. Assessment results will constitute the basis for deciding whether an individual can participate in a competitive selection process for potential civil service employment.

A system of individual career planning is being developed, as career planning is considered an incentive for civil servants to improve the efficiency and quality of their work. Through this system, civil servants will be offered two or three positions, which are of interest to them; a professional development plan will be prepared in order to equip civil servants effectively to hold any of these positions.

Competencies assessment and career planning will contribute to identifying strengths and weaknesses, expanding civil servants’ knowledge and developing their specific skills and abilities that would allow them to climb the career ladder.

⁷⁹ In the context, the Law on Civil Service introduced personal responsibility for public administrators’ staffing decisions.

⁸⁰ As well as on the new Law “On Civil Service of the Republic of Kazakhstan”, also adopted in 2015.

⁸¹ The profile includes analytical, organizational, managerial, communication and other specific skills needed for a position.

Current reforms may be summarised as follows:

- Modernisation of procedures for entering civil service (entry into civil service should start with low-level positions);
- Candidates for low-level positions are selected on a competency-based approach; and all civil servants are promoted based on the same approach;
- Selection procedures for new civil servants are centralized and a three-stage selection system is introduced;
- Mandatory 3+3 probationary periods for new entrants are introduced;
- Free housing is provided to civil servants on “rotation” (without the right to own it);
- A system of regular training and development of civil servants is introduced (at least, once every three years);
- Civil servants appointed to senior positions of Category B are promoted through a competitive process only;
- Foreign managers, some specialists from private sector and citizens of the Republic of Kazakhstan who are employees of international organizations can be appointed in cases of special requirements and for a specific list of positions (this process contributes to making civil service open and competitive);
- A new ethical code for the civil service is developed overseen by an Ethics Officer;
- A specialised anti-corruption unit is established in the Agency for Civil Affairs and Anti-corruption⁸² leading to a systematic approach to prevention of corruption offences;
- A new law on civil service was adopted in 2015;
- Attestation of existing civil servants was conducted after the new law on civil service was adopted.

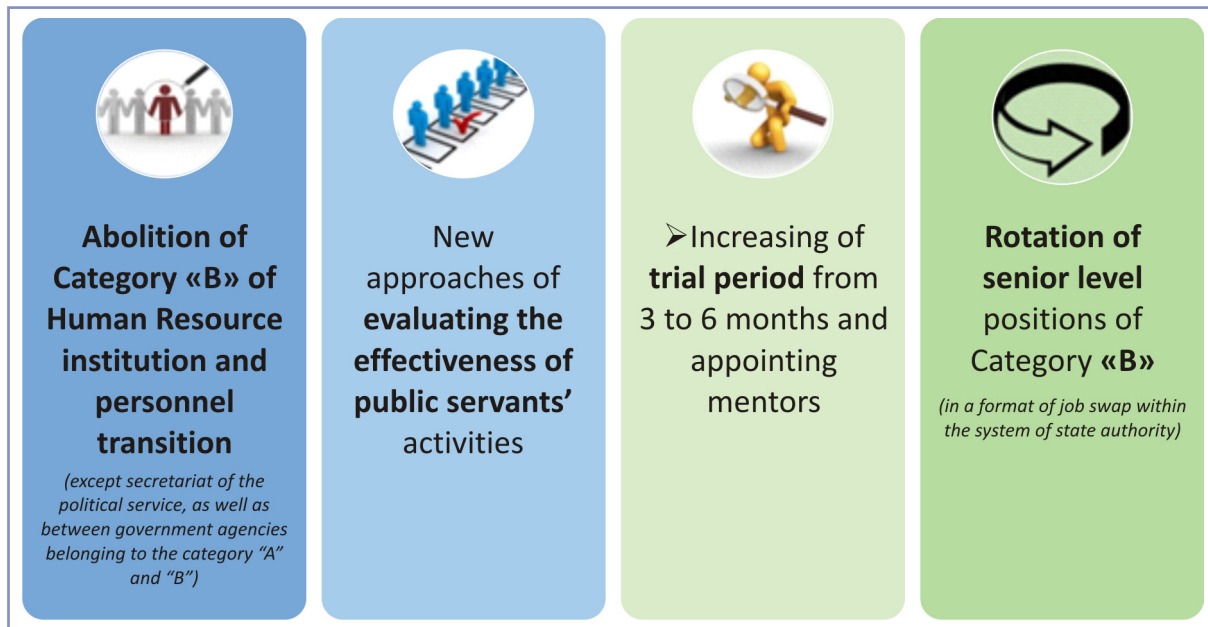
c. Planned reforms

Priorities for the next phase of civil service reform are to further develop an autonomous and professional state administration where meritocracy, transparency and accountability should prevail. These are in congruence with the 5 institutional reforms announced by the President in March 2015. These initiatives may be summarised as follows:

- Minimization of patronage;
- Transparency of decision-making and accountability of political appointees and of the administration in general;
- Involvement of civil society into decision-making (maybe crowd sourcing, etc);
- Enactment of the Access to Information Act;
- Gradual devolution of power to civil society organizations.
- Hiring foreign subject-matter experts in the civil service in Kazakhstan (for particular positions);

⁸² Nowadays part of the newly formed Agency for Civil Service Affairs and Anti-Corruption.

Figure 5: Current reforms in the Republic of Kazakhstan



Source: Ministry of Civil Service Affairs of the Republic of Kazakhstan (2015)

References:

"100 Concrete Steps." Available online <http://www.kazembassythailand.org/president/100-concrete-steps-modern-state-all/>

Agency for civil service and corruption prevention of Kazakhstan (2015) 'Enhancing meritocracy in recruitment and promotion, http://anticorruption.gov.kz/rus/gos_sluzhba/reforma_gosudarstvennoi_sluzhb/zashita_meritokratii/

Baimenov, A. (2000). Civil Service, International experience and the Kazakhstani model. Astana: Foliant Press.

Ethical Code of Civil Servants of the Republic of Kazakhstan approved in 2015. Available online in Russian at http://online.zakon.kz/Document/?doc_id=38035182#sub_id=10000

Law of the Republic of Kazakhstan "On Civil Service" adopted in 2015. <http://adilet.zan.kz/rus/docs/Z1500000416>

Law of the Republic of Kazakhstan "On Combatting Corruption", adopted in 2015. In Russian at <http://dchspavl.kz/ru/protivodejstvie-korrupsii/o-borbe-s-korrupsiej-zakon-respubliki-kazakhstan.html>

Regulations on Ethics Officer approved in 2015. In Russian at http://online.zakon.kz/Document/?doc_id=38035182#sub_id=10000

Sundell, A. (2014) 'Are formal civil service examinations the most meritocratic way to recruit civil servants? Not in all countries' in Public Administration Vol. 92, No. 2 (pp. 440–457).

6. KYRGYZSTAN

I. BACKGROUND

Area:	198,5 sq. km (86 th in world ranking)
Population:	5,928,66 people
GDP:	USD 18,001 billion (2012) (135 in world ranking)
GDP per capita:	USD 2,409
HDI:	0.655; ranked 120 out of 188 countries (2015)
Life expectancy at birth:	70.6 years (2015)
Mean years of schooling:	10.6 (2015)

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	33.17	22.93	31,58	28,71	18.75
Regulatory quality	50.49	19.61	43.54	41.15	36.06
Rule of Law	24.88	12.92	8.06	12.80	15.87
Control of corruption	28.63	10.73	11.90	11.48	11.54

Source: World Bank (2015)

b. Political and Administrative Structure

According to the Constitution, the Kyrgyz Republic is a democratic state. The current Constitution adopted in 2010 replaced the previous one of 1993. It legislated a shift away from a presidential system toward a parliamentary one by reducing the power of the president. In legal terms, the Parliament and the Prime Minister have more power than the President does, whereas in reality the system of governance is a presidential-parliamentary system. The President has no right to initiate legislation, but he/she has veto powers and he/she appoints the heads of state bodies. The Parliament – *Zhogorku Kenesh* – is primarily responsible for policy decision-making. The Parliament is unicameral and consists of 120 members elected for a five-year term.

The President is elected every 6 years, for one term only. The Head of the Government is the Prime Minister, who is appointed by Parliament following nomination by a simple parliamentary majority, i.e. obtain at least 50% of the votes.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The legal basis of the civil service in Kyrgyzstan comprises the following main regulations:

- The Law "On Civil and Municipal Service"⁸³ adopted on 30 May 2016; and came into force on 7 June 2016;

⁸³ Unofficial English translation of the Law is provided at <http://cis-legislation.com/document.fwx?rgn=85924>

- The Constitutional Law “On the Government of the Kyrgyz Republic” adopted in 2012;
- The Labour Code adopted in 2004;
- The Law “On Protection of State Secrets” adopted in 1994;
- The Law “On Basic Principles of Budget Law in the Kyrgyz Republic” adopted in 1998;
- The Law of the Kyrgyz Republic “On Combating Corruption” adopted in 2012;
- The Law of the Kyrgyz Republic “On declaring and publishing information on incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives” adopted in 2004;
- The Law of the Kyrgyz Republic “On the Order of Consideration of Citizens’ Appeals” adopted in 2007; and
- The Law “On Legal Acts of the Kyrgyz Republic” adopted in 2009.

The previous Laws “On Civil Service” and “On Municipal Service” respectively, which were adopted in 2004 - as part of the World Bank-designed governance reforms - were recently repealed and replaced by the new Law of 2016. The new Law seeks to strengthen the capacities of HR management departments of central government and local self-government agencies, particularly in the areas of staff training, performance assessment and career planning. It closely links together staff training, performance assessment, actual achievements, career growth and financial and non-financial motivation. Furthermore, the concept of career planning is introduced which implies the establishment of a stable system of job promotion based on personal contribution, level of professionalism, and achievements. A special provision is introduced pursuant to which training is a prerequisite for promotion and career advancement and must take place either prior to appointment or within three months following appointment to a new position. The provision on performance assessment of civil servants is also introduced, defining target performance levels in relation to the goals and objectives of the central government or local self-government agency, they serve with. Incentives for civil servants are also introduced, distinguishing between material and non-material ones.

To improve the system of merit-based recruitment and job promotion of civil servants and reduce arbitrariness, the new Law “On Civil Service and Municipal Service” establishes a new procedure for building both national and internal staff pools⁸⁴.

b. Definition of civil servant

According to Article 1 of the Law “On Civil and Municipal Service”, public service is a professional service of Kyrgyz citizens in the state administration, which includes civil, military, law enforcement and diplomatic services. According to this Law, there are two categories of public servants: civil servants and municipal servants. A civil servant is a citizen of the country, who holds an administrative post in *a state government body* and performs professional activities on a regular basis, stemming from authority and responsibility provided to the position for execution of prescribed activities and receives monetary compensation from the republican budget. A municipal servant is a citizen of the country, who holds an administrative post in *a local government body* and exercises professional activities on a regular basis, stemming from authority and responsibility provided to the position for execution of prescribed activities and receives monetary compensation from the republican budget (Article 1).

⁸⁴ <http://www.mkk.gov.kg/news/view/idnews/52>

The Law establishes three public service posts: [i] political civil service posts; [ii] special civil service posts; and [iii] administrative civil service posts. It also establishes two municipal service posts: [i] political municipal posts; and [ii] administrative municipal posts. Administrative posts are further classified as: [i] top-level positions; [ii] leadership positions; [iii] senior positions; and [iv] junior positions.

Qualification ranks are established, in accordance with the classification of administrative positions. The professional rank of civil servants indicate their professional level and it provides them the right to hold an administrative position and receive a bonus in addition to their official wage, as well enjoy some social benefits.

Civil servants may be assigned the following ranks: [a]

Junior inspector of civil service; [b]

Inspector of civil service of the 1st, 2nd and 3rd classes; [c]

Advisor of civil service of the 1st, 2nd and 3rd classes; and [d]

State Counsellor of civil service of the 1st, 2nd and 3rd classes.

Municipal officials may be assigned the following ranks: [a]

Junior inspector of municipal service; [b]

Inspector of municipal services of the 1st, 2nd and 3rd classes; [c]

Municipal Service Advisor of the 1st, 2nd and 3rd classes; and [d]

Municipal Counsellor of municipal services of the 1st, 2nd and 3rd classes.

c. Civil servants' profile

Eligibility criteria

According to Article 20 of the new Law, the minimum age for entering the state civil service is 21 years of age and for municipal servants 18, while retirement is set at the age of 65.

According to Article 14 of the Law on Civil and Municipal Service, qualification requirements for administrative posts include certain levels of professional experience, education and language knowledge. For junior positions, no professional experience is required. For other positions, higher education is required, while for municipal servants, secondary or higher education is required. For senior positions, higher education and experience in civil service and/or municipal service of no less than 1 year or experience in a relevant field of no less than 3 years are required. For leadership positions, higher education and experience in civil service and/or municipal service of no less than 3 year or experience in a relevant field of no less than 5 years are required. For top-level positions, higher education and experience in civil service and/or municipal service of no less than 5 year or experience in a relevant field of no less than 7 years are required.

Heads of state bodies and local authority bodies in coordination with an authorized state body define qualification requirements for each administrative position on the basis of standard qualification requirements approved by the Government.

Total number of civil servants

As of 2014, there were 14,653 civil servants (57% male and 43% female) and 8,391 municipal servants (64% male and 36% female), which comprises 0,39% from the total population. In 2013, the proportion of public servants to the total work force was 4,8%.

Gender and age distribution of civil service

Table 30: Gender and Age Distribution of the Kyrgyz Civil Service

	Total number / female	Up to 28 years / female	29-34 / female	35-44 / female	45-54 / female	55-64 / female	65 and older / female
Total number / Female	14,653 / 6,338	2,186 / 1,014	2,924 / 1,243	3,441 / 1,548	3,600 / 1,602	2,321 / 875	181 / 56

d. Civil servants' remuneration structure

Salary levels of public sector employees is not adjusted annually for inflation, they are subject to ad-hoc increases. The OECD⁸⁵ indicates that the remuneration system was reformed for 15 ministries, resulting to a pay increase merely covering inflation. Some information on salaries and allowances is available, yet in some agencies it is confidential. A comprehensive reform in public sector remuneration policy is scheduled for 2017.

In 2015, a special working group consisting of officers of the Ministry of Finance, the Ministry of Employment, Migration and Youth and the State Personnel Service conducted an analysis of the remuneration schemes for public servants and municipal officers in the Kyrgyz Republic⁸⁶. Based on the findings of this analysis and the conclusions of the working group, a number of laws and regulations were adopted seeking to improve remuneration schemes of public servants and municipal officers including the following:

- Presidential Decree of the Kyrgyz Republic "On Approval of the Registry of Civil Service Positions of the Kyrgyz Republic and the Registry of Municipal Service Positions of the Kyrgyz Republic";
- Resolution of the Government of the Kyrgyz Republic No. 383 (28 June 2013) "On Measures to Improve Remuneration Schemes of Civil Servants and Municipal Officers in the Kyrgyz Republic for 2013-2020"; and
- Resolution of the Government of the Kyrgyz Republic No. 384 (28 June 2013) "On Terms of Remuneration of Civil Servants and Municipal Officers in the Kyrgyz Republic".

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

According to Article 5 of the Law "On Civil and Municipal Service", the civil service management system comprises of the Council on Civil and Municipal Service, the State Personnel Service, State Secretaries of state bodies, and Human Resources Departments of state bodies or the authorized person(s) for personnel management. The municipal service management system comprises of

⁸⁵ Istanbul Anti-Corruption Action Plan. Third Round of Monitoring. Kyrgyzstan. Progress Update: <https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf>

⁸⁶ Ibid.

the following: the Council on Civil and Municipal Service, responsible for policy-making in the field of municipal services; the State Personnel Service of the Kyrgyz Republic, responsible for policy-making of municipal services and for ensuring implementation by heads of units of local self-government bodies of cities and the executive secretaries of village settlements (*ayil okmotu*), as well as for the management of service personnel of local government or by authorized person(s) on staff management.

The Council on Civil and Municipal Service is a collegial body, which forms the development strategy of civil and municipal service. The Council's tasks include the following:

- Develop proposals to increase the efficiency of civil and municipal service;
- Develop proposals for the implementation of anti-corruption mechanisms in civil and municipal service;
- Provide proposals to improve the legal framework on civil service and municipal service;
- Conduct competitive selection of candidates for appointment to the post of state secretaries;
- Rank state secretaries on the basis of their evaluation results;
- Review complaints against illegal actions of state secretaries, taking decisions following official investigations;
- Grant consent or refusal of consent for the rotation or dismissal of state secretaries;
- Initiate dismissals of state secretaries in cases stipulated by law.

The State Personnel Service is the authorized state body on civil and municipal service affairs. It was established by the President in order to implement a unified state policy in the area of civil service. According to the Law of 2016, the main objectives of the State Personnel Service:

- Build a unified state human resources policy for the civil and municipal service;
- Build a highly professionalised system of civil and municipal services management;
- Increase the prestige of service in state and municipal bodies;
- Ensure the rights and interests of civil and municipal servants.

The State Secretary position is the highest level administrative position in public bodies. The position of state secretary is permanent and its legal status is equal to the position of the first deputy head of a public body⁸⁷.

State Secretaries: [i] organize the development of a long-term strategic plan for the organisation, as well as the plans of its departments and its personnel; [ii] develop the management structure of the organisation; support the work for career planning and growth of its employees; [iv] organize the selection and placement of personnel; [v] develop and implement anti-corruption measures; [vi] organise the introduction of modern management techniques and technologies to carry out support functions, including the management of financial, material and human resources; [vii] provide capacity building activities for employees; [viii] develop mechanisms for material and non-material motivation of employees; [ix] develop and maintain a system for monitoring activities of the organisation; [x] control the executive and labour discipline mechanisms; and [xi] organize performance assessments. State Secretaries are also responsible for the development

⁸⁷ In public bodies where there is no post of State Secretary, its functions are vested to the Head of Administration.

and implementation of a programmatic budget and are accountable to the Council on Civil and Municipal Service and to the Head of a public body.

a. Organisation of the selection and recruitment process in civil service

Selection and recruitment processes in the civil service of Kyrgyzstan are regulated by the Law “On Civil and Municipal Service” and such additional legal acts as the “Temporary Decree on Competition for Vacant Administrative Civil Service Positions” and the “Temporary Decree on the Procedure of Testing Candidates for Vacant Career Civil Service Positions”, both approved by the Government in 2011⁸⁸.

The State Personnel Service is the body responsible for monitoring that competitive selection processes conducted by central and local government agencies comply with the regulations in place. The first step in the recruitment process is the vacancy announcement through the mass media and the Internet well in advance of the competition date.

Candidates’ suitability and qualifications are assessed through a written examination. Candidates who pass the examination are included in the state personnel reserve. All vacancies are then filled from this reserve. The Personnel Reserve is managed by the State Personnel Service. The Reserve comprises of two parts: national and internal. The national reserve includes recent graduates who have passed a national competition for entry-level government positions, civil servants wishing to be promoted and civil servants who were dismissed due to downsizing or health conditions. The internal reserve of a government agency consists of civil servants, who were recommended for promotion based on their attestation results and who have submitted an application to be included in the reserve. To fill an available vacancy, a ministry conducts a competition, first among candidates included in the internal personnel reserve. If the position is not filled through the internal reserve, the competition is then open to candidates included in the national personnel reserve.

b. Performance appraisal, training and career development

Performance appraisal of civil and municipal servants is regulated by the “Provision on the procedure for evaluation of the civil and municipal servants of the Kyrgyz Republic”, approved by the Government (28 June 2013, No. 383) and the Regulation “On the conditions of remuneration for civil and municipal servants of the Kyrgyz Republic”. The Law “On Civil and Municipal Services” stipulates that civil servants are subject to a qualification examination – attestation. According to Article 29 of the Law, this examination aims to assess the professional knowledge and skills civil servants possess and to determine their career development potential. A civil servant cannot be subjected to attestation more than once in every 3 years. Performance appraisal is the process of assessing employees’ performance in comparison with their job requirements. Performance appraisal results are used to determine additional compensation and other rewards, to conduct attestation of civil servants and to provide recommendations for advanced training.

Each state body conducts its own qualification examinations. These consist of a polygraph test and a computer-based test on knowledge of legislation and administrative procedures. Examinations are administered by Attestation Committees of state or municipal bodies. Depending on the final results obtained (excellent, good, satisfactory, or unsatisfactory), Attestation Committees recommend a civil servant for promotion. The Attestation Committee also provides an opinion

⁸⁸ <http://cbd.minjust.gov.kg/act/view/ru-ru/92838>

whether civil servants qualifications and skills correspond (or do not correspond) to the position they hold.

Training of civil servants is regulated by the Decree “On the State Order for Training of Civil and Municipal Servants”, the “Temporary Provisional Regulations on the Procedure on Training Civil and Municipal Servants” and the “Temporary provisional regulations on the coordination of training of civil and municipal servants of the Kyrgyz Republic” by donor funds. According to Article 28 of the Law “On Civil and Municipal Service”, there are two types of training for civil servants: re-training and advanced training. Re-training is conducted when an employee transfers to a higher group position. This is a prerequisite for promotion. Re-training is also a prerequisite for the position of state secretary. Advanced training takes place while holding a position within the same group of posts, no less than once every 3 years. Re-training and advanced training records are taken into account in attestation or performance appraisal. They are also considered an advantage when applying for a new position.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

Transparency International’s Corruption Perception Index placed Kyrgyzstan at the 123th place out of a total of 168 countries surveyed, with 28 points out of 100⁸⁹ in 2015. This ranking is thus slightly better compared to those of 2014 and 2013.

Anti-Corruption legislation includes the “Criminal Code of the Kyrgyz Republic”⁹⁰, the Law “On Combating Corruption”⁹¹, the “State Strategy of Anti-Corruption Policy in Kyrgyzstan”⁹² and other by-laws. According to the Law “On Combating Corruption”, the President is responsible for defining the main directions of the fight against corruption, also included in the State Strategy.

The State Strategy outlines general priorities and anti-corruption measures to be undertaken and some provisions for implementation. The Strategy also includes a critical analysis of previous anti-corruption efforts and it highlights such important challenges as the declarative nature of anti-corruption laws and the weakness of anti-corruption institutional mechanisms (OECD)⁹³. The State Strategy names prevention of corruption and involvement of civil society as its two key priorities. However, the anti-corruption measures outlined in the Strategy are very general with respect to involvement of civil society in prevention of corruption, development of awareness raising systems, eradication of corruption risks; all of which hinder the creation of a proper investment climate.

According to the Law “On Civil and Municipal Service” and the Law “On Combating Corruption”, public employees are not allowed to accept any gifts, money or services while performing their official duties. However, they may accept gifts during official events, which must be handed over to the state or municipal organisation they work for (Article 23, Clause 6 of the Law on Civil and Municipal Service). The Law on Combating Corruption requires all civil servants to avoid instances where there may be conflict of interest while on duty and to report any attempts of bribery. Furthermore, a Decree (2010) requires polygraph testing for a number of positions in such public institutions as,

⁸⁹ <https://www.transparency.org/country/#KGZ>

⁹⁰ http://www.wipo.int/wipolex/en/text.jsp?file_id=330140

⁹¹ <http://finpol.gov.kg/ru/orders/anti-corruption-law>

⁹² Adopted by Presidential Decree (No. 26, 2 February 2012).

⁹³ Istanbul Anti-Corruption Action Plan. Third Round of Monitoring. Kyrgyzstan. Progress Update: <https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf>

the Financial Police, Customs and the Tax Service, in the effort to counter and eliminate corruption and abuse of office.

The Programme and Action Plan of the Government of Kyrgyz Republic on Combating Corruption in 2012-2014 was adopted on 30 August 2012 by Government Resolution (No. 596). This is a comprehensive document, which contains: the main goals; priorities and tasks; assessment of previous anticorruption efforts results; a monitoring and assessment mechanism complete with qualitative indicators and expected results; and an estimation of budgetary needs.

There are five law enforcement agencies that deal with corruption in Kyrgyzstan: [i] The General Prosecutor's Office; [ii] the State Customs Committee; [iii] the Financial Police; [iv] the National Security Service; and [v] the Ministry of the Interior. The Ministry of the Interior (the Police) is the principle law enforcement agency responsible for fighting administrative corruption, with a mandate to fight corruption in local and national public administration organisations, as well as for investigating and economic crimes in the private sector. Public advisory boards are responsible for monitoring and reporting on the operations of ministries aiming to enhance transparency, reduce corruption and eliminate favouritism in the public sector. The Anti-Corruption Service set up in December 2011, within the State Committee of National Security, is responsible for fighting corruption in the parliament, the executive branch of the government and the Supreme Court. However, fragmentation of functions and responsibilities between the various enforcement agencies involved has resulted to lack of adequate levels of cooperation and coordination. This is a major obstacle for the effective prosecution of corrupt practices⁹⁴.

All state and municipal government organisations have adopted a Code of Ethics, approved by the President of the Republic. Furthermore, Ethics Commissions are established within each state and municipal body to ensure civil servants' compliance with legislation. These Commissions comprise of staff members⁹⁵. Ethics compliance of the state organisations' top management is monitored by the State Ethics Commission under the President. In this context, the OECD recommends to consider the possibility of adopting Codes of Ethics for the Deputies of *Zhogorku Kenesh* and for members of the Government; as well as to revise the Code of Ethics for judges in order to eliminate existing incompatibilities and encompass such issues as conflict of interest, receipt of gifts and other⁹⁶.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Several public administration reforms have been implemented, largely driven by the pressure and support of donor organizations, since Kyrgyzstan gained its independence in 1991.

The measures undertaken aimed at creating a unified civil service to staff public administration. In sum:

1. Establishment of an organizational framework for civil service management system and introduction of mechanisms regulating civil service human resources management policy and coordinating human resources policy implementation in the administration;

⁹⁴ <http://www.business-anti-corruption.com/country-profiles/europe-central-asia/kyrgyzstan/initiatives/public-anti-corruption-initiatives.aspx>

⁹⁵ <http://sti.gov.kg/STSDocuments/PolOEtikeGosSluj.pdf>

⁹⁶ <https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf>

2. Formulation of a legal framework for civil service, which included the principles for the development and implementation of human resources management policies;
3. Establishment of the State Personnel Service of the Kyrgyz Republic assigned with the tasks of designing a unified state human resources policy and building a highly professional civil service system in the state and municipal administration;
4. Creation of the Institute of State Secretaries aiming to guarantee the stability of the state administration and the social and legal protection of civil servants;
5. Introduction of a competitive selection process for filling vacant positions in the civil service, in order to ensure that the principles of openness and equal access are observed;
6. Classification (typology) of civil service positions has been systematized⁹⁷; and
7. Introduction of a performance appraisal system for civil and municipal servants focusing on increasing their effectiveness.

b. Current reforms

The newly adopted Law “On Civil and Municipal Service” establishes the basis for further improvements in the civil service. These are:

1. Improvement of the management of the civil and municipal services with a focus on strategic priorities

To achieve this goal, the Strategy for the Development of the State Personnel Service⁹⁸ of the Kyrgyz Republic was formulated and approved by Presidential Decree on 30 November 2013. The Strategy identifies four main areas for improvement in the activities and performance of the State Personnel Service:

- Enhancement of its interaction practices with the “external environment”, e.g. communication with management of civil and municipal services, higher authorities, donors, experts, civil society and citizens;
- Business processes re-engineering, new management techniques and working practices introduced in the State Personnel Service organisation;
- Provision of legal support to cope with change; and
- Introduction of a system for monitoring and assessment of change.

2. Optimization and unification of positions of civil and municipal services

A number of civil and municipal services positions with similar functions and authority were unified during the reform process. Positions with comparable levels of authority were aligned vertically and horizontally, resulting to changes for many civil service and municipal service positions. The new Registries of civil and municipal services positions were approved by Presidential Decree No 145 (26 June 2013). This development creates opportunities for enhanced career motivation and higher rotation for civil and municipal servants. In fact, unification of positions will facilitate expansion of the rotation system – both vertically and horizontally and

⁹⁷ Presidential Decree No 145 «On approval of the Register of the civil service positions of the Kyrgyz Republic and the Register of municipal positions of the Kyrgyz Republic» (2013) approved the Register of civil service positions of the Kyrgyz Republic. The Decree introduced ranks, developed the requirements for ethical behaviour of civil servants and announced that evaluation of civil servants will be based on attestation (performance appraisal).

⁹⁸ The government authority responsible for policy implementation in civil service and municipal service.

between state and municipal government bodies - for promising employees, following adoption of the new Law "On civil service and municipal services".

3. Development of new typical qualification requirements for the entire hierarchy of administrative positions and generic job descriptions for central administration and local self-government personnel

Typical minimum requirements and job descriptions for administrative positions were developed and approved by the Government Act of the Kyrgyz Republic "On measures for the improvement of the remuneration system of civil and municipal servants of the Kyrgyz Republic for 2013-2020" (No 383, 28 June 2013). Based on samples from each central and local government body, qualification requirements were developed and approved by internal order for each position in ministries, central administration departments, mayoral offices, *aiyl okmotu* and local government departments; in this process, however, the local and public sector-related prevalent specificities were taken into account.

4. Introduction of a performance appraisal system and key performance indicators for civil and municipal servants

A performance appraisal system including key performance indicators (KPIs) was developed. The appraisal of personal achievements results will also affect the level of civil servants' remuneration (Presidential Decree No 383 "On measures to improve the remuneration system of civil and municipal servants of the Kyrgyz Republic for 2013-2020" (2013). According to this Decree, state and municipal bodies started introducing tools for assessment of civil and municipal servants' activities during the first quarter of 2014. Annual performance appraisal results have begun to play a role in determining the level of additional compensation / bonuses for civil servants.

5. Strengthening the institution of state secretaries executors of civil service state policy

This initiative is expected to re-focus activities of state secretaries responsible for the stable and efficient operation of ministries and administrative departments. As the State Secretary position is a permanent one and its holder cannot be removed, it becomes apparent that individuals holding such positions should be enabled to become top managers of government bodies.

c. Planned reforms

Professionalization of civil service

The following initiatives are planned for the professionalization of central and municipal services personnel, through well-coordinated joint action:

- Clear delineation between political and professional activity in government management bodies, including a reduction in the number of political positions enforced by a legislative initiative;
- Introduction of mandatory standards for regular and periodic training of civil servants, at least once every three years; training should be considered an advantage in career development and promotion, if all other conditions or qualifications are similar;
- Improvement in managing the reserve personnel pool, accepting only the best and promising cadres and raising its status to a National Reserve.

References

Law on Civil and Municipal Service, adopted on 30 May 2016.

Constitutional Law of the Kyrgyz Republic "About the Government of the Kyrgyz Republic", 18 June 2012, No. 85.

Labour Code of the Kyrgyz Republic, 4 August 2004, No. 106.

Law of the Kyrgyz Republic "On Protection of State Secrets of the Kyrgyz Republic", 14 April 1994, No. 476.

Law of the Kyrgyz Republic "On Basic Principles of Budget Law in the Kyrgyz Republic", 11 June 1998, No. 78.

Law of the Kyrgyz Republic "On Combating Corruption", 8 August 2012, No. 153.

Law of the Kyrgyz Republic "On the official language of the Kyrgyz Republic", 29 May 2000, No. 3.

Law of the Kyrgyz Republic "On state symbols of the Kyrgyz Republic", 17 July 2004, No. 91.

Law of the Kyrgyz Republic "On electronic document and electronic digital signature", 17 July 2004, No. 92.

Law of the Kyrgyz Republic "On declaring and publishing information on incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives", 7 August 2004, No. 108.

Law of the Kyrgyz Republic "On the order of consideration of citizens' addresses", 4 May 2007, No. 67.

Law of the Kyrgyz Republic "On legal acts of the Kyrgyz Republic", 20 July 2009, No. 241.

7. MOLDOVA

I. BACKGROUND

Area:	33,846 sq. km
Population:	3,555,200 (January 2015 estimation)
GDP:	USD 7,970 billion
GNI per capita:	USD 2,483
HDI:	0.693; ranked 107 out of 188 countries (2014)
Life expectancy at birth:	71.6 years
Mean years of schooling:	11.2

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	30.7	26.3	30.6	41.6	39.9
Regulatory quality	38.2	36.6	49.3	49.3	53.8
Rule of Law	33.0	40.7	42.2	42.7	46.6
Control of corruption	32.7	31.2	28.6	24.4	20.7

Source: World Bank (2015)

b. Political and Administrative Structure

Sandwiched between Romania and Ukraine, Moldova emerged as an independent republic in 1991, following the collapse of the USSR. The country is ranked as a lower middle income country by the World Bank⁹⁹.

Moldova is a parliamentary republic with a President as the Head of State and a Prime Minister as the Head of Government. The President is elected by Parliament, requiring a three-fifths majority (at least 61 votes). Since 2001, the President is elected by a 101-member National Assembly (parliament), a change designed to decrease executive authority in favour of the legislature. The President appoints the Prime Minister, who functions as the Head of Government, and who, in turn, assembles a cabinet, both subject to parliamentary approval¹⁰⁰. The 2014 parliamentary elections were the eighth parliamentary elections since independence in 1991.

The Government designs and implement domestic and foreign policies of the State and it manages its Public Administration. It is accountable to the Parliament. The Government consists of the Prime Minister, the First Deputy and the Deputy Prime Minister, ministers and other members, as determined by law¹⁰¹.

⁹⁹ <http://data.worldbank.org/country/moldova>

¹⁰⁰ Constitution of the Republic of Moldova (29.07.1994): In English at <http://www.presedinte.md/eng/constitution>; In Russian at <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=311496&lang=2>

¹⁰¹ Law No 64 (31.05.1990) "On Government," Chapter IV, Article 24: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312895&lang=2>

Administratively, the Republic of Moldova is divided into 32 districts, 5 municipalities, and 1 autonomous territorial unit (Gagauzia)¹⁰².

The Republic of Moldova is a member state of the United Nations, the Council of Europe, the World Trade Organization (WTO), the Organization for Security and Cooperation in Europe (OSCE), the GUAM Organization for Democracy and Economic Development, the Commonwealth of Independent States (CIS) and the Organization of the Black Sea Economic Cooperation (BSEC) and it aspires to join the European Union.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

Civil service regulatory framework includes the following laws and regulations:

- Law "On the Public Office and Status of Civil Servant" (Law 158/2008);
- Law "On the Civil Servant's Code of Conduct" (Law 25/2008);
- Law "On conflict of interests" (Law 16/2008);
- Law "On the approval of the single classification of civil service positions" (Law 155/2011);
- Government Decision on the enforcement of the provisions of Law No. 158/2008 (Law 201/2009).

The Law "On the Public Office and Status of Civil Servant" (Law 158/2008)¹⁰³ regulates the regime of public office, the status of civil servants and their relationship with public authorities and it sets out the vertical and horizontal scope of the civil service.

According to Article 7 of the Law 158/2008, civil service positions are classified as: [i] Senior civil service; [ii] Managerial civil service; and [iii] Executive civil service. From a vertical perspective, different pieces of legislation apply to different groups: [i] Group A officials holding public dignity offices (political appointees)¹⁰⁴, listed in the Annex to Law 199/2010¹⁰⁵; [ii] Group B personnel (discretionary appointments) in the cabinets of public dignity offices (Law 80/2010¹⁰⁶); and [iii] Group C civil servants (Law 158/2008, which also distinguishes between senior civil servants and civil servants).

In sum, civil service related legislation presents a reasonable horizontal and vertical reach. It covers not only state authorities but also local self-governments. On the other hand, different pieces of legislation regulate different groups of public servants, providing a clear distinction between civil servants, senior civil servants and political appointees. The structure of the civil service of the Republic of Moldova is enforced by the Government Decree No 1001 (26.12.2001)¹⁰⁷.

¹⁰² Law no. 764 (27.12.2001) «On Administrative-Territorial System of the Republic of Moldova»: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312874&lang=2>

¹⁰³ Law no. 158 (04.07.2008) "On the Public Function and Civil Servant's status": <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=2>

¹⁰⁴ Deputy Ministers are political appointees placed below the Minister and the highest ranks of civil servants.

¹⁰⁵ Law No. 199 (16.07.2010) "On the Status of the Persons Performing Responsible State Positions", <http://lex.justice.md/ru/336193/>

¹⁰⁶ Law No 80 (07.05.2010) "On the Status of the Staff of the Office of Responsible State Positions", <http://lex.justice.md/ru/335147/>

¹⁰⁷ Annex 1 to the Government Decree No. 1001 (26.12.2001) "On Introduction of the Provisions of Certain Laws": <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=341685&lang=2>

b. Definition of civil servant

A civil servant in the Republic of Moldova is an individual appointed to public office to function in accordance with the law. Civil service positions are established on the basis of acts of Parliament, the President of the Republic of Moldova, the Government and other public authorities within their vested powers delineated by the Constitution and other laws.

Civil service positions are classified into three categories: [i] senior management positions; [ii] management positions; and [iii] executive positions. According to Article 33 of Law 158/2000, there are three classes for every rank of civil service:

- First rank: State Councillor of the Republic of Moldova of the first class, State Councillor of the Republic of Moldova of the second class and State Councillor of the Republic of Moldova of the third class;
- Second rank: State Councillor of the first class, State Councillor of the second class and State Councillor of the third class;
- Third rank: Councillor of the first class, Councillor of the second class and Councillor of the third class.

Class ranks are assigned in accordance with qualification levels of personnel and their performance assessment results. The next rank is assigned, if an individual receives “good” or higher score result in three consecutive annual performance appraisals, or “very good” result in two consecutive annual performance appraisals. Every promotion in rank is accompanied by a pay increase. Civil servants may be deprived of their class rank or demoted from their class rank only by court decision in the event of perpetrating illegal acts (implying criminal liability), as well as in the event when the class rank was conferred to them in violation of established procedures for awarding a rank.

c. Civil servants’ profile

Eligibility criteria

According to Article 27 of Law 158/2008, citizens of Moldova, who have not reached retirement age, possess the appropriate educational background allowing them to perform respective service functions, possessing knowledge of the Moldovan language and official languages of interethnic communication and who do not possess a prior criminal record in connection due to deliberate offenses, are eligible to be admitted to the civil service.

Total number of civil servants

As of 2014, the total number of civil servants was 17,145, of which 10,448 are in central authorities and 6,657 in local authorities.

Number of civil servants as proportion of the total population and of the labour force.

Civil servants represent 0.48% of the country’s population, and 1.4% of its labour force.

Gender and age distribution of civil service

12,231 are female and 4,914 are male with an overall mean age of 42.7 years old.

d. Civil servants' remuneration structure

According to the Central Public Administration Reform Division of the State Chancellery, the average monthly salary of civil servants in Moldova is 5,235 lei (USD 261 approximately).

The salary consists of: [a] a fixed part, comprising of basic salary, plus allowance for class (and diplomatic) rank and special title and [b] a variable part, consisting of an allowance for the collective achievements of each structural unit / public authority. The variable part is paid on an annual bonus.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

The main unit responsible for the civil service is the Central Public Administration Reform Division of the State Chancellery.

The Division is in charge of:

- Reforming and building the capacities of the central administrative authorities to be able to formulate and implement national policies efficiently;
- Formulating/revising and promoting efficient state policies and a regulatory frameworks for civil service;
- Ensuring advocacy and implementation of state policy for public service, particularly in human resources management;
- Monitoring compliance with the civil service legal framework;
- Coordinating implementation activities of a state wide public administration reform programme; and
- Contributing to the continuous modernization and improvement of the state administration's institutional and functional systems.

a. Organisation of the selection and recruitment process in civil service

In Moldova, different rules for recruitment, dismissal and career development apply to different groups of civil servants (article 8 of Law 158/2008). For senior civil servants, the recruitment, dismissal and career rules are different than those for the rest of the civil service¹⁰⁸, although the specific recruitment procedure has only been applied since 2014. The senior civil service includes three salary grades with five salary steps each. The appointments are indefinite.

A senior management (1st category) civil service position is filled through competition (Government Decision 201/2009). The Government appoints a special standing committee comprising of seven experts in the field of public administration to fill vacancies at the ministerial state secretaries and at the deputy heads of administrative authorities' levels. Conversely, competition commissions are established within the hiring public authority in order to fill, through competition, the positions of the head of the civil service and the deputy head of the public authority¹⁰⁹.

¹⁰⁸ Article 8, Law No. 158 (04.07.2008) "On Civil Service and Civil Servant's status": <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=2>

¹⁰⁹ Parliament, President, Superior Council of Magistracy, Constitutional Court, Supreme Court, General Prosecutor's Office and Court of Accounts.

All vacancies are advertised on the Government's website, on the website of the public authority announcing the vacancy and in various national publications. The selection process provides for inspection and validation of application documents, a written examination including several tasks and an interview.

b. Promotion and transfer process in civil service

Promotion in the Civil Service of Moldova is based on the results of performance appraisal. The decision to promote a civil servant belongs to the head of the public authority where the civil servant works. Civil servants, whose performance appraisal has been rated as "very good" or the last two appraisals have been rated as "good" can be promoted to a higher position, providing that they meet the remaining requirements of the position.

Transfers take place between subdivisions of a public authority and between public authorities. A transfer is authorised by the head of the respective public authority¹¹⁰ and it is carried out in order to accomplish particular tasks in a public agency, or at the request of a civil servant. In the former case, the written consent of the transferred civil servant is required. A request for transfer is an instrument used by civil servants to develop their careers horizontally. Secondment can also be used to improve one's competencies¹¹¹, but it is not widely practiced.

c. Performance appraisal, training and career development

Performance appraisal is regulated by the Civil Service Law (Articles 34 and 36) and by secondary legislation. It is practiced by all public authorities since 2010. Professional performance appraisal is carried out annually for all three categories of civil servants: senior, managerial and executive civil servants. Performance appraisal is not undertaken for junior civil servants or for civil servants who have been in the position for less than four months during the appraisal period. Secondary legislation (Annex 8 to the Government Decree 201/2009¹¹²) foresees an internal complaint process.

The direct supervisor carries out the performance appraisal for managerial and executive civil servants. For senior civil servants, the appraisal is comprised of two phases. First, the direct supervisor prepares the assessment report and proposes the appraisal scores. Then, the documents are sent to an evaluation committee, which completes the evaluation form and makes the final decision. During performance appraisal, results are compared with targeted goals (indicators), which are based on appraisal criteria. Results of a performance appraisal are utilised to make decisions for: promotion, award of a higher qualification grade, salary advancement, training and dismissal. Performance appraisal of civil servants takes two approaches: centralised and decentralised.

Annual training objectives are achieved once a civil servant has received 40 hours of training per year. However, the focus of this objective is quantitative, i.e. number of hours that a civil servant has been trained; rather than qualitative, i.e. higher levels of competency or skills and knowledge acquired through training (OECD/SIGMA, 2012). Furthermore, data provided by central public authorities indicate that not all civil servants benefit from this number of training hours (40 hours per year)¹¹³.

¹¹⁰ Civil Service Law, Article 48.

¹¹¹ Civil Service Law, Article 47.

¹¹² Annex 8 to the Government Decree No 201 (11.03.2009) "On Enactment of Law on Civil Service and Civil Servant's Status No 158-XVI of 4 July 2008," <http://lex.justice.md/ru/331023/>

¹¹³ "Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova, and Ukraine", OECD/SIGMA: <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

The Government approves the Professional Development Plan for all public authorities annually (by State Order). The Plan is developed by the State Chancellery based on the requests received from public authorities. These requests reflect the horizontal training needs identified at the individual and the organisational levels, as well as the Government's strategic goals. A training service provider (to date the Academy of Public Administration) evaluates the Plan, and a quarterly report is submitted to the State Chancellery (centralised approach). Each public authority also approves its professional development plan for specific training annually.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The National Anti-Corruption Centre¹¹⁴ – formerly the Centre for Combatting Economic Crime and Corruption – is an independent agency established by Law 1104 in 2002. At the same time, the Centre gave away its function of combatting economic crime, which resulted to the change in its title. The Centre is a mixed anti-corruption agency, responsible both for combatting and preventing corruption, with a personnel force of 350 individuals.

The Centre's main responsibilities are:

- Prevention, investigation and counteraction of corruption and corruption-related behaviour, offences and crimes;
- Prevention and combat of money laundering and terrorism financing;
- Preparation of legal drafts and other legislative initiatives for presentation to the Parliament;
- Conduct of corruption risk assessments in public authorities, monitoring and data analysis;
- Conduct of training and consultation;
- Coordination for development of integrity plans.

The Anti-Corruption Prosecutor's Office is a specialised office, established shortly after the creation of the Anti-Corruption Agency in 2002. This Office is in charge of leading all criminal investigations conducted by the National Anti-Corruption Centre, but it can also conduct its own criminal investigations.

The National Integrity Commission, established in 2012, is in charge of verifying public officials' assets, examining cases of conflict of interest and looking into other incompatibilities associated with public office tenure. In carrying out its mandate, the National Integrity Commission works with the National Anti-Corruption Centre and the Anti-Corruption Prosecutor's Office, when the need arises for joint investigation of criminal cases.

There is no special provision of an officer-in-charge of ethics compliance within the ministries or civil service agencies.

¹¹⁴ The National Anti-Corruption Centre was one of the winners of the "Innovative Solutions Scheme", launched by the Regional Hub of Civil Service in 2015. The Hub marked out two innovative solutions of the Centre. The "Integrity Testing" mechanism of civil servants and the "Anti-corruption proofing" software, both developed, introduced and currently being in use.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past Reforms

Following elections in April 2005, the President, with the support of Parliament, announced that implementation of the Central Public Administration Reform 2006-2013 (CPAR) programme would be one of the top priorities for his administration. Focusing on PAR helped him win the support of the non-Communist opposition in Parliament, which also realised that improvements in the professionalism and effectiveness of public administration were an important political step towards European integration. In response to one of the President's original reform objectives, i.e. to increase salaries of civil servants, while cutting 70% of staff positions, the Prime Minister requested international development partners¹¹⁵ and other development actors to provide technical assistance for PAR implementation.

UNDP and SIDA provided immediate technical assistance that addressed PAR management capacity building needs, and in coordination with the World Bank initiated the first phases of a horizontal functional review and analyses of the governance system, as well as of civil service and the decision-making systems in place. Additionally, the World Bank responded with a non-lending technical assistance programme to support the Government in developing a credible agenda for public administration reform. The efforts of development partners were driven by a desire to help the Government develop a PAR strategy before taking action on civil service cuts or other administrative changes.

The results of these initiatives were:

- (a) On Institutional Reorganization:
 - (i) A government-wide functional review of the central public administration entities was conducted;
 - (ii) Legal framework on the organization of public administration was further developed; and
 - (iii) Capacity-building measures for the CPAR unit of the State Chancellery of the Republic of Moldova were conducted.
- (b) On Government's Policy-Making Capacity:
 - (i) Policy planning system reviewed and a methodology for improved elaboration and coordination of policy proposals were developed;
 - (ii) On-the-job-training were conducted and procedures for policy documents were approved;
 - (iii) Government acts and additional regulations passed on policy coordination systems were reviewed and amended; and
 - (iv) Mechanisms linking policy and budget planning were further developed.
- (c) On a Merit-based Professional Civil Service:
 - (i) Draft Civil Service Law and draft secondary civil service legislation were revised;

¹¹⁵ The World Bank (WB), the United Nations Development Programme (UNDP), the Swedish International Development Cooperation Agency (SIDA), among other.

- (ii) Civil service human resources management methodology and human resources functions were further developed;
 - (iii) Capacity building measures of the civil service management entity were conducted;
 - (iv) Civil service classification, grading and remuneration systems were further developed;
 - (v) Trainings, workshops and study tours for civil servants were conducted; and
 - (vi) A civil service register was designed and developed, and software, hardware and office equipment for the central and ministries' personnel management units were provided.
- (d) On Management, Information and Communication:
- (i) Communication programme to increase awareness, participation and support for the CPAR programme was developed and implemented;
 - (ii) CPAR website was maintained;
 - (iii) Training and communication materials to increase awareness and participation of major stakeholders in monitoring the CPAR programme were disseminated; and
 - (iv) Surveys on CPAR implementation progress were conducted.
- (e) Trust Fund Management:
- (i) technical assistance provided including management support to the CPAR Unit in conducting financial, procurement and implementation monitoring and reporting activities and audit services.

As a result of these initiatives, modern personnel procedures and regulations were introduced into the Moldovan public administration, such as:

- Development of job descriptions for civil service positions;
- Delimitation of categories of positions in public authorities through the endorsement of staff lists;
- Employment into civil service, including through competition;
- Probation for junior civil servants;
- Part-time jobs undertaken by civil servants;
- Ongoing professional development of civil servants; written commitment to continue work in civil service after graduating various training courses;
- Performance appraisal system for civil servants;
- Disciplinary liability procedures for civil servants;
- Termination of civil service employment regulations.

As part of the PAR programme, the Government committed to opening up its data and launching its first open data portal, in 2011. Four years later, the portal www.data.gov.md¹¹⁶ is already on version 3.0, and home to over 800 datasets. However, there are still areas that could be improved, as it seems that some of the most crucial data are still not available.

¹¹⁶ "Moldova: Small country, big data?", <http://europeandcis.undp.org/blog/2015/08/05/moldova-small-country-big-data/>

b. Current Reforms

According to the Division for Reform of Central Public Administration of the State Chancellery, civil service HR management is currently being optimized through the implementation of an automated information system: “The Register of civil service and civil servants’ positions” and the introduction of a single government portal on vacant government positions in the administration¹¹⁷.

c. Planned Reforms

According to the Division for Reform of Central Public Administration of the State Chancellery the following reforms are planned to be implemented in the coming period:

- Development of efficient management of public administration;
- A variety of mechanisms introduced to support the most promising personnel;
- Development of professional competencies of civil servants;
- Improving the system of financial and non-financial motivation for civil servants.

References:

“Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova, and Ukraine”, OECD/SIGMA. Available online <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

Constitution of the Republic of Moldova (29.07.1994): In English at <http://www.presedinte.md/eng/constitution/>; In Russian at <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=311496&lang=2>

Government Decree No. 201 (11.03.2009) “On Enactment of Law on Civil Service and Civil Servant’s Status no. 158-XVI of 4 July 2008.” Available online in Russian <http://lex.justice.md/ru/331023/>

Government Decree No. 1001 (26.12.2001) “On Introduction of the Provisions of Certain Laws.” Available online <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=341685&lang=2>

Law No. 64 (31.05.1990) “On Government.” Available online <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312895&lang=2>

Law No. 158 (04.07.2008) “On Civil Service and Civil Servant’s status.” Available online in Russian <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=330050&lang=2>

Law No. 199 (16.07.2010) On the Status of the Persons Performing Responsible State Positions, <http://cis-legislation.com/document.fwx?rgn=31931>

Law No. 764 (27.12.2001) “On Administrative-Territorial System of the Republic of Moldova». Available online <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312874&lang=2>

¹¹⁷ <http://careers.gov.md>

Law No. 1104-XV (06.06.2002) "On the Centre for Combating Economic Crimes and Corruption." Available online <http://www.law-moldova.com/laws/rus/tsentre-boriby-economiceskoi-prestup-nostiu-ru.txt>

"Moldova: Small country, big data?" <http://europeandcis.undp.org/blog/2015/08/05/moldova-small-country-big-data/>

Moldova, World Bank. <http://data.worldbank.org/country/moldova>

Regulation of the General Division for Policy Coordination, Foreign Aid and Central Public Administration Reform of the State Chancellery. Available online <http://www.ncu.moldova.md/download.php?file=CHVibGljL3B1YmxpY2F0aW9ucy8xODI3NDYyX2VuX3JlZ3VsYW1lbnR1bF9kLnBkZg==>

8. TAJIKISTAN

I. BACKGROUND

Area:	142,000 sq. km
Population:	8,296,000 (January 2015)
GDP:	USD 9.24 billion (2014)
GNI per capita:	USD 1306.6 (2013)
HDI:	0.624; ranked 129 out of 188 countries (2014)
Life expectancy at birth:	69.4 years
Mean years of schooling:	10.4

Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	8.8	14.1	19.1	14.4	22.6
Regulatory quality	13.2	14.2	16.7	14.8	15.9
Rule of Law	5.3	16.3	11.8	10.0	15.4
Control of corruption	9.3	13.2	8.6	10.0	14.4

Source: World Bank (2015)

b. Political and Administrative Structure

Tajikistan is a presidential republic. According to the Constitution, the President is the Head of State and the Government. There is a two-chamber Parliament (*Majlisi Oli*), which consists of the lower chamber *Majlis Namayandagon* (Chamber of Representatives) and the higher chamber *Majlis Milli* (National Council).

The Judicial branch of power consists of the Constitutional Court, the Supreme Court, the High Economic Court, the Military Court and the Court of the *Gorno Badakhshanska* oblast, Oblast Courts, the Court of Dushanbe city and district courts. The Prosecutor-General is responsible for proper execution of the law and reports to the President and the Parliament.

The President, *Emomali Rakhmon*, was elected in 1994 through a national referendum that was also conducted for the adoption of the Constitution. In 2006, he was re-elected for another 7-year term, and in 2013 he was re-elected once again receiving 84 per cent of the popular vote.

Last Parliamentary elections took place in 2015 through which the People's Democratic Party (PDP) which is headed by the President received 72 per cent of the votes. In total, 5 political parties are represented in the current Parliament. According to the OSCE, the 2010 elections were the third multi-partisan elections in Tajikistan since 1997, however, it is noted that the Central Election Commission did not fully adhere to the principles of transparency and accountability, during these elections.

The central executive authorities are established and dissolved by the President of the Republic and the Government. State power at the regional level consists of representative and executive

bodies. They are in charge of implementation of the Constitution, laws, decrees of *Majlisi Oli*, and acts of the President and the Government of the Republic.

Formation, vested powers and activities of local government are regulated by constitutional law. Local governments exist at the town and villages levels. Similarly, formation, vested powers and activities of the *Jamoat* towns and villages are regulated by law. Local government in Tajikistan consists of the *Gorno-Badakhshan* Autonomous Oblast, the *Sogd* and *Khatlon* oblasts, the city of Dushanbe, and 68 cities and districts.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

As part of the Soviet Union, Tajikistan did not have a specific law to regulate civil service. Civil servants' recruitment procedures were determined by provisions in the Constitution, the Law on the Council of Ministers, and other government regulations.

In this regard, the Law "On civil service"¹¹⁸ adopted on 5 March 2007 began a new phase of civil service reform. This Law determines the organizational and legal basis of the civil service and the legal status of and social guarantees for civil servants of the Republic. The civil service system includes: [i] the state civil service; [ii] the civil service in the law enforcement agencies; and [iii] the state military service.

b. Definition of civil servant

In accordance with Article 1 of the Law "On Civil Service," civil servants are citizens of Tajikistan holding a paid state position in the civil service and exercising authority by state power delegated to them.

Civil servants are divided into political and administrative ones. There are no categories for political civil servants, while administrative civil servants are classified into 8 categories – the highest category and categories from 1 through 7.

c. Civil servants' profile

Eligibility criteria

According to Article 11 of the Law on Civil Service, candidates applying for civil service positions should possess higher and medium-level professional education – according to category and level of specialization of the civil service position they apply for professional experience and civil service work experience, military service record (for those posts that it is a legal requirement), possess knowledge of the national legislation and are fluent in Tajik.

Candidates have to meet all requirements of the Law and they cannot be younger than 18 years of age. Retirement age limit for female civil servants is 58 and for male civil servants 63 years. The

¹¹⁸ Law "On Civil Service," 2007, http://www.ahd.tj/images/doc/Zakon_OGS.docx

Management of a public body, in coordination with the competent civil service authority, may extend civil service for those who have reached the age limit, up to two years. In such cases, a new short-term employment contract is signed with the civil servant.

Total number of civil servants

The total number of civil servants is 20 352, or 0.25 per cent of the population and 0.4 per cent of the workforce (July 2015).

Gender and age distribution of civil service

Out of a total number of 20 352 civil servants, 76% are male and 24% female. The number of civil servants under the age of 35 years is 43.2%. The age distribution of civil servants is: 18.3% from 18 to 28 years; 24.9% from 29 to 35 years; 25.4% from 36 to 45 years; 26.5% from 46 to 58 years; 4.5% from 58 to 63 years; and 0.2% from 63 years and above.

d. Civil servants' remuneration structure

The remuneration structure of civil servants is determined by the "Unified Tariff Wage of Civil Servants of the Government" approved by Presidential Decree No 923 in 2010. Remuneration consists of a basic salary and a qualification increment calculated against class grade, number of working years, honours and awards received and academic achievements. Additional compensation may also be received for execution of important work and for taking on the work of other employees in their absence¹¹⁹.

There are eight vertical categories of administrative positions with a 22% difference in remuneration between each category. There are also 14 horizontal steps with a 5% difference in remuneration between each step.

Minimum salary for civil servants is determined by the President of the Republic. According to the Government Decree No 371 of 2013, the size monthly base salary for administrative positions of the highest, first, second, third and fourth categories of state bodies, local executive bodies and town and village governments was 405 somoni (USD 85 approximately). For administrative positions of the fifth, sixth, seventh categories of the same agencies was 450 somoni (USD 95 approximately).

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

The body responsible for HR policy formulation and implementation in the civil service is the Agency for Civil Service under the President of the Republic of Tajikistan. Initially established as the Department of State Service under the President of the Republic, in 2001, it was subsequently transformed into the Agency, in 2013. The legal authority of the Civil Service Agency is based on: the Constitution; the Law "On civil service"; the Regulation "On the Agency for Civil Service under the President of the Republic of Tajikistan"; other legal acts of the Republic; and international treaties and agreements that are ratified by Tajikistan.

¹¹⁹ Decree of the President of the Republic of Tajikistan "On Measures to Improve the Social Protection of the Population, an Increase in the Current Salaries of Civil Servants, Employees of Budgetary Institutions and Organizations, Pensions and Scholarships Sizes", http://base.spinform.ru/show_doc.fwx?rgn=31892

According to Article 18 of the Law “On civil service”, vacant administrative positions in public service are filled on a competitive basis. Competition procedures are defined by the “Regulations on the procedure of the competition for vacant administrative civil service positions” approved by Presidential Decree No 659 on 20 May 2009.

a. Organisation of the selection and recruitment process in civil service

Recruitment for the administrative civil service (except for the highest category positions) is competition-based¹²⁰. Civil servants can participate in a competition irrespective of what position they may hold at the time. A competition may be conducted either through a documents’ review process (for vacant posts in the highest, the first and the second categories of the civil service) or through a competition with probation (for vacant posts in the third and fourth categories of the civil service).

Competitions are held following the decision of the responsible state body or official. The Competition Commission is a decision-making entity in the selection and recruitment process for civil servants. The documents’ review process is organized by the Competition Commission, which evaluates candidates by: education qualifications; work experience in civil service; other attributes; recommendations received; test results; and other documentation in support of their application, submitted on request by the relevant state bodies. The Competition Commission is also responsible for the competition with probation process. In this case, eligible candidates are recruited on the condition that they will be on probation for a certain time period and that they will undergo training for the relevant civil service positions they have been hired to fill. Successful candidates, in both cases, are informed of the Commission’s decision, in writing, within one month from the competition completion date. Decisions of the Competition Commission can be appealed in court.

b. Promotion process in civil service

Promotion of civil servants is based on merit, talent, professional level, education and other qualification requirements (Article 7 of Law on Civil Service). Inclusion in the State Personnel Reserve is a way for promotion. The Reserve includes civil servants who have attained higher qualifications or have successfully completed trainings and who hold the relevant qualification rank and are recommended for promotion based on their attestation results (Article 26, Law on Civil Service).

c. Performance appraisal, training, and career development

Performance Appraisal:

The “Rules of the Performance Appraisal Conduct”¹²¹ for civil servants delineate the mechanism for the performance appraisal of administrative civil servants. The performance of political civil servants, administrative civil servants of the highest category, administrative civil servants who have been in their position for less than 6 months and of civil servants who have reached retirement age is not subject to assessment.

¹²⁰ According to the Law on Civil Service, information about the date, place and conditions of competitions may be published in print.

¹²¹ Rules of the Performance Appraisal Conduct approved by the President Decree No. 1018 in 2011, <http://www.ahd.tj/images/doc/PRVAAR.doc>

Performance appraisal is conducted through a procedure, which includes performance-related data collection and assessment of the positive and negative aspects of a civil servant's performance. The appraisal takes place every year in December according to a schedule approved by the Head of a state body. The appraisal is performed by the Head of the relevant division, while performance appraisal of the Heads of divisions is performed by their direct supervisor. While civil servants are assessed, they prepare a results report for the reporting period and his/her supervisor completes a Performance Appraisal Worksheet Form based on the civil servants' reports¹²².

Training and Career Development:

According to Article 12 of the Law on Civil Service, civil servants undergo training to increase their qualifications in order to be promoted. The body responsible for training and advanced training of civil servants is the Institute for Advanced Training of Civil Servants, founded in 2002. In 2009, it was transformed to the Institute of Public Administration under the President of the Republic of Tajikistan.

To date, the Institute has identified the key areas for training courses, retraining and professional enhancement of civil servants and thematic training. It has also developed training programmes and modules for civil servants, as well as a new theory and methodology for their professional enhancement. Furthermore, the Institute has developed different types of training programmes, as well as recommendations and guidelines focusing, in particular, on improving methods and techniques in public administration.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

The Agency for State Financial Control and Fight against Corruption of the Republic of Tajikistan is the specialized body responsible for the prevention, detection, investigation and prosecution of corruption-related offenses, as well as for audits of state finances. The Agency was established in 2007. By 2013, the Agency has conducted around 5,500 inspections and financial audits of ministries and departments, control centres, funded by international financial institutions, government entities and institutions revealing financial misconduct worth more than 514.8 million somoni (USD 100+ million in 2013). Half of this amount was recovered and returned to the state budget¹²³. However, the Agency has not exercised the rest of its assigned functions adequately (OECD, 2014)¹²⁴.

A positive step towards combatting corruption was the Establishment of the National Anti-Corruption Council in 2010 and the creation of public commissions on prevention of corruption in some local self-governments. This initiative encouraged wider involvement of civil society in the anti-corruption drive. However, operational capacity of these newly created entities requires further improvement, if they are to become real tools for civil society interventions in the anti-corruption effort (OECD, 2014).

Several Codes of Ethics for Civil Servants were adopted in 2004, 2010 and 2015. The latest – the “Code of Ethics of a Civil Servant of the Republic of Tajikistan”¹²⁵ encompasses a set of norms,

¹²² Annex to the Rules of the Performance Appraisal Conduct.

¹²³ “Combating Corruption,” information from the website of the Agency, <http://anticorruption.tj/page?cat=10>

¹²⁴ Anti-corruption Reforms in Tajikistan. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan. 2014 Report. <http://www.oecd.org/corruption/acn/Tajikistan-3rd-Round-Monitoring-Report-ENG.pdf>

¹²⁵ Code of Ethics of a Civil Servant of the Republic of Tajikistan, 3 December 2015, <http://cis-legislation.com/document.fwx?rgn=81279>

principles and rules for the on- and off-duty behaviour of Tajik civil servants. This new Code of Ethics has been developed taking into account recommendations of international organisations, including those of the OECD. The new Code has introduced fundamental principles of the public service, as well as detailed definitions for the expected ethical behaviour of civil servants. Following OECD recommendations, ministries and departments have developed special codes of ethics for such jobs exposed to greater corruption risks as the police, prosecutors, taxation and customs agencies and border guard officers, etc.

Commissions on Ethics are established in all state bodies and they are assigned to monitor adherence to the Code of Ethics requirements. However, the fact that these commissions are formed at the department level, established on a decision of the Head of a state authority challenges their effectiveness, as a Head of a state authority can reject the Commissions' decisions unilaterally.

Furthermore, absence of a higher authority overseeing civil service ethics allows for ineffective coordination and monitoring activities of the subordinate Ethics Commissions, and it diminishes the possibility for proper ethical conduct monitoring of political public servants and members of the Government (OECD, 2014)¹²⁶.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

The "Strategy of Reforming the Public Administration System of the Republic of Tajikistan for 2006 – 2015" was adopted in 2006 to ensure for a systematic approach in the reform process.

The Strategy identified the following priority areas:

- Increase the efficiency of management of national development;
- Increase the efficiency of public finance management;
- Modernize the civil service;
- Develop the regional government administration.

Measures implemented aimed at creating a modern and professional public service were:

- Creation of a register of civil servants and its regular update;
- Development of draft regulations for the implementation of the Law "On civil service";
- Development of the "Concept of the Personnel Policy";
- Introduction of a new order for competitions in filling vacant administrative posts in the public service;
- Development and introduction of a new order for civil servants' attestation;
- Conclusion of the first phase of pay reform in the public sector;
- Development and approval of job descriptions for each position in the public service;
- Organization of public service management training in higher education institutions of the country;

¹²⁶ Anti-corruption Reforms in Tajikistan. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan. 2014 Report. <http://www.oecd.org/corruption/acn/Tajikistan-3rd-Round-Monitoring-Report-ENG.pdf>

- Introduction of special programmes for accelerated career advancement for young public servants, who demonstrate special abilities;
- Creation of an information system for public service management;
- Improvement of the Code of Ethics for civil servants;
- Development of programmes to combat bureaucratic attitudes in government entities.

The “Programme of Civil Service Reform in Tajikistan” was approved by the Government of the Republic in 2007¹²⁷. In order to implement activities aiming to create the appropriate legal and organisational conditions for the development of a professional civil service in Tajikistan. The Action Matrix attached to this public service reform programme covered: [i] a set of measures aimed at creating a regulatory and legal framework for a modern professional civil service; [ii] the development of a unified policy of human resources management in public administration; [iii] improvement of the remuneration system and of labour and social protection legislation for civil servants; [iv] introduction of modern information technologies to state administration by utilising an electronic document management system and other e-government applications; [v] development and capacity building of a Training Institute for civil servants; and [vi] creation of the necessary institutional arrangements for implementation of reforms.

b. Current Reforms

On-going reforms continued and are further elaborated during this current period. Public administration capacity is strengthened through the design and implementation of a new approach to capacity development, informed by lessons learned. This new approach was piloted by the Civil Service Agency. It aims to assist the Agency in streamlining its business processes and human resources management practices – including merit-based recruitment and performance appraisal – and in augmenting its IT capacity. Furthermore, the new Public Financial Management Modernization Project will assist the Information and Communications Technology (ICT) Centre under the Executive Office of the President to select, prioritize, redesign and implement a number of public services and processes through electronic channels in order to improve access to services for citizens¹²⁸.

E-Government:

Development of e-government is framed in the “Concept of Formation of Electronic Government”¹²⁹. Outcomes of the previous two stages of reform 2012-2013 and 2013-2015 have been: [i] the introduction of the Unified Network of Information Technologies; [ii] the launching of the legal database “Adlia”; and [iii] the establishment of an electronic document management mechanism. During the current period (2015-2020), automation of public service provision processes is planned. In this context, a government portal and an e-governance gateway will be developed to integrate existing information systems. Furthermore, the “National Programme of Computerisation of Central and Local Authorities, Bodies of Local Self-Government in Towns and Villages (2012-2015)” is under development. According to this programme, all public servants should have access to computers and the number of public servants with access to Internet in central and local

¹²⁷ Decision No 448, 31 August 2007.

¹²⁸ The World Bank Group – Tajikistan. Partnership Program Snapshot, <http://www.worldbank.org/content/dam/Worldbank/document/Tajikistan-Snapshot.pdf>

¹²⁹ Concept of the Formation of Electronic Government in the Republic of Tajikistan, 2011, <http://www.ahd.tj/images/doc/Konsepsii%20electron-pravil.doc>

authorities should double by 2021. Additionally, the number of internet users among public servants in local government bodies in towns and villages should grow by 14 times during the same period.

It is hoped that introduction and integration of e-government in public administration is expected to facilitate the creation of a more transparent governance system and contribute to corruption prevention efforts.

c. Planned Reforms

According to the Division for Reform of Central Public Administration of the State Chancellery, the following steps are to be taken in the coming period:

- Increase the efficiency of combating corruption in the public service;
- Improve gender policy in the civil service;
- Improve the attestation mechanism of civil servants' by testing;
- Improve the mechanisms for the of formation and use of the personnel reserve;
- Develop educational programmes for civil servants in the personnel reserve;
- Develop a performance-based pay system and improve social protection for civil servants;
- Improve mechanisms for non-financial motivation of civil servants;
- Improve the mechanism for income tax and assets declarations civil servants, taking into account the envisioned transition to electronic systems in the near future.

References:

Anti-corruption Reforms in Tajikistan. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan. 2014 Report. Available online <http://www.oecd.org/corruption/acn/Tajikistan-3rd-Round-Monitoring-Report-ENG.pdf>

Code of Ethics of a Civil Servant of the Republic of Tajikistan, 3 December 2015, <http://cis-legislation.com/document.fwx?rgn=81279>

Concept of the Formation of Electronic Government in the Republic of Tajikistan, 2011, <http://www.ahd.tj/images/doc/Konsepsii%20electron-pravil.doc>

Concept of State Personnel Policy of Tajikistan. Available online in Russian <http://www.ahd.tj/images/doc/Konsepsii%20kadrovoi%20politikiy.doc>

Constitution of the Republic of Tajikistan, 1994. Available online <http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan003670.htm>

Law of the Republic of Tajikistan "On civil service." Available online in Russian http://www.ahd.tj/images/doc/Zakon_OGS.docx

Program of Civil Service Reform in Tajikistan. Available online in Russian <http://www.ahd.tj/images/doc/Prog%20reform%20gossuljbi.doc>

Program of Implementation of the Concept of State Policy of the Republic of Tajikistan on Staffing for 2009-2016. Available online in Russian <http://www.ahd.tj/images/doc/Programma%20kadrovoi%20politikii.doc>

Rules of the Performance Appraisal Conduct approved by the President Decree No. 1018 in 2011. Available online in Russian <http://www.ahd.tj/images/doc/PRVAAR.doc>

The World Bank Group – Tajikistan. Partnership Program Snapshot, <http://www.worldbank.org/content/dam/Worldbank/document/Tajikistan-Snapshot.pdf>

9. UKRAINE

I. BACKGROUND

Area:	603,628 sq. km
Population:	42,6 million (2015)
GDP:	USD 131.81 billion (2014)
GNI per capita:	USD 3,560 (2014)
HDI:	0.747; ranked 81 out of 188 countries (2014)
Life expectancy at birth:	69.14 years (2014)
Mean years of schooling:	11.3 (2013)

Sources: World Bank; UNDP HDI; National Agency of Ukraine on Civil Service (2015)

a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	24.88	34.15	25.36	30.62	40.38
Regulatory quality	29.41	34.51	33.97	28.71	28.85
Rule of Law	12.92	27.27	24.64	23.22	23.08
Control of corruption	7.80	29.76	17.14	11.96	14.90

Sources: World Bank (2015)

b. Political and Administrative Structure

According to the Constitution (last amended in 2014), Ukraine is a democratic republic with a parliamentary-presidential system of government¹³⁰. State power is exercised on the principles of its division into legislative, executive and judicial branches. The President is the head of state, elected by popular vote for a five-year term.

The sole body of legislative power is the Parliament - the “*Verkhovna Rada*” of Ukraine. It consists of 450 members elected for a five-year term, of which half is elected through a closed-list proportional representation system in a single nationwide district, while the second half is elected in single-mandate constituencies. The *Verkhovna Rada*: determines the principles of domestic and foreign policy; introduces amendments to the Constitution; impeaches the president; declares war and peace; appoints the Prime Minister; appoints or approves appointments of certain officials; appoints one-third of the Constitutional Court; it elects judges for permanent terms; ratifies and denounces international treaties; and exercises certain oversight and control functions.

The Cabinet of Ministers is the highest authority of the executive branch and it implement the domestic and foreign policies of the State. The Cabinet of Ministers is responsible to the President and the *Verkhovna Rada* and under the control of the *Verkhovna Rada* subject to the limits provided for by the national Constitution. The Cabinet of Ministers is composed of the Prime Minister, the First Vice Prime Minister, Vice Prime Ministers and Ministers. The Prime Minister is appointed by the *Verkhovna Rada* upon receipt of the President’s proposal. The executive power at the local

¹³⁰ Constitutional reform of 2004 significantly reduced the powers of the President in favour of the Parliament. However, in 2010, those constitutional amendments were quashed, and the initial 1996 Constitutional provisions were reinstated giving the President the power to appoint and dismiss the Government. Consecutive Constitutional amendments of February 2014 again re-shifted the balance in the favour of the Parliament (OECD 2015, pp. 10–11).

level and in the Cities of Kyiv and Sevastopol is exercised by local state administrations. Heads of local state administrations are appointed to office (and dismissed from office) by the President upon nomination by the Cabinet of Ministers.

The Supreme Court is the highest judicial body in the general jurisdiction court system. The general jurisdiction courts formed based on territorial and specialisation criteria. Judges are appointed by Parliament for permanent terms, except for judges of the Constitutional Court and judges appointed for the first time.

The administrative structure of Ukraine is based on the principles of unity and indivisibility of the state territory. Exercise of state power is both centralised and decentralised. Ukraine is administratively divided into the Autonomous Republic of Crimea, 24 regions (*oblasts*), 490 districts, 460 cities, 111 city districts, 885 towns, 10,279 village councils and 28,388 villages¹³¹. The Cities of Kyiv and Sevastopol have special status as cities of direct republican subordination. The Constitution recognises and guarantees local self-government in Ukraine as represented by district and regional councils.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

Legal regulation of the civil service in Ukraine is provided by the Constitution, the Law on Civil Service and other laws, international treaties, resolutions of the *Verkhovna Rada*, Decrees of the President, Acts of the Cabinet of Ministers and of central bodies vested with executive power.

Relations pertaining civil service are regulated by the Civil Service Law of 2015 and those Provisions of the labour legislation, which are not covered by the Civil Service Law¹³².

The Civil Service Law of Ukraine (3723/1993) governed relations in the civil service until May 2016. Following the dramatic events at the beginning of 2014 – also known as Euromaidan that resulted to change in government and led to signing the Association Agreement between Ukraine and the European Union, public administration reform has become a key component of the process of Ukraine's integration into the EU.

As part of these reforms, the National Agency of Civil Service of Ukraine developed a new Law on Civil Service that was adopted by the *Verkhovna Rada* on 10 December 2015 (Law 889-VIII, which entered into force on 1 May 2016)¹³³. The Law was drafted based on European best practices (primarily of Poland) and SIGMA's recommendations for the development of a professional civil service¹³⁴. Rounds of consultations with public organisations and international and local experts also helped. The draft law was highly supported by the President and both the executive and legislative branches. This demonstrated a consolidated stance towards civil service development¹³⁵ by all the relevant stakeholders.

¹³¹ Verkhovna Rada, website: <http://iportal.rada.gov.ua/en/news/11868.html>

¹³² The OECD has expressed its concern in relation to this Article, stating that "The law should establish explicitly that provisions on recruitment and promotion, but also with disciplinary procedures, demotions and dismissals are regulated solely by the Law on Civil Service and not by the Labour Code" (2015, p. 92).

¹³³ Except the norms requiring knowledge of English and French by the Senior Civil Servants (planned to come into force on 1 January 2018), http://ib.ua/news/2016/05/01/334298_vstupil_silu_revolyutsionniy_zakon.html

¹³⁴ New civil service – the European model of good governance for Ukraine. 2 March 2016, <http://www.center.gov.ua/en/component/k2/item/1875-new-civil-service-%E2%80%93-the-european-model-of-good-governance-for-ukraine>

¹³⁵ This also led to a positive evaluation of the draft law by SIGMA experts.

The Civil Service Law of 2015 defines the principles and the legal and organisational basis for putting into place a professional, politically impartial, effective and citizen-oriented civil service, which functions in the interests of the state and society. It also defines the principles for ensuring Ukrainian nationals' right of equal access to the civil service based on personal competencies and merit. Furthermore, the Law provides for clear delineation between political and administrative positions and declares and confirms the political impartiality of civil servants, hence ensuring independence of the civil service from political influence¹³⁶.

The provisions of the Law apply to: The Secretariat of the Cabinet of Ministers of Ukraine; ministries and other central bodies of executive power; local state administrations; bodies of the Prosecutor's office; bodies of military management; and foreign diplomatic institutions of Ukraine. The Law does not apply to the President of Ukraine; the head of the Presidential Administration and his deputies, members of the Cabinet of Ministers of Ukraine, first Deputies and Deputy Ministers; people's deputies of Ukraine and deputies of local councils¹³⁷.

The Law envisages the introduction of the post of state secretaries in ministries responsible for the management of the ministry and its personnel. It also introduces a range of innovations in civil service, including an open and competitive selection for all civil service posts, a simplified and comprehensive system of position classifications¹³⁸ and a modified remuneration model¹³⁹.

Changes in the system of civil service management are also to be implemented. A Senior Civil Service Commission¹⁴⁰ is to be established to coordinate the selection and recruitment process into senior civil service positions based on professional competencies and merit.

b. Definition of civil servant

The Civil Service Law of 2015 defines the civil service as a public, professional and politically impartial activity for implementing the objectives and functions of the state. In particular, the following:

- Analysis of public policy at the state, sectoral and local levels and preparation of proposals for further elaboration, including the development and provision of expert drafts of programmes, concepts, strategies, laws, legal acts and international treaties;
- Implementation of state policy through national, sectoral and local programmes and enforcement of laws and other legal acts;
- Provision of quality administrative services, accessible by all;
- Compliance to legislation by the executive and administrative officers;
- Prudent management of public assets and finances and effective control over their usage;
- Civil service human resources management;
- Performance of other duties of the state agencies as defined by legislation.

¹³⁶ Civil servants of A category are prohibited to join political parties, while civil servants of B and C categories cannot be involved in the executive boards of the political parties.

¹³⁷ Article 3 of the Law provides a full list of the positions regulated by the Law and, as well as exceptions from the Law.

¹³⁸ The classification of 7 categories with 15 ranks is replaced by classification of 3 categories and 9 ranks.

¹³⁹ Providing additional two monthly salaries for seniority and rank.

¹⁴⁰ The composition of the Senior Civil Service Commission is defined by Article 14 of the Civil Service Law of 2015. It is a collegial body working on a voluntary basis.

According to the Civil Service Law of 2015, a state civil servant is “a citizen of Ukraine, who holds a remunerated civil service position in an agency of state power, other state agency and its secretariat and performs the duties defined for this post in accordance with the agency’s mandate and in adherence to the principles of civil service”. Chapter II of the Law defines civil servants’ legal status including their rights and obligations.

Article 6 of the Law stipulates that civil service positions are categorised based on the order of appointment nature and scope of responsibilities and functions and duties against a set of qualifications and professional competencies that civil servants should possess to optimally perform the functions of a position. Accordingly, the law provides for the following categories classification:

- **Category “A”** is the highest level of the civil service (state secretary of the Cabinet of Ministers and his/her deputies; state secretaries of the ministries; heads of the central executive bodies that are not members of the Cabinet of Ministers and their deputies; heads of offices of the Constitutional Court, Supreme Court judges, higher specialised courts and their deputies; chairpersons of the local state administrations’ heads of civil service of other state agencies with jurisdiction over the whole of Ukrainian territory;
- **Category “B”** includes heads of the structural divisions of the Secretariat of the Cabinet of Ministers and his deputies; heads of structural divisions of the ministries, other central executive bodies and other state agencies and their deputies; heads of territorial bodies of the state agencies and their structural divisions and their deputies; deputies of the chairs of the local state administrations; heads of the offices of the courts of appeal and local courts; heads of the structural divisions of the courts’ offices, their deputies; deputy heads of civil service of other state agencies with nationwide jurisdiction;
- **Category “C”** includes other civil service positions which do not belong to categories “A” and “B”¹⁴¹.

c. Civil servants’ profile

Eligibility criteria

According to the CSL of 2015 (Article 19), a Ukrainian citizen of the legal age, who possesses good knowledge of the Ukrainian language and, who holds an educational degree no lower than a master (for categories “A” and “B” positions) and bachelor level (for category “C” positions), has a right to apply for a civil service position. Citizens older than 60 years old cannot enter the civil service.

The Law further stipulates general and special requirements related to professional competencies that individuals intending to enter civil service should possess. In this context, applicants for positions of the “A” category should have no less than seven years of experience including service at the “A” or “B” categories’ positions or managing positions (no lower than head) at the structural divisions of local self-government, or managing positions in the relevant area (no less than three years). They must also possess full proficiency of the national language and of a foreign language among those of the Council of Europe.

Applicants for the positions of the “B” category should have work experience on the positions of the categories “B” or “C”, or previous experience of working for the local self-governance bodies or working in management positions in any organization regardless of its ownership type for no

¹⁴¹ The total number of civil service positions of the “A” and “B” categories in a state agency cannot exceed one third of its total staff members.

less than two years, as well as possess knowledge of the national language. Applicants for the positions of the category “C” must possess a bachelor degree and have knowledge of the national language.

Total number of civil servants

The total number of civil servants and local self-government officials was 380,257 (2015). 26.27% of civil servants are in managerial positions and 73.72% in specialist positions.

Number of civil servants as proportion of the total population and of the labour force¹⁴²

The total population of Ukraine is 42,600,000 people; hence the proportion of civil servants is 0.88 per cent.

Gender and age distribution of civil service

Civil service in Ukraine is highly female dominated: in 2015, male civil servants accounted for 25 per cent (95,014), while female civil servants – for 75 per cent (221,096) of the total number of both civil servants and local self-government officials.

d. Civil servants’ remuneration structure

According to the CSL of 2015, civil servants’ remuneration consists of a basic salary, seniority pay, fixed supplement for rank, payment for substitution of a temporarily absent civil servant (50 per cent of the latter’s basic salary), payment for performing additional duties of a vacant position and bonuses if established¹⁴³. The Law sets nine remuneration groups based on civil service positions¹⁴⁴.

The basic salary scheme is defined by the Cabinet of Minister on an annual basis during preparation of the state law “On the State Budget of Ukraine”. The CSL of 2015 also specifies that the minimum basic salary of a civil servant cannot be less than the sum of two minimum monthly labour wages. In addition, the Law envisages such non-monetary incentives as expression of gratitude, certificate of honour, advancement to a higher rank and recommendation for government and state awards as a way of acknowledging civil servants’ achievements.

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Chapter III of the Civil Service Law specifies the system of civil service management in the country. It is composed of the Cabinet of Ministers – the central executive body responsible for formulation and implementation of state policy for the civil service – the National Agency of Ukraine on Civil Service, the Senior Civil Service Commission and Competition Commissions, Heads of Civil Service in state agencies and human resources management units.

¹⁴² Parrado (2014) notes that “Civil service employment [in Ukraine] constitutes a very low proportion of public sector employment. In 2013, there were 335 270 civil servants, which represented 12.3% of public sector employment (2.7 million). Public sector employees constituted 13.3 per cent of the whole private and public sector employment (20.4 million)”.

¹⁴³ Bonuses include: annual performance evaluation bonus, monthly or quarterly bonus based on a civil servant’s contribution to the state agency’s overall performance. Total amount of all bonuses paid to civil servants during cannot exceed 30 per cent of the total amount of their total compensation for the year.

¹⁴⁴ These groups are specified in the Article 51 of the CSL of 2015.

The head of the central executive body is appointed and dismissed from the post by the Cabinet of Ministers. Term of service for this position is five years with the possibility of extension for one more term.

The National Agency of Ukraine on Civil Service (NAUCS) was established, in 1994, to develop and implement a coherent policy for the functional administration of civil service¹⁴⁵. The Agency is supervised and coordinated by the Cabinet of Ministers through the Secretariat of the Cabinet. In July 2011, the Agency was reorganized into an independent body with special status. Under the new Law on Civil Service of 2015, NAUCS' main functions include:

- Ensure development and implementation of the state policy on civil service;
- Draft laws and regulatory acts pertaining to civil service;
- Provide clarifications and interpretations of the CSL provisions and other relevant legal acts;
- Monitor enforcement of the CSL;
- Conduct civil servants' professional training needs-assessment and organise trainings;
- Facilitate capacity building of the educational organisations that system provide professional training for civil servants;
- Provide equitable terms and conditions for the recruitment and promotion processes of categories "B" and "C" civil servants;
- Ensure that a unified list of vacant civil service positions is compiled and published promptly, as well as a list of successful candidates of a competitive selection process;
- Render methodological support to the HRM units of state agencies;
- Monitor vacant positions in the Senior Civil Service and initiate recruitment procedures to fill them;
- Develop standard qualifications / competencies' requirements for the Senior Civil Servants (Category "A") to be approved by the Cabinet of Ministers, in consultation with the Senior Civil Service Commission;

Under this Law, Heads of the civil service of state agencies, assume the following responsibilities (Article 17, Clause 2 of the CSL):

- Oversee, plan and manage a state agency's personnel, including organization of competitions to fill vacant positions of the civil service categories "B" and "C" and appointment to, and dismissal from, these posts;
- Manage career planning and provide incentives for promotion;
- Ensure placement of qualified specialists in filling civil service positions;
- Assign ranks to civil servants of the categories "B" and "C"; and
- Provide for professional training of civil servants, etc.

¹⁴⁵ The National Agency's Structure includes: Department of Organizational and Analytical Support of the Head and HR Management; Government and Local Self-Government Officials Department; Civil Service Policy Analysis and Strategic Development Department; Legal Department, Civil Servants and Self-Government Officials Training Department; Control and Audit Department; Organizational, Record-Keeping and Control Department; Administrative Department. It also has 27 regional branches and such subsidiary institutions as the Centre for Adaptation of Civil Service to the Standards of the European Union and the School of Senior Civil Service. (National Agency of Ukraine on Civil Service, 2015).

Depending on the number of personnel employed in a state agency, either an HR service or a position of an HR specialist is established, which is directly subordinate to the head of the agency (Article 18 of the CSL). HR related tasks could also be assigned to any civil servant serving in a state agency. Personnel management units are responsible for the implementation of the state policy on civil service and other HR related issues, provision of analytical and organisational support to personnel management, staff development and career planning, drafting regulations on the civil service and for labour relations.

a. Organisation of the selection and recruitment process in civil service

The CSL of 2015 stipulates that an open selection process to fill vacant civil service positions should be carried out in line with the Regulation for conducting a competition to fill vacant positions in the civil service¹⁴⁶ as approved by the Cabinet of Ministers.

According to Article 23 of the Law, a vacancy announcement is published on the official websites of the hiring state agency and the NAUCS. The state agency submits a for announcement of a competition to fill vacant positions to the NAUCS. The latter checks compliance of the request with the relevant legislation and, if approved, it proceeds with publication of the announcement.

The selection process consists of three stages: [i] verification of professional qualifications of applicants based on submitted documents by the HR service of the hiring agency; [ii] testing; and [iii] interview (or other evaluation method) of short-listed candidates. Interviews are conducted by the Selection Commission¹⁴⁷, which selects the first and second best candidates¹⁴⁸ by majority vote. The Law requires that a new entrant into the civil service undergoes a six- months probation period.

The CSL also provides for additional competition processes if the competition procedure was violated and it affected the selection results, if there were no candidates selected, or if the first candidate did not pass a special check and there is no second best candidate.

b. Promotion and transfer processes in civil service. What legal instruments regulate this area?

Promotion in civil service is primarily based on the position category and rank. According to Article 39 of the CSL of 2015, a rank is assigned upon appointment to the civil service position. Those who enter the civil service for the first time are assigned to the lowest rank. Civil servants move to the next rank every three years based on their performance evaluation results. The Civil Service Law also stipulates that civil servants are promoted to a higher position by taking into consideration their professional competencies and by adhering to competition procedures in accordance with the Law.

The CSL of 2015 also provides for transfers of civil servants (upon their consent) implemented without an obligatory competition procedure, but based on their professional fit and competencies for the new position. A civil servant can be transferred to the equivalent or a lower civil service position in the same or other state agency by a decision of the head of the state agency. A civil servant, who has been appointed to a position on a non-competitive basis cannot be transferred

¹⁴⁶ This Regulation defines the terms of competition, requirements for announcing vacancies, composition and duties of selection committee, application and review of documents, procedures for conducting tests, interviews and other types of evaluation of candidates. Competitive selection to the civil service positions in judicial bodies are set out in the relevant law. Closed competition could be conducted for civil service positions dealing with classified information, state security and defence issues.

¹⁴⁷ Composition of the Selection Commission varies depending on the categories of the civil service positions. The CSL envisages participation of representatives of public associations, civil servants from other state agencies, relevant experts, as well as trade unions' representatives.

¹⁴⁸ The second best candidate can be appointed to the position within a year if the position becomes vacant or the selected winner rejects the job offer or s/he does not pass the special check (Article 29 of the CSL of 2015).

to a higher position without participation in a competitive selection process. In case of reorganisation or liquidation of a state agency, transfers of civil servants are carried out, without obligatory competition, to the equivalent or lower position (subject to their consent) to a state agency overtaking the functions of the former.

c. Performance evaluation, training, and career development. What legal instruments regulate this area?

Performance evaluation:

The Law requires that civil servants' performance is evaluated annually to assess the quality of tasks and activities performed. The results, in turn, determine: [i] the size of their bonus; [ii] their needs for professional training, and [iii] their career development plans. Civil servants' performance is assessed through a set of performance indicators measuring effectiveness and quality of functions and duties performed, as well as degree of compliance with ethics rules and anti-corruption legislation and practice.

Performance evaluation of Category "A" civil servants is conducted by the appointing official, whereas civil servants of the categories "B" and "C" are evaluated by their immediate supervisor and the department head. Civil servants are informed of the results of their evaluation within three calendar days.

Performance evaluation results may be either "negative", "positive" or "excellent". Justification, however, must be provided for each result¹⁴⁹. A civil servant receiving an "excellent" evaluation is entitled to a bonus and enjoys significant career promotion prospects.

Training and professional development:

The CSL of 2015 guarantees civil servants' right to professional training and career development and promotion based on their professional competencies and successful execution of their duties. The Law provides professional training opportunities to civil servants on a regular basis, with the intention to improve their professional competencies. Professional trainings are financed from the State Budget and from other financial sources that are not prohibited by law. The Cabinet of Ministers approves the Regulation on the system of training, re-training, specialization and enhancement of qualifications of civil servants upon NAUCS's recommendations. The National Academy of Public Administration under the President of Ukraine provides methodological support.

Civil servants' immediate supervisors together with the HR units in their organisations identify training needs based on performance evaluation results. Civil servants in cooperation with the HR units in their organisations develop an individual programme for improving their professional competencies. This plan is then cleared by their direct supervisor and approved by the head of the government department (Article 49 of the Law).

The CSL ensures civil servants are provided with career-long improvement of their professional competencies, whereas advanced professional training of civil servants (to enhance one's qualification level) is to be provided at least once in three years. The Law also provides for civil servants to undergo off-the-job traineeships for one to six months by serving at another state agency civil service position or abroad¹⁵⁰.

¹⁴⁹ A civil servant who receives a "negative" performance evaluation rating can appeal against such decision. A civil servant who receives negative performance evaluation score undergoes an additional assessment no earlier than three months after the initial evaluation. If two consecutive performance evaluations are rated "negative", civil servants are dismissed from the position they hold..

¹⁵⁰ A civil servant's position and salary are preserved during such traineeship period (CSL of 2015, Article 48/8).

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

A recent Transparency International regional study on the status of corruption (2015) indicates that corruption is a major issue *“threatening economic development and political stability as well as the credibility of government”* in Ukraine. According to *“TI Corruption Perception Index 2014”*, under the previous administration, Ukraine ranked 142nd out of 174 countries¹⁵¹. In its *“Global Corruption Barometer 2013”* Transparency International reported that *“95% of citizens believed that corruption levels had either worsened or stayed the same over the previous two years, with the judiciary and the police being perceived as the sectors most affected by corruption”*.

The Anti-Corruption Strategy, developed in 2014, explained that such high perceptions were a result of ineffective anti-corruption reforms. It also noted that Ukraine has not succeeded in implementing recommendations provided by the Council of Europe Group of States against Corruption (GRECO)¹⁵², following its first and second assessment rounds¹⁵³. Moreover, it was claimed that the Anti-Corruption strategy of 2011 was ineffective due to lack of clear performance indicators and monitoring and evaluation mechanisms. Thus, in 2014, Parliament adopted the Law *“On Prevention of Corruption”* and a new strategic document underlining top priority measures to prevent and counter corruption¹⁵⁴.

The Law on Prevention of Corruption provides for a comprehensive reform of the anti-corruption framework to be developed in line with international standards and best practices. It defines the legal and organizational basis of the corruption prevention system in the country, its content and procedures for implementing measures to prevent corruption as well as remedial measures for corruption offences. The Law also provides for the establishment of a National Agency for Prevention of Corruption and it introduces new terminology, including such notions as *“anti-corruption due diligence”*, *“potential conflict of interest”*, *“real conflict of interest”*, *“personal interest”*, *“corruption offence”*, and *“gift”*. Furthermore, it sets out regulations for prevention and resolution of conflict of interest and it provides rules of ethical conduct for public officials serving in local self-government bodies. The Law also sets limits for the value of gifts, as well as for the total worth of gifts allowed to be obtained from a single source within a year and stricter rules for monitoring income and expense statements of civil servants and other public officials. Additionally, the Law makes it obligatory – for companies’ subject to the public procurement procedures under the Law of Ukraine *“On Public Procurement”* – to introduce anti-corruption compliance programmes and appoint compliance officers to be in charge of such programmes.

OECD (2015) considers that the Anti-Corruption Strategy, adopted in the form of a law for the first time can facilitate its implementation¹⁵⁵. The Strategy, developed in close collaboration with civil society¹⁵⁶, clearly defines priorities and it includes indicators measuring its implementation effectiveness. It also provides a framework for further anti-corruption reforms in the country. In particular:

¹⁵¹ Ukraine scored 26 on a scale from 0 (highly corrupt) to 100 (very clean); Transparency International, 2015, p. 25.

¹⁵² Ukraine joined GRECO in 2006.

¹⁵³ In particular, until 2014, the GRECO’s key recommendations to establish anti-corruption institutions, reform the prosecutor’s office and civil service, introduce control systems to prevent conflicts of interest and ensure integrity of officials remained unimplemented. Only 13 out of 25 recommendations were fulfilled during the past six years.

¹⁵⁴ Law *“On the Principles of State Anti-Corruption Policy in Ukraine (the Anti-Corruption Strategy) for 2014–2017”*.

¹⁵⁵ Although, OECD stresses the fact that *“... the new Strategy is not based on in-depth study and analysis of corruption situation. It refers to several perception studies which confirm that corruption is seen as one of the key problems and it is widespread. No evaluation of the implementation of the previous strategy was conducted as a basis for the new Strategy. However, the monitoring team agrees that the main directions established in the Strategy may be sufficient at the present time of rapid changes in Ukraine”* (OECD, 2015, p. 24).

¹⁵⁶ It should be noted that civil society became the most active driving force of anti-corruption reforms after the Euromaidan events: NGOs and experts formed the so-called Reanimation Package of Reforms, proposing a detailed action plan for immediate reforms in the anti-corruption field (OECD, 2015; see also Transparency International, 2015).

- Development and implementation of the state anti-corruption policy, i.e. establishment of a special independent state anti-corruption authority;
- Enforce adherence to conflict of interest legislation;
- Increase public participation in the fight against corruption and ensure public access to information;
- Prevention of corruption by establishing transparency in political parties financing¹⁵⁷ and adoption of a comprehensive legal framework for political lobbying;
- Establishment of corruption prevention mechanisms in central executive authorities and in the operations of state-owned enterprises;
- Reduction of corruption in public procurement by introducing new public procurement legislation that will increase transparency in the procurement processes;
- Reduction of corruption in the judicial system;
- Prosecution of corruption, including establishment of an independent agency to deal with corruption-related offences among top-level officials; introduction of positions for specialized anti-corruption prosecutors; definition of corruption-related offences (including the introduction of a new criminal offence for submitting false information in asset declarations);
- Promotion of public intolerance to corruption that envisages adoption of an action plan developed in collaboration with civil society representatives and conduct of information dissemination campaigns to raise public awareness;
- Evaluation of anti-corruption strategy effectiveness¹⁵⁸.

However, noting Euromaidan's significant effect on the country's anti-corruption policy direction, OECD points out that the new administration "*pledged to eradicate corruption, but has so far failed to deliver convincing results going beyond revision of the legal framework, although there are promising signs, notably with regard to radical overhaul of the anti-corruption institutional landscape*" (OECD, 2015, p. 5)¹⁵⁹.

According to the Strategy, two new institutions are to be established: The National Agency for Corruption Prevention (the Agency) and the National Council for Anti-Corruption Policy acting as an advisory body under the President¹⁶⁰. The latter represents "a high-level forum for coordination of anti-corruption measures" (OECD, 2015).

The Agency is a central executive body with special status, established by the Cabinet of Ministers to ensure the development and implementation of national anti-corruption policy and to monitor compliance with anti-corruption legislation¹⁶¹. The Agency's main tasks are:

¹⁵⁷ The OECD Monitoring Report of the Istanbul Anti-Corruption Action Plan emphasises that "*Ukraine should also reinforce rules on integrity and corruption prevention for officials holding political offices, in particular by establishing special regulations and enforcement mechanisms for tackling conflicts of interest for members of Parliament, as well as of the Government.*" (2015, p. 7).

¹⁵⁸ This includes conducting broad statistical surveys and analysis of the effectiveness of the adopted anti-corruption legislation annually; determining the level of implementation of international standards in the field of anti-corruption policy; and publication of an annual report on the status of corruption and implementation of anti-corruption policies.

¹⁵⁹ At the same time, OECD notes that Ukraine has finally brought its criminal law on corruption in line with international standards – "All corruption offences and their elements are now criminalised, including the crime of illicit enrichment" (OECD, 2015, pp. 5-6). OECD calls for strengthening the capacity of law enforcement agencies, prosecutors and judges through trainings, guidelines and through the deployment of additional resources to ensure successful implementation.

¹⁶⁰ "President Yanukovich established the National Anti-Corruption Committee (NAC) in February 2010. This institution, however, turned out to be dysfunctional. Since its establishment it had held only three meetings. The NAC was abolished by President Poroshenko on 14 October 2014 and replaced with the National Council on Anti-Corruption Policy" (OECD, 2015).

¹⁶¹ The Agency is established as a collegiate body consisting of five members who are selected through an open competition and appointed by the Cabinet of Ministers for 4 years. The Chairman of the Agency is elected by its members for a 2-year term.

- Development of anti-corruption policy as well as corruption research and analysis and; coordination and implementation monitoring of anti-corruption policy and measures;
- Control of asset declarations (monitoring of declarations and lifestyle of persons authorized to perform functions of the state or local self-government; verification and disclosure of declarations on a single web-portal);
- Protection of whistle-blowers;
- Methodological support to anti-corruption work of other state and local self-governance bodies;
- Endorsement of anti-corruption programmes to be adopted in all public agencies;
- Public awareness raising activities and pursuance of international cooperation in the field.

The Agency is accountable to the *Verkhovna Rada*. Its work is also subject to public oversight exercised by the Public Council comprising of 15 members.

Enacted in 2015, the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine” (NAB) led to the establishment of an independent national law enforcement agency¹⁶² charged with prevention, detection, investigation and prosecution of corruption offenses falling under its competence and jurisdiction. It focuses on corruption crimes committed by high-level public officials and corruption crimes involving significant amounts of bribes even if no high-level public officials are involved¹⁶³. NAB is subordinate to the Government. The Director of the NAB is selected by a special commission based on the results of an open competition, and serves a term of seven years. The selection commission is composed of independent experts chosen by the Parliament, the President and the Government (each appoints three members).

Rules of ethical conduct for civil servants were introduced by the Law “On Rules of Ethical Behaviour” of 2012, until it was superseded by the Law “On Prevention of Corruption” of 2014. The new Law defines general requirements for civil servants’ conduct. The while the National Agency for Corruption Prevention approves the rules of ethical conduct for state civil servants and local self-government officials, organises training, retraining and advanced training of civil servants of state and local self-government; and provides clarifications, guidance and consultation on issues pertaining to ethical conduct-related legislation implementation, as well as on prevention and settlement of conflicts of interest issues.

The Law “On Prevention of Corruption” also regulates protection of whistle-blowers and reporting procedures. The Law stipulates that the National Agency, as well as other state authorities , i.e. the authorities of the Autonomous Republic of Crimea and local self-government authorities should create conditions that are conducive for their employees to report illegal behaviour by other persons anonymously, in particular through use of telephones, official websites and other means of communication.

There is no special position of an officer in charge for ethics compliance within the ministries or civil service agencies.

¹⁶² According to the Law, the National Bureau consists of the central and territorial administrations that are legal entities under public law. The maximum number of staff of the Bureau (central and territorial bodies included) is 700, of which senior staff shall not exceed 200.

¹⁶³ The National Bureau also has “exclusive investigative jurisdiction for foreign bribery regardless of the amount of bribe or officials involved” (OECD, 2015, p. 80).

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Ukraine gradually began to reform its public administration system from the early 1990s on, as soon as it gained its independence from the Soviet Union, in an effort to ensure a fast transition from a Soviet-type bureaucracy to a new public management system. Development of the civil service in Ukraine underwent several stages.

The first stage, preceded by the adoption of the 1993 Civil Service Law - and subsequent Presidential Decrees¹⁶⁴ and resolutions of the Cabinet of Ministers - includes the period between 1994 and 1999, when the principles for the development of a modern civil service were established and a specialised agency dealing with civil service related issues was set up in 1994¹⁶⁵.

Starting from early 2000s, the strategy of the civil service system in Ukraine determined the directions of reforms for further development of the civil service. The Strategy amended procedures on the personnel reserve and competition rules for vacant positions. It also introduced annual evaluation of civil servants and it launched a research programme in the area of civil service development. During this phase, the concept of adapting standards of the European Union to Ukraine's civil service laid the foundation for further transformation of the civil service. In 2005, the Civil Service Development Programme for the period of 2005-2010 was launched and a multitude of activities were undertaken to bring the civil service in line with the European administrative law principles. In 2006, SIGMA experts conducted a public administration assessment in Ukraine by identifying the main challenges in the national civil service system. However, those issues remained unaddressed, and the new Civil Service Law adopted in 2011 never came into force. In this connection, Condrey et al (2013) in a UNDP sponsored report in 2011¹⁶⁶ noted that "*significant reforms still need to be conducted, notably to improve the operations and responsiveness of the civil service*", while they also acknowledged the country's progress achieved in stabilising its economy.

b. Current reforms

OECD (2015) notes that civil service reform in Ukraine has long been overdue. Following the Euro-maidan events, the Association Agreement between Ukraine and the European Union was signed in June 2014 that paved the way for large-scale institutional and structural reforms to take place in the country, including the civil service. A number of OECD/SIGMA comparative studies on the professionalization of the civil service, as well as on anti-corruption efforts mapped the pertaining issues for the development of human resources management policies in the civil service and in the local government administrations, as well as in the anti-corruption front¹⁶⁷.

The State's commitment to reform the civil service is confirmed in a number of such documents as: the "Contract for Ukraine" on the development of the state concluded by the Government

¹⁶⁴ In particular, these include Decrees "On Measures to Improve the Work of Staff in the Executive Branch, with the Heads of Enterprises, Institutions, and Organisations"; "On the Position of the Council of the Staff"; and "On the System of Training, Retraining, and Advanced Training of Civil Servants"; as well as such Government Resolutions as "On the Formation of Personnel Reserve for Civil Service"; "On Approval of the Official Investigation"; and "On Measures for the Training of Civil Servants".

¹⁶⁵ The Department of the Civil Service System under the Cabinet of Ministers.

¹⁶⁶ United Nations Development Programme Report "Support to civil service reform in Ukraine" (2011).

¹⁶⁷ The following issues were highlighted: [i] lack of clear distinction between the norms of private and public law; [ii] inefficient systems for civil service appointments and for career promotion; [iii] excessive politicization; [iv] ineffective human resources management system; [v] ineffective remuneration system; [vi] ineffective system of professional training, retraining and advanced training of civil servants and local government officials; [vii] inadequate systems of public and state control over the activities of public authorities and local government personnel; and [viii] insufficient measures for implementing corruption prevention policy effectively.

jointly with the European Commission in May 2014; the Coalition Agreement of the “European Ukraine” in November 2014; the Programme of the Cabinet of Ministers of Ukraine approved by the *Verkhovna Rada* in 2014; and the Sustainable Development Strategy “Ukraine 2020” approved by the President in early 2015.

Preparation of a legislative framework that includes the new principles for the civil service in line with European Union standards is one of the tasks included in the Action Plan for implementing the Association Agreement for the period 2014 to 2017. Reforms initiated under this framework are envisioned to contribute to the optimisation of the functions of government authorities and the delineation of their responsibilities and duties.

In line with the above, the National Agency of Ukraine on Civil Service developed a Strategy for Reform of the civil service and local government service in Ukraine to the end of 2017. The Strategy was approved by the Cabinet of Ministers in March 2015. The new Law “On Civil Service” and the Law “On Service in Local Self-Government Bodies” were both adopted in 2015, thus harmonising provisions of the two legal acts¹⁶⁸.

De-politicisation, delineation of political and administrative positions and the introduction of the Institute of State Secretaries in ministries are considered major priorities of the reform effort. In addition, change in the senior civil service management system is planned with the establishment of the Senior Civil Service Commission.

Reforms also plan to provide for a transparent competitive selection process for all civil service positions, including those of senior management posts with the introduction of a competency-based approach in HR management. Position classification has been simplified comprehensively introducing three categories and nine ranks against seven categories and fifteen ranks existing in the past.

It is hoped that these reform initiatives will assist in building a professional and, merit-based civil service adhering to European Union standards of good governance and thus improve the quality of public service delivery.

c. Planned reforms

According to information provided by the National Agency of Ukraine on Civil Service, adoption of the new Civil Service Law of 2015, elaboration of the Public Administration Reform Strategy 2015-2020 and the corresponding Action Plan for its implementation 2015-2017, will lead to implementing the following reform activities:

- Adoption of supporting regulations and further enforcement of the new CSL;
- Establishment of the Senior Civil Service Commission;
- Appointment of State Secretaries at the Cabinet of Ministers and ministries;
- Establishment of personnel management divisions in the ministries and civil service bodies to promote modern HR management practices under the coordination of the National Agency of Ukraine on Civil Service;
- Introduction of integrated HRM information systems in the civil service;

¹⁶⁸ For instance, new legislation now allows for civil servants of the central government to move to the same or similar-positions in local self-government bodies without a competition process.

- Structural optimisation of state agencies and rationalisation of the number of civil servants following a comprehensive functional analysis;
- Implementation of a revised remuneration system;
- Enhancement of the institutional capacity of the central executive body, responsible for implementation of the national policy for the civil service.

References:

Constitution of Ukraine: http://www.legislationline.org/documents/section/constitutions/country/52_

Condrey, S., Slava-Prodan, S., Battaglio, R. Paul and Palinchak., M. 2013. Ukrainian Public Management: Top-Down or Bottom-Up Reform? In: Liebert, S., Condrey, S. and Goncharov, D. eds. *Public Administration in Post-Communist Countries: Former Soviet Union, Central and Eastern Europe, and Mongolia*. CRC Press, Taylor & Francis Group.

Law of Ukraine on Civil Service 2015. <http://zakon3.rada.gov.ua/laws/show/889-19/page>

Organisation for Economic Co-Operation and Development, Anti-Corruption Network for Eastern Europe and Central Asia, 2015. *Anti-Corruption Reforms in Ukraine. Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan*. Available online. [Accessed on 25 April 2016] <https://www.oecd.org/corruption/acn/Ukraine-Round-3-Monitoring-Report-ENG.pdf>

Parrado, Salvador. 2014. "Civil Service Professionalization in Armenia, Azerbaijan, Georgia, Moldova, and Ukraine", OECD/SIGMA, <http://www.sigmaweb.org/bytopic/civilserviceandpublicadministrationorganisationandfunctioning/ParradoDiezS-CS-Professionalisation-Nov2014.pdf>

Transparency International. 2015. *The State of Corruption: Armenia, Azerbaijan, Georgia, Moldova and Ukraine*, https://www.transparency.org/whatwedo/publication/the_state_of_corruption_armenia_azerbaijan_georgia_moldova_and_ukraine

United Nations Development Programme, 2015. Human Development Report 2015; http://hdr.undp.org/sites/default/files/2015_human_developmeWorld Bank. 2015. *Ukraine, country data*; <http://data.worldbank.org/country/ukraine>

World Bank. 2015. *Worldwide Governance Indicators*;

<http://info.worldbank.org/governance/wgi/index.aspx#reports>



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