



THE CODE OF ETHICS OF THE PARLIAMENT OF GEORGIA IS NOT AN EFFECTIVE DOCUMENT

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INTRODUCTION:

The Parliament of Georgia adopted the Code of Ethics on February 2019, but the composition of the Ethics' Council has not been filled. As a result, the Council is unable to receive and deliberate on complaints, essentially leaving the violations of the Code of Ethics unenforced. The Code of Ethics has issues in regards to the sanctions. The legislature did not take into account the [recommendations](#) of the civil society to provide for effective response mechanisms for the violations of the said Code.

The purpose of the research is to assess the MPs' Code of Ethics, to review the process of drafting and adopting said Code and to identify the main reasons why the Code of Ethics did not turn out to be an effective mechanism to prevent the unethical behavior by MPs. The research provides recommendations based on international practice to improve the work of the 10th Convocation of the Parliament.

Different European countries have varied and more stringent sanctions for violations of the Code of Ethics. Four countries have been selected for a comparative analysis. The report presents an analysis of existing Polish regulations, which serves as an example of practice in an Eastern European country, while on the other hand presenting Canada's example (Anglo-Saxon model). United Kingdom and France are presented as examples of best international practice.

GEORGIA:

The first Code of Ethics was adopted by the Parliament of Georgia on October 12, 2004, which was mandatory only for the Convocation of 2004-2008. The First Code of Ethics had a number of problems in regard to enforcement and it also did not set out effective sanction mechanisms. Since 2008, upon the expiration of the Code, the civil sector has actively called on the Parliament of Georgia to adopt a new Code of Ethics, but this has not been achieved for 11 years.

The Open Governance Permanent Parliamentary Council, along with local and international experts, worked actively to adopt a Code of Ethics during the 9th Convocation of the Parliament (2016-2020). The first version of the Code was not approved on April 19, 2018. Only 39 MPs voted in favor of it. The Code envisioned strict sanctions, such as:

- Recommendation Letter / Warning
- Withholding of Salary (from 10% to a maximum of 50% of the salary)
- Suspension from Parliamentary Officials Visits (for a maximum of 6 months)

Non-governmental organizations, members of the [Consultative Group](#) of the Open Governance Permanent Parliamentary Council, supported the inclusion of stricter sanctions in the Code of Ethics.

The Parliament of Georgia adopted the amended Code of Ethics on February 22, 2019, which is in effect for all convocations of the Parliament. The 14-member Ethics Council was established through the [March 19, 2019 Resolution of the Parliament](#) to study and monitor violations of the Code of Ethics. The Ethics Council has two co-chairs (one from the majority and the other from a parliamentary minority or faction that is not included in the majority or minority).¹

¹ The chairperson of the Ethics Committee's oversight body in the UK House of Commons must be a representative from the opposition: [Standing Order 122B\(8\) \(f\)](#)

MEMBERS OF THE ETHICS COUNCIL OF THE 9TH CONVOCATION



SEAT IS VACANT

(To be filled in by a representative of the Parliamentary Majority)



NINO TSILOSANI

Faction "Georgian Dream"



RUSLAN GAJIEVI

Faction "Georgian Dream" - Conservatives



KOBA LURSMANASHVILI

Faction "Georgian Dream - For the Development of the Regions"



GENADI MARGVELASHVILI

Faction "Georgian Dream - Greens"



RATI IONATAMISHVILI

Faction "Georgian Dream"



OTAR KAKHIDZE

Faction "European Georgia"



KHATUNA GOGORISHVILI

Faction "European Georgia - Movement for Freedom"



SERGI KAPANADZE

Faction "European Georgia - Regions"



MAMUKA CHIKOVANI

Faction "National Movement"



EMZAR KVITSIANI

Faction "Alliance of Patriots and Social Democrats"



EKA BESELIA

Independent MP



RAMAZ NIKOLAISHVILI

Independent MP



SEAT IS VACANT

(To be filled in by a representative of the Parliamentary Majority)

The Parliament didn't fill in the composition of the Council of Ethics and therefore was unable to deliberate on complaints of unethical behavior of MPs and their violation of the Code.

WHAT RESTRICTIONS DOES THE CODE OF ETHICS IMPOSE ON MPS?

- Offensive, sexist, discriminatory speeches, appeals and actions, insults to dignity, as well as any other use of hate speech are inadmissible for the MP.
- An MP shall not use the status of the Member of Parliament in favor of personal, family members' or close relatives' interests
- An MP shall be obliged prior to the completion of the discussion procedure of the issue inform the Procedural Issues and Rules Committee in written form about his/her or his/her family members' special interest in entrepreneurial activity
- The Member of Parliament should not conclude an agreement that limits its independence
- Discriminating employees on any basis
- Tasking employees of the Parliament to engage in such activities, which are beyond their job description
- An MP shall not use the information, containing confidential information, for non-official purposes, which became known to him/her in the process of performing public official duties
- An MP should indicate a gift worth more than 300 GEL in the respective gift registry
- An MP shall not receive a gift/award by lobbyists
- An MP should make public information about meetings with lobbyists
- An MP should make his/her official contact information public

INTERNATIONAL PRACTICE

What Restrictions Does The Code Of Ethics Impose On MPs?

	Receiving a gift or bribe	Insulting human dignity and the reputation of Parliament	Use of parliamentary mandate and influence for personal and/or family financial well-being	Conflict of interest between private and public interest
United Kingdom	X ²	X ³	X ⁴	X
France	X ⁵	X ⁶		X
Poland		X	X	
Canada	X		X ⁷	X

SANCTIONS FOR THE VIOLATION OF THE CODE OF ETHICS

[According to the Code of Ethics](#), the names of the MPs who violated the Code of Ethics will be posted on the official parliamentary website, with a small description of the violation, following the decision of the Ethics Council. The Council of Ethics also has the right to appeal to the Member of Parliament with a note of recommendation.

If the Council of Ethics determines that the Code was not violated, the name and surname of the Member of Parliament and the brief description of the case will be published on the Parliament website only through the consent of the Member of Parliament, and the applicant shall be informed of the decision of the Council.

Transparency International Georgia took interest in what citizens consider to be a reasonable sanction for an MP's violation of ethical rules (see Diagram 1). According to the findings of the poll⁸, 34% of respondents support fines, 28% - suspension, 17% - cutting salaries, while 24% support expulsion.

2 Do not accept a gift, reward, bribe, or any other offer that may affect his or her behavior and independence

3 Not to take any action that would affect the reputation of Members of Parliament or the House of Commons

4 To perform in the interests of society and not to use influence for private or family interests

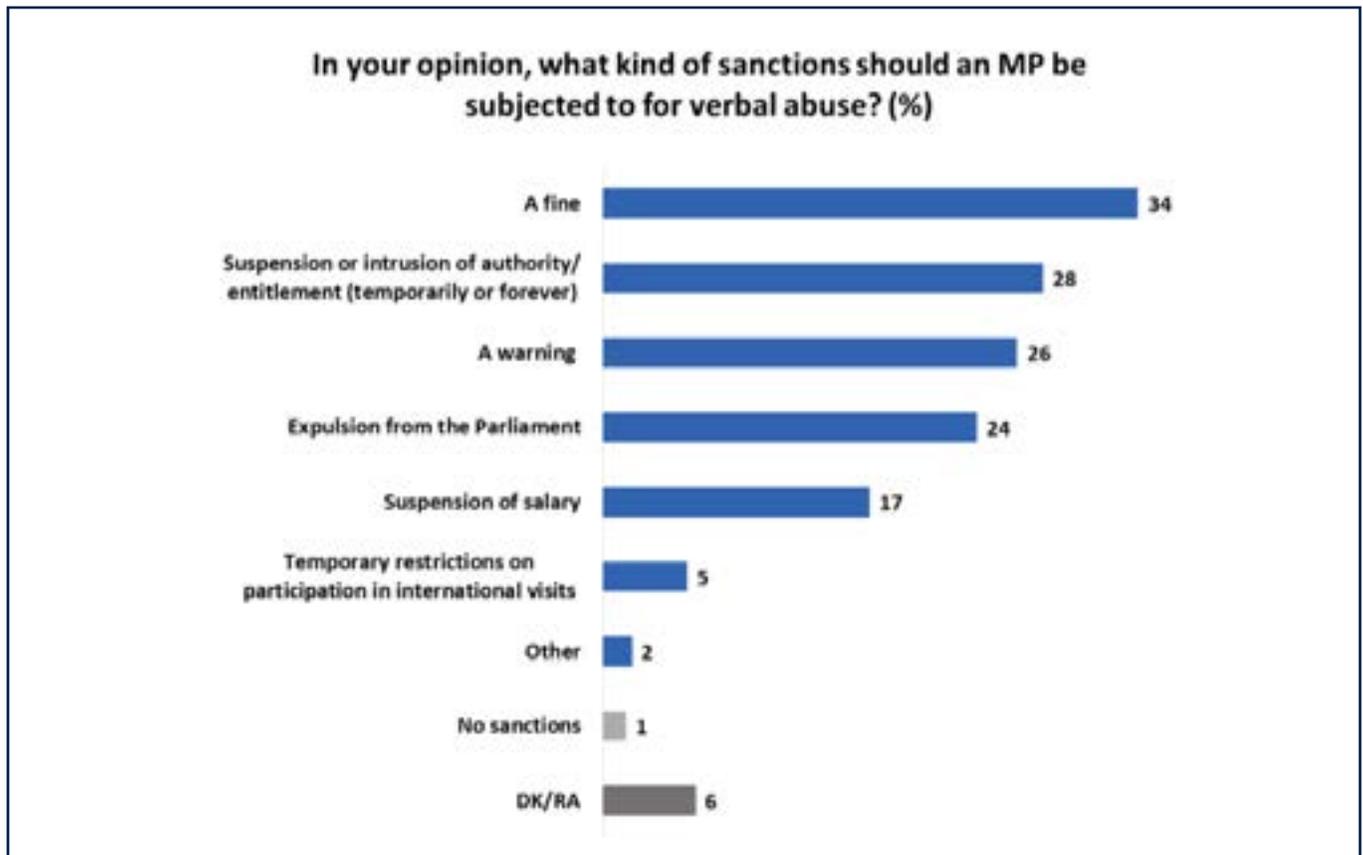
5 MPs are obliged to inform the Ethics Commissioner about donations and benefits in excess of 150 euros

6 Abstain from insulting colleagues or use threats against them. Avoid incitement to violence in public

7 Use information obtained during parliamentary activities only in accordance with the activities and in no case for personal financial gain

8 Our organization also commissioned a public opinion poll carried out by CRRC in February-March 2020, which encompassed all of Georgia. Within the framework of the research, 1,763 people were surveyed using the random selection method.

Diagram 1.



INTERNATIONAL PRACTICE

Sanctions

	Withholding salary or monetary fine	Reporting on the violation and issuing a warning	Expulsion from the Parliament	Compensating damages
United Kingdom	X	X	X	X ⁹
France	X ¹⁰	X ¹¹		
Poland		X ¹²		
Canada	X ¹³	X ¹⁴		

9 In case of receiving personal financial benefit prohibited by the Code - compensation of damages incurred

10 Withholding of wages or withholding of wages with temporary inadmissibility to the Parliament

11 Call to order

12 Formal reprimand or warning

13 Monetary fine

14 Formal reprimand or warning

RECOMMENDATIONS

There are unfortunately [many instances](#) of unethical behavior by MPs. These violations remain without a due legal response. Due to this, it is important for the provisions of the Code of Ethics to be enforced. It is apparent that the 9th Convocation of the Parliament was not able to finalize the adoption of the Code of Ethics, which today exists as a format document only. It is important for the 10th Convocation of the Parliament to approach the issue more seriously and finalize the composition of the Ethics' Council, which will make the Code of Ethics enforceable.

The adoption of the Code of Ethics is an important step by the Parliament; however, the document has a critical flaw in that it does not offer an effective mechanism to deal with violations. In case of a violation, an MP receives a recommendation, and the name of the MP and a brief description of the violation are uploaded on the Parliament website.

Without effective response mechanisms, the Code of Ethics will remain a formal document. In addition to implementing effective enforcement mechanisms, we consider that the following recommendations should be taken into account:

- To impose a monetary fine as a sanction for the violation of the Code of Ethics, which is representative of best international practice;
- MPs must be obligated to abstain from voting in cases of conflict of interest;

For the Ethics' Council to be an effective and independent and not turn into a tool for political retribution, it is possible to invite members of the civil society to attend the meetings of the Council. The involvement of civil society experts in the oversight of matters related to the enforcement of the Code of Ethics is practiced in the United Kingdom in the form of a [Committee on Standards](#) that oversees the work of the Parliamentary Commissioner. Half of the members of the Committee on Standards is composed of members of the civil society.