



# VIOLATIONS AND RESPONSE MECHANISMS OF ETHICAL NORMS IN THE PARLIAMENT OF GEORGIA



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# INTRODUCTION

Verbal and physical confrontations between MPs and the breach of ethical norms have been a challenge for all convocations of the Parliament. For years, the civil society sector called on the state legislature to adopt a Code of Ethics for its members.<sup>1</sup>

The adoption<sup>2</sup> of the Code of Ethics by the Parliament of Georgia on February 22th of 2019 is a welcome development, in spite of the fact that the state 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.

Despite the adoption of the Code of Ethics by Parliament, the statute of the Ethics Council is yet to be approved and all of the positions have 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 purpose of the report is to present information on the code of conduct and response mechanisms that are outlined in the Code of Ethics. The report will also present information on high public interest cases of physical and verbal confrontations between the MPs in the period following the adoption of the Code of Ethics, which according to our assessment, likely constituted a violation of ethical norms.

## 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.
- The MP shall not use the status of the Member of Parliament in favor of personal, family members' or close relatives' interests
- The 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 such type of agreement, which limits its independence
- Discriminating employees on any basis
- Tasking employees of the Parliament to engage in such activities, which are beyond their job description
- The MP shall not use the information, containing official secrecy or other confidential information, for non-official purposes, which became known to him in the process of performing public official duties
- The MP should indicate a gift worth more than 300 GEL in the respective gift registry

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1 The drafting of the Code of Ethics for the Member of Parliament was one of the commitments of the Open Parliament 2017 Action Plan. The first attempt to adopt a Code of Ethics was in 2004. The document, however, had a declaratory nature, lacked enforcement mechanisms, and was not part of the Rules of Procedure, nor was it adopted by Parliament. It was binding only on the signatories, but it never yielded any concrete results. See more details. "Code of Ethics of the Parliament of Georgia - Further Reforms", TI Georgia, April 23, 2012, <https://bit.ly/2MuSYSI>

2 Resolution of the Parliament of Georgia on Approval of the Code of Ethics of the Member of Parliament of Georgia. See: <https://bit.ly/2qmSnKS>

- The MP shall not receive a gift/award presented by lobbyists
- The MP should make public information about meetings with lobbyists
- The MP should make his/her official contact information public

## SANCTIONS FOR THE VIOLATION OF THE CODE OF ETHICS

According to the Rules of Procedure of the Parliament, the MPs are obliged to uphold the provisions of the Code of Ethics<sup>3</sup>, which is approved by the Parliamentary Decree<sup>45</sup>.

[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.

The initial draft of the [Code of Ethics](#), which was downvoted by the Parliament on April 19, 2018, provided for stricter sanctions for ethical violations, e.g. Withholding 10%-50% of the salary and suspending participation in official 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.

It is noteworthy that in various European countries the Ethics Councils have different and stricter mechanisms for sanctions, such as termination of the MP mandate and the deduction of salaries for a fixed period of time.

## FORMATION OF THE ETHICS COUNCIL

The 14-member Ethics Council<sup>6</sup> was established through the [March 19, 2019 Resolution of the Parliament](#) to study and monitor violations of the Code of Ethics.

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3 Subparagraph (e) of Article 8, Rules of Procedure of the Parliament of Georgia, <https://bit.ly/31Gdt45>

4 Article 227 (1) of the Rules of Procedure of the Parliament of Georgia, <https://bit.ly/31Gdt45>

5 The resolution was adopted on 22/02/2019: <https://bit.ly/2IAvOZv>

6 The composition of the Ethics Council is determined by the proportion of the Members of Parliament united in the faction and the number of Members of Parliament who are not united in any faction. In addition, the representation of the majority in the Council shall not exceed half the number of members of the Council. Of the 14 members of the current council, seven seats belong to the Georgian Dream, three to European Georgia, one to the United National Movement, one to the Patriots Alliance and two to independent lawmakers.

## WHO ARE THE MEMBERS OF THE ETHICS COUNCIL?\*



**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 BEVELIA**

*Independent MP*



**RAMAZ NIKOLAISHVILI**

*Independent MP*



**SEAT IS VACANT**

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

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). The Ethics Council meeting is authorized if a majority of its members are present. The Council makes its decision by secret ballot, with the majority of the members of the Council. Two Co-Chairs of the Ethics Council have not yet been elected, as the procedure for their election is to be determined by a statute that has not yet been approved by the Council.

The first meeting of the Parliamentary Ethics Council was held on [June 12, 2019](#), and it was devoted to the discussion of organizational issues. The members of the Council discussed the issues to be included in its statute and various draft documents, including the statute and the issues to be specified in the document. Some of the forms to be processed were also discussed, which included the following: Complaint Form, Recommendation Card Form, Gift Registration Form, and more.

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\* The Council's two vacant seats must be filled by the parliamentary majority. Two members of the Ethics Council, Ruslan Poghosyan and Irine Pruidze, have resigned from their Council positions. Ruslan Poghosyan is a member of the parliamentary majority and has voluntarily resigned from the position. Irina Pruidze left the parliamentary majority after the Parliament downvoted constitutional changes on the adoption of a proportional election system. Accordingly, she resigned from the Ethics Council as she can no longer fill the position through the parliamentary majority quota.

# RULES FOR HEARING THE CASE

## HOW ARE CASES HEARD BY THE COUNCIL?

### CASES ARE HEARD ON THE BASIS OF

-  The initiative of the Council
-  A lodged complaint

### A COMPLAINT CAN BE LODGED BY

-  A Member of a Parliament(s)
-  A person who believes that he was the target of the committed offense



The session can be held public with the consent of both parties



-  The process is confidential
-  The sessions of the Council are private

### THE COUNCIL HAS THE FOLLOWING RIGHTS

-  To seek out evidence
-  To request information that is required for its decision

### THE MPS HAVE THE FOLLOWING OBLIGATIONS

-  To cooperate with the Ethics Council and other respective bodies of the Parliament
-  To provide the Council with full and truthful information at their disposal

# CASES OF VERBAL AND PHYSICAL CONFRONTATION AFTER THE ADOPTION OF THE CODE OF ETHICS IN THE PARLIAMENT OF GEORGIA

The information covered in this chapter includes incidents from the 9th Convocation of the Parliament, which according to our assessment, likely constituted a violation of the Code of Ethics<sup>7</sup>.

**Participants of the [Confrontation](#): Ada Marshania (Faction “Patriots Alliance”), Giga Bokeria (Faction “European Georgia”), Dimitri Tskitishvili (Faction “Georgian Dream”)**

**Date: 04.03.2019**

MPs Dimitri Tskitishvili and Giga Bokeria had a verbal confrontation with each other at the sitting of the Parliamentary Committee on Foreign Relations, which was holding a hearing of Zurab Abashidze, the Prime Minister’s Special Representative for Relations with Russia and Lasha Darsalia, the Deputy Foreign Minister.

European Georgia requested for the committee sitting to be made public, to which Dimitri Tskitishvili disagreed. According to Giga Bokeria, “opponents find it difficult to participate in a discussion.” During the confrontation, Ada Marshania, a member of the Alliance of Patriots, called Giga Bokeria a sadist and demanded that he be deprived of his right to speak at the session.

**Participants of the [Confrontation](#): Otar Kakhidze (Faction “European Georgia”), Irakli (Dachi) Beraia (Faction “Georgian Dream”)**

**Date: 18.03.2019**

During the discussion of the draft law on the rules and criteria for the selection of judges of the Supreme Court, MP Otar Kakhidze and Majority MP Irakli (Dachi) Beraia engaged in verbal clash and then a physical confrontation. The incident happened following Otar Kakhidze’s appeal, in which he urged the chairperson of the committee and his deputy to prohibit Irakli (Dachi) Beraia from speaking.

**Participants of the [Confrontation](#): Zaza Papuashvili (Faction “Georgian Dream - For Strong Georgia”), Giga Bokeria (Faction - “European Georgia”)**

**Date: 19.04.2019**

Zaza Papuashvili, a member of the Faction “Georgian Dream - For a Powerful Georgia”, and Giga Bokeria, one of the leaders of the Faction “European Georgia,” opposed each other at the plenary session. “The majority will thank you for your cooperation, while others will condemn you and ask you where you were until 2012” – this statement by Giga Bokeria was followed by Zaza Papuashvili’s use of derogatory words against him.

**Participants of the [Confrontation](#): Akaki Bobokhidze (Faction “European Georgia - Regions”), Carlo Kopaliani (Faction “Georgian Dream”)**

**Date: 28.05.2019**

At the plenary session of the Parliament of Georgia, a verbal confrontation took place between MP Akaki Bobokhidze and MP Karlo Kopaliani. In his speech, Akaki Bobokhidze compared the debate between the opposition and the majority “to a debate between two prostitutes”,

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<sup>7</sup> The report covers possible violations of ethical norms regarding the use of derogatory language or physical confrontation by members of parliament.

which was followed by Carlo Kopaliani's response - "I cannot take responsibility for you." Leader of the Faction "European Georgia", Giga Bokeria, also joined the discussion, after which the speaker of the Parliament, Vice Speaker Tamar Chugoshvili called on the members of "European Georgia" to order and asked them to leave the plenary hall.

**Participants of the [Confrontation](#): Giorgi Volski (Faction "Georgian Dream"), Giga Bokeria (Faction "European Georgia")**

**Date: 11.06.2019**

Speaking at a plenary session of Parliament, George Volski insulted Giga Bokeria and accused him of committing grave crimes, which led to a confrontation between them. The Speaker of Parliament called on his colleagues not to violate ethical rules.

**Verbal and Physical [Confrontation](#) in the Plenary Hall**

**Date: 25.06.2019**

The speech of Mamuka Mdinardze, the Chairman of the Faction "Georgian Dream", regarding the June 20 events resulted in a verbal and physical confrontation between the MPs in the Parliament. The opposition demanded the resignation of the Minister of Internal Affairs, Giorgi Gakharia. In turn, Mamuka Mdinardze accused the opposition of staging a provocation. The opposition left the plenary hall in protest, which was preceded by a physical altercation between the MPs.

**Participants of the [Confrontation](#): Vano Zardiashvili (Faction "Georgian Dream"), Roman Gotsiridze (Faction "National Movement")**

**Date: 26.06.2019**

At the joint sitting of the Procedural and Legal Issues Committees, which was deliberating on the issue of suspending immunity for Nika Melia on the basis of the Prosecutor's Office's appeal, the Chairman of the National Movement, Roman Gotsiridze, and the majority member, Vano Zardiashvili, confronted each other. Otar Kakhidze, a member of the Faction "European Georgia", stood between them. The officers of the Parliament also got involved to calm the unrest, after which Roman Gotsiridze left the plenary hall.

**Participants of the [Confrontation](#): Emzar Kvitsiani (Faction "Patriots Alliance and Social Democrats")**

**Date: 08.09.2019**

Emzar Kvitsiani, member of the Alliance of Patriots and Social Democrats, verbally and physically assaulted protesters in front of the Parliament after the protesters referred to the MP as a "Russian slave." Protesters called on the police, which arrived on the scene to deescalate the situation, to detain Emzar Kvitsiani.

**Participants of the [Confrontation](#): Eka Beselia (Member of Independent Parliament), Vano Zardiashvili (Faction "Georgian Dream")**

**Date; 26-09-2019**

Vano Zardiashvili and Eka Beselia had a verbal and a physical altercation at the session of the Legal Issues Committee that was deliberating on the candidates for the Supreme Court. "Why are you speaking about morals, go ahead and talk about Beselia's morals" - Vano Zardiashvili told Gedevan Popkhadze. This statement by Zardiashvili angered Eka Beselia. As it is known, the controversy was preceded by the dissemination of the secret video recording depicting MP Eka Beselia's private life, and Zardiashvili's statement was interpreted in this context.

It is noteworthy that Eka Beselia [appealed](#) in July to the Ethics Council to respond to Vano Zardiashvili's derogatory statement.

**Participants of the [Confrontation](#): Ada Marshania (Faction "Patriots Alliance and Social Democrats")**

**Date: 01-10-2019**

At the plenary session of Parliament, Ada Marshania called one of the leaders of the Faction "European Georgia", Giga Bokeria, a "killer and a torturer", while referring to the representatives of the "Georgian Dream" as "cowards and traitors". These statements followed the argument between Irakli Sesiashvili and Giga Bokeria over the so-called "Mukhrovani case".

**Participants of the [Confrontation](#): Levan Gogichaishvili (Independent Member of Parliament), Irakli (Dachi) Beraia (Faction "Georgian Dream")**

**Date: 22.10.2019**

Irakli (Dachi) Beraia, a member of the Faction "Georgian Dream", and Levan Gogichaishvili, an independent MP, opposed each other at a hearing of the Supreme Court candidate Giorgi Mikautadze. The situation escalated after lawmakers argued over whether Vakhtang Shakarashvili, a member of the Tbilisi Sakrebulo, would be allowed to pose a question to the candidate. After hurling verbal insults, Levan Gogichaishvili threatened Irakli Beraia - "I'll show you what will happen to you for those words. You think you are capable of doing anything?"

**Participants of the [Confrontation](#): Gedevan Popkhadze (Independent MP), Levan Gogichaishvili (Independent MP), Irakli (Dachi) Beraia (Faction "Georgian Dream"), Mikheil Kavelashvili (Faction "Georgian Dream"), Koba Lursmanashvili (Faction "Georgian Dream-Regions" For development ")**

**Date: 12.11.2019**

The tensions at the plenary session were caused by the developments surrounding the Patriarchate of Georgia. The Georgian Dream and the United National Movement accused each other of discrediting the church.

During his speech, MP Mikheil Kavelashvili described Akaki Bobokhidze as "Kakoia Bobokhidze" and verbally insulted his opponent. The confrontation between Dachi Beraia and Gedevan Popkhadze was especially severe. The independent MP was enraged after Dacha Beraia claimed that Popkhadze approved of the UNM's ideology. Gedevan Popkhadze repeatedly used derogatory words in the plenary session. "... I don't care about your Constitution, let him come outside" - this phrase was addressed to Dachi Beraia.

The confrontation continued in the parliamentary deliberation chamber where MPs Gedevan Popkhadze and Dachi Beraia, as well as Koba Lursmanashvili and Levan Gogichaishvili, engaged each other in a verbal confrontation. Parliamentary officers had to step in to deescalate the situation.

**Participants of the [Confrontation](#): Irakli Kobakhidze (Faction "Georgian Dream")**

**Date: 13.11.2019**

The former Speaker of Parliament, Irakli Kobakhidze, has been aggressive towards his colleagues in the process of discussing the constitutional amendments. At the plenary session, Irakli Kobakhidze referred to the opposition members as "Berbichashvilis" and addressed MP Sergo Ratiani with the words "I promise, I will put an end to you. Don't worry, Sergo." "Who Are Chinchaladze and Mikautadze? You are Berbichashvili" - Levan Gogichaishvili addressed Kobakhidze. In response, Irakli Kobakhidze told Levan Gogichaishvili: "You bastard, be quiet. Levan, you are also Gigla Berbichashvili. That is why you are working with the UNM, because you are Gigla Berbichashvili. Levan, I won't forgive you for those words, you'll get what's coming."

## ASSESSMENT/RECOMMENDATION

The establishment of the Ethics Council was an important step forward, but it should also be noted that the formation of the membership and developing a legal framework hasn't been carried out in a timely manner, thereby leaving many significant violations without a response.

The essential shortcoming of the Code of Ethics is the lack of effective response mechanisms in the event of a violation. The Ethics Council addresses the MP only with a note of recommendation, and the decision of the Ethics Council is published on the official website of the Parliament, with a small description of the violation and indicating the names of the offenders.

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:

- It is necessary for the Ethics Council to deliberate on setting up stricter response mechanisms, so that the Code of Ethics becomes an effective document aimed at establishing ethical principles and standards of professional conduct;
- Any citizen, regardless of whether or not they have been the victim of the violation, should have the right to lodge a complaint about the alleged violations of the Code;
- It is important for the Ethics Council to submit an annual performance report, with information on the cases that were deliberated and data on important issues related to its work process.