

ETHICS COUNCIL IN THE PARLIAMENT OF THE 10TH CONVOCATION HAS NOT YET BEEN ACTIVATED

The Parliament of Georgia was not able to activate the Ethics Council even in the Fall session of 2022. 7 complaints had been submitted regarding the alleged violation of the Code of Ethics by a Member of Parliament, which were not reviewed, because the Council was not fully staffed and none of its meetings were held.

The Parliament adopted the Code of Ethics in 2019, which was a step forward, however, the Ethics Council has not yet been fully staffed with all its members. Consequently, the Council cannot review complaints and violations of the norms of the Code of Ethics by the MPs.

The Parliament of the 9th Convocation commenced work on the Code of Ethics within the framework of the Parliamentary Standing Council of Open Government.¹ The Open Parliament Action Plan 2021-2022 envisaged commitments regarding raising awareness on issues related to the Ethics Council. The commitments were not fulfilled.²

KEY FINDINGS

Despite the adoption of the Code of Ethics, the document still formally exists. It is necessary for the Parliament of the 10th Convocation to ensure the **full staffing of the Council**, which would make the Code of Ethics of the Member of Parliament effective.

- The adoption of the Code of Ethics is a significant step forward, however, the absence of effective response mechanisms in case of violations is a substantial shortcoming. Pursuant to the adopted Code of Ethics, in case of breaching the code of conduct, a Member of Parliament receives only a letter of recommendation.
- The Ethics Council has not yet started functioning and it has not reviewed complaints. Currently, **the Council remains unfilled**.
- According to the information provided by the Parliament, 7 complaints had been submitted regarding the alleged violation of the Code of Ethics of the Member of the Parliament, however, the complaints were not reviewed as the Council remained understaffed and none of its meetings were held.
- The Code of Ethics has a shortcoming regarding the sanctions. The Parliament did not take into consideration the recommendations provided by the civil society and therefore, no effective response mechanisms for the violations of the Code were embodied in the legislation.

RECOMMENDATIONS

For the effective implementation of the Code of Ethics, the following is crucial:

- The Parliament should **ensure the full staffing of the Council**.
- The Parliament should impose **monetary penalty** as a sanction for breaching the Code of Ethics. The monetary penalty constitutes international best practice based on the example of democratic countries.
- For the Ethics Council to be effective and independent and not turn into a tool for political retribution, it is possible to invite **representatives of the civil society** to attend the meetings of the Council which

1 Georgia's Open Parliament Action Plan 2015-2016, commitment 4.4, available at: <https://bit.ly/3VNNXpu>, Open Parliament Action Plan 2017-2018, commitment 4.3, available at: <https://bit.ly/3Wxfex9>.

2 Georgia's Open Parliament Action Plan 2021-2022, commitment 5.2, available at: <https://bit.ly/3vNFIPK>.

corresponds to the international best practice. For instance, the involvement of civil society representatives in the supervision 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. The Committee on Standards oversees the work of the Parliamentary Commissioner which is similar to the Ethics Council. Half of the members of the Committee on Standards is composed of members of the civil society.³

Transparency International Georgia submitted these recommendations within the framework of the new Open Parliament Action Plan.

1. CREATION OF THE ETHICS COUNCIL

A member of the Parliament is required to enhance the observance of the norms of parliamentary ethics. Ethical standards of conduct of a member of parliament are determined by the Code of Ethics of the MP. The Parliament [adopted](#) the Code of Ethics of the MPs in 2019.⁴ Observance of ethical norms by a member of parliament is one of the principal components of good governance. It aims at increasing the responsibility and accountability of the member of the parliament before society.⁵

THE PROCEDURE FOR STAFFING THE COUNCIL



The composition of the Council of Ethics is determined proportionally to the representation of factions and independent deputies.



The Council of Ethics has 2 co-chairpersons (one from the majority and the other from the opposition). Co-chairpersons of the Ethics Council are elected by the Council itself.



The representation of the parliamentary majority in the Council shall not exceed half of the number of members of the Ethics Council. The member of the Ethics Council nominated by the faction is subject to the rotation once a year.

The composition of the Council of Ethics in the Parliament of the 9th Convocation did not elect co-chairs, and therefore the Council could not fulfill its functions.

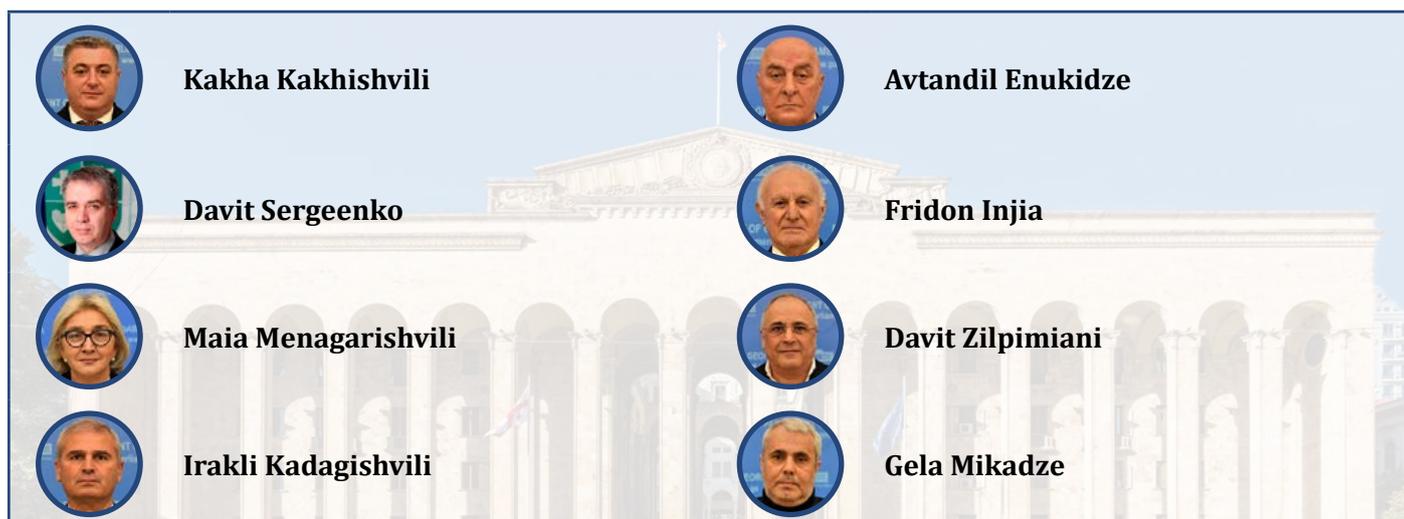
The composition of the Ethics Council **was adopted twice** by the Parliament of the 10th convocation. However, due to the creation and abolition of factions and political groups in the Parliament, the quotas for the representation of political subjects in the Council were altered several times, and accordingly, its formation was carried out in different ways.

³ The Code of Ethics of the Parliament of Georgia is not an Effective Document, Transparency International Georgia, December 29, 2020, available at: <https://bit.ly/3h1C3zb>.

⁴ Resolution of the Parliament of Georgia, On the Approval of the Code of Ethics of the Member of the Parliament of Georgia, N4335-IIs, 22 February 2019, available at: <https://bit.ly/3G8QZQl>.

⁵ Resolution of the Parliament of Georgia, On the Approval of the Code of Ethics of the Member of the Parliament of Georgia, N4335-IIs, 22 February 2019, available at: <https://bit.ly/3v5wA8E>.

Initially, at the plenary sitting of **March 2, 2021**, the following composition of the Ethics Council of the Parliament of Georgia was adopted:



For the second time, at the plenary sitting of the Parliament of Georgia **on September 6, 2022**, the composition of the Ethics Council of the Parliament of Georgia was adopted:



On November 3, 2022, an amendment was made to the Rules of Procedure of the Parliament of Georgia, according to which:

- *The composition of the Ethics Council is determined proportionally to the representation of factions and the number of non-faction MPs in the parliamentary majority, and the non-faction members of the parliament in the parliamentary opposition.*

In accordance with the amendments in the Rules of procedure, under the decision of the Bureau of the Parliament on 14 November 2022, the updated quotas of proportional representation in the Ethics Council were approved as follows:



The Georgian Dream faction in the parliamentary majority and members of the non-faction parliament members - 7 members.



Faction "United National Movement - United Opposition "Strength in Unity" - 1 member,



Parliamentary political group "Reform Group" - 1 member,



Parliamentary political group "European Socialists" - 1 member,



Parliamentary political group "Girchi" - 1 member,



Parliamentary political group "Citizens" - 1 member,



Parliamentary political group "Lelo - Partnership for Georgia" - 1 member,



The non-faction parliament members in the parliamentary opposition - 1 member.

Following the submission of the nominees for the Council of Ethics membership to the Bureau of the Parliament, in accordance with the representation quotas, the Parliament will take note of the updated composition of the Council of Ethics. **Thus, the Council of Ethics is still understaffed, and accordingly, none of its meetings were held.**

2. THE PROCEDURE FOR REVIEWING A COMPLAINT AND MAKING A DECISION

HOW DOES THE ETHICS COUNCIL REVIEW COMPLAINTS?

THE CASES OF ALLEGED VIOLATIONS OF THE CODE ARE REVIEWED:



at the initiative of the Council



based upon a complaint



A COMPLAINT SHALL BE SUBMITTED BY:



Member(s) of the Parliament



A person who considers that the norms of the Code have been violated against him/her



At the request of both parties, the Ethics Council is entitled to hold a public meeting.



The review Process is Confidential



The Council Meeting is Closed



THE COUNCIL IS ENTITLED TO:



Collect evidence



Request information necessary for the resolution of the case

THE MP IS REQUIRED TO:



Cooperate with the Ethics Council and other relevant bodies of the Parliament



Shall provide them with relevant, exhaustive, and objective information

According to the information provided by the Parliament, **7 complaints** have been submitted regarding the alleged violation of the Code of Ethics of the Member of the Parliament.

Following the Ethics Council's decision, the name of the member of the Parliament who violated the Code with a brief description of the violation will be published on the Parliament's website. In case of a violation of the code of conduct by a member of the Parliament, the Ethics Council **has the right to address him/her with a recommendation note.**

If the Ethics Council decides that the Member of Parliament has not violated the Code, his/her name, as well as a brief description of the case, will be published on the Parliament's website only with the consent of the said Member of Parliament, and the complainant will be notified of the Council's decision. **The process of reviewing the complaint is confidential, and the meeting of the Ethics Council is closed.** At the request of both parties, the Ethics Council is entitled to hold a public meeting.

The Ethics Council prepares **an annual report** on its activities, which is published on the website of the Parliament of Georgia.

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