

Regulations concerning failure to attend sessions by Members of Parliament are being changed

On 19 March 2018, a legislative initiative to toughen sanctions for Members of Parliament (MPs) who are missing sessions was registered in Parliament of Georgia.

Draft law, initiator

Legislative initiative: On Amendments to the Rules of Procedure of Parliament of Georgia

Initiators: Georgian MPs Irakli Kobakhidze, Tamar Chugoshvili, Giorgi Kakhiani

Main points of the draft law

MPs missing plenary and committee sessions has been a problem for Parliament of both the 9th and the previous convocations. The reason is both the regulations according to which MPs can evade the provision of substantiated grounds for being absent by indicating “family circumstances” as well as the prevailing low standard of accountability.

Proposed initiative changes the following:

- The list of admissible excuses for missing sessions - the indication of family circumstances as an admissible excuse for being absent will be abolished;
- The procedure of registering for sessions and the record of absence;
- The procedure for factions replacing a committee member;
- Issue of sanctions for missing sessions;
- The scope of oversight powers of the Procedural Issues and Rules Committee with regard to absenteeism.

Current regulations

1. Basis for admissible excuse for missing sessions

According to the parliamentary Rules of Procedure, the following reasons are considered to be admissible excuses for missing plenary and committee sessions by MPs:

- Illness;
- Family circumstances;
- Business trip.

2. Rules of registering for sessions and record keeping

A plenary session will be considered missed by an MP if he or she does not register during the morning session or before voting. If necessary, after the registration of MPs, registration results are confirmed by the Chief Parliamentary Guard who is personally responsible for the accuracy of the information he or she provides.

The amendments will abolish the existing rule according to which the Guard Service records the attendance after the registration of MPs by a Guard. The draft law will oblige MPs to participate in each (electronic) registration for a plenary session. If an MP participates in at least one registration in the course of the day, he or she will not be considered absent from a plenary session.

3. Sanctions for violating the rules of registration, absence and voting

IF AN MP, WHO IS A MEMBER OF 2 COMMITTEES

FAILS TO ATTEND COMMITTEE SESSIONS 2 TIMES IN THE COURSE OF 1 MONTH WITHOUT PROVIDING AN ADMISSIBLE EXCUSE

IF AN MP, WHO IS A MEMBER OF 1 COMMITTEE

FAILS TO ATTEND 2 COMMITTEE SESSIONS IN THE COURSE OF 1 MONTH WITHOUT PROVIDING AN ADMISSIBLE EXCUSE

10% OF HIS OR HER SALARY WILL BE WITHHELD

A COMMITTEE CHAIRPERSON KEEPS THE RECORD AND SENDS INFORMATION TO THE FINANCE DEPARTMENT FOR IT TO WITHHOLD (PART OF) THE SALARY FOR A CORRESPONDING MONTH

IF AN MP MISSES MORE THAN 1 PLENARY SESSION IN THE COURSE OF 1 CALENDAR MONTH

WITHOUT PROVIDING AN ADMISSIBLE EXCUSE

10 PERCENT OF HIS OR HER SALARY WILL BE WITHHELD FOR EACH MISSED SESSION

THE TOTAL SHARE OF WITHHELD SALARY SHALL NOT EXCEED 50 %

The absence is registered in the form of a protocol entry and announced by the Parliament Chairperson at the last plenary session of the month. The Guard Service of the Parliamentary Staff, based on the protocol entries, compiles the list of MPs who missed plenary sessions without providing an admissible excuse and sends it to the Finance Department of the Parliamentary Staff for withholding salaries for a corresponding month;

Current regulations do not envisage sanctions for missing plenary or committee sessions during the period of extraordinary sessions or extraordinary sittings.

IF AN MP MISSES MORE THAN 1 PLENARY SESSION

WITHOUT PROVIDING AN ADMISSIBLE EXCUSE WILL BE ABOLISHED

IF AN MP MISSES MORE THAN 2 ORDINARY SESSIONS

WITHOUT PROVIDING AN ADMISSIBLE EXCUSE OR MISSES DURING AN EXTRAORDINARY SESSION WITHOUT A GOOD REASON

10% OF THE SALARY WILL BE WITHHELD

The issue of withholding salaries will have a new wording, specifically, the Procedural Issues and Rules Committee will compile on a monthly basis and send to the Finance Department of the Parliamentary Staff for withholding corresponding portions of salaries a list of MPs who failed to attend plenary sessions without providing an admissible excuse.

The provision whereby the session chairperson had to announce a list of absentees without an admissible excuse at a plenary session will be abolished.

4. Voting and registering instead of someone else

According to the current regulations, if it is discovered while checking voting and registration results in the course of one day that an MP is absent from the session hall but someone voted or participated in registration in his or her stead, 20 percent of his or her salary will be withheld.

A sanction will also be imposed on the MPs who participated in the registration or voting instead of someone else - 20 percent of the salary of these MPs will also be withheld.

5. Powers of the Procedural Issues and Rules Committee

According to the current rules, committees on a monthly basis send to the Procedural Issues and Rules Committee protocol entries of committee session attendance by committee members as well as the information about the reasons for missing the sessions provided by committee members and written addresses submitted to committee chairs by factions concerning temporary replacement of their committee members;

Factions have to inform committees about temporary replacement of committee members in writing;

Every month, each committee compiles a list of MPs who missed committee sessions while the Guard Service - the list of those who were absent from plenary sessions. The lists are submitted to the Procedural Issues and Rules Committee which, after examining this information, ensures that it is uploaded to the website.

According to the amendments, the Guard Service of the Parliamentary Staff, on a monthly basis, will send to the Procedural Issues and Rules Committee the records of attendance of plenary sessions by MPs and the written addresses made by MPs with regard to the reasons for missing plenary sessions;

The Procedural Issues and Rules Committee will be responsible for compiling, on a monthly basis, a list of MPs who failed to attend plenary and committee sessions of Parliament of Georgia and uploading the list to the Parliament website;

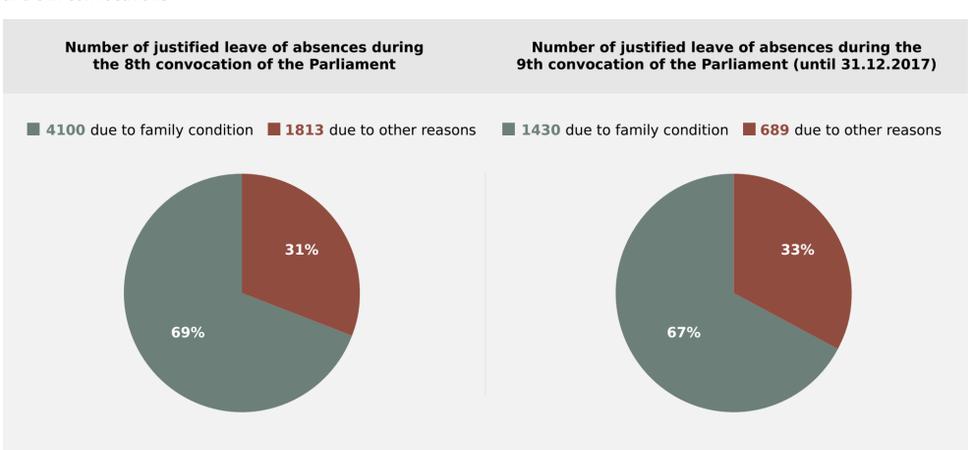
Factions will inform relevant committee chairs rather than committees about a temporary replacement of their committee members;

The Procedural Issues and Rules Committee will be authorized to examine the issue of the use of the right to temporarily replace a committee member for a committee session by a faction. If need be, committees will be authorized to respond appropriately in order to ensure that the requirements envisaged by the Rules of Procedure are observed. At the end of each session, the Procedural Issues and Rules Committee, if necessary, will discuss the aforementioned issue and, in the event of discovering a violation, present a corresponding conclusion to the Parliamentary Bureau.

Assessment/recommendation

We have pointed out the problem of attendance of sessions by MPs on multiple occasions in our annual reports on parliamentary activities. The Parliament Chairman made a [statement](#) regarding the problem of session attendance, noting that MPs would be considered absent from a session despite being registered for it unless they are present in the session hall. The reason for this statement was the fact that 76 MPs were physically absent from a plenary session. In addition, starting sessions (plenary, committee) on time is a problem as well.

Below is the information about sessions missed with indication of family circumstances as an excuse in Parliaments of the 8th and 9th convocations:



The [initiative](#) to abolish indication of family circumstances as an admissible excuse was proposed to Parliament of the 8th convocation but it only managed to hold the first hearing. Parliament of the 9th convocation [considered this initiative inexpedient](#).

The [initiators](#) of the draft law, too, talk about the problem of absenteeism and, especially, that of indicating family circumstances as the reason, saying that “in practice, a large part of missed sessions are those missed by MPs who provided ‘family circumstances’ as an admissible excuse, and verifying this excuse is impossible.”

The following aspects of the proposed initiative deserve positive assessment:

- On the one hand, removing the indication of family circumstances from the list of admissible excuses should be assessed positively and so should the introduction of a standard of providing a proof in the event of an MP’s or his or her family member’s illness (the obligation to present relevant documents), but the existence of different regulations for admissible excuses in case of MPs, specifically, their family members’ birth, death and illness, remains a problem. These circumstances are not considered to be an admissible excuse for representatives of any other branch of the government or any other institution;
- The introduction of sanctions for missing sittings during an extraordinary session, which was not envisaged before;
- The introduction of sanctions for participating in voting instead of someone else with sanctions also imposed on the person who participated in voting instead of someone else;
- Changing the current rule of registration for a plenary session whereby an MP is obliged to participate in each registration held in the course of the plenary session and the failure to do so causes sanctions to be imposed;
- The increase in the scope of oversight powers of the Procedural Issues and Rules Committee deserves a positive assessment.

The abolition of the announcement by the Parliament Chairperson at the session of the list of MPs who missed plenary sessions without providing an admissible excuse should be assessed negatively.

Recommendations

- There should be no different regulations for absenteeism without an admissible excuse for MPs, specifically, their family members’ birth, death and illness should not be considered an admissible excuse for absence;
- In order to facilitate accountability to the public and promote transparency, it is important that, along with toughening sanctions, the provision whereby the Parliament Chairperson announces at the session the list of MPs who missed plenary sessions without providing an admissible excuse which would be prepared by the Procedural Issues and Rules Committee in accordance with the Rules of Procedure;
- The current provision of the Rules of Procedure concerning the replacement of a committee member by a faction is not specific, the circumstances in which this right can be used need to be clarified, namely, what is implied by the following sentence: “a committee member is temporarily unable to participate in the work of a committee “. It is important that objective reasons for not attending or being unable to attend sessions are indicated specifically;
- It is expedient that at the end of each session, the Procedural Issues and Rules Committee periodically - rather than based on need - considers the cases when factions use the right of replacement and responds appropriately in the event of discovering an irregularity. The version suggested by the draft with regard to the consideration based on need does not allow to foresee how the events may unfold and might cause problems in practice;
- The Open Parliament 2017 Action Plan envisages an obligation to include the information about missing committee sessions for good reasons to the list containing the types of information that are subject to proactive disclosure. It is important that this information is uploaded to the website.