

PARLIAMENT ADOPTS CODE OF ETHICS WITHOUT EFFECTIVE SANCTIONS

The Parliament of Georgia recently adopted the MP [Code of Ethics](#) to become mandatory for the next, 2020 convocation of the Parliament.

The Parliament reviewed the Code of Ethics twice; MPs voted the document down the first time.¹ Later, on May 24, 2018, the document was re-initiated and ultimately approved by the Parliament. The main difference between the two draft documents was the issue of determining sanctions by the Ethics Council.

Adherence to ethical norms by MPs is one of the main components of good governance. Previous practice in this regard demonstrated the necessity of establishing clear ethical standards for MPs. IN addition, the commitment to adopt the Code of Ethics was part of the 2017 Open Parliament Action Plan. In both cases, the document was elaborated by the Permanent Parliamentary Council on Open Governance.

According to the [explanatory note](#), considering the responsibility towards the state and the public, the Code of Ethics aims to set high ethical standards for MPs, promote public trust in the Parliament, and ensure MPs perform their duties with dignity and integrity. The Code of Ethics also serves to protect the MPs' reputation, honor and dignity. The Parliament also adopted regulations on the formation, activities and composition of the Ethics Council.

COMPOSITION OF THE ETHICS COUNCIL



The Council shall be led by 2 chairs (one from the majority and one from the minority or other opposition faction), who shall be elected by the members of the Council. The number of Council members shall be determined in proportion to the number of faction and out-of-faction MPs.



The number of Council members representing the majority must not exceed half of the total number of Council members.

RULES FOR ADDRESSING THE COUNCIL



The Council reviews alleged cases of violation of the Code of Ethics on its own initiative or based on complaints.



Complaints may be submitted by MPs and persons who believe that the Code of Ethics was violated in relation to them.

THE CODE OF ETHICS PROHIBITS MPS FROM:



Making degrading, obscene, sexist, discriminatory statements and actions, as well as using hate speech



Using the MP status to benefit personal or family (including close relatives) interests



Failing to disclose any significant commercial interest held by them or their family members prior to the consideration of a specific issue in the Parliament



Making deals that restrict their independence



Discriminating against their colleagues



Charging employees with tasks not part of their job description



Using confidential information for non-official purposes



Failing to declare receiving a gift worth more than GEL 300



Accepting gifts from lobbyists



Failing to declare information about meeting a lobbyist



Failing to indicate their work contract information

ENFORCEMENT MECHANISMS



In case a violation of the Code is determined, the names of MPs and a brief description of the violation shall be uploaded on the Parliament website.



The Ethics Council is authorized to address a Member of Parliament with a letter of recommendation.



No other enforcement mechanism is granted to the Council to respond to ethics violations.

ASSESSMENT

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.

The initial draft document, which was supported only by 39 MPs, envisioned holding MPs responsible for violations² by imposing the following sanctions:

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

Without an effective response mechanism, the Code of Ethics will become a mere formality.

In addition to introducing an effective enforcement mechanism:

- MPs must be obligated to abstain from voting in cases of conflict of interest.³
- The composition of the Ethics Council must be extended to civil society representatives, to make sure that the Council remains effective, impartial and does not become a means of political retribution.⁴

Despite the above significant shortcomings, the adoption of the Code of Ethics is a welcome first step. We hope that the Code of Ethics will be effectively implemented and gradually improved.

1 See the assessment of the original version of the Code of Ethics: The Parliament of Georgia Needs to Adopt the Code of Ethics in the Nearest Future, Transparency International Georgia, December 21, 2017, <https://www.transparency.ge/en/post/parliament-georgia-needs-adopt-code-ethics-nearest-future>

2 The types of sanctions were included in the draft Rules of Procedure that accompanied the initial version of the Code of Ethics document.

3 Such regulation exists in Sweden and Canada.

4 For example, in France, the Commissioner who reviews ethics violations of MPs is not a Member of Parliament.