



ASSESSMENT OF PERFORMANCE OF THE GEORGIAN PARLIAMENT 2015

SPRING, FALL AND
EXTRAORDINARY
SESSIONS



TRANSPARENCY
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INTRODUCTION ■

Transparency International Georgia conducts an annual assessment of the Parliament's activities as part of its parliamentary monitoring program. The parliamentary team of our organization is actively engaged in the process of monitoring parliamentary performance. It publishes periodic reports in order to inform and update the public on activities of the Parliament and ensure transparency of its performance.

The parliamentary team of Transparency International Georgia has offices in parliamentary buildings both in Tbilisi and Kutaisi. TI Georgia's 2015 report on the Parliament's performance is based upon analysis of the information obtained by our organization, observations of our parliamentary offices and statistical data retrieved from the Parliament.¹

The report also presents results of the public opinion poll conducted by CRRC throughout Georgia in March of 2016 upon request of Transparency International Georgia. According the survey, 2032 randomly selected respondents were interviewed (except for regions densely populated by ethnic minorities and occupied territories). The survey is representative for the whole country and average margin of error makes up 3.2%.

We would like to extend our particular gratitude for cooperation to the Organizational Department of the Parliament of Georgia and its Supervisor Eter Svianaidze.

CHAPTER 1 | GENERAL INFORMATION ABOUT THE PARLIAMENT ■

The Parliament is the country's supreme representative body that exercises legislative power, defines primary directions in the country's domestic and foreign policies, controls activities of the Georgian Government within the constitutional framework and exercises other powers granted by the Constitution, other legislative acts and regulations of the Parliament.

The Parliament consists of 75 members elected through the proportional system and another 73 members elected through the majoritarian system. The Parliament gets elected for a period of 4 years.

Present Parliament is the parliament of the 8th convocation; it was elected on the 1st of October, 2012 and its authority expires in 2016, after acknowledgement of authority of the legislative body elected through the parliamentary elections.

Parliamentary Committees play a vital role in the performance of the Parliament. Committees are established to facilitate preliminary preparation of legislative issues, promote implementation of decisions adopted by the Parliament, exercise control over activities of the Georgian Government and the bodies accountable to the Parliament. The Parliament establishes committees for the period of its own authority.

The following are the Parliamentary Committees:

- Agrarian Issues Committee;
- Human Rights and Civil Integration Committee;
- Education, Science and Culture Committee;
- Environmental Protection and Natural Resources Committee;
- Sector Economy and Economic Policy Committee;
- Diaspora and Caucasus Issues Committee;
- Committee on European Integration;
- Defense and Security Committee;

- Legal Issues Committee;
- Regional Policy and Self-governance Committee;
- Foreign Relations Committee;
- Procedural Issues and Rules Committee;
- Budget and Finance Committee;
- Sports and Youth Issues Committee;
- Healthcare and Social Issues Committee.

In addition, there are factions formed in the Parliament. Factions represent groups of MPs (at least 6 Members of the Parliament), who have come together to achieve their common political goals. Key objective of a parliamentary faction is to express and pursue its political course with respect to domestic and foreign political issues in the supreme legislative body.

The Parliament of the 8th convocation had the following composition in 2015:
Factions in the Parliamentary Majority:

- The Georgian Dream;
- The Georgian Dream - Republicans;
- The Georgian Dream - Conservatives;
- The Georgian Dream – National Forum;
- The Georgian Dream – Entrepreneurs;
- Independent Majoritarians – For Powerful Regions;
- Non-party, Independent Majoritarians;

Minority Factions:

- The United National Movement;
- The National Movement - Majoritarians;
- The National Movement - Regions;

The faction “Free Democrats” does not represent either the majority or the minority.

In addition, there are eight independent members, who are not affiliated with any faction:

- Davit Bezhuashvili – Majoritarian MP (Tetritskaro);
- Giorgi Gachechiladze – by party list;
- Koba Davitashvili – by party list;
- Murman Dumbadze – Majoritarian MP (Batumi);
- Zurab Japaridze - by party list;
- Pavle Kublashvili - by party list;
- Giorgi Khachidze – by party list;
- Giorgi Meladze – by party list.

CHAPTER 2 | GENERAL STATISTICS

Based on the information provided by the Parliament's Organizational Department, during Spring, Fall and Extraordinary sessions of 2014 the Parliament held 65 plenary sessions including 19 extraordinary ones. 7 sessions failed due to absence of quorum. Over the reporting period, the Parliamentary Bureau held 129 meetings and the committees - 668 meetings.

Diagram 1. Number of Held Committee Meetings

NUMBER OF HELD COMMITTEE MEETINGS



The minority boycotted work of the Parliament during Fall sessions and refused to attend plenary sessions on September 17-18, October 27-28 and November 11-13.

- Over the reporting period, one committee meeting failed due to absence of quorum (meeting of the Legal Issues Committee).
- Over the period of 2015 Spring, Fall and Extraordinary sessions, the Parliament adopted 490 laws, 1601 decrees; 49 international treaties, agreements and conventions were ratified, 1 resolution, 2 statements and 1 application.
- In 2015, the President applied his right of veto once on July 31 and imposed a veto on amendments to the “Law on the National Bank”.

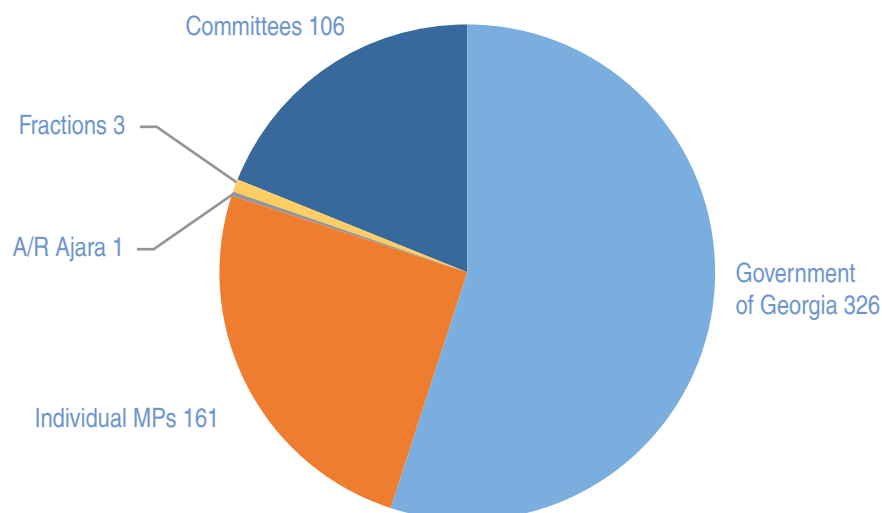
Over the reporting period, 64 legislative proposals were submitted to the Parliament. Zurab Vanishvili was a natural person to submit the greatest number of proposals (6 legislative proposals); as for a legal person, the greatest number of initiatives came from the union of civil and political organizations “In the Name of the Lord – Lord is our Truth” (4 proposals).

Out of submitted 64 legislative proposals, the Parliament prepared:

- 4 positive conclusions
- 14 negative conclusions
- In one case, two draft laws were initiated (proposed by the Public Defender)²
- In 3 cases, authors recalled their proposals
- In one case, a working group was set up³
- No decision was adopted with respect to 41 legislative proposals

Diagram 2. Initiators of laws adopted during Spring, Fall and Extraordinary Sessions of 2015

INITIATORS OF LAWS ADOPTED DURING SPRING, FALL AND EXTRAORDINARY SESSIONS OF 2015



²This information was provided by the Organizational Department of the Parliament, however the information provided by the Committees showed twice the amount of initiated draft laws. See 11.2

³This information was provided by the Organizational Department of the Parliament, however the information provided by the Committees showed twice the amount of initiated draft laws. See 11.4

CHAPTER 3 | IMPORTANT EVENTS ■

3.1 ELECTION OF PUBLIC OFFICIALS BY THE PARLIAMENT

The Parliament of Georgia elects, appoints and approves officials of executive bodies and independent authorities in line with the rules stipulated by the Georgian legislation.

Appointment of the Chairman of the Supreme Court by nomination of the President of Georgia was a particularly remarkable event in 2015.

Following a reform undertaken in 2015, a new structural unit – **State Security Service** was established and its **Head** was appointed by the Parliament for a term of 6 years. Following the prosecution reform, the legislative body elected the **Chief Prosecutor** for a term of 6 years.

List of public officials elected by the Parliament in 2015:

- February 4, members of the **Central Election Commission**: Zurab Khrikadze, Giorgi Javakhishvili, Giorgi Chikabiradze
- February 19, members of the Georgian **National Communications Commission**: Merab Katamadze, Eliso Asanidze, Giorgi Phruidze
- March 20, **Chairperson of the Supreme Court** - Nino Gvenetadze
- March 20, **member of the Constitutional Court** - Merab Turava
- June 12, **Judges of the Supreme Court** were elected -Mzia Todua and Ekaterine Gasitashvili
- July 22, **Head of the State Security Service** - Vakhtang Gomelauri
- September 18, members of the **Council of the Financial Supervision Agency** – Eprem Urumashvili, Ekaterine Galdava, Irakli Kovzanadze, Sasha Ternes; Konstantine Sulamanidze was appointed as **Head of the Financial Supervision Agency**
- October 27, members of the **Prosecutorial Council** - Polikarte Moniava, Irma Ckadia
- October 27, member of the **Energy and Water Supply Regulatory Commission** - Giorgi Pangani
- November 12, member of the **Disciplinary Committee of Judges of Common Courts** -Ketevan Bekauri; Igor Kopaliani
- November 27, **Chief Prosecutor of Georgia** - Irakli Shotadze

3.2 APPROVAL OF THE OPEN PARLIAMENT GEORGIA ACTION PLAN

On July 17 of 2015, the Parliamentary Bureau approved the “Open Parliament Georgia Action Plan 2015-2016”, which was drafted by the Inter-Factional Group of the Parliament of Georgia and the Open Parliament Georgia Working Group.

Work on the action plan started in April of 2015 and Members of the Parliament, heads of structural units of the Parliament, representatives of non-governmental and international organizations, including TI Georgia were actively involved in its development.

The action plan envisages fulfillment of 18 commitments, which will promote openness and accountability of the Parliament including: involvement of citizens in the legislative process; availability of information, simplified access to parliamentary information for people with disabilities; introduction of contemporary technologies and innovative approaches and etc.⁴

⁴ Six recommendations of Transparency International-Georgia were considered in the Open Parliament Georgia Action Plan; the recommendations pertained to physical presence of people at legislative discussions, commitment to present due justification for moving changes to the agenda, refining contents of explanatory notes and ensuring proactive publication of parliamentary committee reports and conclusions.

It is noteworthy that at 2015 Mexico Global Summit of Open Government Partnership (OGP) in 2015, Georgia was declared a winner in “OGP Champions Award” among 65 member states of OGP. The call aimed to demonstrate the best case of cooperation between governmental and civil sectors in the course of the action plan development.

3.3 ESTABLISHMENT OF INTERIM INVESTIGATION COMMISSION ON SAKDRISI-KACHAGIANI GOLD MINE

Establishment of an interim investigation commission to study developments around Sakdrisi-Kachagiani Gold Mine was an issue still standing acute in 2015.

Initiative on establishing an interim investigation commission was first put forward in 2014 by the member of the Free Democrats, Nino Goguadze. 58 MPs voted in favor of the resolution on setting up an investigation committee whereas 14 MPs were against.

After adopting a decision on feasibility of setting up an investigation commission, regulations of the Parliament require that the Parliament first support draft resolution on establishing a commission and it will be formed only afterwards. The draft resolution should specify validity period of the commission and identity of its members, including the Chairman. That was right the issue that needed to be resolved in 2015.

The Procedural Issues and Rules Committee presented quotas of proportional representation in the interim commission on Sakdrisi-Kachagiani Gold Mine. Composition of the commission was defined by 11 members.⁵ On March 4 of 2015, the Parliament of Georgia voted against approval of the draft resolution on establishing an interim investigation commission on Sakdrisi-Kachagiani Gold Mine. The issue of establishing an interim commission was put forward by the United National Movement as well at the plenary session in 2015. However, the plenary session didn't support it.

3.4 CHANGES IN THE PARLIAMENTARY MAJORITY AND MINORITY

Changes in the composition of the parliamentary majority and minority represented an important event over the reporting period. Specifically:

- MP mandate of Tina Khidasheli (Faction Georgian Dream - Republicans) was terminated as she was appointed as Minister of Defense; the fact was followed by respective changes in the composition of MPs and the vacated place was taken up by Tamar Khidasheli.
- Member of the Parliament Gigla Agulashvili (Faction Georgian Dream - Republicans) was appointed as Minister of Environment and Natural Resources Protection of Georgia; Teimuraz Nergadze was elected as an MP through the party list.
- After the death of the MP Nauli Janashia, Levan Tarkhnishvili was elected as a member of the Parliament.
- David Sakvarelidze MP mandate was terminated; his place was taken up by Eka Kherkheulidze.
- Pavle Kublashvili, Giorgi Khachidze, Giorgi Meladze and Zurab Japaridze left the minority to become independent members of the Parliament.
- Tamar Kordzaia left the “Georgian Dream” faction and joined the faction of the Republicans. She left the party “Georgian Dream” as well and joined the Republican Party.
- David Saganelidze's MP mandate was terminated, because he was appointed as the CEO of the Partnership Fund. His MP place was taken by Vladimir Achba through the party list.

⁵ One member of the faction “Georgian Dream” was nominated in the composition of the commission. One member would be included from each of the following factions: “Georgian Dream-Republicans”, “Georgian Dream-Conservatives”, “Georgian Dream-National Forum”, “Georgian Dream-Entrepreneurs”, „Non Party, Independent Majoritarians”, „National Movement - Majoritarians”, “National Movement-Regions” and Independent MPs. Quota of the faction “United National Movement” was defined by two members; however, they gave one seat from their quota to the faction “Free Democrats”. As a result, they came up with two seats in the commission.

3.5 THE PRESIDENT'S ADDRESS TO THE PARLIAMENT

On March 31 of 2015, the President of Georgia delivered his annual speech at the Parliament of Georgia. The President dwelled upon bottlenecks in state governance, structural overlap, and ambiguity on the part of responsible parties. As he stated, these were right the factors to account for weakened institutional sustainability, ineffective and enfeebled governance and dragged processes. Economic growth and employment were defined as top priorities by the President; he welcomed and endorsed state projects undertaken in healthcare, agriculture, business sector; meantime, he called upon the legislative authorities to cooperate more closely and intensively with the business sector in the course of working out new regulations.

The President touched upon security as well; as he stated, security and welfare were directly intertwined with European and Euro-Atlantic integration; Georgia needed to come up with specific and measurable outcomes at Riga Summit to secure European prospects and benefits of Euro integration for the population.

The President talked about the arms race and growing militarization of the occupied territories. He emphasized the need to engage in direct dialogue with Abkhazians and Ossetians to come up with mutual vision and plans of conflict settlement. European future of Georgia would be the best guarantee to maintain self-sufficiency of Abkhazian and Ossetian people; however, Georgia wouldn't remain captured in frozen conflicts and would persist in strive towards modernization.

The President touched upon the need to stop the Russian "soft power", which required consolidation of pro-Western agenda within the country.

As the President stated, it was vital to modify the majoritarian elections system and initiate respective changes during the spring session. In order to expand representation of women, the President strongly supported introduction of the quoting system in the electoral legislation.

He put a particular emphasis on the need of strengthening the court system and passing "urgent" reforms for the Prosecution system and the Ministry of Internal Affairs.

3.6 INITIATION OF CONSTITUTIONAL AMENDMENTS AND LEGISLATIVE AMENDMENTS RELATED TO ELECTORAL SYSTEM

During 2015, the Parliament of Georgia initiated twice the constitutional amendments required for reforming the voting system.

On September 18 of 2015, the Parliament of Georgia passed [a resolution](#)⁶ by 81 votes on moving amendments to the Constitution of Georgia, publishing a draft of the Constitutional Law of Georgia and establishing a steering commission for its public consideration.

81 members of the Parliament were initiators of the legislative amendments.

Congruent to the draft Constitutional Law of Georgia, parliamentary elections following the ones in 2016 will be fully held through proportional system in multi-mandate election districts; hence, currently effective 73 majoritarian districts will be abolished. The draft also envisages reduction of the electoral threshold from the current 5% to 4%. In case of approving the draft, first assembly of the Parliament elected in 2016 will be defined as an official date of its enactment.

On December 11 of 2015, the Parliament of Georgia passed the resolution by 88 votes on amending the Constitution of Georgia, promulgating the draft Constitutional Law of Georgia and establishing a special commission for its public consideration. In this case, amendments were initiated by 204 161 citizens of Georgia.

The amendments provide for introduction of a new regional elections system of proportional representation, under which the Parliament of Georgia will be staffed with 75 members elected through common proportional system and 75 members elected through regional proportional system. In case of supporting constitutional amendments, parliamentary elections of 2016 will be held in line with the newly established rules.

Be reminded that abolition of the current majoritarian system was a part of the election program⁷ of the “Georgian Dream”. Non-governmental organizations kept criticizing the current elections system and were actively advocating for abolishing the majoritarian system.

On December 23, the Parliament adopted amendments to the Election Code of Georgia at the third hearing. By the amendments, election districts have been defined under a new rule.

Adoption of the draft organic law was triggered by the ruling of the Constitutional Court of Georgia of May 28 of 2015, by which the first part of article 110 of the Election Code of Georgia, stipulating there would be 10 single-mandate constituencies in Tbilisi for the next parliamentary elections, happened to contradict article 14 and first clause of article 28 of the Georgian Constitution. Amendments moved to the initiated draft law pertained to redrawing borders of election districts. Even though the initiated draft law did reduce discrepancy between numbers of voters among different majoritarian districts, it still failed to align the system with the ruling of the Constitutional Court, which in its turn is based upon the standards of the Venice Commission with respect to equality of votes.⁸

3.7 POSTPONING ENACTMENT OF DRAFT LAWS

The government keeps on the practice of postponing enactment of important amendments. In 2015, the Parliament of Georgia postponed enactment of the following 11 laws.⁹

1. „Amendments to the “Law of Georgia on Aliens and Stateless Persons” (07-3/410)
2. „Amendments to the Civil Code of Georgia (07-3/426)
3. „Amendments to the Law of Georgia on Accounting and Financial Audit” (07-3/439)
4. „Amendments to the Law of Georgia on Public Service” (07-3/442)
5. „Amendments to the Law of Georgia on Insolvency Proceedings” (07-3/526)
6. „Amendments to the Criminal Procedure Code of Georgia” (07-3/528)
7. „Amendments to the Law of Georgia on Higher Education” (07-2/342)
8. „Amendments to the Law of Georgia on Civil Security” (07-2/418)
9. Accounting and Financial Audit
10. Amendments to the Georgian Tax Code (07-2/417)
11. Prevention of Domestic Violence, Protection and Assistance to Victims of Domestic Violence (07-3/457)

In some cases, enactment of the same law may be postponed for several times. For instance, during 2014-2015 the legislative body repeatedly postponed enactment of the following amendments:

- Obligation of natural persons to use cash registers
- Preparation of financial statements in line with International Financial Reporting Standards and Financial Reporting Standards for small and medium-sized enterprises;
- Running insolvency proceedings through electronic system, which implies use of electronic media to execute activities envisaged by the law in the course of the proceeding. In addition, terms were extended and tax benefits were not lifted on import of tobacco raw materials and products.¹⁰

⁷ <https://goo.gl/RT5z4z>

⁸ Transparency International Georgia „Government-proposed majoritarian district reform may be unconstitutional”, December 10, 2015 <http://www.transparency.ge/node/5704>

⁹ 8 laws through simplified procedure; 3 laws through general procedure

¹⁰ Enactment of provisions of three laws was postponed: Law on Moving Amendments to Tax Code; Law on Accounting and Financial Audit and Law on Insolvency Proceedings.

Reasons presented in explanatory notes are not convincing; in most cases, the same grounds are repeatedly stated to account for postponed enactment of laws. According to explanatory notes, the following are the most frequent reasons for postponement:

- Lack of time to prepare and adopt relevant legal acts
- Lack of sufficient time for administration
- Problems with financial and human resources

In some cases, explanatory notes do not present reasons for postponing draft laws altogether. They do not indicate which specific circumstances served as an obstacle for the authorities to duly fulfill undertaken commitments (for example, failure to develop or administer an act within defined timeframe).

On the basis of analyzing current practices, it can be stated that the following are the major problems that account for postponed enactment of laws:

- **Failure to duly plan a legislative cycle** – current practice shows that in the course of drafting laws, appropriate analysis is not made of the timeframe that will be required for enactment. It could be explained by the fact that in general initiators do not have the relevant information and adequate knowledge on the mechanisms and process of execution, on administrative and other costs.
- **Inadequate oversight by the Parliament** - before enactment of amendments, there is no monitoring exercised over the relevant authorities and it is not assessed which specific steps and measures were applied for development of legislative framework or other needs. In addition, the legislative body should ensure that in case of postponement, due justification is provided by the initiator.
- **Disorganized processes in public policy** – it is reflected in poor internal coordination between different governmental bodies in the process of implementing legislative amendments, as well as failure to involve various stakeholders and etc. As a result, it seems that the relevant authorities or persons are often unable to carry out required preparatory work to ensure subsequent implementation of laws.
- **Lack of preliminary analysis to determine expected legislative impact on various fields** - Explanatory notes of draft laws frequently do not contain analysis on the impact laws will have on the economy and other crucial sectors of the country. Explanatory notes do not present either the negative effects that could arise from their adoption or enactment, which poses serious problems in terms of proper regulation of the process.

3.8 VOTE OF CONFIDENCE TO THE GOVERNMENT

At the extraordinary session on December 30, the Parliament approved composition of the Cabinet of Ministers with 86 votes against 26. After resignation of Irakli Gharibashvili from the position of the Prime Minister on December 23, it became necessary to declare vote of confidence to the new composition of the Government over again. For approval of the Parliament, the President nominated former Foreign Minister Giorgi Kvirikashvili as candidate to the Prime Minister and presented the following candidates to membership of the government:

- Minister of Economy and Sustainable Development – Dimitri Kumsishvili
- Minister of Energy - Kakha Kaladze
- Minister of Foreign Affairs – Mikheil Janelidze
- Minister of Health, Labor and Social Affairs – David Sergeenko
- Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees - Soar Subari
- Minister of Education and Science – Tamar Sanikidze
- Minister of Agriculture – Otari Danelia
- Minister of Regional Development and Infrastructure – Nodar Javakhishvili

- Minister of Finance – Nodar Khaduri
- Minister of Culture and Monument Protection – Mikheil Giorgadze
- Minister of Sport and Youth Affairs - Taniel Khechikishvili
- Minister of Defense – Tinatin Khidasheli
- Minister of Justice - Tea Tsulukiani
- Minister of Internal Affairs – Giorgi Mghebrishvili
- Minister of Corrections and Probation – Kakha Kakhishvili
- Minister of Environmental Protection and Natural Resources – Gigla Agulashvili
- State Minister of Euro-Atlantic Integration – David Bakradze
- State Minister of Reconciliation and Civil Equality - Paata Zakareishvili
- State Minister of Diaspora Issues – Gela Dumbadze

Composition of the Georgian Government presented to the Parliament for getting vote of confidence and the governmental program “for Powerful, Democratic and United Georgia” got registered in the Parliament as a legislative package on December 27, whereas hearings of respective committees were held on December 28. The very same day, the parliamentary minority had a chance to hear address of the Prime Minister Candidate. According to Mr. Kvirikashvili, major breakthrough in the economic development would represent a cornerstone for performance of the Cabinet of Ministers for the coming period. He listed development of tourism, agriculture, energy sector, transport and communications, full utilization of the Silk Road potential among the top priorities for the country.

CHAPTER 4 | IMPORTANT LEGISLATIVE AMENDMENTS

4.1 PROGRESSIVE LEGISLATIVE AMENDMENTS

4.1.1 REFORM OF CAPACITY INSTITUTE OF GEORGIA

On March 20 of 2015, the Parliament of Georgia at the 3rd hearing adopted a legislative package, which provided for passing reforms to the legal capacity institute. The legislative amendments were triggered by the ruling of the Constitutional Court of Georgia of October 8, 2014, which rendered the previously effective legislative model of capacity unconstitutional. With a view to aligning the legislation with the ruling of the Constitutional Court, a working group was established under the supervision of MP Tamar Kordzaia. Legislative amendments were initiated by the Legal Issues Committee.

Congruent to the legislative amendments, individual assessment will be applied to those persons who were deemed incapable by the law on the grounds of “dementia” or “mental disorder”. Such assessment will no longer be solely based upon the medical model and social assessment system will be included as well. Meantime, notions of “dementia” and “mental disorder” have been extracted from the legislation and instead, notion of “assistance recipient” has been introduced. An assistance recipient is deemed to be a capable person who on the basis of individual assessment of psycho-social needs, may be assigned an assistant by the court, i.e. a person, who will assist the recipient in realizing his rights and protecting his interests.

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Reform of Capacity Institute represents an important step forward in the field of human rights. As opposed to earlier legislative regulations, which used to automatically deprive disabled persons of all rights, the current legislation has switched to individual-based approach; under the given model, the court will apply an expert study to assess in which particular field of social life a person needs assistance and restrictions will be imposed accordingly.

As a result of the given change, the legislation has come in conformity with international and constitutional standards.

4.1.2 CODE OF JUVENILE JUSTICE

On June 12 of 2015, the Parliament passed the Code of Juvenile Justice and moved amendments to accompanying draft laws. **Congruent to the Code of Juvenile Justice, imprisonment as a form of punishment should be applied to juveniles only in cases of extreme emergency. Adopted regulations strictly prohibit sentencing of minors to life imprisonment. A juvenile’s detention period from the first appearance to the pre-trial hearing has been reduced from 60 to 40 days, whereas the criminal record shall be expunged right upon serving the sentence.**

Assessment of Transparency International Georgia

Code of Juvenile Justice definitely is a step forward for the Georgian Judicial System; it is essential that all branches of the government take coherent and consistent measures and thus provide for its effective implementation.¹¹ The code envisages establishment of specialized institutions that will solely focus on study of juvenile cases. It is particularly welcome that specialized prosecutors, judges and policemen will be introduced.

4.1.3 BAN ON EARLY MARRIAGES WITH PARENTAL CONSENT

On December 16 of 2015, the Parliament of Georgia approved the legislative amendments imposing restrictions on registration of minors’ marriages. The draft law had been worked out on the basis of a proposal by the Public Defender and was initiated by the Legal Issues Committee. Tamar Kordzaia, Member of the Parliament acted as a speaker.

Under the proposed amendments, the minimum age of marriage will increase from 16 years to 17. The new law stipulates as well that parents and guardians will no longer have the right to give consent to early marriages as the court will be the only official body authorized to issue such permit. Under the amendments, birth of a child may serve as the only valid ground for approving minors' marriage. Congruent to the draft law, such accommodation of the problem will set out a norm for transitional period, which will become invalid in one year from its enforcement. By the Civil Code of Georgia, 18 years will be determined as the minimum age of marriage from January 1 of 2017.

Assessment by Transparency International Georgia

Tightening up registration of early marriages and increasing the minimum age of marriage represent a significant step forward in terms of women rights protection. It is noteworthy that in the first half of 2015, 265 marriages (with at least one person being underage) of persons from 16 to 18 years were registered; 1527 underage mothers got registered in 2014.

4.1.4 MANDATE EXTENSION FOR THE CONFIDENCE GROUP

On December 23 of 2015, the Parliament of Georgia passed a law introducing additional control mechanisms on already performed and future procurements of the Ministry of Internal Affairs. Irakli Chikovani, member of the faction "Free Democrats" was the author of the initiative that envisaged changes to the "Law of Georgia on State Procurement".

Following the moved amendments, **the Ministry of Internal Affairs shall present to the Legal Affairs and Defense and Security Committees detailed information about pending unclassified procurements, provided that estimated price of goods or services exceeds 2 000 000 GEL and estimated cost of pending construction work exceeds 4 000 000 GEL; in addition, at least once a year it will be obliged to submit a summary report on performed unclassified procurement activities.**

The draft law was registered in the Parliament on the 13th of February, 2015. Review of the draft took quite a long time. At the second hearing, 15 members of the Parliament voted against the draft – 14 of them were from the faction the "Georgian Dream" while 1 was a member of the "Georgian Dream – National Forum".

The draft law was adopted at the third hearing with 85 votes in favor and 0 votes against.

Assessment of Transparency International Georgia

Adoption of the law is a significant step forward in terms of increasing accountability of the Ministry of Internal Affairs towards the Parliament, ensuring greater transparency of the procurement process run by the Ministry and increasing public awareness.

4.1.5 LEGAL STATUS OF ALIENS

Tightened visa regulations, that took effect on September 1 of 2014, have repeatedly become a subject of criticism for representatives of civil and business sectors as well as government officials. The new law prepared by the Ministry of Justice on "Legal Status of Aliens and Stateless Persons" has imposed unjustified barriers for foreigners willing to arrive in Georgia for purposes of tourism, family reunification or labor, adversely affecting overall investment climate of the country.

Since the day of its enactment on September 1 of 2014 to May 2015, the law had been amended three times; however, major problems still remained unsolved.

Transparency International Georgia closely followed and kept watch over the given reform; we repeatedly expressed concerns about inherent problems in the migration policy. We provided a detailed outline of prob-

lems posed by the new law and addressed the government with our recommendations as early as 2014. Only insubstantial part of suggestions were accounted for; a great number of problems still remained unaddressed in visa and migration rules of the country. That's the reason Transparency International Georgia addressed the Parliament with a legislative proposal, offering an effective accommodation of the existing problems. After the legislative proposal of TI Georgia, on March 13 the government registered in the Parliament fourth draft of amendments, which covered large part of our recommendations. Transparency International Georgia was actively involved in committee meetings, at which our legislative proposal was considered along with the government draft laws.

As a result of discussions, the Foreign Relations Committee accepted nearly all of our recommendations and adopted the draft law on April 28 at first hearing. Ultimately, on May 8 the Parliament adopted amendments by three hearings and removed major part of unreasonable barriers. It is particularly noteworthy that in the course of elaborating on the given issue, the government, the parliament and non-governmental organizations have demonstrated effective and productive cooperation. Constructive approach of draft law authors towards our recommendations was highly welcome and we hope that such practice of cooperation will persist in future as well. As a result of amendments, the government adopted a resolution¹² on June 5 allowing citizens of the countries having no visa regime with Georgia to stay in the country for 360 days instead of previously defined 90 days.

Assessment of Transparency International Georgia

The Parliament of Georgia took into account overwhelming majority of amendments set out in our legislative proposal. One important issue that the legislative body chose to decline pertained to denying issuance of the residence permit on the grounds that a **person's stay in Georgia could be unadvisable (article 18, paragraph 1, clause "a")**. **The given clause is ambiguous and its broad interpretation may give rise to certain problems. To obtain a visa, a person goes through security checks in Georgia; hence, checking a person for the same goal for the second time is devoid of rationale and leads to additional artificial barriers.**

4.2 POSITIVE LEGISLATIVE AMENDMENTS, NEEDING REFINEMENT

4.2.1 PUBLIC SERVICE REFORM

Following restoration of independence, Georgian public service has experienced a number of reforms. On November 11 of 2015, a completely new law¹³ was adopted "on Public Service", key provisions of which will take effect from January 1 of 2017. The law has been developed by the Public Service Bureau.

Assessment of Transparency International Georgia

Overall, adoption of the new "Law on Public Service" may be regarded as a positive development in terms of staff policy regulation. We welcome and positively assess transformation of the vicious institute of acting persons, introduction of annual appraisal and certification system for officials; in addition, possibility to check/monitor public officials' asset declarations represents a significant achievement.

However, we believe that the following areas still remain problematic:

- **Increase of upper limit of a probation period from the current 6 months to 12.** 12-month probation period will result in reduced motivation on the part of qualified candidates to get employed in the public sector; it also increases the risk that higher-ranking officials may use their power for political ends;
- Expanding circle of LEPLs, to which the "Law on Public Service", i.e. appointment of officials through a contest, does not apply. **Practice of appointing candidates without a contest needs to be driven to minimum in order to eradicate associated risks of nepotism and political patronage.**

With respect to the public service reform, you may find more details in our research¹⁴ and assessment¹⁵ of the "Law on Public Service".

¹² List of country nationals, that may enter Georgia without a visa: <https://goo.gl/0HG2xw>

¹³ <https://goo.gl/nfXLgv>

¹⁴ TI Georgia assesses certain aspect of civil service reform: <http://goo.gl/JzYJg6>

¹⁵ Strengths and weaknesses of a new draft law on public service: <http://goo.gl/5KoDRk>

4.2.2 LAW ON THE BUSINESS OMBUDSMAN

On May 28 of 2015, the Parliament of Georgia adopted the law on the Business Ombudsman.¹⁶ The given law aimed to introduce a separate legislative act that would regulate authority of the business ombudsman. Before its adoption, authority of the business ombudsman, key principles and forms of his activity used to be defined by the article 42 of the Tax Code of Georgia and by the resolution N92 of the Georgian Government adopted on February 23 of 2011 on “the powers of Tax Ombudsman, key principles and forms of his activities”.

Under the new law, Tax Ombudsman has been replaced with the notion of Business Ombudsman. The law sets forth key principles of his/her activities. Business Ombudsman is appointed by the Prime Minister in agreement with the Chairman of the Parliament and his remuneration is determined by the relevant act of the Prime Minister. The law stipulates grounds for terminating authority of the Business Ombudsman. One of the reasons could be respective decision by the Prime Minister.

Assessment of Transparency International Georgia:

Transparency International Georgia welcomes statutory regulation of the Business Ombudsman’s activities. However we believe that merely **replacing a resolution with a law and moving purely terminological change to the position of the Tax Ombudsman won’t suffice to streamline functionality of the institution**. We had several major remarks with respect to the draft law, though they were not shared by the initiator of the law – that is, the Government. Remarks of “International Transparency – Georgia” pointed out that it was necessary to amend rule of taking Business Ombudsman’s office in a way that would promote sustainability and independence of the institution. It could be primarily achieved by increasing accountability of the Business Ombudsman towards the Parliament and putting the Parliament in charge of appointment and dismissal of the Ombudsman.¹⁷

4.2.3 LAW ON LABOR MIGRATION

On April the 1st of 2015, the Parliament of Georgia adopted a law on Labor Migration. The law aimed to introduce effective mechanisms that would regulate labor migration in Georgia, encourage legal labor migration into the country, eradicate practices of illegal labor migration and protect against the trafficking. The law defined: issues of labor migration outside Georgia for Georgian citizens, aliens holding permanent residence permit and persons having a status of stateless person in Georgia as well as obligations of an individual entity or sole entrepreneur, carrying out labor activities outside Georgia.

Initial version of the draft law envisaged obligation to register requirement, which implied the following: if a local employer wanted to hire an alien, he should have registered a relevant requirement in the Ministry of Labor, Health and Social Affairs. In case a citizen of Georgia with relevant qualification wouldn’t be found within 7 days, the employer would be entitled to sign an employment contract with the foreigner. The draft law was negatively assessed by the majority of business and non-governmental sector representatives; as a result, it went through significant amendments; ultimately, trafficking became a focal point in its final version.

Assessment of Transparency International Georgia:

In the process of considering the draft law, Transparency International Georgia put forward a number of remarks and suggestions. The principal remark pertained to the obligation of registration presented in the initial version; with the given requirement, the state was abruptly interfering in private affairs, setting unjustified barriers for companies; it entailed introduction of additional bureaucratic mechanisms and increasing costs of state apparatus. In addition, it implied unconstitutional expansion of the government authority in the field of labor relations. Adoption of the draft law in the given form would have a negative impact on the economy of the country, future prospects of development and overall investment climate.¹⁸ The given norms were removed from the draft law.

¹⁶ <http://info.parliament.ge/#law-drafting/8234>

¹⁷ Transparency International Georgia - “New law must ensure institutional independence of Business Ombudsman”, March 18, 2015 <http://goo.gl/NJzWOR>

¹⁸ Transparency International- Georgia, “Draft Law on Labor Migration: new, unjustified barriers for business”, February 9, 2015, <http://goo.gl/iOomC9>

Since labor activities of Georgian citizens outside Georgia required regulation, adoption of the final version of the “Law on Labor Migration” should be assessed as a positive development.

4.2.4 LEGISLATIVE AMENDMENTS TO DRUG-RELATED OFFENCES

On July 8 of 2015, the Parliament of Georgia approved amendments to the Criminal Code of Georgia (Ministry of Justice, the Prosecutor’s Office and Ministry of Internal Affairs were the authors, the Government of Georgia was an initiator). By the given amendments, **illicit preparation, production, purchase, keeping and shipment of drugs, their analogy, precursors or similar psychoactive substances have been separated from their illicit realization. In addition, severity of punishment has been changed; namely, for illicit preparation, production, purchase, keeping, transfer and shipment of such substances maximum term of imprisonment has been reduced from previously defined 11 to 6 years.** As for realization of drugs, liability has been toughened and term of imprisonment has been defined from 6 to 11 years. Tougher approaches have been introduced towards qualifying norms as well. The draft law set forth grounds for lifting liability from a person in case of “voluntary surrender”.

It is noteworthy that on October 24 of 2015, the Constitutional Court of Georgia declared paragraph 2 of article 260 of the Criminal Code, which envisaged imprisonment of a person for consumption of marijuana, unconstitutional. Congruent to the ruling of the Constitutional Court, dried marijuana up to 70 grams, for which a plaintiff faced a danger of imprisonment, didn’t represent that big amount to explicitly indicate intention or threat of realization. Hence, the Court announced unconstitutional the normative content of the provision, which allowed imprisonment as punishment for purchase/keeping of marijuana for personal use.

Assessment of Transparency International Georgia

Separation of illicit preparation, production, acquisition, keeping and shipment of drugs from their illicit realization should be considered as a step forward.

It is recommended that the government revises drug policy, develops a common vision on new standards and timely aligns the legislation with the ruling of the Constitutional Court.

4.3 NEGATIVE LEGISLATIVE AMENDMENTS

4.3.1 SEPARATION OF THE SUPERVISION FUNCTION FROM THE NATIONAL BANK

On September 3 of 2015, the Parliament of Georgia moved amendments to the “Law of Georgia on the National Bank”. The National Bank will be stripped of its banking supervision function and it will be transferred to an agency, which has been established as a legal person of public law.

The civil society, including Transparency International Georgia was involved in discussions of the draft law and submitted its remarks to the Parliament. The draft law was criticized by the parliamentary opposition, Association of Banks of Georgia and Business Ombudsman, representatives of civil society (including Transparency International Georgia) as well as representatives of the World Bank and the Monetary Fund. NGOs negatively assessed and criticized the reform; they even released a joint statement in which they warned the Government of the possible negative consequences in case of adopting the draft law. Nevertheless, during committee hearings, the Parliament didn’t move substantial changes to the draft.

On September 22 of 2015, the “United National Movement” and “Free Democrats” addressed the Constitutional Court with a claim on constitutionality of amendments to the Law on the National Bank. Congruent to the minutes record of October 12, 2015, until taking a final resolution, the Constitutional Court of Georgia would suspend those articles of the Organic Law “on the National Bank of Georgia”, which restricted supervision functions of the National Bank.¹⁹

On October 12 of 2015, plenum of the Constitutional Court received a constitutional claim for consideration - "Group of Members of Parliament (Zurab Abashidze, Giorgi Baramidze, David Bakradze and others, 39 MPs in total) against the Parliament of Georgia".

Claimants disputed amendments to various legislative acts, including the ones moved to the "Organic Law on the National Bank", by which a legal entity of public law "Financial Supervision Agency of Georgia" was established and put in charge of the functions performed by the National Bank prior to enactment of disputed norms. According to claimants, the powers transferred to the agency were vital for supporting stable operation of the financial sector; congruent to paragraphs 1 and 4 of article 95 of the Constitution, such powers could only be within the competence of the National Bank of Georgia.

The Constitutional Court of Georgia concluded that before final settlement of the claim, the disputed norms could undermine not only stability of the country's financial and banking sector, but also lead to irreparable damage to rights and interests of specific individuals (participants of banking relations, investors, depositors); therefore, the Court adopted a resolution in favor of suspending the disputed norms.

Assessment of Transparency International Georgia

Prior to its adoption, we presented and highlighted shortcomings of the draft law.

In addition, Transparency International Georgia submitted to the Constitutional Court of Georgia in the framework of the amicus curiae its views on the constitutionality of the disputed provisions.

Legislative amendments pose the following problems:

- The National Bank retains its constitutional power to promote stability of the financial sector; however, it is deprived of appropriate tools and instruments.
- Financial Supervision Agency is set up, which fully assumes banking supervision function of the National Bank but it does not represent a structure subordinated to the National Bank.
- The National Bank is responsible for technical and material maintenance of the Agency; however, the Agency bears no accountability towards the National Bank
- Amendments violate independence of the National Bank envisaged by the Constitution; the Bank is obliged to carry out certain activities based on request of the Agency notwithstanding appropriateness of request.

Analysis of legal norms confirms that the amendment contradicts the Constitution, as it restricts constitutional authority of the National Bank, leaving it with just formal powers.

4.3.2 AMENDMENTS TO EVICTION REGULATIONS

On December 11 of 2015, following tense and extensive discussions, the Parliament adopted the initiative of the Legal Affairs Committee (author of the initiative - member of the Parliament Paata Kiknavelidze), which provided for moving amendments to the Civil Code and the Civil Procedure Code, as well as to the "Law on Police" and the "Law on Enforcement Proceedings".

The proposed amendments removed section 3 of article 173 of the Civil Code of Georgia, which entitled a person without a court order to address the police with a request of evicting illegal/unlawful possessor of immovable property, if the alleged intruder didn't have written document verifying property ownership, legitimate possession and/or right of its disposal.²⁰

The draft law was criticized by the parliamentary opposition, Association of Banks of Georgia, Business Ombudsman, representatives²¹ of civil society (including Transparency International Georgia), as well as representatives of the World Bank and International Monetary Fund. The presented initiative triggered contra-

²⁰ Transparency International – Georgia, "New Eviction Rules Unreasonably Limit Property Rights", October 29, 2015 <http://goo.gl/OXPXEN>

²¹ <http://goo.gl/Dz5FEo>

dictory reactions among the business sector representatives. A number of meetings were held with committee members. The draft law was negatively assessed by the Public Defender as well.²² In the course of ongoing discussions, committee members held a closed meeting with representatives of the Business Association and the National Bureau of Enforcement.²³

At the second hearing of the draft law, changes were moved to the proposed initiative - as an exception, it became possible to evict a person by the police if there was a reasonable suspicion on unauthorized intrusion into an apartment or other premises. According to the explanatory note of the draft law, the given change was triggered by substantial legal faults, which had been present since 2007 in non-court eviction practices, including eviction by the police.

Assessment of Transparency International Georgia

We believe that the new regulations unreasonably restrict property ownership rights. The law-envisaged rule will lead to negative consequences for citizens engaged in Georgia-based commercial banks, microfinance institutions, credit unions, leasing and development companies and real estate sector. We believe that this in its turn will adversely affect economic development of the given sector. Risks of negative consequences were not mitigated either by the amendments moved during the second hearing. Even though the law is aimed at protecting rights of real estate owners, in particular rights of mortgagees, it will not achieve it. After enactment of the law, real estate owners will merely be given certain time before being evicted by the court. In addition, appeals to the court will significantly increase, which will only result in a delay of a person's eviction. Courts will be even more overloaded, which will negatively impact consideration of other ongoing cases.²⁴

4.3.3 AMENDMENTS TO THE LAW ON THE NOTARIES

On December 10 of 2015, the Parliament of Georgia adopted the government-initiated draft law (author - Ministry of Justice) on moving amendments to the Law on the Notaries and the "Tax Code of Georgia". **Congruent to the amendments, during the first 3 years newly appointed notaries will have to carry out notary activities in high mountainous regions or in settlements having no appropriate outreach to notary services. Furthermore, a notary's refusal to be allocated to a defined settlement will result in refusal to appoint the person as a notary.** Throughout the period of the notary's activities, financial assistance will be provided by the Notary Chamber of Georgia. The law does not specify what type of financial assistance is envisaged. According to the explanatory note of the law, financial assistance implies monthly 100 GEL allowance for low-income notaries; in some cases, it could be reimbursement for apartment rent or provision of required technical hardware.

Assessment of Transparency International Georgia

According to Transparency international Georgia **the law imposes unjustified restrictions on the notary services. With the presented contents the law cannot provide for achieving the set objective - delivery of notarial services to the population in the areas that are currently deprived of such services. Gross interference of the state in the notaries' activities poses long-term risks and undermines future development of the given sector.**²⁵

Proposed provisions of the law blatantly interfere in labor rights of the notaries. It is noteworthy that concerning the notary's institute the Constitutional Court of Georgia clarified in its 13 November 2014 record that a notary's position must regarded as the state position stipulated in Article 29 of the Constitution of Georgia and statutory terms for its occupation must be consistent with the above-mentioned constitutional norm. Hence, it must be reasonable and must not create artificial obstacles for holding the position. Regulations of the draft law raise additional questions on the compliance of such extra obligations with constitutional requirements.

²² <http://goo.gl/Npg5JX>

²³ <http://goo.gl/LGxXsp>

²⁴ Transparency International - Georgia, "draft law on evictions is a risk", June 5, 2015, <http://goo.gl/2RYJf1>

²⁵ Transparency international – Georgia, "new draft law to undermine proper functioning of notarial services" October 15, 2015, <http://goo.gl/o9e9Wk>

4.3.4 LAW ON STATE SECRETS

On February 19, 2015, the Parliament adopted the Law on the “State Security Service”. The law was initiated and authored by the Chairman of Defense and Security Committee Irakli Sesiashvili.

The draft law:

- Expands the range of those normative acts, which can be regarded as state secrets. Under the previous law, only those normative acts could have been classified as state secrets that regulated **internal activities** of the Ministries of Defense, Interior Affairs, Justice, Finance, Environmental Protection and Natural Resources, the Georgian Intelligence Service and Special State Protection Service of Georgia in the field of defense, security and investigation. The presented draft law no longer contains the term “internal activity”. Accordingly, any normative act issued by the given agencies can be classified as a state secret.
- Has complicated access mechanisms for a person to state secrets. The criterion “low degree of reliability and trustworthiness” has been included in the list of grounds to deny a person clearance to secrets. Period of a person’s inspection has been extended to 3 months, with the possibility of prolonging the term with additional 3 months.
- In case of denying clearance to state secrets, state officials no longer have the obligation to present a **written response** with due reasons. Removal of this obligation from the law means that the official will have the right to respond to a citizen’s complaint without presenting reasons, by simply notifying them of the final decision.

Assessment of Transparency International Georgia:

According to the explanatory note, the draft law aimed to regulate public relations related to state secrets and align them with contemporary international standards. By assessment of Transparency International Georgia, in spite of the envisaged objective, **the law contains a number of provisions that contradict international and European standards. Compared to currently effective law, it actually worsens the situation in this regard.**

Normative acts have arisen general public interest and their accessibility is directly related to protection of human rights and democratic governance. Vague criteria of “reliability and creditworthiness”, threefold increase of inspection term and releasing officials from the liability to submit duly argumentative written response in case of denial **aggravate accessibility of information, increase risk of further and unjustified closure of already shut system and also increases probability of subjective settlement of the issue by law enforcement authorities.**

4.3.5 REDUCING THE SCOPE OF JURY TRIAL

On February 19 of 2015, the Parliament of Georgia supported the legislative proposal initiated by members of the Parliament Manana Kobakhidze, David Saganelidze, Gedevan Popkhadze, Zviad Kvachantiradze and Paata Kiknavelidze on moving amendment to the Criminal Procedure Code of Georgia. According to the amendment, paragraph 31 of article 330 of the Criminal Procedure Code will be removed. Consequently, trials by jury will no longer consider criminal offences by officials, holding or having held positions envisaged by article 2 of the Law of Georgia “on the Conflict of Interests and Corruption in Public Service” as well as cases of those persons, who represent accomplices of such officials in a crime.

Assessment of Transparency International Georgia

Together with other non-governmental organizations, Transparency International Georgia negatively assessed reduction of the scope of the jury trial.

Introduction of the jury trial practice was assessed as a positive development by partner countries and organizations of Georgia. However, the government failed to take sufficient measures to ensure effective implementation of the given institute. Full-scale launch of jury trial should have taken place by October 1 of 2014. The Parliament of Georgia adopted the law on September 18, 2014 and postponed full launch of the jury system until October 1, 2016.

Reducing scope of the jury trial needs to be duly justified. The issue of scope reduction should not be guided by political motives or legal preferences, it should not depend on likes and dislikes of members of the Parliament. Talks on the mandate of jury trial should be brought within the framework of systemic discussions.

4.3.6 CRIMINALIZING INCITEMENT OF HATRED

On June 12 of 2015, the Parliament passed an amendment to the Criminal Code of Georgia. **According to the given amendment public calls made verbally, in writing or through other forms for inciting hatred and causing discord between racial, religious, national, ethnic, social, political, linguistic and/or other groups and public calls that pose obvious, direct and substantial danger of violent acts, shall be punishable by a fine from two hundred to four hundred GEL or community service. The same action, followed by severe damage to human health, death or other serious consequences is punishable by imprisonment from two to five years. For the action envisaged under the given article, legal entity shall be punished by liquidation or deprivation of license and fine.**

Assessment of Transparency International Georgia:

The given draft law was negatively assessed by the civil sector right upon its initiation. During the committee discussions, initiator of the draft law took into account remarks made by non-governmental organizations and modified wording of the provision to include in the definition of punishable activity “obvious, direct and substantial danger of violent acts”. Even though consideration of the given remark has substantially improved legislative amendments, we believe that **the government’s efforts directed at regulating the freedom of expression should be regarded as a step backwards in terms of democracy and development.**

4.3.7 AMENDMENTS TO RULES ON WITNESS INTERROGATION

On December 18 of 2015, the Parliament approved the amendments to the Criminal Procedure Code of Georgia, which established new rules for witness interrogation.

Amendment which envisaged interrogation of witnesses only at the court proceeding was moved in 2009; however, from the date of adoption, its enactment has been postponed 7 times.

In 2015 a working group was set up under the Legal Affairs Committee, in which along with the parliament members and government officials, non-governmental sector representatives were involved. The working group failed to work out the draft law. Finally, the legislative body voted in favor of the draft law developed by the Ministry of Justice and initiated by the government.

The draft law envisages the possibility of compulsory questioning of a witness by a magistrate judge in case of witness refusal to participate in voluntary interrogation. The given authority is granted only to the prosecution and to secure questioning by the magistrate judge, he has to prove that a person holds information relevant to the circumstances of the case. The Judge satisfies motion of the prosecution if appropriate standard of evidence is present – **there is solid reason to believe** that the person actually holds essential information related to the criminal case.

The draft law also clarifies the above-mentioned standard of evidence; it means there are facts and/or information evident allowing an unbiased person to conclude that a person may be holding information required for investigating circumstances of the criminal case.

Assessment of Transparency international Georgia

Transparency International Georgia was actively involved in the committee hearings. Within the framework of “Coalition for Independent and Transparent Judiciary”, we assessed the legislative amendments. **By opinion of the Coalition, amendments proposed by the Ministry of Justice result in introduction of elements that are fundamentally incompatible with the effective judiciary system of Georgia, lead to deterioration**

of legal state of the defense and jeopardize overall equality of the parties. We believe that enactment of the proposed rule will trigger a number of serious legal and practical problems in future.

4.4 REFORM OF LAW ENFORCEMENT SYSTEM

4.4.1 REFORM OF THE MINISTRY OF INTERNAL AFFAIRS

On July 8 of 2015, the Parliament passed at the third hearing the government-initiated draft law on “State Security Service” and amendments to its accompanying draft laws. Legislative amendments aimed to separate state security service from the Ministry of Internal Affairs and pass reform of the given Ministry. **By the new Law on “State Security Service” a new structure – Security Service has been established, which assumes the functions of analysis, law enforcement, use of force, prevention and investigation.**

Assessment of Transparency International Georgia

Transparency International Georgia was actively involved in ongoing committee discussions and public meetings on the Interior Ministry reform. Only small portion of our remarks were considered; however, the remarks that concerned the most fundamental issues and critical areas were left neglected.

Transparency International Georgia welcomes separation of the State Security Service from the Interior Ministry as concentration of excessive power in the hands of a single agency always leads to the risk of power abuse. **Nevertheless, we think that the Law on “State Security Service” clearly demonstrates the way a good idea can be implemented in the most ineffective way - by splitting one powerful Ministry we got two separate structures with excessive authority, duplicated functions and risk of power abuse. Such accommodation of the issue can hardly be assessed as a step forward towards democracy and human rights.**

We have posted on our website a comprehensive assessment of the Interior Ministry reform. Now, we will draw attention to a few principal issues:

- Security Service with excessive power, low standards of transparency and clandestine methods of data collection poses a serious danger in terms of power abuse and human rights violation.
- There are not effective tools in place for controlling activities of the Security Service. Consequently, we have come by with a closed agency possessing extensive personal data whereas no external mechanisms of control are available.
- State Security Service retains authority to have a permanent representative in state institutions as well as in private structures. It was not sufficient to just reform the institution of the so-called “ODRs”; it was vital to decline the given malpractice altogether.
- Technical equipment that is used for purposes of wiretapping, still remains in the hands of the agency with the high risk of power abuse, as the given authority is driven by investigative, preventive and law-enforcement objectives and hence has professional interest in collecting as much information as possible.

4.4.2 PROSECUTION REFORM

On September 18 of 2015, the Parliament of Georgia passed the government-initiated amendments to the Law on the Prosecution. The amendments aimed to increase independence of the Prosecutor’s Office through establishing the Prosecutorial Council and Conference of Prosecutors; explicit definition of the Prosecution’s accountability; legislative regulation of the criteria for appointment/dismissal of the Chief Prosecutor.

Following the moved amendments, a new body – Prosecutorial Council has been established, whose primary functions include participation in appointment and dismissal of the Chief Prosecutor. The Prosecutorial Council consists of 15 members with Minister of Justice being Chairman of the Council and the Parliament of Georgia selecting its four members.

The Coalition for an Independent and Transparent Judiciary has repeatedly expressed its position on the given process and published a number of reports on the draft law. The Coalition asserted that introduction of a new rule of selection/appointment and dismissal of the Chief Prosecutor didn’t suffice to reform the prosecution

system and therefore, the ongoing process could not be assessed as such.

Assessment of Transparency International Georgia

Establishment of the Prosecutorial Council was a positive step; **however, existence of an effective and independent Prosecutorial Council largely depended on the rule of its staffing.**

Rule of staffing the Prosecutorial Council as well as qualification/professional criteria for the chief prosecutorial candidate, rule of appointment and dismissal fail **to provide for selecting the best candidate to the position of the Chief Prosecutor based on professional skills and do not ensure non-political nature of the selection process.**

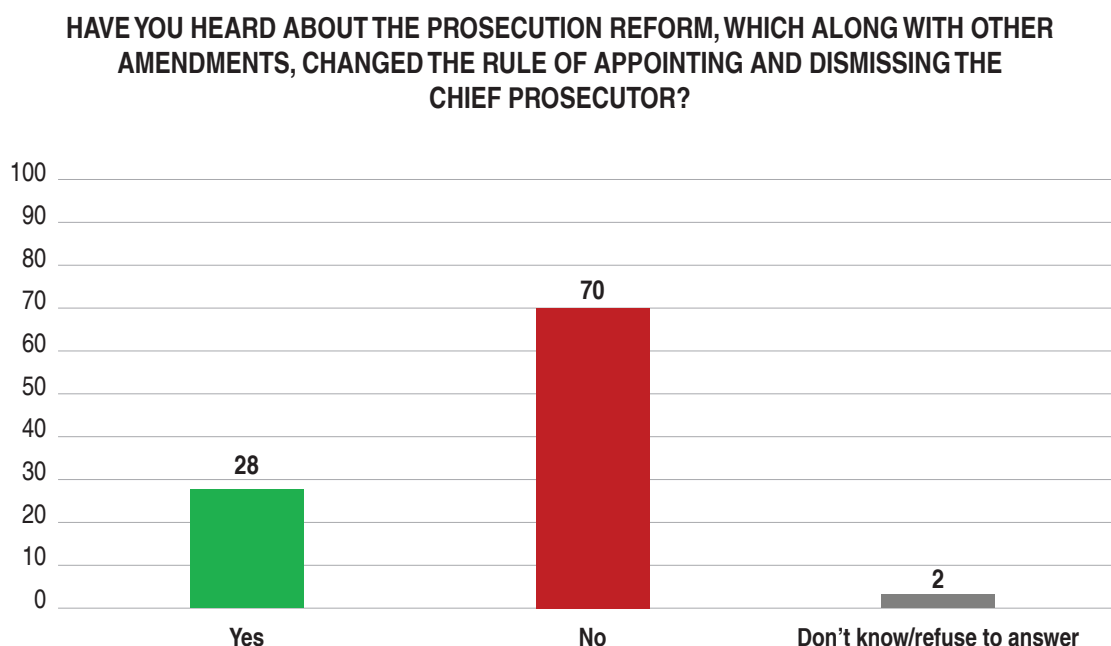
Transparency International Georgia has the following key concerns with respect to the law:

- As the Parliament finally approves the Chief Prosecutor by simple majority of votes, support of just the ruling political party is sufficient. The given fact is not counterbalanced either by the rule of candidate selection in the Council, as the draft law allows for the possibility to select those candidates in the Prosecutorial Council, who are acceptable for the ruling party.
- Minister of Justice still remains the Head of the Prosecutorial Council, retains the power to unilaterally nominate its candidates and besides, holds other significant powers with respect to functioning of the Prosecutorial Council.
- The draft law does not establish clear qualification/professional criteria to be met by candidates to the Chief Prosecutor; as a result, the Prosecutorial Council remains restricted by the decision made by the Minister of Justice at his/her sole discretion.
- The revised draft law still contains systemic problems, such as exceedingly politicized processes for dismissing the Chief Prosecutor, flawed mechanisms of the procedure for selection and temporary appointment of acting Chief Prosecutor, vague nature of his proceedings, lack of legal safeguards for the Chief Prosecutor and exclusion of the court from the entire process. Disciplinary procedures of the Chief Prosecutor are rather obscure as well.

Opinion Poll Results

Transparency International Georgia got interested whether citizens of Georgia were well informed about the prosecution reform.

Diagram 3. Public opinion poll results about the prosecution reform

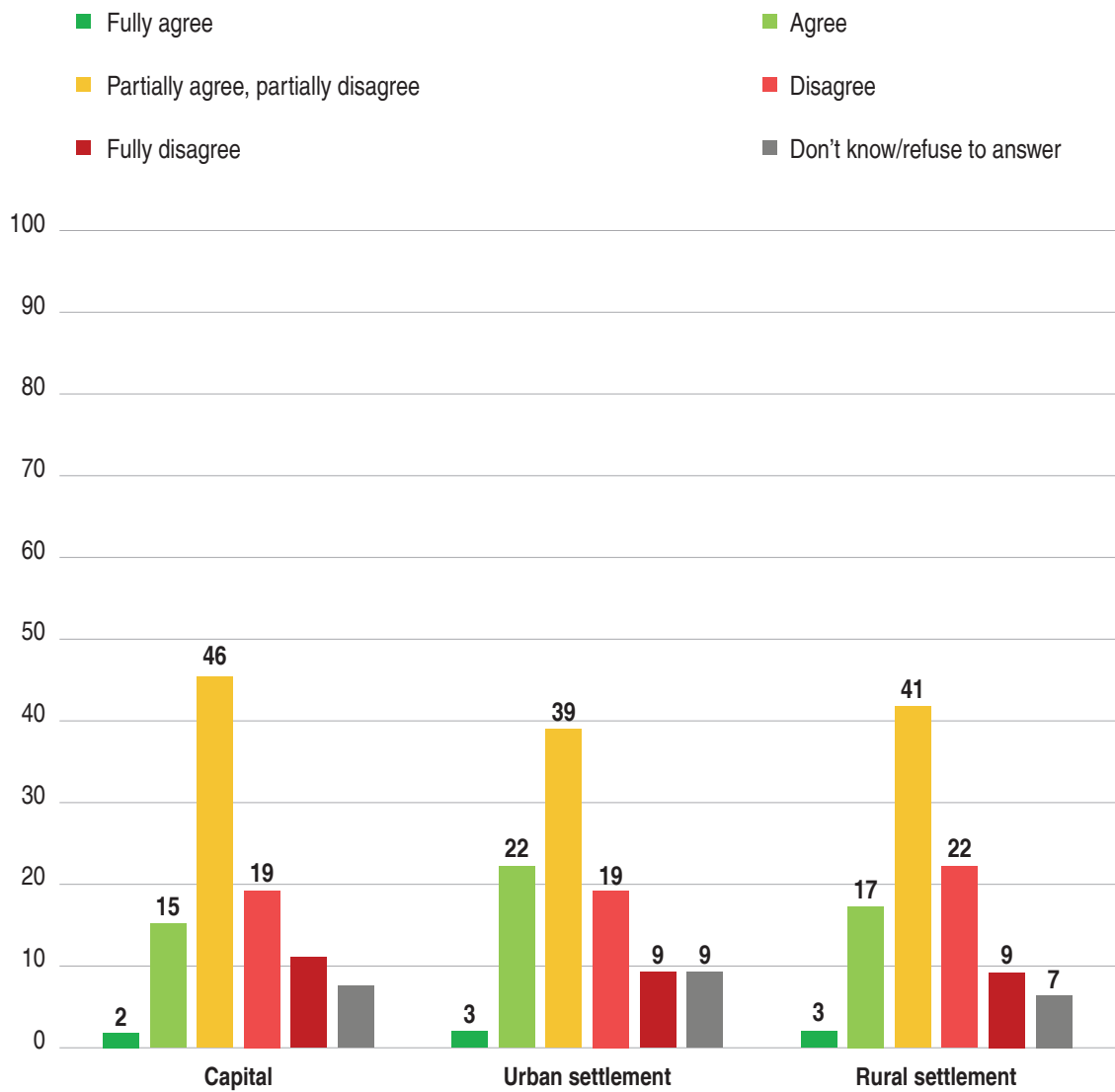


Results of the public opinion poll on laws adopted by the Parliament

Congruent to the Constitution of Georgia, the people are the source of power. The Parliament is the supreme representative body of the country. Thus, it is particularly interesting to find out what people think of their representatives and on activities of the Institute, which defines key directions in the country’s domestic and foreign policy. Although disposition of the population is best reflected through elections, attitude of citizens towards institutions as well as specific politicians tend to change from one elections to another. Accordingly, we think that knowing what people think on the legislative body and adopted laws will be beneficial for Members of the Parliament and will ultimately bear a positive effect on their activities.

Diagram 4. Public opinion poll results on the draft laws adopted by the Parliament

DO YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENT: THE PARLIAMENT ADOPTS LAWS BENEFICIAL FOR GEORGIA BASED ON THE TYPE OF SETTLEMENT



CHAPTER 5 | PARLIAMENTARY CONTROL ■

Congruent to article 48 of the Constitution of Georgia, the Parliament is the supreme representative body. Along with performing legislative activities and defining key directions in the country's domestic and foreign policies, its primary functions include oversight of government activities.

According to the Georgian legislation, there are several mechanisms available for parliamentary control:

- Hearing of reports of the bodies accountable to the Parliament
- Invitation of accountable bodies to committee meetings
- MP questions
- Governmental hour
- Establishment of the investigation commission
- Control over implementation of normative acts
- Confidence Group activities

Transparency International Georgia studied practical application of each control mechanism by the Parliament in 2015. **The Parliament had not exercised several options of control mechanism; for example, governmental hour had not taken place.**

Despite 5 requests submitted by the minority, temporary investigation commission had not been established.

Control over governmental acts is ineffective and needs to be improved.

In some cases, Members of Parliament **inappropriately employ mechanism** of MP questions and get interested in information about a particular person or institution. Practice of responding to MP questions revealed that in most cases rules and procedures of responding are violated.

MP question by a **group of ten members of the Parliament or a Parliamentary Faction has not been exercised during the reporting period.**

5.1 HEARING OF REPORTS OF THE BODIES ACCOUNTABLE TO THE PARLIAMENT

Congruent to article 48 of the Constitution of Georgia, within the framework determined by the Constitution the Parliament exercises control over the activity of the government. Congruent to article 3 of the Rules of Procedure of the Parliament, it is the prerogative of the Parliament to exercise control over officials and bodies accountable and responsible to the Parliament. The Constitution of Georgia and Rules of Procedure of the Parliament determine when and in what manner reports of accountable bodies will be considered; in line with the given rules, during the reporting period the Parliament of Georgia:

- at the plenary session on September 18, heard as a note **2014 activity report of the National Communications Commission and information on its primary activities for 2015-2017**
- at the plenary session on June 27, heard as a note **2014 activity report of the Statistics National Office**
- On May 28, approved **2014 activity report of LEPL Legal Aid Service of Georgia**
- At the plenary session of July 3, heard the **government's report on implementation of 2014 state budget**
- On May 1, heard and positively assessed 2014 report by **the Personal Data Protection Inspector on activities of the Office of the Inspector and Protection of Personal Data**
- On July 3, heard 2014 report of Public Defender on protection of human rights and freedoms.

5.1.1 HEARING OF REPORTS BY THE STATE AUDIT OFFICE AND THE NATIONAL BANK OF GEORGIA

At the plenary session, the Parliament of Georgia has not heard activity reports for 2015 by the **State Audit Office** and the National Bank of Georgia. Neither did the Parliament hear the given reports in 2014. Congruent to article 3 of the Rules of Procedure of the Parliament, it is the prerogative of the parliament **to exercise parliamentary control over officials and bodies accountable to it**. Congruent to articles **227** and **239** of the Rules of Procedure, the Parliament controls activities of the State Audit Office as envisaged by the Constitution of Georgia and other legislative and sub legislative acts. Once a year, no later than June 1 of the following year – the State Audit Office shall present its activity report. After reviewing the report, the Parliament shall adopt relevant resolution. According to article **239** of the Rules of Procedure, the National Bank which is accountable to the Parliament and represents a banker and fiscal agent of the Georgian government, as well as the Financial Supervision Agency of Georgia shall submit their annual activity reports to the Parliament each year, no later than 4 months after the end of the previous fiscal year.

Thus, despite the statutory requirement to present an activity report, the State Audit office has not performed its obligation.

In 2015, the Parliament didn't review at its plenary session **an activity report of the National Bank**. The given issue was brought to the fore and particularly emphasized due to depreciation of the national currency, which substantially aggravated economic situation in the country; representatives of the government kept on expressing their complaints on activities of the National Bank. President of the National Bank repeatedly called for considering the report at the plenary session.

It is not quite clear on what grounds the Parliament neglects statutory requirements. Congruent to norms of the Rules of Procedure, it is essential that the Parliament hears reports presented by accountable bodies.

5.1.2 HEARING OF REPORTS BY COMMITTEES AND INVITING THE BODIES ACCOUNTABLE TO THE PARLIAMENT TO THE COMMITTEE

Transparency International Georgia decided to determine which institutions had presented reports at committee hearings, how many sessions were devoted to discussion of the issue and heads of how many accountable bodies were invited at the committee sessions.

Congruent to **article 45 of the Rules of Procedure** of the Parliament, a member of the government, an official elected by the Parliament as well as an official whose appointment has been approved by the Parliament, shall be entitled and upon request shall be obliged **to attend committee meetings, answer questions raised during sessions and submit activity reports**. Immediately upon a respective request, committee will be obliged to hear reports of such officials.

The information submitted by the committees on the one hand does not indicate the agencies reports of which were considered and on the other – who specifically was representing a particular agency. The information presented by the committees does not specify whether representatives of the government and other structures were invited for purposes of hearing reports or for considering other vital and problematic issues by committee initiative.

While studying the issue, two key problems were identified:

- **Compared to practices of developed and democratic countries, parliamentary committees do not employ the given possibility envisaged by the law at proper frequency and with due effectiveness.**
- **Members of the Government do not take accountability towards parliamentary committees with due responsibility; in most cases different Ministries are represented not by Ministers themselves, but rather by Deputy Ministers and Heads of Ministry's structural units.**

Below is given information on hearing of reports of accountable bodies by different committees:

1. **Agrarian Issues Committee** dedicated 8 sessions to hearing of reports by accountable bodies; the sessions were attended by the government officials and heads of the agencies, in particular: activity report of the Ministry of Agriculture and an action plan on development - the strategy was presented by the Minister of Agriculture Otar Danelia; information about the measures taken to assist small farmers during Spring preparatory works was introduced by the First Deputy of the Minister of Agriculture, Nodar Kereselidze.
2. **Human Rights Committee** dedicated 22 sessions to hearing of reports by accountable bodies; the sessions were attended by: the Chairman of the Supreme Court - Nino Gvenetadze; Minister of Justice Tea Tsulukiani; Deputy Minister Alexander Baramidze; Minister of Internal Affairs Giorgi Mghebrishvili and his Deputy; Minister of Corrections and Probation and his Deputy; Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; State Minister for Reconciliation and Civic Equality and his Deputy; Minister of Defense Tinatin Khidasheli; Chief Prosecutor Irakli Shotadze and his Deputy; Deputy Minister of Labour, Health and Social Affairs; Two Deputy Ministers of Education and Science; Deputy Minister of Finance; Deputy Minister of Foreign Affairs; Deputy Minister of Culture and Monument Protection; Deputy Minister of Environment Protection and Natural Resources; Deputy Minister of Economy and Sustainable Development; the Public Defender of Georgia, Director of Legal Aid Service, the Personal Data Protection Inspector; members of the High Council of Justice; Assistant to the Prime Minister in Human Rights and Gender Equality Issues; Head of the State Security Service; Deputy Auditor General of State Audit Office; Chairman of the National Communications Commission of Georgia; Chairman of the Board of Trustees of the Georgian Public Broadcaster;
3. Over the reporting period, **Education, Science and Culture Committee** dedicated 7 sessions to hearing of reports by the bodies accountable to the government and the Parliament of Georgia. The sessions were attended by the Deputy Minister of Finance George Kakauridze, Minister of Culture and Monument Protection Mikheil Giorgadze, Deputy Minister of Culture and Monument Protection Giorgi Bakradze, Minister of Education and Science Tamar Sanikidze, Deputy Minister Ketevan Natriashvili and other government officials. Apart from hearing the reports by accountable bodies, the Committee has not invited government officials for any other occasion.
4. **Environmental Protection and Natural Resources Committee** heard the reports for 2014-2014 by the following bodies accountable to the Parliament: LEPL National Forestry Agency, Policy Department and LEPL "Basic Sapling Forestry"; reports by Ministry of Environmental Protection and Natural Resources, LEPL Agency of Protected Areas. Apart from hearing the reports by accountable bodies, the Committee has not invited government officials for any other occasion.
5. **Sector Economy and Economic Policy Committee** dedicated 12 sessions to hearing of reports by the bodies accountable to the Parliament - 6 sessions were devoted to hearing of governmental reports, namely: 1 session – on GEL exchange rate (the session was attended by the Minister of Finance and the Minister of Economy and Sustainable Development, President of the National Bank of Georgia); 1 session – on the ongoing vintage in Kakheti (attended by the Minister of Agriculture); 2 sessions – on declaring vote of confidence to the governmental program and composition of the government (attended by Minister of Economy and Sustainable Development, Minister of Finance, Minister of Regional Development and Infrastructure and Minister of Agriculture); 2 sessions – state budget implementation (attended by Deputy Ministers of Finance, Economy and Sustainable Development and Energy); sessions were attended as well by heads of legal entities of public law subordinated to the Ministry of Economy and Sustainable Development, head of the agency under the Ministry of Energy and and 3 legal entities of public law. 2 sessions – reports by regulatory authorities, namely: 1 session – report by the National Energy and Water Supply Regulatory Commission (the meeting was attended by the Chairman and its members); 1 - report by the National Communications Commission (the meeting was attended by the Chairman of the Commission and its members). 1 session was dedicated to hearing of report by the Public Broadcaster (attended by the Chairman of the Board of Trustees and its members); 1 session – hearing of activity report by National Statistics Office of Georgia (attended by the Executive Director and Deputies); 1 session - on switch to digital broadcasting (attended by the Chairman of the Digital Broadcasting Agency); 1 session – activity report by the Innovation and Technology Agency (attended by the Chairman and Deputy Chairman of the Agency);

During the reporting period, Sector Economy and Economic Policy Committee called 6 government officials. All six persons attended the sessions.

6. **Diaspora and Caucasus Issues Committee** dedicated **14 sessions** to hearing of reports by accountable bodies. The sessions were attended by different Ministers as well as Deputy Ministers. However, the Committee does not indicate specific agencies presenting reports and specific officials representing them. According to the committee information, the following bodies have repeatedly participated in committee sessions and presented their reports: Ministers and Deputy Ministers of Foreign Affairs, Minister and Deputy Minister of Finance, State Minister and Deputy Minister for Diaspora Issues, State Minister on European and Euro-Atlantic Integration, First Deputy of the Minister for Reconciliation and Civic Equality, Deputy Justice Minister, Deputy Minister of Labour, Health and Social Affairs, Deputy Minister of Economy and Sustainable Development, the Acting Chairman of Government of the Autonomous Republic of Abkhazia, other members of the government (the committee does not name specific members of the government) and First Deputy Public Defender of Georgia. The committee has not invited government officials for any other occasion.
7. During the reporting period, **Committee on European Integration** heard a report presented by the Office of the State Minister of Georgia on European and Euro-Atlantic Integration and Ministry of Foreign Affairs on Atomic Energy Community of Georgia on the one hand and the European Union and the Europe on the other, Association Agreement between their member states and implementation of 2015 national action plan on the Association Agenda between Georgia and the European Union; in addition, the committee heard a report presented by Ministry of Economy and Sustainable Development on Deep and Comprehensive Free Trade Area Agreement with the European Union (DCFTA); reports by the Office of the State Minister on European and Euro-Atlantic Integration and Ministry of Foreign Affairs on progress of the government program “for Powerful, Democratic, United Georgia”. The committee heard reports as well on implementation of action plan with regard to visa liberalization, presented by representatives of executive authorities involved in inter-agency working group; the committee reviewed 2016 national action plan of the Association Agenda presented by the government. The committee dedicated 4 sessions to consideration of the given issues. Apart from hearing reports, the committee has not invited government officials for any other occasion.
8. **Defense and Security Committee** heard report of the Defense Minister twice.
9. **Legal Issues Committee** dedicated **7 sessions** to hearing of the reports presented by the bodies accountable to the government and the Parliament. Within one session, several reports were covered which pertained to: 2014 activity report by LEPL Legal Aid Service, 2014 activity report by the Personal Data Protection Inspector, 2014 report on implementation of state budget, 2014 report by the State Audit Office, overview of 3-month performance of 2015 budget, 6-month report on 2015 budget, 2014 report by the National Communication Commission and information on key work objectives of the Commission for 2015-2017. Committee hearing (attended by Tea Tsulukiani, Minister of Internal Affairs Vakhtang Gomelauri, Minister of Justice Giorgi Mgebrishvili) was dedicated to declaration of vote to the government composition presented by the President and the updated government program presented by the Prime Minister; declaration of confidence was attended by Tea Tsulukiani, Giorgi Mgebrishvili, Kakha Kakhishvili. Apart from hearing reports, the committee has not invited government officials for any other occasion.
10. **Regional Policy and Self-governance Committee** dedicated 13 sessions and 12 working meetings to hearing of the reports by the accountable bodies. The committee meetings were attended by 63 officials from accountable agencies, including 12 government members, 43 deputy ministers, and heads of departments within the structure of the Ministry. Apart from hearing reports, the committee invited 12 government officials on other occasions; 10 officials attended committee meetings (in two cases, their deputies attended with preliminary consent of the committee).
11. During the reporting period, **Foreign Relations Committee** heard a report on the activities carried out by the Ministry of Foreign Affairs in several stages. The sessions were presented by five Deputy Minister of Foreign Affairs with their respective curatorial departments (13 departments, one legal entity of public law). During the reporting period, the Committee heard as well the updated government program “For Powerful, Democratic, United Georgia” of the composition of the Government and the Prime Minister

presented by the President for getting vow of confidence. Committee hearings of the Minister of Foreign Affairs Tamar Beruchashvili, State Minister on European and Euro-Atlantic Integration David Bakradze, and Minister of Diaspora Issues Gela Dumbadze took place. The committee heard 3-month overview on implementation of 2015 state budget, presented by the Ministry of Finance; it got familiar with the report on “2014 state budget implementation”, information on “key macroeconomic projections and basic directions of Ministries of Georgia”; committee hearing was dedicated as well to consideration of activities carried out by the Ministry of Foreign Affairs; First Deputy Minister of Foreign Affairs acted as a speaker. Apart from hearing reports, the committee has not invited government officials for any other occasion.

12. In the process of declaring a vow of confidence to the government, the **Procedural Issues and Rules Committee** heard reports presented by Heads of Ministries of Justice, Defense, Internal Affairs, Corrections and Probation and the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; State Minister of Georgia for Reconciliation and Civic Equality. Apart from hearing reports, the committee has not invited government officials for any other occasion.
13. **Budget and Finance Committee** dedicated **9 sessions** to hearing of reports by accountable bodies. The sessions were attended by representatives of the Ministry of Finance, the National Bank, and the State Audit Office. However, the Committee does not indicate who specifically represented the given agencies. Apart from hearing reports, the Budget and Finance Committee had called two members of the government (the Committee does not specify the members), President of the National Bank and the Auditor General.
14. **Sports and Youth Issues Committee** dedicated **7 sessions** to hearing of reports by accountable bodies; the sessions were attended by Ministers of Sport and Youth Affairs Levan Kipiani and Taniel Khechikashvili as well as four Deputy Ministers. Apart from hearing reports, Sport and Youth Issues Committee had twice called Minister of Sport and Youth Affairs (both times attended the meetings).
15. Healthcare and **Social Issues Committee** dedicated **12 sessions** to hearing of reports by accountable bodies. The Committee discussed the confidence for the government composition and state program, in the framework of which the committee listened to the Minister of Labour, Health and Social Affairs of Georgia David Sergeenko. During the reporting period, the committee listened to four legal entities of public law. The Deputy Minister of Labour, Health and Social Affairs presented the report on the fulfillment of the Prime Minister's program “Strong, Democratic, United Georgia”. During the reporting period, the Minister of Labour, Health and Social Affairs presented information on future activities and the state program for the elimination and treatment of Hepatitis C in Georgia. The committee listened to the report on the fulfillment of the state budget, state audit office and general information on microeconomic trends.

5.2 MP QUESTIONS: VERBAL AND WRITTEN

MP questions represent one of the most effective mechanisms for exercising parliamentary control. Congruent to the legislation, each member of the Parliament is entitled to apply with a question to the body accountable to the Parliament, which in its turn is obliged to provide a response in the stipulated form and within the determined timeframe. A group of ten MPs or a parliamentary faction is entitled to address with a question any agency accountable to the Parliament, the Government, particular members of the government, who are obliged to answer these questions at a sitting of the Parliament. The answer may become a matter of discussion of the Parliament.²⁶

²⁶ Congruent to **article 59** of the Constitution of Georgia, a member of the Parliament shall be entitled to apply with a question to the bodies accountable to the Parliament, the Government, a member of the Government, heads of executive bodies of the territorial units of any level, state institutions and to receive answers from them. A group of at least ten members of the Parliament or a Parliamentary Faction shall be entitled to apply with a question to any body accountable to the Parliament, the Government, a particular member of the Government the latter being obliged to answer the raised questions at a sitting of the Parliament. Congruent to **article 60** of the Constitution, A member of the Government, an official elected, appointed or approved by the Parliament, shall be entitled and in case of request shall be obliged to attend the sittings of the Parliament, its Committee or Commission, to answer the raised questions at a sitting and submit an account of an activity. At a request, such an official shall be heard by the Parliament, Committee or Commission.

Rules of Procedure of the Parliament outline mechanisms of parliamentary control and provide for legislative regulation of MP questions. Congruent to article 221 of the Rules of Procedure, in case of application with a question, each body and each official accountable to the Parliament shall be obliged to present a written response to the Parliament **within 15 days** from submission of the question. In agreement with the author of the question, the given period may be extended by additional 10 days. Congruent to the Rules of Procedure, an official shall be entitled to refrain from answering a question only in case if the respective information concerns state or military secrets. The answer shall be signed by the parties defined under the given article or heads of respective agencies. Congruent to the Constitution and Rules of Procedure of Georgia, the answer may become a matter of discussion of the Parliament.²⁷

Questions put forward by members of the Parliament and respective responses represent information of the public domain, though in practice they do not get published. On July 17 of 2015, the Parliament of Georgia adopted “the Open Parliament Georgia Action Plan 2015-2016”. By recommendation of Transparency International Georgia, the obligation of the Parliament to proactively disclose statistics and publish all provided responses to MP questions on the Parliament’s website has been included among the other liabilities in the action plan. Timeframe for implementation of the given obligation has been defined as the period from September 2015 to September 2016.

During 2015, no verbal or written question had been raised by a group of ten members of the Parliament or a parliamentary faction.

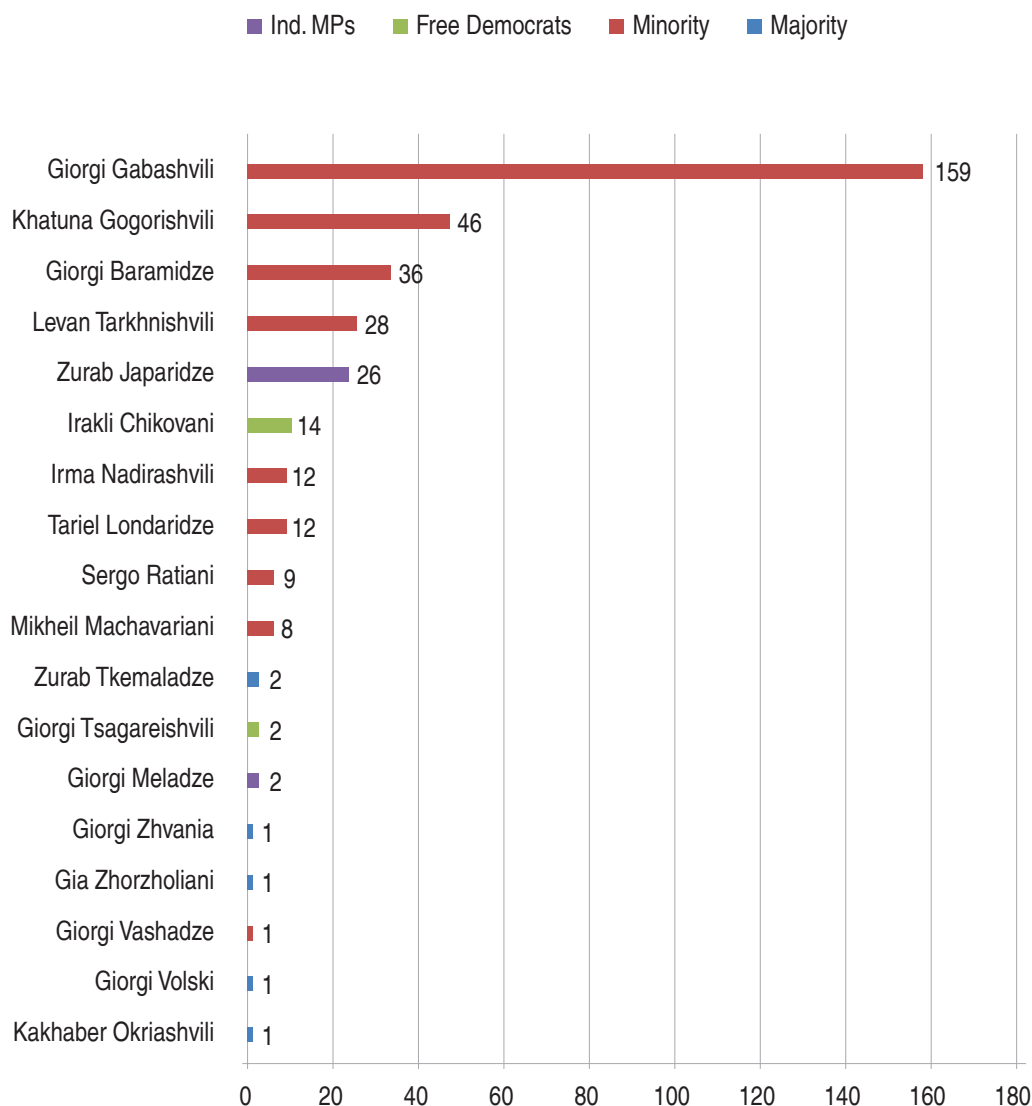
From the total number:

The greatest number of questions came from Giorgi Gabashvili - 159

- **The greatest number of questions were addressed** to Minister of Education and Science Tamar Sanikidze
- **19 question** remain unresponded
- **Key areas** of interest for MPs – Bonuses of members of the government, deputy ministers; salary supplements, government expenditures.

In 2015, mechanism of MP questions was applied by **18 members of the Parliament**, 361 questions were submitted.

²⁷ By the majority of its full composition, the Parliament is entitled to raise the issue of liability of specific government members before the Prime Minister. Congruent to article 289 of the Rules of Procedure of Georgia, members of the government, government-elected officials as well as other officials involved in activities of the Parliament shall bear liability for violating the Rules of Procedure. Liability of an official arises as well if he violates the determined procedure of answering MP questions, provides false information or impedes members of the Parliament to exercise their rights granted under the Rules of Procedure and other legislative and sub-legislative acts of Georgia. In such cases, the Procedural Issues and Rules Committee will consider facts of violation and submit the issue to the Parliamentary Bureau for offering further response; after that, the Parliament will be entitled to adopt a resolution or decree on applying appropriate statutory measures towards the specific official in charge of violation.

Diagram 5. Number of MP questions per deputy as of 2015


Given the current practice of MP questions, it can be stated that executive authorities rarely pose questions on crucial issues related to public policy implementation. In some cases, from the content of a question, it is hard to judge whether parliamentary oversight is an ultimate objective; questions may refer more to specific fields of business rather than effective application of executive power.

While assessing existing data it should be noted that:

- Members of the Parliament rarely get interested in implementation of the government program by the executive authorities or other important issues in the field of public policy. In 2015, members of the Parliament have raised no questions with regard to cooperation and integration of Georgia with European and Euro-Atlantic structures.
- Through MP questions, members of the Parliament get information about permits on specific constructions, imports related to particular business types. In most cases, MP questions do not cover principal issues with regard to effective implementation of executive power.
- Answers by members of the government mostly are not comprehensive and they are signed not by ministers themselves but rather by other employees of the ministry; for instance, it can be a person in charge of issuing public information or head of some department. In some cases, if author of the question is a member of the minority, response of the Minister is addressed not to the author of the question, but rather to the Chairman of the Procedural Issues Committee
- statutory mechanisms envisaging liability of government members for violating defined procedures of answering MP questions, do not work in practice.

Inefficiency of parliamentary oversight in Georgia is further demonstrated by attitude of the Government members towards MP questions.

Congruent to Article 221 of the Rules of Procedure, an answer shall be signed only by the addressee of a question, that is, head of the body accountable to the Parliament. MP question is a form of executing parliamentary control and it is not about disclosure of public information; however, provided answers are frequently signed not by Ministers themselves, but rather by Deputy Ministers. Answers sent by Ministries mostly tend to be incomplete, contain highly general information or reference that relevant information is available on the website of the Ministry. However, posting of information on the web page does not release a person from the obligation of disclosing information. In some cases, members of the government send their responses not to the author, but rather to the Chairman of the Procedural Issues and Rules Committee Giorgi Kakhiani. Such facts mostly occur when questions come from members of the parliamentary minority. In case an addressee of a question does not provide an answer within the timeframe defined by the law, Chairman of the Procedural Committee re-forwards the question, urging the addressee to provide an answer. Some Ministers condescend to answer questions only after such reminder, still addressing their responses to the Chairman of the Procedural Committee. Statutory mechanisms do not work effectively. For example, inappropriate handling of MP questions by members of the government has never become a matter of discussion at plenary sessions of the Parliament.²⁸

5.3 GOVERNMENT HOUR IN PARLIAMENT

Congruent to paragraph 2, article 221 of the Rules of Procedure of the Georgian Parliament, a group of at least ten members of the Parliament or a Parliamentary Faction shall be entitled to apply with a question to any body accountable to the Parliament, the Government of Georgia, members of the Government. The latter shall be obliged to answer the raised questions at a plenary sitting of the Parliament. Questions shall be answered at plenary sessions on the last Friday of each month, during the Government Hour. A questions can be oral or written. An answer to a particular question shall be presented at the parliamentary session. First paragraph of article 222 stipulates that a verbal question may be posed at a plenary session of the Parliament, but no later than 14 days before the Government Hour. A written question may be submitted no later than 10 days before the Government Hour. Congruent to article 126, the Government Hour takes place at the plenary session on the last Friday of each month, from 16:00 to 19:00.

Even though there are legislative regulations in place, they are not complied with; namely, the Government Hour hasn't taken place in 2015, which in its turn enfeebls the effectiveness of the parliamentary oversight.

5.4 TEMPORARY INVESTIGATION COMMISSIONS

For the reporting period, the Parliament has considered initiatives on establishing five investigation commissions; four of them have been declined as being inappropriate whereas a presentation letter has been prepared for one.

1. Feasibility of establishing interim commission to investigate high profile murders of Iuri Vazagashvili, Barbare Rapaliantsi, Shalva Tatukhashvili, Erasti Kitsmarishvili and Archil Maisuradze.

Initiated by: (factions from the parliamentary minority: United National Movement, "National Movement – Regions" and "National Movement – Majoritarians").

An interim commission should have been established to investigate high profile murders of Iuri Vazagashvili, Barbare Rapaliantsi, Shalva Tatukhashvili, Erasti Kitsmarishvili and Archil Maisuradze. However, the initiative **was declined as being inappropriate.**

²⁸ Transparency International – Georgia, importance of parliamentary oversight (MP questions), December 7, 2015 2015 <http://goo.gl/eqm0ED>

2. Establishment of an interim parliamentary investigation commission to study developments around Sakdrisi-Kachagiani gold mine

Initiated by: faction “Free Democrats”

The commission should have studied activities carried out by officials of the Ministry of Culture and Monument Protection and the National Agency for Cultural Heritage Preservation with regard to Sakdrisi-Kachagiani gold mine (including lifting up status of cultural heritage monument from Sakdrisi –Kachagiani gold mine and works performed by “RMG” company on the site). **The given commission had not been established.**

3. Feasibility of setting up an interim parliamentary investigation commission to study developments around Sakdrisi-Kachagiani gold mine

Initiated by: factions from the parliamentary minority: “United National Movement”, “National Movement – Region” and “National Movement – Majoritarians”.

The commission should have concentrated on investigating the facts with regard to lifting up status of cultural heritage monument from Sakdrisi –Kachagiani gold mine and works performed by “RMG” company on the site. Establishment of the commission **was deemed inappropriate.**

4. Feasibility of establishing interim commission to investigate murders of Barbare Rapaliantsi, Shalva Tatukhashvili and Erosi Kitsmarishvili

Initiated by: factions from the parliamentary minority: “United National Movement”, “National Movement – Regions” and “National Movement – Majoritarians”.

The commission should have concentrated on investigating facts on the murders of Barbare Rapaliantsi, Erosi Kitsmarishvili and Shalva Tatukhashvili; a respective presentation letter was prepared.

5. Feasibility of setting up an interim parliamentary investigation commission to study cases of systemic corruption in the country

Factions from the parliamentary minority: “United National Movement”, “National Movement – Regions” and “National Movement – Majoritarians”.

The commission should have concentrated on investigation of corruption schemes: Georgia lost 1 billion GEL investment in Batumi port, Sakdrisi-Kachagiani case, “Produce in Georgia”, cutting of unique timber for personal interests, use of three “Super Puma” helicopters by “Aviaservis”, project “Panorama”, road building and laying of road surface, corruption in Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees, corruption in the field of drinking water supply, corruption in Tbilisi City Hall and its structures, under the process of rehabilitating streets in Tbilisi, rehabilitation of Doesi Street, Gakhokidze Street, under 2015 Tbilisi Youth Festival, “Black Spiderman” and “Pink Bear”, corruption in Senaki Municipality, Gori Municipality, Vani Municipality, corruption under the Rural Support Program.

Establishment of the given commission **was deemed inappropriate.**

5.5 EXECUTION OF CONTROL BY THE PARLIAMENT OVER IMPLEMENTATION OF GOVERNMENTAL ACTS AND THE BUDGET

Within its competence, a committee exercises control over compliance with the Georgian legislation of normative acts issued by a ministry, a minister and heads of other Executive Authorities under its superintendence, checks implementation status of normative acts, studies and analyzes bottlenecks detected in the course of their validity, works out recommendations and forwards them to concerned authorities.²⁹

It is a prerogative of the Parliament of Georgia to adopt law on state budget and exercise control over its further implementation. In addition, through its Budget and Finance Committee, the Parliament monitors overall and consistent performance of the state budget. As for other committees, as a rule they are in charge of controlling budget fulfillment by the specific fields within the scope of their supervision.³⁰ Over a budget year, parliamentary committees study implementation of the state budget on a quarterly basis. They are entitled to request and retrieve additional information from respective state authorities on state budget implementation. Budget and Finance Committee takes charge of organizing committee meetings. If needed, outcomes of such meetings may be reported to the Parliament and even become subjects for parliamentary discussions.

With respect to the given area, Transparency International Georgia got interested in the way committees manage to carry out their statutory duties and assigned authorities.

1. **Agrarian Issues Committee** has presented no information at the plenary session with regard to execution of normative acts within its competence. According to the provided information, the committee exercises oversight of obligations through transitional regulations. During the reporting period, the reports of the Ministry of Agriculture and the legal entities of public law accountable to it were discussed, as well as the fulfillment of tasks as defined by the transitional regulations. 3 sessions were dedicated for these issues.

For purposes of controlling budget implementation, the committee has held 6 sessions. It has produced a conclusive report on 2014 budget implementation and fulfillment progress of 2015 budget.

2. As **Human Rights and Civil Integration Committee** reported, it has explored and monitored implementation of recommendations adopted by the Parliament. To this effect, the committee holds regular meetings and prepares wrap-up reports at the end of each month. The committee, as well as the working groups created by the committee, conducted control of normative acts.

For controlling budget implementation, the committee has held 6 sessions.

3. As **Education, Culture and Science Committee** reported, it exercises quarterly control over implementation of tasks envisaged by transitional provisions of laws adopted by the Parliament. To this end, the committee has addressed Ministries of Education and Culture and retrieved required information on issued/amended tasks and sub-legislative normative acts envisaged by transitional provisions of laws adopted over the reporting period. According to the Committee, as of today all tasks have been fulfilled and all sub-legislative acts have been issued. The Committee has prepared a relevant report on parliamentary control over the budget.

4. **Environmental Protection and Natural Resources Committee** hasn't provided any information with regard to execution of normative acts within its competence. It has held 5 sessions on budget implementation (positively assessed). With respect to supervising execution of normative acts, the Committee has provided no materials.

²⁹ Articles 236 and 237 of the Rules of Procedure of the Parliament

³⁰ Article 189 of the Rules of Procedure of the Parliament

5. **Sector Economy and Economic Policy Committee** has held 3 sessions on execution of normative acts, one of which pertained to implementation of Association Agreement between Georgia and the European Union; 1 – session, switch to digital broadcasting; 1 - session, food safety. The committee has reported three times to the Parliamentary Bureau and once at a plenary session on execution of normative acts within its competence. With a view to controlling budget implementation, two meetings have been held: at the 1st meeting, report on 2014 state budget implementation was considered, whereas at the 2nd - 6-month budget report was covered.

6. According to **Diaspora and Caucasus Issues Committee** during the sessions, which were attended by representatives of the bodies accountable to the government and the Parliament, the committee issued relevant recommendations, proposals and suggestions. However, the committee does not specify how many of its sessions were dedicated to the given issue, how many members of the government were invited or what other measures were applied for exercising parliamentary oversight.

Control over budget implementation: with a view to exercising control over the budget implementation, the committee held 2 sessions; it positively assessed the report on budget implementation and issued relevant recommendations.

7. **Committee on European Integration** has provided no information with respect to controlling governmental acts.

To exercise control over the budget implementation, the committee has held 4 sessions.

8. According to **Defense and Security Committee**, the committee controls implementation of tasks envisaged by the transitional provisions of laws and submits respective information to the Procedural Issues and Rules Committee. The committee has developed recommendations on acts developed by heads of the agencies within its competence. Though, the committee does not specify how many sessions it dedicated to controlling implementation of the normative acts; neither does it indicate whether it has applied some other measures in this regard.

To exercise control over the budget implementation, the committee has held 3 sessions. The committee positively assessed the reports on budget implementation, presented by the agencies within its competence.

9. For exercising the oversight envisaged under the Rules of Procedure, the **Legal Issues Committee** retrieved information from respective agencies within its competence (Ministry of Internal Affairs, Ministry of Justice, Ministry of Corrections) about implementation of tasks envisaged by the transitional provisions of adopted law. At the plenary session, the committee presented an annual report on its performance, which encompassed information on implementation of the normative acts in the field under its superintendence.

For purposes of the budget control, 3 sessions were held.

10. According to **Regional Policy and Self-governance Committee**, it holds meetings to discuss current activities carried out for purposes of law implementation. To this end, a coordinated action plan has been developed jointly with the government. Moreover, as indicated by the committee, the Ministry of Regional Development and Infrastructure provided 6 types of information on the fulfillment of the general articles and transitional regulation of the Organic Code of Georgia on Local Self-Government, as well as Law on Development of Mountainous Regions. On these issues the committee held three sessions, which were held by the Deputy Minister Tengiz Shergelashvili. Moreover, as the committee indicates, on the basis of requested information they analyzed information on the status of legislative acts and real problems related to the implementation of law. According to the information provided by the Parliament, the articles and norms to be fulfilled by the responsible subjects by 1 January 2016 according to the Law on the Development of Mountainous Regions were implemented.

In order to control the implementation of the budget, the committee has held 7 meetings.

11. For exercising control over the budget implementation, **Foreign Relations Committee** dedicated 2 sessions to hearing of the respective report. Furthermore, in the process of considering a draft budget several proposals were produced, which were later reflected in the draft budget of the following year.

12. According to the bylaws of the **Procedural Issues and Rules Committee**, it has exercised control over implementation of tasks envisaged by particular transitional provisions, resolutions of the Parliament and the Parliamentary Bureau; to this end, it has cooperated with the parliamentary committees and other structures. As the committee pointed out, in the beginning of each month it used to post updated information on implementation of resolutions; as a result, parliamentary agencies and structures of the Executive Authorities were provided with the information about the tasks already carried out and still pending to be performed. The committee points out that applied measures and implemented recommendations have positively affected number of tasks implemented within legally defined timeframes. The Procedural Issues Committee has not held a session for purposes of controlling the budget implementation.³¹

13. Together with the relevant accountable bodies, the **Budget and Finance Committee** exercised control over implementation of 10 normative acts. In addition, the committee reported twice at the plenary sessions on implementation of normative acts within its competence. For purposes of controlling the budget implementation, the committee held 4 sessions. The committee supported consideration of 2014 state budget implementation report at the plenary sitting of the Parliament.

14. For purposes of controlling implementation of normative acts, the **Sports and Youth Issues Committee** heard reports presented by the Ministry of Sports and Youth Affairs and its subordinate entities (LEPLs). To control implementation of the budget, the Sports and Youth Issues Committee held 3 sessions.

15. According to **Healthcare and Social Issues Committee**, for purposes of controlling implementation of normative acts it retrieved information from concerned agencies within its competence. Review and consideration of the given information took place in the format of science-advisory boards; afterwards, recommendations were developed at the committee meetings. However, the information provided by the committee does not specify how many sessions were held to this end. After issuing the given recommendations, the committee received feedback on their follow-up implementation.

For purposes of controlling budget implementation, the committee held 3 sessions. While reviewing the draft budget, the committee came up with two remarks, both of which were accounted for.

³¹ Congruent to article 189 of the Rules of Procedure of Georgia, committees exercise control over the budget implementation by the fields within their superintendence.

CHAPTER 6 | INFORMATION ON THE MEMBERS OF PARLIAMENT (EDUCATION, AGE, PROFESSION) ■

Under Article 49 of the Constitution of Georgia, “any person who is twenty-one years old and has the right to vote may be elected as a member of parliament (MP)”. The term of office of an MP shall commence upon taking the oath of office and shall cease immediately at the first meeting of the newly elected Parliament. There are no educational qualifications and professional limitations established for the MPs.

6.1 AGE OF THE MEMBERS OF PARLIAMENT

The average age of the Members of Parliament of the convocation of 2012 is 51. The average age of the parliamentary majority of the MPs is 54, and the average age of the parliamentary minority of the MPs is 46. In the reporting period the oldest MP is Ivane Kighuradze (parliamentary majority), who is 79 years old, and the youngest MP is Mariam Sajaia (parliamentary minority), who is 24 years old.

6.2 EDUCATION AND SPECIALISATION OF THE MEMBERS OF PARLIAMENT

20 Members of the Parliament of Georgia have acquired education in two specialisations, while 5 MPs have acquired education in more than two specialisations. One MP is an academician, 10 MPs have the degrees of Doctor and 14 MPs are Candidates of Sciences. Most of the MPs are lawyers, economists and engineers. Most of the Members of the Parliament of Georgia, namely 47 MPs, are lawyers, specifically jurists; 25 MPs are the specialists of economics and 24 MPs are the specialists of different fields of engineering. It is notable that 4 MPs are sports specialists, 3 MPs are actors, 1 MP is a theologian and 1 MP is an artist. As for female Members of Parliament, majority of 17 female MPs, namely 10 female MPs are jurists, 2 female MPs are journalists, 1 female MP is a specialist of diplomacy and international law, 1 female MP is a psychologist and 1 female MP is a mechanical engineer. Other female Members of Parliament are the specialists of medicine, oriental studies, history, chemistry and biology.

CHAPTER 7 | PARTICIPATION OF WOMEN IN THE ACTIVITIES OF THE PARLIAMENTARY ■

In 2014, 17 Members of the Parliament of Georgia were women, namely the following: Beselia Eka, Bokuchava Tinatini, Gogorishvili Khatuna, Gogvadze Nino, Verulashvili Marika, Taktakishvili Chiora, Kobakhidze Manana, Kordzaia Tamari, Maghradze Guguli, Mirotadze Ani, Nadirashvili Irma, Sajaia Mariami, Keinishvili Nana, Chapidze Eliso, Chkhetiani Darejani, Khalvashi Pati, Khidasheli Tamari. Seven MPs out of the above were elected through the majoritarian electoral system, and the remaining 10 MPs were elected through the party lists. 11 MPs are the representatives of the parliamentary majority, 5 MPs are the representatives of the parliamentary minority and 1 MP is the representative of the Faction Free Democrats. This number (17) is about 11% of the total Members of the Parliament of Georgia (150).

Among the female Members of Parliament, high parliamentary positions are occupied by Manana Kobakhidze (First Deputy Chair of the Parliament) and Eka Beselia (the Chair of the Human Rights and Civil Integration Committee). Unlike the data from the previous year, there are no female MPs in the top five Members of Parliament who initiated most of the draft laws in 2015. The data on activity in initiation of draft laws by female MPs is as follows:

- Eka Beselia - 17
- Nana Keinishvili - 4
- Guguli Maghradze - 3
- Tamar Kordzaia - 3
- Manana Kobakhidze - 2
- Tamar Khidasheli – 1

In the reporting period female MPs were on average more active than their male colleagues in terms of legislative initiatives.

The gender balance of the Parliament staff significantly differs from the gender balance of the Members of Parliament. The Parliament staff comprises 462 women and 358 men.

Table 1. Distribution of the Parliament staff according to gender

Position	Staff	M	F
Chief public position	Head of the Parliament Office	1	0
	Deputy Head of the Parliament Office	2	0
	Head of the Department	3	5
	Head of the Office of the Chair of Parliament	1	0
Total		7	5
Leading public position	Head of the Department	13	17
	Head of the Department – Head of Archives	1	0
	Head of the Department – Head of Library	0	1
	Head of the Department - Chief Superintendent	1	0
	Head of the Committee Office	9	6
	Chief Usher	1	0
	Assistant to the Chair of Parliament	4	2
	Deputy Head of the Office of the Chair of Parliament	0	1
	Head of the Secretariat of the Deputy Chair of Parliament	3	2
	Head of the Press Centre	0	1
	Head of the Secretariat	0	2
Total		32	32

Position	Staff	M	F
Senior public position	Assistant to the Deputy Head of the Office	1	1
	Assistant to the Committee Chair	4	10
	Usher	8	0
	Chief Specialist	23	56
	Chief Specialist - Superintendent	1	0
	Chief Specialist – Chief Power Engineer	1	0
	Chief Specialist – Editor	0	4
	Assistant to the Deputy Chair of Parliament	1	0
	Senior Specialist	21	35
	Leading Specialist	60	120
	Leading Specialist - Superintendent	7	0
	Leading Specialist – Proof reader	0	2
	Leading Specialist – Secretary to the Treasury Council	0	1
Total		127	229
Junior public position	Secretary	0	23
	Specialist	7	16
Total		7	39
	Total	173	305

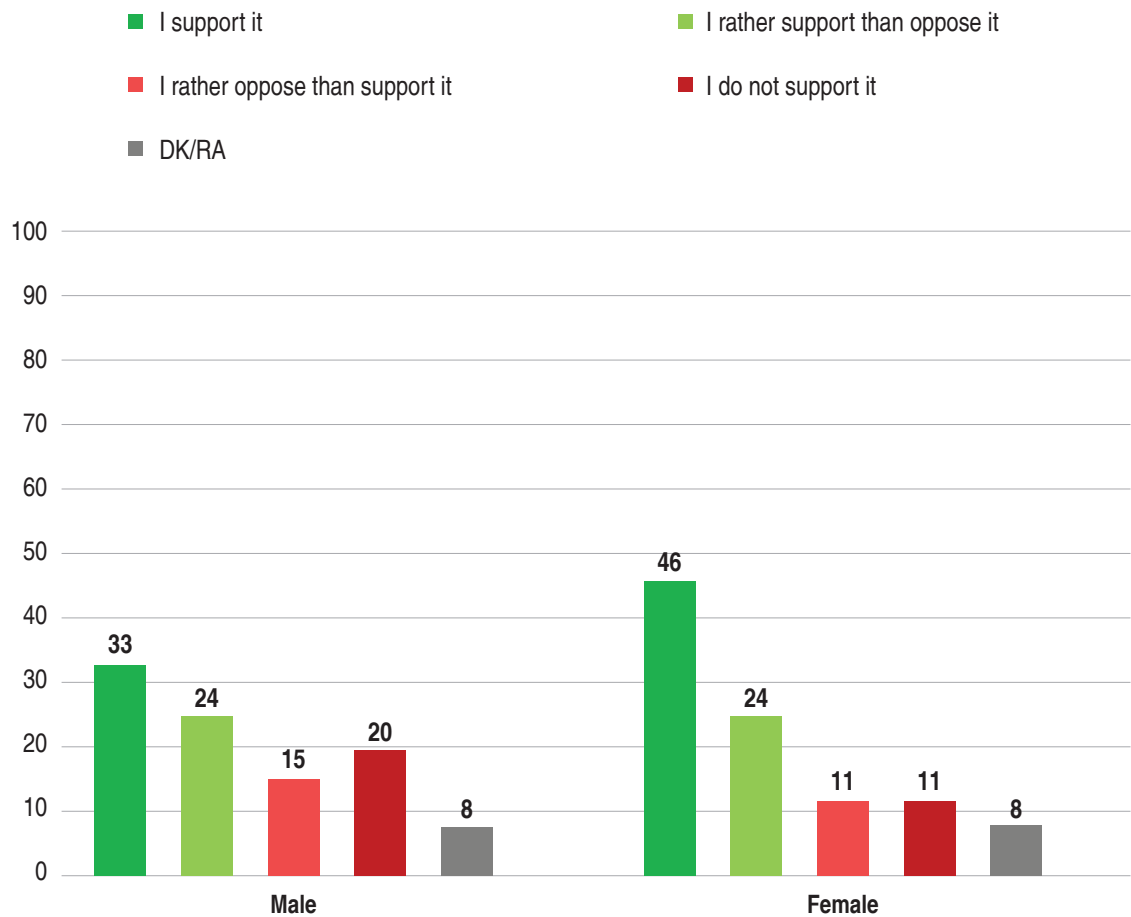
Position	Staff	M	F
Support staff	Housekeeper	1	74
	Support specialist	3	1
	Joiner restorer	1	0
	Electrician	2	0
	Locksmith	2	0
	Elevator operator	2	0
	Firefighter	4	0
	Worker	5	0
	Plumber	3	0
	Total	23	75
Freelance workers	Assistant - Freelance worker	24	38
	Freelance worker	14	7
	Freelance worker - driver	85	0
	Total	123	45

Results of the public opinion survey regarding the increase of female representation in the Parliament

In 2015 a legislative initiative was proposed at the Parliament regarding the gender quota. We inquired public opinion regarding this issue.

Diagram 6. Public opinion poll results on the increase of female MPs in the Parliament

TO WHAT EXTEND DO YOU SUPPORT THE INTRODUCTION OF MANDATORY QUOTAS IN ORDER TO INCREASE THE NUMBER OF WOMEN IN THE PARLIAMENT? BY GENDER



CHAPTER 8 | ACTIVITIES OF THE PARLIAMENTARY COMMISSIONS AND COUNCILS ■

According to the Rules of Procedure of the Parliament (Article 71) temporary commission (hereinafter ‘the temporary commission’) is a temporary body of the Parliament, which is established upon the decision of the Parliament and in the cases determined by the Constitution of Georgia and the Rules of Procedure of the Parliament. A temporary commission is accountable and liable to the Parliament of Georgia.

A temporary commission shall be obliged to submit the report on its activities 3 months prior to the expiration of the term of authority of the Parliament.

Under Article 82 of the Rules of Procedure of the Parliament the periodicity of the sittings of the temporary commission shall be determined by the temporary commission, but at least two sittings shall be held per month. Under Article 84, the temporary commission draws conclusions, makes decisions, draws up recommendations and proposals regarding the issue under consideration and submits them to the Bureau of Parliament and/or at the plenary session of the Parliament.

The following Commissions and Councils were functioning in the Parliament in the reporting period:

1. Commission on Restoration of Territorial Integrity
2. Supervisory Council of the Budget Office
3. Council of Gender Equality
4. Treasury Council
5. Temporary Commission of 2014 Financial Audit of the State Audit Office
6. Permanent Parliamentary Council on Open and Transparent Governance was established on 30 December 2015 by an order of the Chair.
7. State constitutional commission and organizational committee for nationwide discussions on constitutional amendments

We requested information from each of the above Commissions and Councils on their activities. **The information was not provided by the Temporary Commission of 2014 Financial Audit of the State Audit Office.**

8.1 COMMISSION ON RESTORATION OF TERRITORIAL INTEGRITY

The Commission on Restoration of Territorial Integrity comprises 14 MPs. According to the internal regulations of the Commission, in 2015 the Commission carried on coordination of the measures aimed at solving the issues related to occupation of Abkhazia and Tskhinvali regions/South Ossetia. The practice of coordinating work and holding joint sittings on the issues of conflict resolution was established among the Commissions and Committees. Mainly joint sittings were held together with the Committees on Foreign Relations, European Integration, Diaspora and Caucasus Issues. In the reporting period 16 Commission sittings were held, including 14 joint sittings together with other Committees. The information submitted by the Ministry of Foreign Affairs and the Office of the State Minister of Georgia for Reconciliation and Civic Equality was heard by the Commission at the joint sittings with other Committees. In addition, the information submitted by the State Minister of Georgia on European and Euro-Atlantic Integration Gela Dumbadze and the report of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia Sozar Subari were also heard at the sitting. The report of the Government of Abkhazia on the activities carried out in 2015 was also heard at the joint sitting. The Commission has discussed the expert opinions of the non-governmental organisations for three times.

8.2 COUNCIL OF GENDER EQUALITY

Council of Gender Equality comprises 12 Members of Parliament. Main objective of the Council is to analyse the legislation of Georgia and to draw up proposals for addressing gender inequalities in the legislation, examine draft legislative acts proposed under a legislative initiative in terms of gender equality. The Council of Gender Equality does not have its own staff (it has only one coordinator, who is at the same time the assistant to the Deputy Speaker).

For perfect operation of the Council it is reasonable to have an appropriate staff. This recommendation was included in our 2014 Report on the Activities of the Parliament, although for proper exercise of respective powers the staff was not increased in 2015 either. For the effective functioning of the Council of Gender Equality it is necessary to increase the number of the employees of its office and carry out systemic analysis of the draft laws.

Four sittings of the Council of Gender Equality were held in the reporting period. The Council of Gender Equality has not performed gender analysis of the draft laws. However, unlike the previous year, according to the information provided by the Council of Gender Equality, it discussed the following draft laws at the sittings held in 2015:

- Amendments to the Organic Law of Georgia on the Election Code of Georgia and on Political Associations of the Citizens of Georgia;
- Amendments to the Law of Georgia on Gender Equality;
- Gender analysis of the draft law on 2016 budget
- Draft law on making amendments to the Draft Law on Local Self-government Code and the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence.

According to the information provided by the Council of Gender Equality, the Council closely cooperates with the non-governmental organisations working on gender issues and participates in the activities carried out by those organisations. The Council also cooperates with the Assistant to the Prime Minister of Georgia on Human Rights and Gender Equality Issues and the Human Rights Secretariat under the Administration of the Government. According to the information provided by the Council of Gender Equality, the amendments made to the Law on Local Self-government Code and the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence are considered by the Council as an improvement in terms of protection of women's rights in the reporting period.

8.3 TREASURY COUNCIL

Under Article 261 of the Rules of Procedure of the Parliament of Georgia, the financial activities of the Parliament are controlled within his/her authority by the Chair of Parliament by means of a respective Committee and the Treasury Council established for that purpose. The Treasury Council is the advisory body of the Chair of Parliament. The Chair of Parliament determines the number of members of the Treasury Council and appoints them out of the Members of Parliament in coordination with the Bureau of Parliament. The Treasury Council comprises 11 Members of Parliament. The function of the Treasury Council is to prepare proposals regarding certain issues, which are approved by the Bureau. Namely the functions of the Council include the issues of the payroll budget of the faction staff members, the payroll budget of the parliamentary majority and minority staff members, the issues of providing the Members of Parliament with accommodation, etc.

In the reporting period the Treasury Council has made 156 decisions, including decisions on the following issues:

- utility payments of the Parliament;
- maintenance of the vehicles of the Parliament;
- procurement for the parliament staff;
- increase of telephone communication and roaming service limits;
- conclusion of agreements with business entities for organizing visits of the parliamentary delegations;
- provision of accommodation to the Members of Parliament;
- recommendation on carrying out appropriate procedures for reducing budget expenses for the vehicle fleet of the parliament staff;
- repair works of the floors and rooms of the Parliament building;
- reduction of the budget of the Parliament by GEL 1 000 000 for mobilization of funds for elimination of the effects of the natural disaster of 13 June;
- transfer of the cars to the Service Agency for further disposal;
- distribution of the payroll budget among the staff of the Committees;
- allocation of remuneration for the invited specialists of the Committees.

8.4 SUPERVISORY COUNCIL OF THE BUDGET OFFICE

The Council comprises 5 Members of Parliament. The Supervisory Council of the Budget Office coordinates the activities of the Budget Office according to the Rules of Procedure. In the reporting period the Budget Office submitted to the Supervisory Council the Strategic Development Plan of 2015-2018 and Action Plan of 2015 of the Budget Office. The Supervisory Council approved the plan. The Budget Office has also submitted to the Supervisory Council the Report on 2014 Activities of the Budget Office of the Parliament. In the reporting period several workshops were held between the members of the Supervisory Council and the representatives of the Budget Office of the Parliament.

8.5 STATE CONSTITUTIONAL COMMISSION AND ORGANIZATIONAL COMMITTEE FOR NATIONWIDE DISCUSSIONS ON CONSTITUTIONAL AMENDMENTS

During the reporting period, two commissions were created for the publishing of the constitutional amendments and organization of nationwide discussions. This work was continued by the Constitutional Commission.

In 2013, the Constitutional Commission was created, the aim of which was to prepare a draft law related to amendments to the Constitution. The Commission continued work during the reporting period. The Chairperson of the Georgian Parliament David Usupashvili was appointed as the chairperson of the Commission. Thematic working groups were created in the Commission. Because of the lack of quorum, most of the working group meetings were not held. The presentation of the prepared draft laws to the Parliament was delayed several times. Initially it was 1 September of 2014, then to 1 March of 2015 and 15 September of 2015, and finally till 29 February of 2016. During its existence, the Constitutional Commission held three meetings, including one session on March 28, 2015. The work of the Commission ended without results on February 1, 2016.

By the resolution of 11 December of 2015, the Parliament of Georgia established the Commission of Publication of Draft Constitutional Law on Making Amendments to the Constitution of Georgia and Organisation of Its Public Discussion, which comprised 20 members. The issue of making amendments to the Constitution of Georgia was related to the replacement of the majoritarian electoral system with the proportional electoral system. The author of the draft law were 200 000 voters.

By the resolution of 18 September 2015 the Parliament established the Commission of Publication of Draft Constitutional Law on Making Amendments to the Constitution of Georgia and Organisation of Its Public Discussion, which comprised 10 members. According to the proposed amendments the Parliament shall comprise 150 Members of Parliament elected through proportional electoral system according to multiple-seat electoral districts, and the election threshold shall be reduced from 5% to 4%.

CHAPTER 9 | ACTIVITIES OF THE MEMBERS OF PARLIAMENT

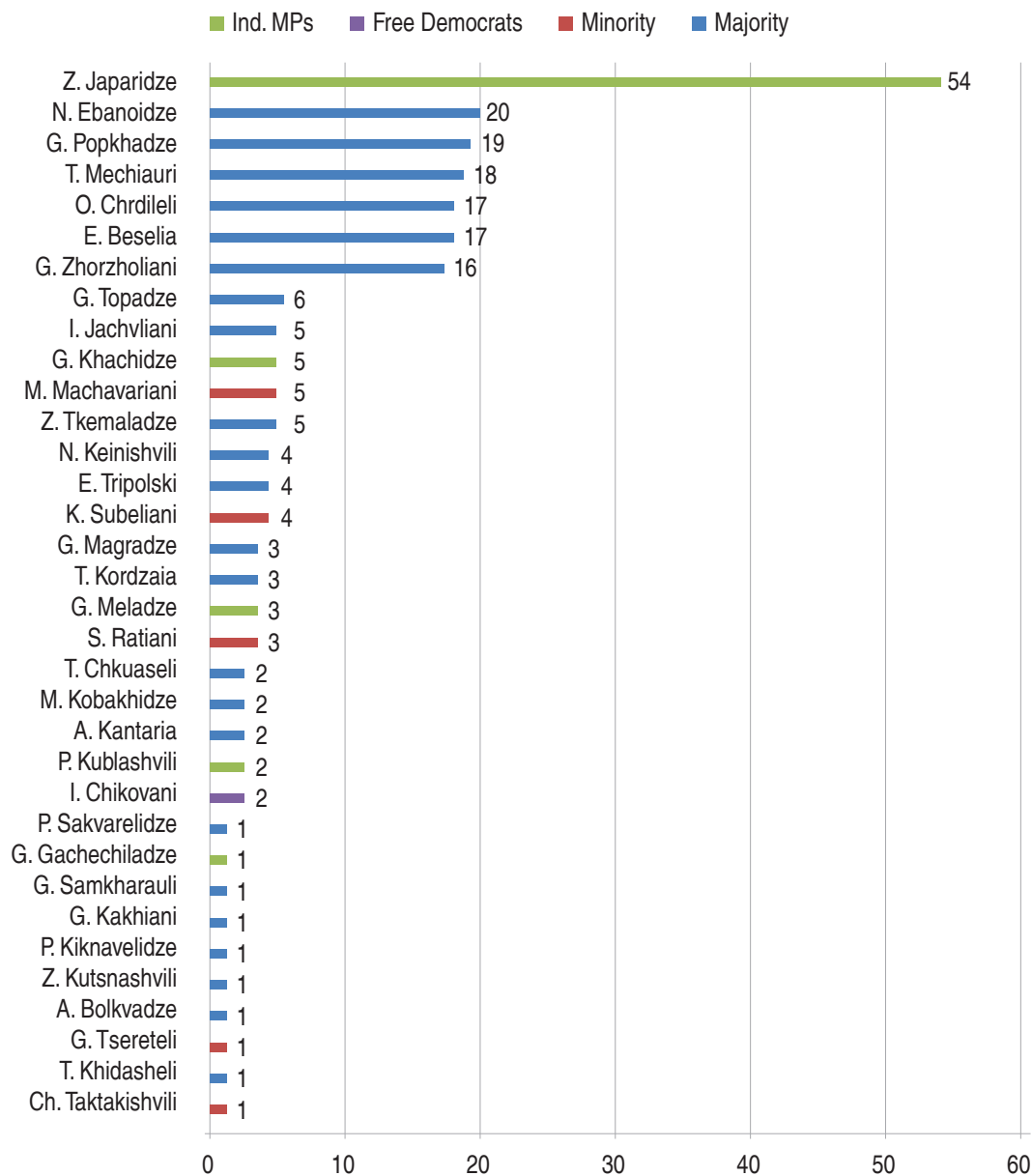
Transparency International Georgia has evaluated the activities of the Members of Parliament according to three main criteria:

- 1. The frequency of speeches given by the Members of Parliament at the plenary sessions: making statements, asking questions, stating opinions regarding draft laws or other discussed topics;
- 2. The right granted to the Members of Parliament to submit the legislative initiative;
- 3. The comments made by the Members of Parliament regarding draft laws.

9.1 NUMBER OF DRAFT LAWS INITIATED AND APPROVED BY MEMBERS OF PARLIAMENT AND THE INITIATORS

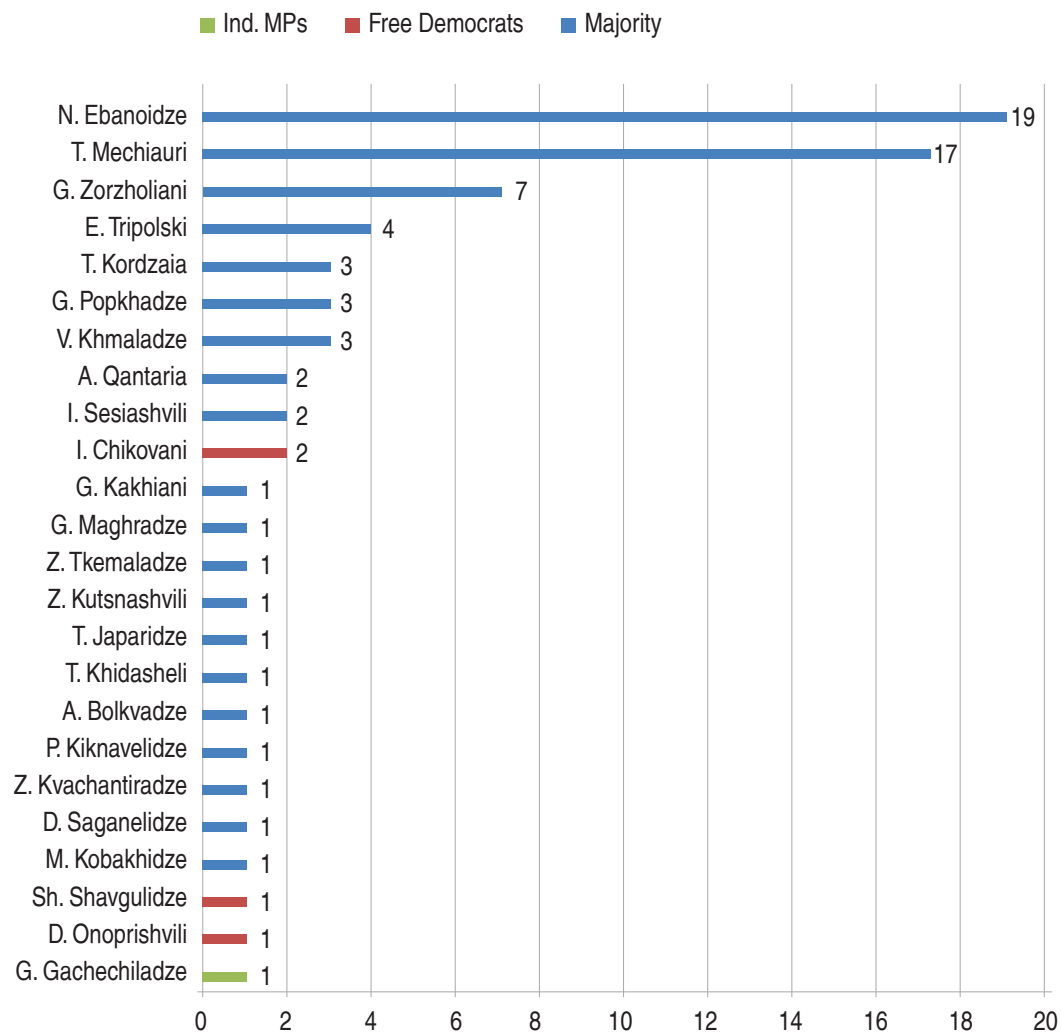
In 2015 the right to propose a legislative initiative was exercised only by 34 Members of Parliament, 24 out of which are the representatives of the parliamentary majority.

Diagram 7. Laws initiated in 2015 and their authors



Also, it should be noted that 81 MPs initiated amendments to the Election Code, but we could not obtain information on the individual MPs who initiated amendments.³²

Diagram 8. Number and authors of draft laws adopted in 2015



³² We asked for that information from the Organisation Department of the Parliament of Georgia, the Procedure Committee of the Parliament of Georgia, Faction Georgian Dream, but we could not obtain the list of 81 MPs. The scanned version of the signatures is attached to the draft law published on the web-site of the Parliament of Georgia, from which the Members of Parliament cannot be identified <http://info.parliament.ge/file/1/BillReviewContent/93553>;

9.2 NUMBER OF SPEECHES GIVEN BY MEMBERS OF PARLIAMENT AT THE PLENARY SESSIONS

The following MPs have given most of the speeches at the plenary sessions:

Representatives of the parliamentary majority:

1. **Eka Beselia - 113**
2. **Tkemaladze Zurab - 93**
3. **Volsky Giorgi - 91**
4. **Kutsnashvili Zakaria - 86**
5. **Kakhiani Giorgi - 80**

Representatives of the parliamentary minority:

1. **Gogorishvili Khatuna - 112**
2. **Chiora Taktakishvili - 112**
3. **Sergo Ratiani - 85**
4. **Akaki Minashvili - 71**
5. **Davit Darchiashvili- 66**

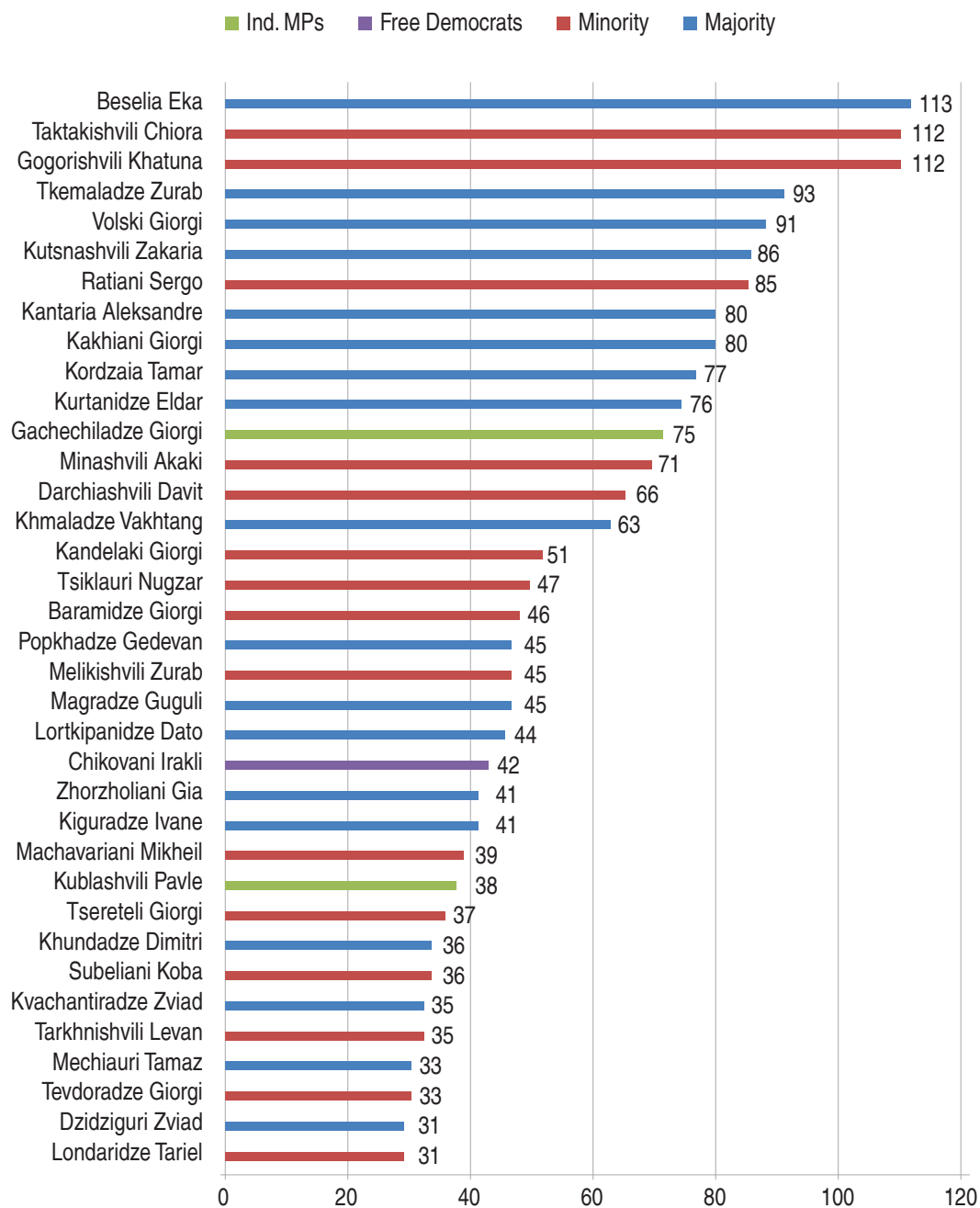
Others:

1. **Chikovani Irakli - 42**
2. **Pavle Kublashvili - 38**
3. **Shavgulidze Shalva - 26**
4. **Japaridze Zurab - 19**
5. **Onoprishvili Daviti - 15**

In 2015 26 Members of Parliament did not exercise their right to give a speech.

According to the data of 2015, 124 Members of Parliament exercised their right to give a speech, which is slightly more than the figure of the previous year (in 2014 114 MPs exercised their right to give a speech).

The following Members of Parliament did not exercise their right to give a speech at a plenary session neither in 2013, 2014 nor in 2015: **Valeri Gelashvili, Zaza Kedelashvili, Gogi Liparteliani, Ali Mamedovi, Enzel Mkoyani, Koba Nakopia, Ramaz Nikolaishvili, Giorgi Peikrishvili, Levan Kardava, Tamaz Kacheishvili, Nikoloz Kipshidze, Revaz Shavlokhvili, Teimuraz Chkaidze, Tengiz Khubuluri.**

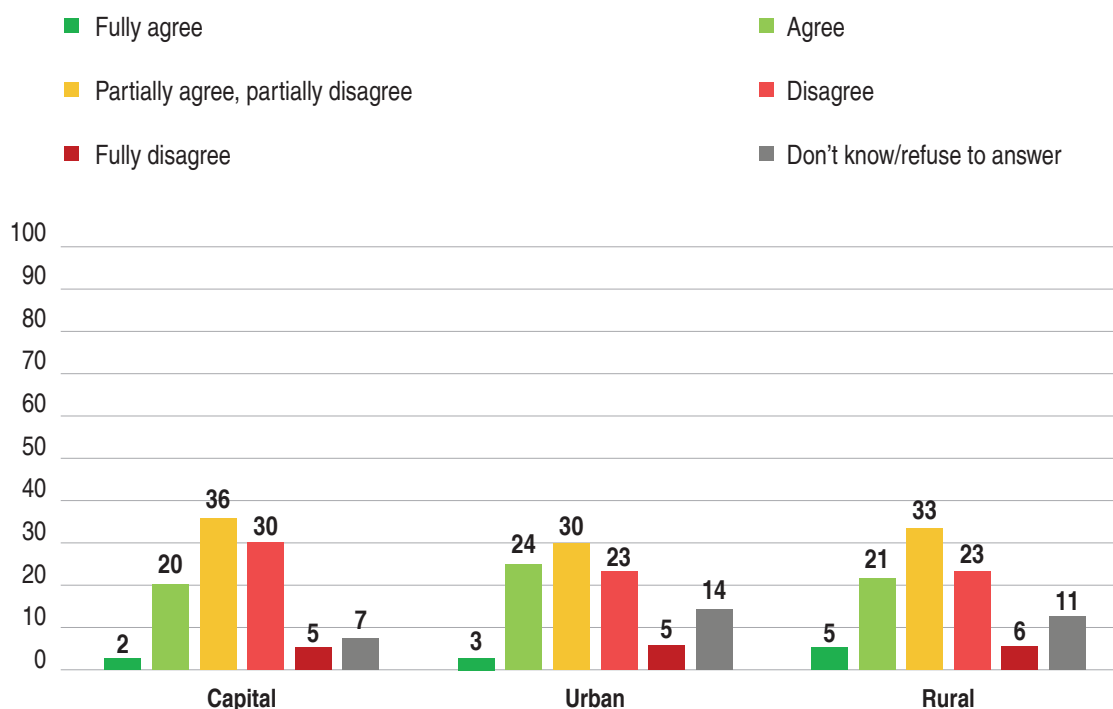
Diagram 9. Number of speeches given by MPs at the plenary sessions (30 and above)


Results of the public opinion survey regarding the debates held at the Parliament

Transparency International Georgia surveyed public opinion regarding the debates held at the Parliament and the extent to which those debates are related to the topical issues for the population.

Diagram 10. Public opinion poll results on the effect of the debates on citizens' lives

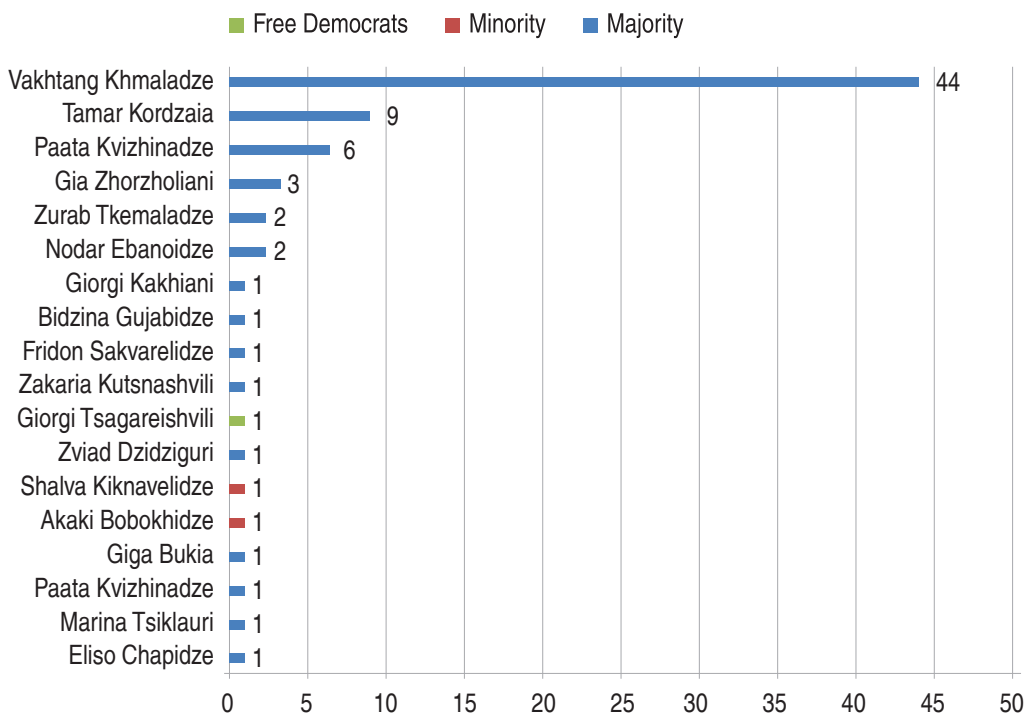
**TO WHAT EXTEND DO YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENT:
PARLIAMENT HOSTS DEBATES ON MATTERS THAT ARE CRUCIAL TO THE POPULATION?
BY SETTLEMENT TYPE**



9.3 COMMENTS OF MEMBERS OF PARLIAMENT ON DRAFT LAWS

One of the important components of evaluation of the activities of the MPs is their comments made at the Committee sittings during the discussion of the draft laws, which is one of the indicators of activity of the MPs in the legislative process. The comments are registered in the comment sheet, which is attached to the draft law and is published on the web-site of the Parliament. We examined comment sheets of each draft law. In the reporting period total comments were made by these MPs. In this regards the most active MPs were: Vakhtang Khmaladze – 44 comments, Tamar Kordzaia – 9 comments and Paata Kiknavelidze – 6 comments.

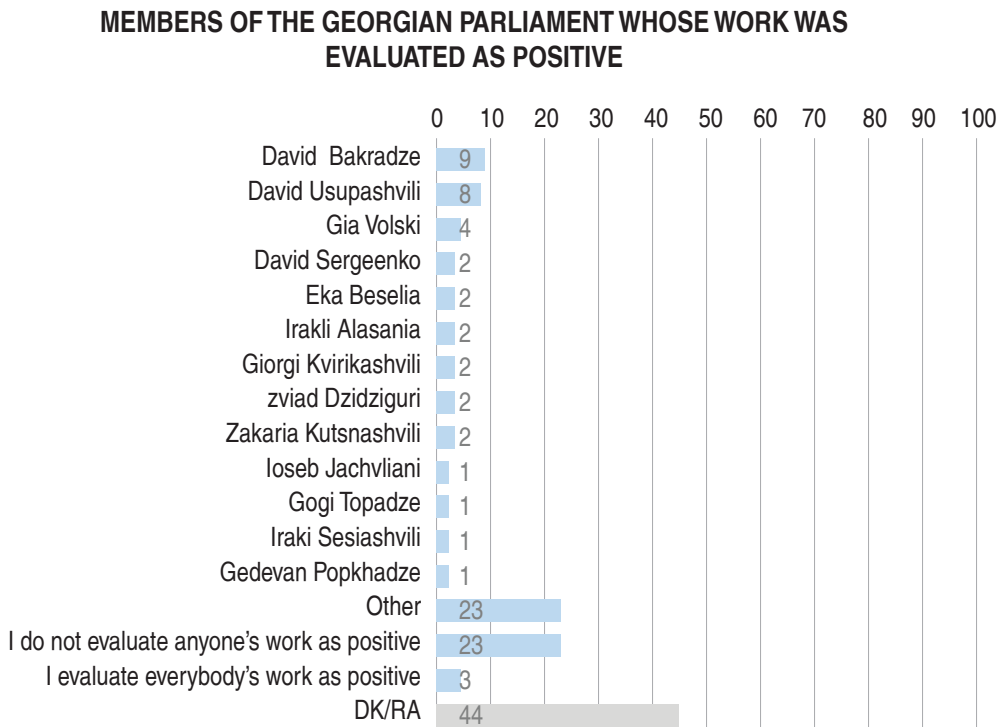
Diagram 11. Number of opinions on draft laws by MPs in 2015



Results of the public opinion survey regarding the activities of the Members of Parliament

Transparency International Georgia surveyed the opinion of the citizens of Georgia regarding the activities of the Members of Parliament. The citizens, interviewed within the scope of the survey, named the MPs whose performance was most positively evaluated.

Diagram 12. Public opinion poll results on the activities of the MPs



9.4 BUSINESS TRIPS OF THE MEMBERS OF PARLIAMENT

Business trips of the parliamentary delegations (including of the invited experts and advisors), Members of Parliament and civil servants of the Parliament staff are determined by an order of the Chair of Parliament.

The issue of a business trip of parliamentary delegations and Members of Parliament is reviewed and an appropriate decision is made by the Chair of Parliament, or in case of his/her absence by the First Deputy Chair of Parliament or an Acting Deputy Chair, by approving the business trip application. As a rule, Members of Parliament (as well as civil servants of the Parliament staff) are obliged to fill in a business trip application one week prior to the business trip, where they must specify the purpose, reason and place of a business trip, the travelling and accommodation expenses per diem and other additional business trip expenses determined by law, and the party incurring those expenses.

In the reporting period GEL 1,513,385.63 was spent for the business trip expenses. 98 Members of Parliament³³ were on a business trip.

Table 2: Information on the business trips of MPs in 2015

Full Name	Expenses	Number of Business Trips
Japaridze Tedo	185954.11	42
Usupashvili Daviti	139736.26	19
Bakradze Daviti	86,068.74	22
Kobakhidze Manana	69122.43	17
Kandelaki Giorgi	68166.2	17
Tsereteli Giorgi	66197.79	16
Dolidze Viktor	63381.42	24
Beselia Eka	57545.99	17
Chikovani Irakli	54041.67	14
Sesiashvili Irakli	51492.63	16
Maghradze Guguli	50716.91	13
Berdzenishvili Levani	49,424.06	19
Kvachantiradze Zviadi	42115.38	15
Taktakishvili Chiora	37106.23	14
Abashidze Zurabi	29026.66	11
Volsky Giorgi	25684.35	11
Baramidze Giorgi	24594.97	7

³³ The MP mandates of Tinatin Khidasheli and Gigla Agulashvili were terminated. In 2015, prior to the termination of the mandate, the statistics was as following Tinatin Khidasheli - 9 visits, 27482.58 GEL, Gigla Agulashvili - 1 visit, 1364.77 GEL, and David Saganelidze - 8 visits, 10058.5 GEL.

Full Name	Expenses	Number of Business Trips
Machavariani Mikheil	20696.82	8
Bukia Giga	17314.09	4
Onoprishvili Daviti	16238.67	6
Dzidziguri Zviadi	15124.89	5
Zhorzholiani Gia	14807.53	6
Sanikidze Gubazi	12652.78	6
Poghosiani Ruslani	12577.51	9
Darchiashvili Davit	11,541.31	6
Ebanoidze Nodari	9689.52	8
Vakhangishvili Malkhazi	9669.45	7
Tsagareishvili Giorgi	8814.65	5
Samkharauli Gela	8615.45	4
Sajaia Mariam	9724.43	4
Londaridze Tarieli	8223.68	3
Sakvarelidze Pridoni	7719.84	3
Maisuradze Temuri	7693.77	3
Nadirashvili Irma	7634.01	2
Melikishvili Zurabi	7323.16	4
Kachakhidze Merabi	6739.4	2
Chapidze Eliso	6669.87	1
Popkhadze Gedevan	6219.6	4
Kutsnashvili Zakaria	5819.57	5
Chrdileli Otari	5314.03	3
Kordzaia Tamari	4855.86	8
Tripolsky Erekle	4440.26	1
Kiknavelidze Shalva	4309.72	4
Bokuchava Tinatin	4268.25	2
Papuashvili Zaza	4176.61	1
Megrelidze Omari	3823.34	2
Chitashvili Vazha	3823.34	2
Kiknavelidze Paata	3808.86	2

Full Name	Expenses	Number of Business Trips
Enukidze Gocha	3803.85	1
Gabashvili Giorgi	3761.89	1
Khundadze Dimitri	3740.42	5
Topadze Giorgi	3563.29	1
Japaridze Viktor	3476.22	1
Tamazashvili Aleksandre	3430.9	3
Shavgulidze Shalva	3401.36	2
Zhvania Giorgi	3391.96	1
Bezhashvili Levani	3370.19	2
Kakhiani Giorgi	3345.54	3
Tsiklauri Mirian	3312.37	2
Lezhava Paata	3196.73	2
Kardava Levani	3034.65	2
Kvizhinadze Paata	2982.83	3
Baratashvili Paata	2925.1	2
Gujabidze Bidzina	2665.77	1
Tsereteli Malkhaz	2665.77	1
Mechiauri Tamazi	2570.16	4
Chkuaseli Teimuraz	2494.5	3
Tsiskarishvili Petre	2477.53	3
Tkemaladze Zurabi	2473.5	3
Mamedovi Ali	2465.37	1
Tsiklauri Nugzari	2465.37	1
Khmaladze Vakhtangi	2445.6	1
Minashvili Akaki	2187.2	2
Gachechiladze Giorgi	2146.22	1
Japaridze Zurabi	2115.89	1
Bobokhidze Akaki	1948.59	1
Tevdoradze Giorgi	1933.53	1
Berdzenishvili Daviti	1897.75	2
Mirotadze Ani	1717.63	1

Full Name	Expenses	Number of Business Trips
Gozalishvili Giorgi	1128.62	1
Peikrishvili Giorgi	1128.62	1
Zviadauri Zurabi	1054.62	1
Lortkipanidze Daviti	1054.62	1
Ckhaidze Teimurazi	1054.62	1
Khabareli Shota	1054.62	1
Petrosyani Samvel	1019.48	3
Gogorishvili Khatuna	937.72	2
Lemonzhava Vakhtangi	867	1
Vashadze Giorgi	799.28	1
Bashaleishvili Demuri	582.8	1
Chkhetiani Darejani	509.04	1
Khechiashvili Giorgi	442.01	1
Khachidze Giorgi	417.18	2
Mkoyani Enzel	205.5	1
Nergadze Teimuraz	196.98	1
Khalvashi Pati	196.98	1

CHAPTER 10

PARTICIPATION OF THE MEMBERS OF PARLIAMENT IN THE PLENARY SESSIONS AND WORK OF THE COMMITTEES; THE ISSUE OF DISCIPLINARY LIABILITY

In 2015 there were 2199 cases of absence from the plenary session with a reasonable excuse (which is 272 more than in 2014). There were not any cases of deduction of the MP's salary by 10% for missing more than one session with unreasonable excuse. (According to the Rules of Procedure of the Parliament, the salary of an MP is not deducted in case of missing an extraordinary session).

Transparency International Georgia requested the information from the Organisation Department of the Parliament of Georgia on participation of the Members of Parliament in the plenary sessions.

10.1 REASONABLE CAUSE FOR ABSENCE FROM PLENARY SESSIONS AND COMMITTEE MEETINGS

Members of Parliament missed **2199** sessions of 2015 spring and autumn sessions of the Parliament with different reasonable excuses. The number of absences according to the excuses is as follows:

- Illness – 118 absences (reduced by 64 cases comparing to 2014);
- Family circumstances – 1442 absences (increased by 65 cases comparing to 2014);
- Official business trip – 337 absences (reduced by 31 cases comparing to 2014);
- Political opinions – 302 absences.

The Parliament could not make amendments to the Rules of Procedure of the Parliament, according to which family circumstances would no longer constitute a reasonable excuse. Namely, the Procedural Issues and Rules Committee initiated a respective draft law, but an alternative proposal of the Free Democrats was submitted at the stage of discussion. The draft law was adopted in a single hearing at the plenary session. The leading Committee approved the draft law in a second committee hearing, although it was not discussed in a second hearing at the plenary session.

We also requested information from the Parliament on the absence of MPs from the Committee sittings with a reasonable excuse. The information was provided to us by all the Committees except for the **Committee on European Integration**.

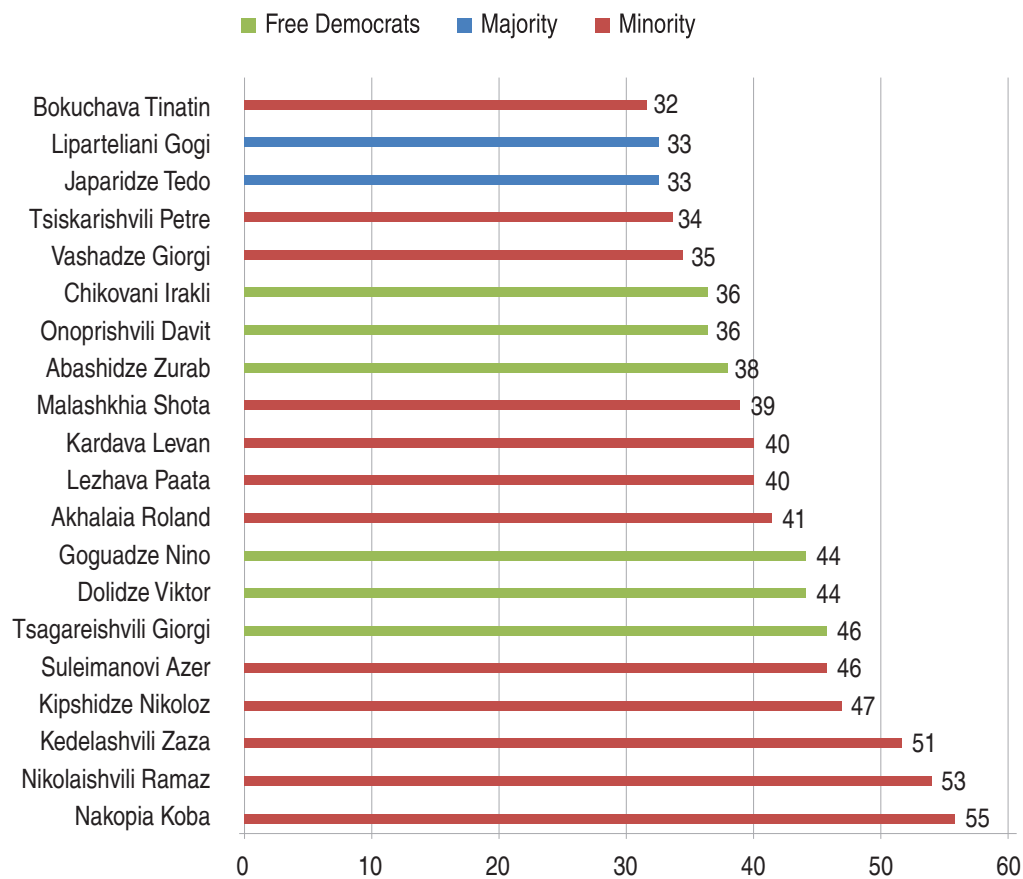
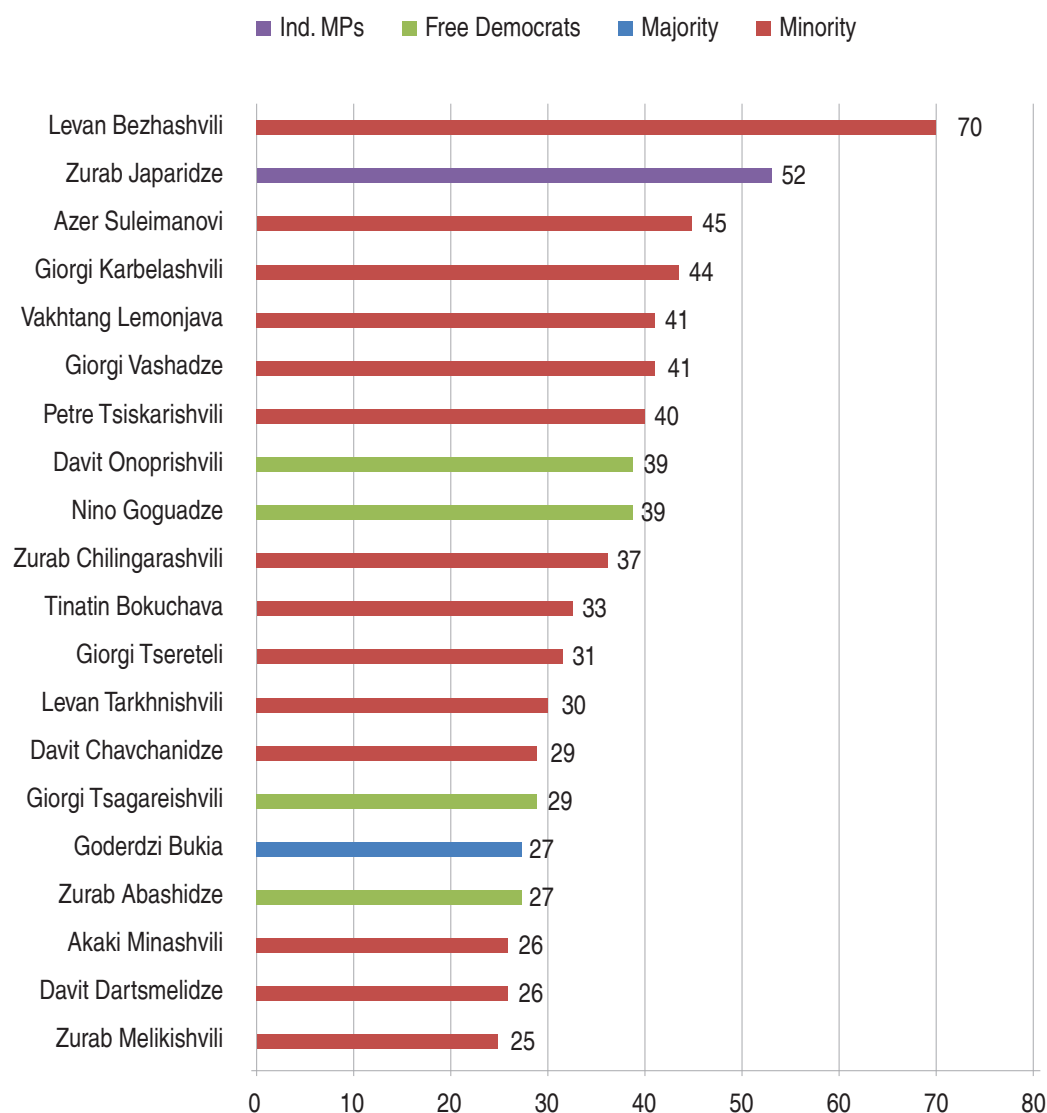
Diagram 13. Twenty MPs who were absent from the most plenary sessions with a reasonable excuse

Diagram 14. Twenty MPs who were absent from the most Committee sittings with a reasonable excuse



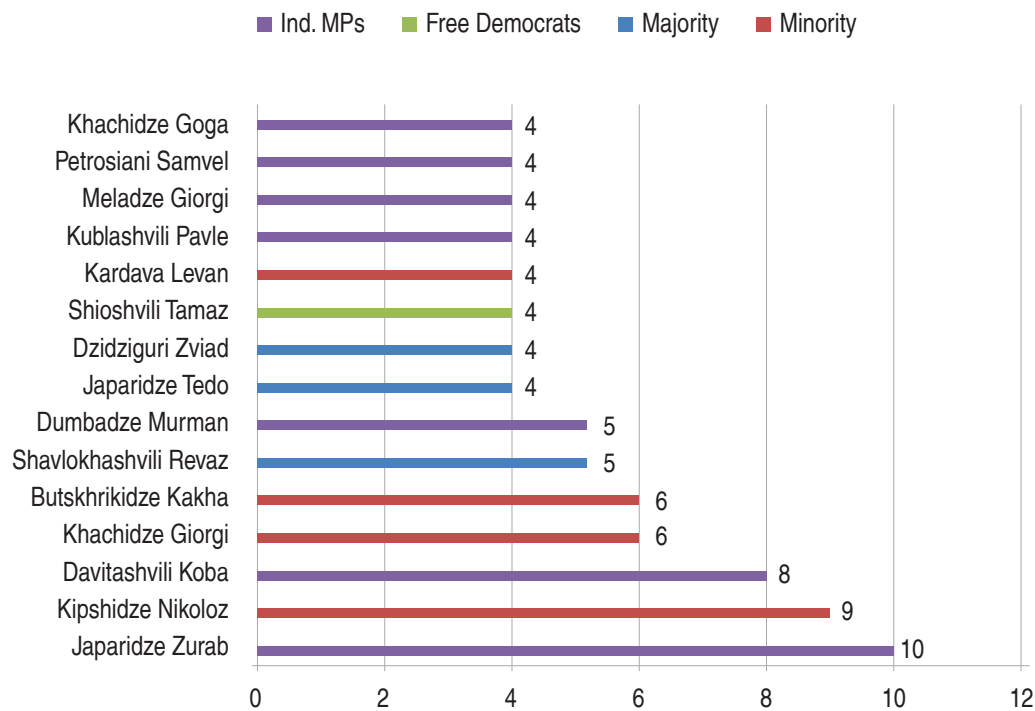
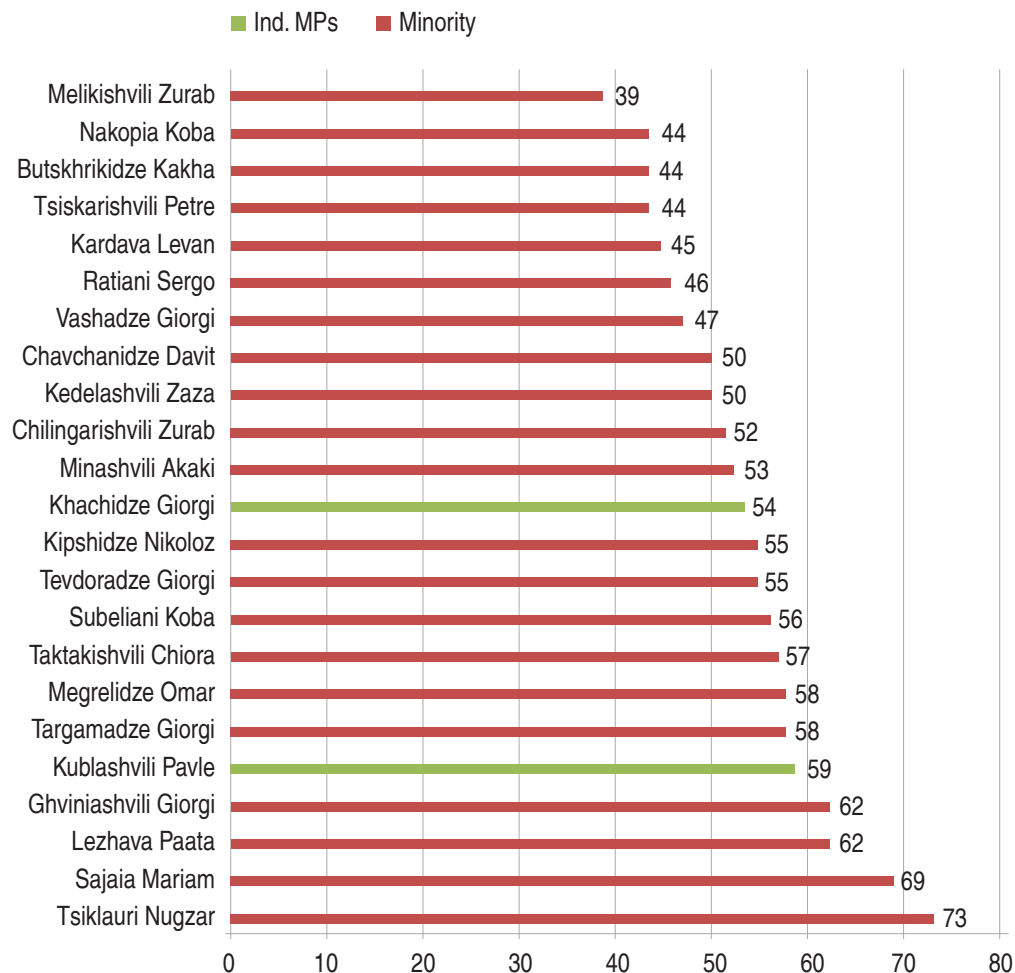
10.2 ABSENCE FROM PLENARY SESSIONS AND COMMITTEE MEETINGS WITHOUT A REASONABLE CAUSE

In 2015, the following MPs have the most absences from plenary sessions with an unreasonable excuse:

- Zurab Japaridze (10 absences)
- Kipshidze Nikolozi (10 absences)
- Koba Davitashvili (9 absences)

In 2015, the following MPs have the most absences from Committee sittings with an unreasonable excuse:

- Nugzar Tsiklauri (73 absences)
- Mariam Sajaia (69 absences)
- Lejava Paata (62 absences)
- Giorgi Gviniashvili (62 absences)

Diagram 15. Number of absences from plenary session with an unreasonable excuse

Diagram 16. Number of absences from Committee sittings with an unreasonable excuse


CHAPTER 11 | EVALUATION OF THE WORK OF THE COMMITTEES OF THE PARLIAMENT

In order to evaluate the work of the Parliament, Transparency International Georgia requested information from the Organisation Department of the Parliament and examined the information published on the web-site of the Parliament.

It is notable that the Reports on Activities of the Committee and the Committee Action Plans during 2015 Spring Session of all Committees are not published on the web-site of the Parliament (which is submitted to the Parliament upon the commencement of the autumn session according to the Rules of Procedure of the Parliament).

For the purpose of monitoring of the activities of the Parliamentary Committees it is also important that the **Opinions**, drawn up by leading and mandatory Committees, be published on the web-site of the Parliament. This is one of the recommendations of our organisation in the Open Parliament Action Plan.

Certain criteria are emphasized in the evaluation of the performance of the Committees, which are important in the working process of the Parliamentary Committees; these criteria are as follows:

- Participation of the Committees in the legislative process (number of initiated draft laws, discussed draft laws, held sittings);
- Discussion of the legislative proposals by the Committees;
- Response to the applications submitted by the citizens;
- Relations with the experts;
- Establishment of working groups by the Committees.

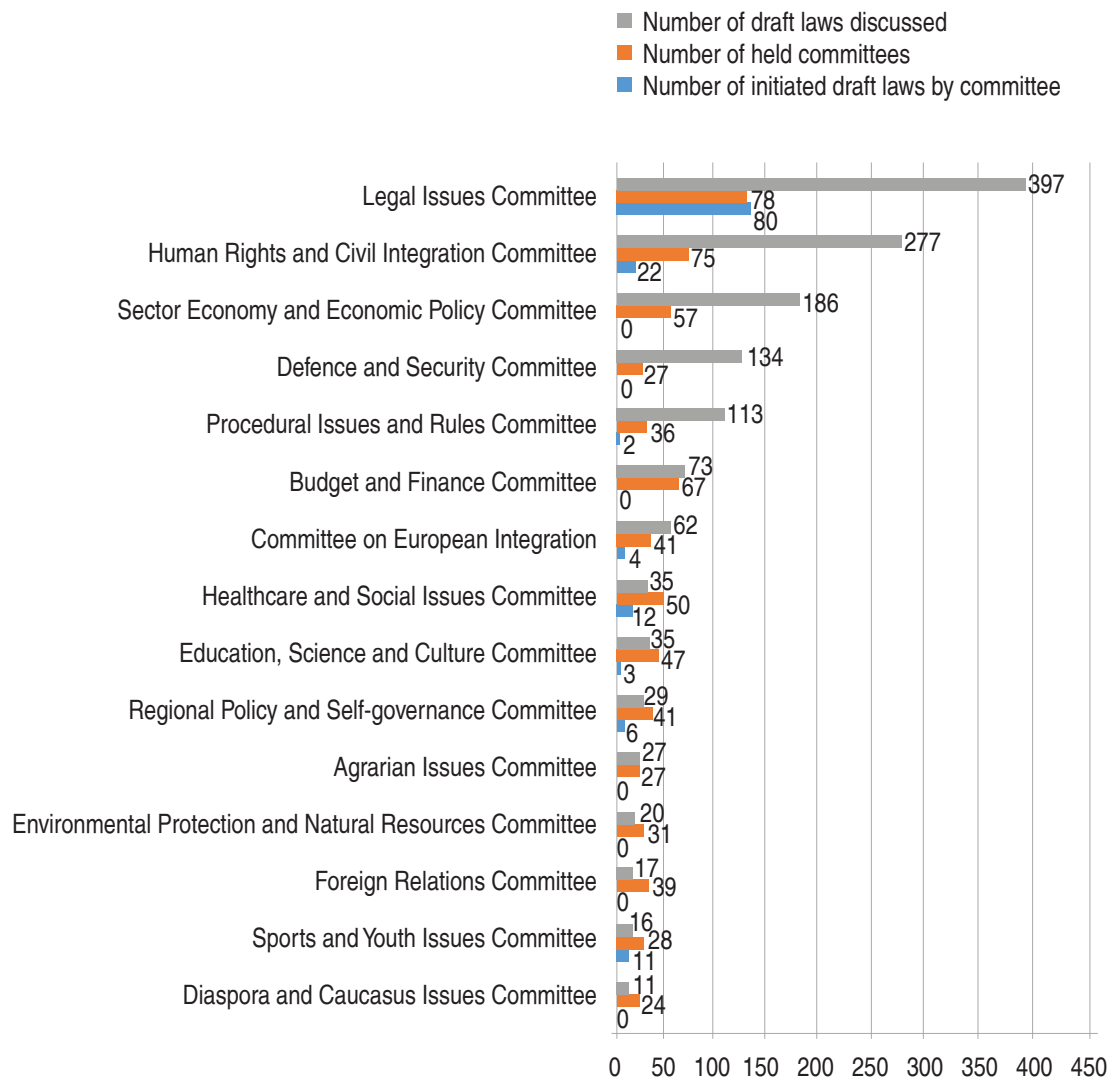
11.1 PARTICIPATION OF THE COMMITTEES IN THE LEGISLATIVE PROCESS

In the reporting period the most draft laws were initiated by the Legal Issues Committee – 80 draft laws. The Human Rights and Civil Integration Committee initiated 22 draft laws and the Healthcare and Social Issues Committee initiated 12 draft laws.

According to the number of **discussed** draft laws the leading position is occupied by the Legal Issues Committee with 397 discussed draft laws (the committee was leading in 220 draft laws and prepared obligatory opinions on 177 draft laws). It is followed by the Human Rights and Civil Integration Committee with 277 discussed draft laws. The Sectoral Economy and Economic Policy Committee discussed 186 draft laws and the Defence and Security Committee discussed 134 draft laws.

In the reporting period the most **committee sittings** were held by the Legal Issues Committee – 78 sittings; then comes the Human Rights and Civil Integration Committee with 75 committee sittings held and the Budget and Finance Committee with 67 sittings held.

Diagram 17. Draft laws discussed, committee sittings held and draft laws initiated by the Committees in 2015



11.2 DISCUSSION OF LEGISLATIVE PROPOSALS BY THE COMMITTEES

According to the Rules of Procedure of the Parliament, a legislative proposal is a well-reasoned address drawn up according to the established procedure, which is submitted to the Parliament by a subject not having the right to launch a legislative initiative, on adopting a new law or making amendments to the law or invalidating the law.

The citizens of Georgia, state authorities (except for the executive authorities and legal entities under public law), local self-government bodies, political and social associations, registered in Georgia according to the established procedure, and other legal entities have the right to submit a legislative proposal. The proposals are discussed by the Parliament according to the procedure established by law. As a result of the committee discussion a legislative proposal may be adopted or rejected by a reasoned decision of the Committee.

We inquired the number of legislative proposals discussed by the Committees and the results of those discussions.

The Foreign Relations, Sports and Youth Issues, Environmental Protection and Natural Resources, Diaspora and Caucasus Issues, Procedural Issues and Rules and European Integration Committees **have not discussed** any legislative proposal.

The Agrarian Issues Committee has discussed 2 legislative proposals submitted by natural persons, neither of which was initiated by the Committee.

The Human Rights and Civil Integration Committee has discussed 28 legislative proposals.

The author of most of the legislative proposals was the Public Defender of Georgia.

According to the information provided by the Committee, it has agreed on all the proposals submitted by the Public Defender, taking into consideration its own comments, and prepared a positive opinion. The Committee initiated the following draft laws within the scope of the legislative proposals submitted by the Public Defender:

- on making amendments to the Organic Law of Georgia on the Public Defender of Georgia;
- on making amendments to the Civil Procedure Code of Georgia;
- on making amendments to the Law of Georgia on Elimination of All forms of Discrimination.

The Regional Policy and Self-government Committee has discussed 3 legislative proposals (two of which were submitted by natural persons and one of which was submitted by a legal person), which were rejected by the Committee.

The Education, Science and Culture Committee has discussed 4 legislative proposals, based on two of which the Committee initiated draft laws.

The Legal Issues Committee has discussed 15 legislative proposals. Most of the authors of the legislative proposals were legal persons. Based on the legislative proposal of the Public Defender the Committee initiated a draft law, which was adopted by the Parliament. According to the law the parents and custodians of juniors, who reach the age of 16, shall no longer have the right to give consent for marriage.

The Procedural Issues and Rules Committee has discussed 5 legislative proposals, all of which were rejected. The Budget and Finance Committee has discussed 6 legislative proposals, none of which were initiated. Most of the legislative proposals were submitted by natural persons.

The Healthcare and Social Issues Committee has discussed 12 legislative proposals. Based on 6 legislative proposals the Committee has initiated a draft law on making amendments to the Law of Georgia on State Compensation and State Academic Scholarships, which was adopted by the Parliament. Most of the authors of the proposals were natural persons.

In the reporting period the Sectoral Economy and Economic Policy Committee has discussed 6 legislative proposals, which were mainly submitted by the natural persons. The Committee has initiated a draft law based on 2 legislative proposals.

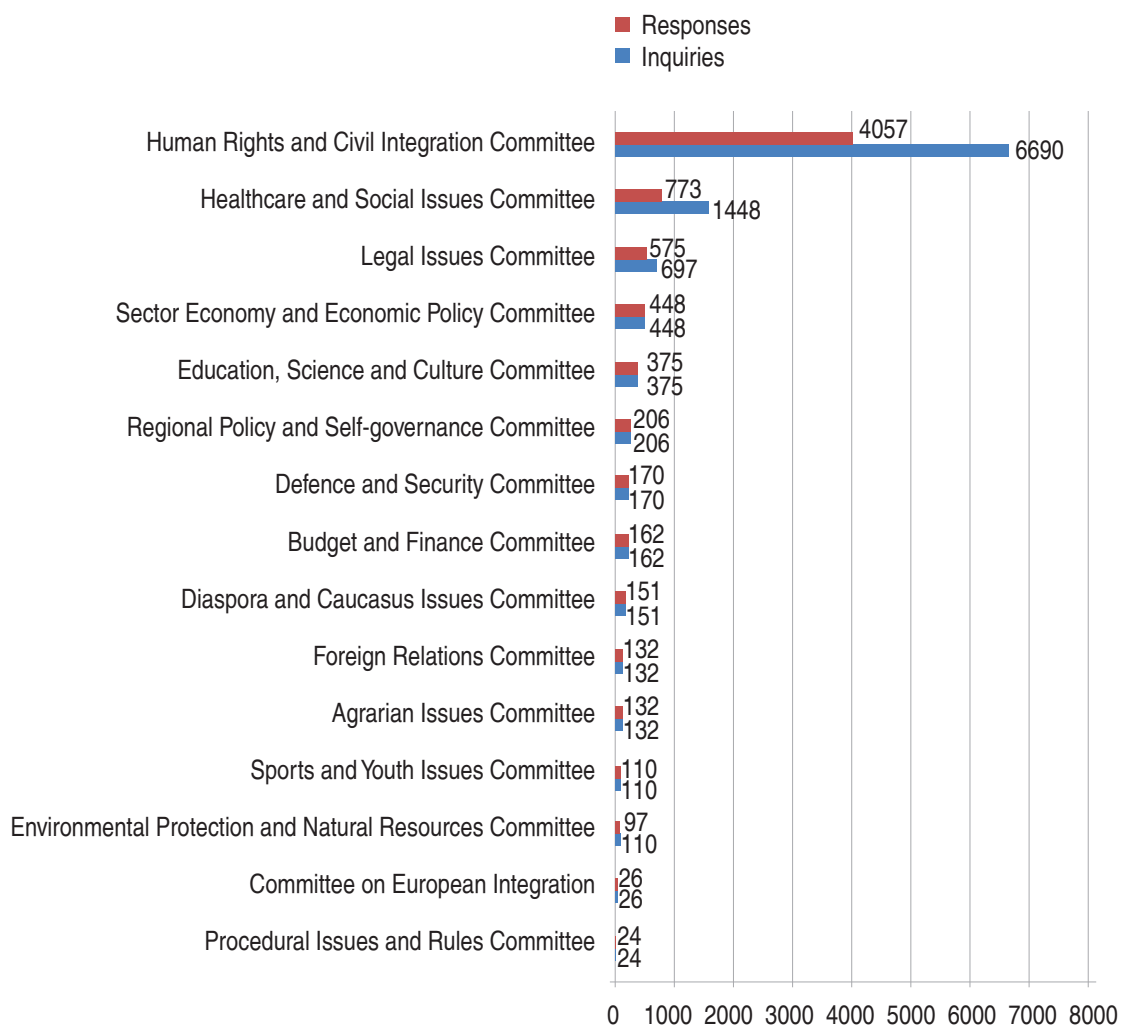
11.3 RESPONSE TO THE APPLICATIONS SUBMITTED BY THE CITIZENS

The activities of the Parliamentary Committees are not confined only to the initiation of draft laws and holding committee hearings. Based on their specifics, various Committees carry out many other important activities. The response to the applications submitted by the citizens should be especially highlighted. The Human Rights and Civil Integration Committee has particularly high rate of referral. This Committee has the highest rate of referral from the citizens of Georgia this year like in 2014. Namely, in the reporting period 11 107 correspondence were submitted to the Committee, 6690 of which are applications; this is approximately 43% of the total number of letters submitted to the Parliament in 2015.

In response, 4057 letters were sent by the Committee to various entities, 3878 letters out of which were sent to the agencies and 179 letters of explanation were sent to the applicants.

The second Committee in the ranking according to the number of submitted letters is the Healthcare and Social Issues Committee, to which 1448 applications were submitted. The Committee responded to 773 applications. 697 letters were submitted to the Legal Issues Committee, 575 out of which the Committee responded to.

Diagram 18. Number of inquiries and responses by committees in 2015



11.4 ESTABLISHMENT OF WORKING GROUPS BY COMMITTEES AND OUTCOMES OF THEIR PERFORMANCE

Under Article 29(2) of the Rules of Procedure of the Parliament, in the process of activities of the Committee it establishes working groups for controlling the execution of the decisions of the Parliament and its Committees, for preliminary preparation of legislative issues and for other current issues. The Committee staff ensures the activities of the working groups.

1. In the reporting period the **Agrarian Issues Committee** established two working groups, within the scope of which the work is carried out regarding preparation and initiation of draft laws;
2. In the reporting period the **Human Rights and Civil Integration Committee** established the following 6 working groups:
 - On the facts of torture and inhuman treatment;
 - On the facts of illegal violation of the property rights;
 - On Elimination and prevention of violence against women;
 - On developing new mechanisms for early conditional release of convicts;
 - On drawing up legislative amendments according to the legislative proposals of the Public Defender;
 - On drawing up legislative amendments on institutional enhancement of the Public Defender

On 20 October 2015 the working groups on the facts of torture and inhuman treatment and on the facts of illegal violation of the property rights submitted a summary report to the Committee sitting. These working groups have also prepared summary documents – opinions: “On the Facts of Illegal Violation of Property Rights in 2004-2012” and “On the Facts of Torture and Inhuman Treatment in 2004-2012”, which included the recommendations of the working groups towards various authorities.

3. **Environmental Protection and Natural Resources Committee** established 2 working groups:

On approval of the types of living genetically modified organisms permitted on the territory of Georgia;
On preliminary review of the Forest Code of Georgia.

4. A representative working group was established at the **Committee on European Integration** for the purpose of drawing up the text of the law on protection of consumers' rights, as a result of which the Committee has drawn up and initiated the Draft Law on Protection of Consumers' Rights and its accompanying legislative amendments. The executive legislative bodies of Georgia, the non-governmental organisations protecting the consumers' rights, business representatives and experts participated in the working process of the working group.
5. The interagency working group was established within the **Defence and Security Committee** in relation with the adoption of the law on state secrets. The draft law was adopted by the Parliament.
6. **The Legal Issues Committee** established 4 working groups in relation to the change of the rules of questioning witnesses, the reform of the legal institution of legal capacity, abolition of the institution of eviction by police and based on the legislative proposals submitted by the members of the Supreme Council of the Republic of Georgia of 1990-1991. According to the information submitted by the Committee, corresponding legislative acts were initiated in the first three cases.
7. **The Regional Policy and Self-government Committee** established a working group in the process of drawing up and preparation of the draft law on Development of Mountainous regions, initiated by the Government of Georgia. The law was adopted by the Parliament.
8. **The Budget and Finance Committee** established a working group, based on the recommendations of which the following laws were initiated: the Law on Insurance, the Law on the National Bank of Georgia and its accompanying draft laws and the Law on Audit of Accounting and Financial Statements.

9. According to the information provided by the **Sports and Youth Issues Committee** a thematic group was established at the Ministry of Sport and Youth Affairs of Georgia by joint representation of the representatives of the Committee and the Ministry. The provided information does not specify whether this is the working group established by the Committee or not.
10. In 2015 working groups were not established at the **Healthcare and Social Issues Committee**. However, based on the information provided by the Committee, 4 working groups established by the Committee in 2014 continue work on 6 legislative proposals submitted by various non-governmental organisations, the Public Defender and the citizens. In one case the Draft Law on State Compensation and Academic Scholarships was initiated, which was adopted by the Parliament on 27 November 2015.

The Education, Science and Culture, Sectoral Economy and Economic Policy, Diaspora and Caucasus Issues, Foreign Relations and Procedural Issues and Rules Committees have not established working groups in the reporting period.

11.5 RELATIONSHIP OF COMMITTEES WITH EXPERTS

We asked the Parliamentary Committees how many times did they address experts, international non-governmental organisations regarding the opinions and recommendations on the draft laws (which draft laws specifically) and in which cases were they provided with written opinions and recommendations on the draft laws in the reporting period.

In most cases the information provided by the Committees does not specify whether the Committees have asked for the expert opinions themselves or the experts have sent the opinions by their own initiative.

In the reporting period, in the process of working on the draft law on Agricultural Insurance the **Agricultural Issues Committee** applied to an international organisation for recommendations. In addition, in the process of working on the Draft Law on Wind (Field Protection) Zones the Committee held consultations with the non-governmental organisations, working in the area of environmental protection, and the National Academy of Agricultural Sciences. Some of the submitted proposals and remarks were included in the draft law.

The Human Rights and Civil Integration Committee has invited an international expert in relation to the preparation of the set of legislative amendments (On Early Pre-school Education) initiated by the Committee, with the support of the UN Development Programme (UNDP).

The Sectoral Economy and Economic Policy Committee stated that 12 written opinions were submitted based on the application with regard to the discussed draft laws.

The interagency working group was established at the **Defence and Security Committee** regarding the adoption of the Law on State Secrets, whose recommendations were taken into consideration in the law, which has entered into force. After drawing up the draft law it was discussed with foreign experts and non-governmental organisations. They submitted written recommendations to the Committee.

According to the information provided by the **Regional Policy and Self-government Committee**, in the reporting period the Committee has applied to the non-governmental organisations interested in this area, scientists, experts and area specialists for the opinions and recommendations on the issues related to the Draft Law on the Development of Mountainous Regions of Georgia, among which about 30 non-governmental organisations and 60 experts were directly involved in the process of working on the preliminary initiative versions of the draft law. Three meetings were held between the representatives of the society, interested in the problems of mountainous regions, the Chair of the Committee on this issue and the

Committee members at the National Academy of Sciences of Georgia. In all 37 comments, proposals and recommendations were submitted to the Committee regarding that issue, which were taken into consideration in the final version of the law.

According to information provided by the **Legal Issues Committee**, they had cooperated with the National Academy of Sciences of Georgia and experts from the Tinatin Tsereteli State and Law Institute. On the basis of their engagement, the Committee prepared the Draft Law on Amendments to the Criminal Code of Georgia

The Healthcare and Social Issues Committee stated that the experts of the area were invited to the Committee for the purpose of carrying out legal drafting process, preparing conceptual documents and carrying out financial and budgetary monitoring effectively. The Committee has applied to international non-governmental organisations and experts for the opinions and recommendations in the process of discussing the Law on Control of Tuberculosis and the related draft laws, the Law on Making Amendments to the Law of Georgia on State Compensations and State Academic Scholarships, the Law on Making Amendments to the Law of Georgia on Patients' Rights and the Law on Making Amendments to the Law of Georgia on HIV Infection. However, the information provided by the Committee does not specify certain organisations and experts that were involved in the process.

Other Committees did not take this opportunity.

11.6 REPRESENTATION OF THE LEGAL ISSUES COMMITTEE AT THE CONSTITUTIONAL COURT

In the reporting period, the representation was made at 20 proceedings of the main court hearing at the Constitutional Court of 14 constitutional claims and 4 constitutional submissions, 2 constitutional claims (592, 630) and 2 constitutional submissions (608, 609) out of which were completely granted, one constitutional claim (646) was granted partially, regarding the other claims and submissions (550, 591, 594, 596, 600, 623, 631, 636, 642, 633, 634) the Constitutional Court has not made a final decision yet, and regarding two claims (625, 640) the main hearing has not been completed yet. The representation was also made in 19 preliminary hearing for 14 constitutional claims, out of which the Court accepted 9 claims for main hearing, rejected 4 claims for main hearing with a court decision and has not made the record/ruling regarding one claim.

- **Decisions made by the Constitutional Court in 2015**

In 2015 the Constitutional Court of Georgia made decisions on 10 cases in which the defendant party was the Parliament of Georgia. The Court completely granted 7 of the cases, partially granted 2 cases and rejected 1 case.

- **Rulings made by the Constitutional Court in 2015, in which the defendant party was the Parliament of Georgia**

In 2015 the Constitutional Court of Georgia made 20 rulings, in which the defendant party was the Parliament of Georgia. In 3 cases out of the above mentioned the proceedings were terminated due to the change of the disputed norm and in 6 cases the proceedings were terminated upon the request of the claimant. Oral hearing was held regarding one case with the participation of the Parliament and in the other cases without the participation of the Parliament; the cases were not accepted for main hearing.

- **Records made by the Constitutional Court of Georgia in 2015, in which the defendant party was the Parliament of Georgia**

In 2015 the Constitutional Court of Georgia made 25 records, in which the defendant party was the Parliament of Georgia. The preliminary hearing was held by oral hearing on 11 cases with the participation of the Parliament of Georgia.

11.7 ACTIVITIES OF THE COMMITTEE ON EUROPEAN INTEGRATION (MONITORING OF ASSOCIATION AGREEMENT ON THE ONE HAND BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY AND ITS MEMBER STATES AND ON THE OTHER HAND GEORGIA)

In 2015 the Committee analyzed about 15 draft laws for determining their compliance with the Association Agreement or international agreements. The comments and opinions submitted to the Committee were transferred to the initiators and leading Committees, although the Committee has not provided the information on the specific draft laws which were analyzed.

CHAPTER 12 | ACTIVITIES OF THE BUREAUS OF MAJORITARIAN MEMBERS OF PARLIAMENT ■

Transparency International Georgia inquired the activities of the bureaus of the majoritarian Members of Parliament. Under the current legislation, local bureaus of the Members of Parliament elected through the majoritarian electoral system are established for the purpose of organisation of work with the voters, participation of the MP in the activities of the state authorities and respective local self-government bodies and in the local decision-making process. The expenses related to the activities of the bureaus are covered by the budget of the Parliament. The activities of the bureaus of each majoritarian MP are financed by GEL 5000 on a monthly basis.

In the process of examination of these activities in 2015 as well as in the previous reporting periods, there were problems in obtaining the contact information of the bureaus. The information on the personal web-sites of the majoritarian MPs (which are linked with the web-site of the Parliament) is not updated. In certain cases the contact information of the bureaus, the addresses and telephone numbers are not correct. The members of Transparency International Georgia were able to obtain information through personal connections. In such case, the issue how successful is the attempt of the citizens to communicate with the majoritarian MPs is still under question.

Transparency International Georgia actively cooperates with the bureaus of the majoritarian MPs. In 2015 the trainings were delivered to the staff members of the bureaus on the topic: budgetary system of Georgia and budgetary monitoring of the Parliament – state and local budgets: budget planning and execution. The training was attended by about 60 employees of the bureaus of the majoritarian MPs.

Transparency International Georgia sent some questions to the bureaus of the majoritarian MPs. The questions concerned the activities of the bureaus and the communication with the citizens. The responses to our letters were provided by 47 bureaus. In most cases the responses were late. The questions were as follows:

- **How many citizens addressed the bureaus (in writing, verbally) during 2015 spring and autumn sessions and mainly which problems were identified;**
- **How many public meetings were held between the bureau of the majoritarian MP and/or the majoritarian MP and the citizens in the reporting period, where were the meetings held and which issues were discussed;**
- **Did the bureau of the majoritarian MP conduct any survey, research, analysis for identifying the needs of the people and which problems were identified;**
- **What kind of communication did the bureau have with local self-government bodies and how intensive was that communication; how were the problems of the people emphasized before the local authorities;**
- **The information on the expenditure by the bureau of the budgetary funds allocated for the bureau;**
- **Whether the information bulletin was published (on the web-site or in a printed form) by the bureau of the majoritarian MP or not, which issues were discussed in the bulletin and how was the population familiarized with the bulletin.**

Results of the public opinion survey on the activities of the majoritarian Members of Parliament

Transparency International Georgia inquired whether the citizens of Georgia know who is the majoritarian MP from their district, how they evaluate the activities of the majoritarian MPs and whether they agree with the abolition of election of the Members of Parliament through majoritarian electoral system or not.

Diagram 19. Public opinion poll results on Majoritarian MPs

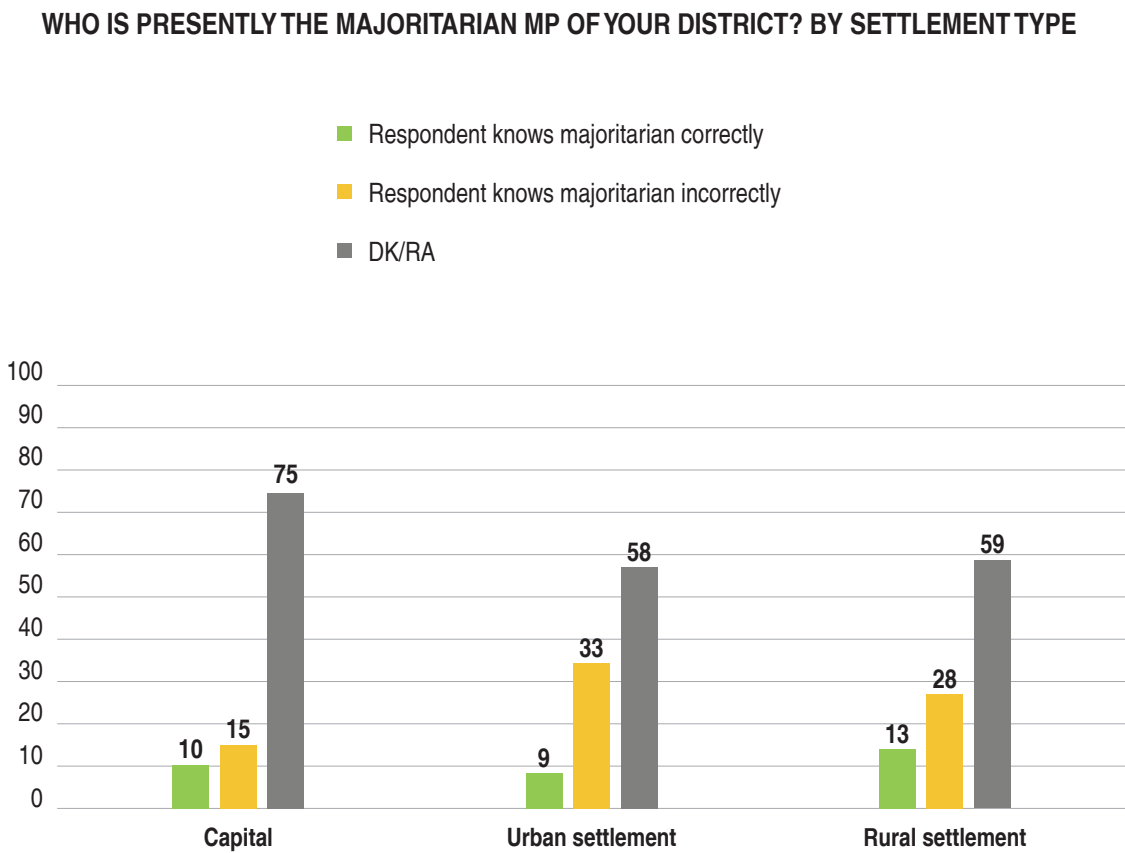


Diagram 20. Public opinion poll results on the activities of the Majoritarian MPs

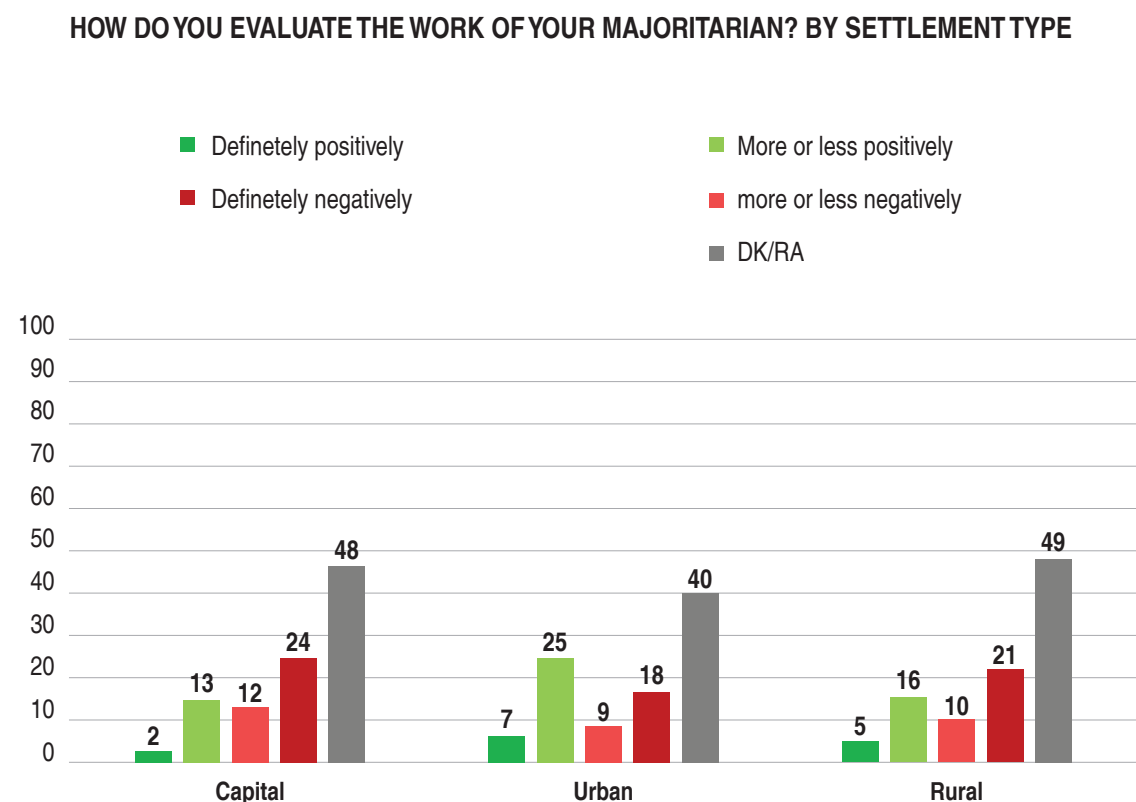
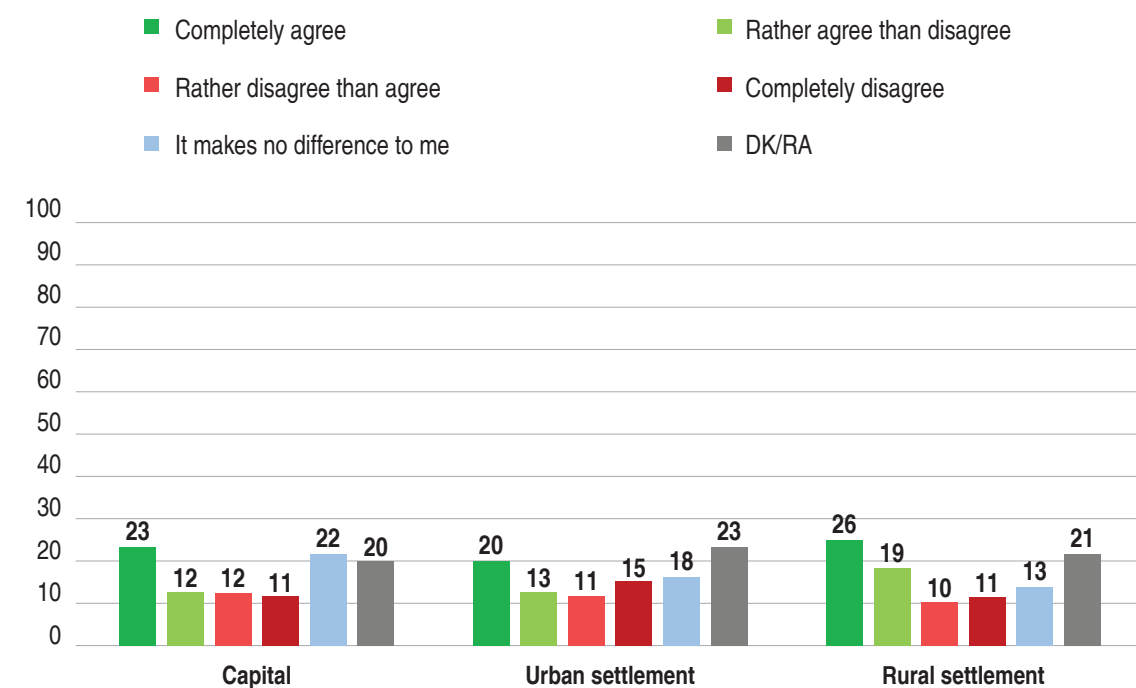


Diagram 21. Public opinion poll results on the termination of Majoritarian system

PRESENTLY MAJORITARIAN MPS COMPRISE HALF OF TOTAL COMPOSITION OF THE PARLIAMENT. AN ARGUMENT HAS BEEN MADE THAT THE MAJORITARIAN SYSTEM SHOULD BE DISCARDED IN THE NEXT PARLIAMENTARY ELECTIONS, DO YOU AGREE WITH THIS POINT OF VIEW OR NOT? BY SETTLEMENT TYPE



12.1 APPLICATION AND PROBLEMS OF THE CITIZENS

Regarding this issue, unlike the report of the previous year, we requested information from the bureaus on the application of citizens, which was appropriately officially registered, because we cannot check the provided information. Unfortunately, in most cases the bureaus evaded that question and did not specify whether the number of the applications was officially registered or not, which is included in the table of the bureau. It should also be noted again that the figures are provided by the bureaus, which were referred to. It again emphasizes the existing problem and the necessity of its resolution. The bureaus must ensure proper registration of the applications of the citizens.

The data of the registered verbal application, as provided by the Bureaus, is as follows:

- Ioseb Jachvliani - 1258
- Zviad Kvachantiradze - 1200
- Zurab Abashidze - 786
- Shota Khabareli - 755
- Eka Beselia - 650

The data of the registered written application, as provided by the Bureaus, is as follows:

- Ioseb Jachvliani - 405
- Shota Khabareli - 394
- Guram Misabishvili - 349
- Pati Khalvashi - 265
- Shalva Shavgulidze - 194

12.2 PROBLEMS OF VOTERS AND THE SURVEY RESULTS

It is very important for the activities of the majoritarian Members of Parliament that they appropriately identify the problems and needs of the voters. Therefore, the analysis of identification of the problems of population is very important for effective functioning of the bureaus. For that purpose the survey of population (or its specific groups) may be carried out, the applications of the citizens and the results of the public meetings may be examined and the existing problems may be marked out.

For effective exercise of their powers by the majoritarian Members of Parliament it is an essential component to be aware of the problems of the population. As a result of the analysis of the provided information the bureaus of 25 majoritarian MPs specify that they have conducted some type of survey, although in certain cases it is not clear how did they carry out the surveys and what were the results of the surveys.

Similarly to the previous year, this year the population specifies the same problems, this information is based on the information obtained from the bureaus. The needs are as follows:

- **unemployment,**
- **utility and infrastructure issues (water, gas, electricity, roads),**
- **damages incurred by natural disasters and the dilapidated buildings,**
- **problems related to legalisation of property,**
- **medical needs,**
- **resettlement of internally displaced persons**

12.3 PUBLIC MEETINGS

This year the bureaus have not specified the exact number of the public meetings either; the inaccurate data were provided and, except for certain cases, it is not specified specifically when, where and regarding which issues were the meetings held with the voters.

The number of public meetings of the MPs with the voters (does not include meetings of only the representatives of the bureaus):

- **Mirian Tsiklauri - 85**
- **Malkhaz Tsereteli - 73**
- **Gela Samkharauli - 67**
- **Leri Khabelovi - 57**
- **Dimitri Khundadze - 44**

12.4 BUREAUS AND LOCAL SELF-GOVERNMENT BODIES

According to the responses provided by the bureaus of the majoritarian MPs, the majoritarian MPs of the parliamentary minority have some problems in the relations with the local self-government bodies. Positive results are obtained only in rare cases and even then the responses are very late.

More specifically, the bureaus refer to different problems, namely as follows: no reaction, no cooperation, late responses. The following bureaus specify problems in the relations:

- The bureau of the Dedoplistskaro majoritarian Member of Parliament Zaza Kedelashvili;
- The bureau of the Batumi majoritarian Member of Parliament Murman Dumbadze;
- The bureau of the Kharagauli majoritarian Member of Parliament Nodar Ebanoidze;
- The bureau of the Tslenjikha majoritarian Member of Parliament Levan Kardava.
- The bureau of the Samgori majoritarian Member of Parliament Zurab Abashidze
- The bureau of the Krtsanisi majoritarian Member of Parliament Shota Khabareli

12.5 COST ESTIMATION OF THE MAJORITARIAN BUREAUS

Under Article 19 of the Rules of Procedure of the Parliament of Georgia, the expenses related to the activities of the bureaus of the majoritarian Members of Parliament shall be covered from the budget of the Parliament. Once a year a majoritarian MP is obliged to submit to the Procedural Issues and Rules Committee the information on the expenses incurred by the bureau of the majoritarian MP, which should specify the initial balance, the funds allocated from the budget, the amount spent from the budget and the remaining balance.

We requested information from the bureaus on the detailed cost estimation of the bureaus of the majoritarian MPs within GEL 5000, allocated from the budget.

The requested information was not provided by the following four bureaus out of the 47 submitted responses:

- Bureau of Zurab Abashidze
- Bureau of Akaki Bobokhidze,
- Bureau of Gela Gelashvili,
- Bureau of Zurab Zviadauri.

It should also be noted that the responses provided by 10 bureaus are incomplete and in certain cases the reference is made to other web-sites where such information may be obtained. **The publication of information on the web-site does not exempt a civil servant from the obligation to provide information.**

³⁴ For example, the Majoritarian Bureau of Sachkeri of Manana Kobakhidze did not send us specific information on the expenditures, indicating that this information was available on the State Procurement Agency website

12.6 INFORMING THE POPULATION

We asked the bureaus whether they used the bulletins for increasing people's awareness in the reporting period or not. The bulletin is used only in two cases (the bureau of Nodar Ebanoidze, the bureau of Malkhaz Tsereteli). Population is informed on the activities carried out by the MP by other means as well, namely as follows:

- The bureau of Eka Beselia provided the population with the leaflets containing the above information;
- The bureau of Mirian Tsiklauri publishes a newspaper "Khevis matsne";
- The bureau of Zviad Kvachantiradze published information in the local newspaper "Alioni";
- The bureau of Teimuraz Chkuaseli published an information bulletin in a form of the newspaper;
- The bureau of Gocha Enukidze published information in the local newspapers "Ambrolauri's Moambe", "Rachvelebi".

It is also important how systematically the population is informed on the activities of the majoritarian MPs. Based on the information provided to us by the bureaus they use social networks (Goderdzi Bukia, Shalva Shavgulidze, Dimitri Khundadze, Manana Kobakhidze, Zviad Dzidziguri, Eka Beselia, Davit Onoprishvili, Gela Samkharauli, Gocha Enukidze, Tamar Khidasheli, Giorgi Kakhiani).

Table 3. The activities of the majoritarian MPs

Majoritarian deputy of Parliament	Status	Region	Answer to the letter	Total number of applies	Number of written applies from the citizens	
Abashidze Zurab	Faction "Free Democrats"	Samgori	Yes		Accounted: 136	
Akhalaia Rolandi	Minority	Zugdidi	No			
Beselia Eka	Majority	Poti	Yes		Resgistered: 160	
Bezhuashvili Davit	Indepentent deputy of Parliament	Tetritskaro	No			
Bobokhidze Akaki	Minority	Tskaltubo	Yes		Accounted: 10	
Bolkvadze Anzor	Majority	Khulo	Yes		Accounted: 78	
Bukia Goderdzi	Majority	Khobi	Yes		Accounted: 47	
Butskhrikidze Kakha	Minority	Terjola	No			
Chapidze Eliso	Majority	Tkibuli	No			
Chavchanidze Daviti	Minority	Khoni	No			
Chilingarashvili Zurabi	Minority	Adigeni	No			
Chitashvili Vazha	Minority	Akhaltzikhe	No			
Chkhaidze Teimurazi	Majority	Lanchkhuti	Yes		Accounted: 71	

	Number of oral applies from the citizens	Public meetings	Research to solve the problems	Collaboration with local self- government	Information about the expenses of the bureau
	Accounted: 786	29	Yes	No	No
	Accounted: 650	Deputy: 42, Bureau in working hours: 18	Yes	Yes	Yes
	Unaccounted: 27	12	No	Yes	No
	Accounted: 272	No specific number indicated	Yes	Yes	Yes
	Accounted: 60	27	Yes	Yes	Incomplete
	Accounted: 150	5	No	Yes	Yes

Majoritarian deputy of Parliament	Status	Region	Answer to the letter	Total number of applies	Number of written applies from the citizens	
Chkuaseli Teimurazi	Majority	Chokhatauri	Yes		Registered: 12	
Dartsmelidze Daviti	Minority	Abasha	No			
Dolidze Viktori	Other	Chughureti	Yes		Registered: 92	
Dumbadze Murman	Independent deputy of Parliament	Batumi	Yes		Accounted: 48	
Dzidziguri Zviad	Majority	Rustavi	Yes		No info if accounted or not: 572	
Ebanoidze Nodar	Majority	Kharagauli	Yes		Accounted: 64	
Enukidze Gocha	Majority	Ambrolauri	Yes		Accounted: 53	
Gelashvili Gela	Majority	Sighnaghi	Yes		No info if accounted or not: 107	
Gelashvili Valeri	Majority	Khashuri	Yes		Unaccounted: 203	
Ghviniashvili Giorgi	Minority	Gurjaani	No			
Gozalishvili Giorgi	Majority	Lagodekhi	Yes		Accounted: 15	
Jachviani Ioseb	Majority	Gldani	Yes		Registered: 405	
Japaridze Tamaz	Majority	Oni	No			

	Number of oral applies from the citizens	Public meetings	Research to solve the problems	Collaboration with local self- government	Information about the expenses of the bureau
	Registered: 204	No specific number indicated	Yes	Yes	Yes
	Unaccounted: 406	Public 17, Bureau in working hours: 35	Yes	Yes	Yes
	No info accounted or not: 540	9	Yes	Yes	No
	No specific number indicated	20	No	Yes	Incomplete
	No info accounted or not: 240	No specific number indicated	Yes	Yes (incomplete reaction)	Yes
	No specific number indicated	Deputy and Bureau in working hours: almost 30	No	Yes (incomplete reaction)	Yes
	Not indicated	0	No	Yes	No
	Unaccounted: 1000	No specific number indicated	No	Yes	Yes
	No specific number indicated	15	No	Yes	Incomplete
	Registered: 1258, Non-Registered: 2700	5 public meetings, Bureau in working hours: 23	Yes	Yes	Yes

Majoritarian deputy of Parliament	Status	Region	Answer to the letter	Total number of applies	Number of written applies from the citizens	
Japaridze Viktori	Majority	Mestia	No			
Kakhiani Giorgi	Majority	Samtredia	Yes		Registered: 22	
Kantaria Aleksandre	Majority	Isani	No			
Kardava Levan	Minority	Tsalendjikha	Yes		No info if accounted or not: 85	
Kavtaradze Giorgi	Majority	Zestafoni	No			
Kedelashvili Zaza	Minority	Dedoplistskaro	Yes		No specific number indicated	
Khabareli Shota	Majority	Krtsanisi	Yes		Accounted: 394	
Khabelovi Leri	Majority	Kareli	Yes		0	
Khabuliani Sergo	Majority	Tsageri	Yes		Registered: 115	
Khalvashi Pati	Majority	Kobuleti	Yes		Registered: 265	
Khalvashi Rostomi	Majority	Khelvachauri	Yes		Unaccounted: 607	
Khidasheli Tamar (Since 2015)	Majority	Sagaredjo	Yes	Indicates 25	Accounted: 38	
Khmaladze Vakhtangi	Majority	Didube	Yes	Unaccounted: 771	No specific number indicated	

	Number of oral applies from the citizens	Public meetings	Research to solve the problems	Collaboration with local self- government	Information about the expenses of the bureau
	Unaccounted: 130	41	No	Yes	Incomplete
	No info accounted or not: 43	No number indicated	No	Yes (Late answers)	Yes
	No specific number indicated	No specific number indicated	No	No (Not cooperating)	Incomplete
	Accounted: 755; Unaccounted: almost 2200	Deputy and bureau in working hours: 92	Yes	Not enough	Yes
	0	57	No	Yes	Yes
	Non-Registered: 10	No specific number indicated	Yes	Yes	Incomplete
	Accounted: 474	No specific number indicated	Yes	Yes	Yes
	Unaccounted: 1321	Not indicated	Yes	Yes	Yes
	Unaccounted: 130, Accounted: 93	2	No	Yes	Incomplete/ Including 2016
	No specific number indicated	No specific number indicated	No	Yes	Yes

Majoritarian deputy of Parliament	Status	Region	Answer to the letter	Total number of applies	Number of written applies from the citizens	
Khundadze Dimitri	Majority	Mtskheta	Yes		No info if accounted or not: 41	
Kiknavelidze Paata	Majority	Baghdati	Yes		No info accounted or not: 98	
Kobakhidze Manana	Majority	Sachkhere	Yes		No info registered on not: 173	
Kordzaia Tamar	Majority	Nadzaladevi	Yes		Accounted: 131	
Kutsnashvili Zakaria	Majority	Tianeti	No			
Kvachantiradze Zviad	Majority	Ozurgeti	Yes		Registered: 193	
Lemonjava Vakhtang	Minority	Chkhorotsku	Yes		No info accounted or not: 17	
Lezhava Paata	Minority	Vani	Yes		No info accounted or not: 11	
Liparteliani Gogi	Majority	Lentekhi	Yes		Unaccounted: 30	
Londaridze Tarieli	Minority	Aspindza	no			
Megrelidze Omar	Minority	Shuakhevi	Yes		No info if accounted or not: 7	
Misabishvili Gurami	Majority	Senaki	Yes		Accounted: 349	
Mkoiani Enzeli	Majority	Ninotsminda	No			

	Number of oral applies from the citizens	Public meetings	Research to solve the problems	Collaboration with local self- government	Information about the expenses of the bureau
	No specific number indicated	44	Yes	Yes	Yes
	No info accounted or not: 167	19	Yes	Yes	Yes
	No specific number indicated	No specific number indicated	No	Yes	Incomplete/ Indicating spa.ge
	Unaccounted: 94	12	Yes	Yes	Yes
	Registered: 1200	7	Yes	Yes	Yes
	No info accounted or not: 21	No specific number indicated	Yes	Yes	Yes
	No info accounted or not: 42	4	No	Yes	Yes
	Unaccounted: almost 50	4	No	Yes	Yes
	No info accounted or not: 85	Bereau and deputy: 56	No	Yes	Incomplete
	Accounted: 352	158 (not indicated bureau or public meetings)	Yes	Yes	Yes

Majoritarian deputy of Parliament	Status	Region	Answer to the letter	Total number of applies	Number of written applies from the citizens	
Nakopia Koba	Minority	Bolnisi	No			
Okriashvili Kakhaberi	Majority	Dmanisi	Yes			
Onoprishvili Davit	Independent deputy of Parliament	Kaspi	Yes		Accounted: 95	
Papuashvili Zaza	Majority	Mtatsminda	Yes		Non-Registered: 16	
Peikrishvili Giorgi	Majority	Gardabani	No			
Petrosiani Samvel	Minority	Akhalkalaki	Yes		No specific number indicated	
Popkhadze Gedevan	Majority	Borjomi	No			
Samkharauli Gela	Majority	Telavi	Yes		Accounted: 174	
Sanikidze Gubaz	Majority	Kutaisi	No			
Shavgulidze Shalva	Other	Vake	Yes		Accounted: 194	
Shavlokhavili Revaz	Majority	Tsalka	Yes		Unaccounted: 133	
Shervashidze Iasha	Majority	Keda	No			
Suleimanovi Azer	Minority	Marneuli	No			

	Number of oral applies from the citizens	Public meetings	Research to solve the problems	Collaboration with local self- government	Information about the expenses of the bureau
	Unaccounted: 250, Accounted: 150	Bureau in working hours: almost 100, almost 40 in public villages	Yes	Yes	Yes
	Non-Registered: 33	0	No	Yes	Yes
	No specific Number indicated	42	No	Yes	Yes
	Non-Registered: almost 300	67	Yes	Yes	Yes
	Unaccounted: 30, Accounted: 55	Bureau in working hours: 8, public 14	Yes	Yes	Yes
	Unaccounted: almost 80.	Almost 20	No	Yes	Incomplete

Majoritarian deputy of Parliament	Status	Region	Answer to the letter	Total number of applies	Number of written applies from the citizens	
Tripolski Erekle	Majority	Dusheti	Yes		Registered: 49	
Tsereteli Malkhaz	Majority	Tchiatura	Yes		Accounted: 112	
Tsiklauri Miriani	Majority	Stefantsminda	Yes		No info if accounted or not: 20	
Usufashvili Davit	Majority	Saburtalo	Yes		Registered: 90	
Vakhtangishvili Malkhaz	Majority	Gori	No			
Verulashvili Marika	Majority	Kvareli	No			
Zviadauri Zurab	Majority	Akhmeta	Yes	Unaccounted: almost 500	No specific number indicated	

	Number of oral applies from the citizens	Public meetings	Research to solve the problems	Collaboration with local self- government	Information about the expenses of the bureau
	Accounted: 387	6	No	Yes	Yes
	Accounted: 564	73	No	Yes	Yes
	No info accounted or not: 200	85	Yes	Yes	Yes
	No info accounted or not: 145	5	Yes	Yes	Yes
	No specific number indicated	No specific number indicated	Yes	Yes	No

CHAPTER 13

CONNECTION OF THE MEMBERS OF PARLIAMENT WITH BUSINESS AND UNDECLARED ENTREPRENEURIAL ACTIVITIES ■

13.1 CONNECTION OF THE MEMBERS OF PARLIAMENT WITH BUSINESS

Under the legislation, a Member of Parliament has the right to own shares or stocks of the company, but he/she may not carry out entrepreneurial activities (may not be a director, employee of a company). A Member of Parliament is obliged to terminate incompatible activities with his/her status (including entrepreneurial activities) upon the commencement of term of his/her office and submit the certificate thereof to the Procedural Issues and Rules Committee within 7 days. As of March 2016, **29 MPs own business assets. Also, family members of 24 MPs manage and/or own various companies. This figure is reduced by 1 in comparison to the figure of 2014.**

According to the data of the Public Registry, only one Member of Parliament, Paata Lezhava, is registered as the director of a company (Puntusha LTD). The data of that company have not been updated since 1995, which presumably indicates that the company has not been operating for years. In case of another Member of Parliament, Zviad Kvachantiradze, the data of the Public Registry specify that his request on resignation from the position of the director of Golden Plis Group is suspended.

Based on the information provided by the Procedural Issues and Rules Committee, **in 2012-2015 there were 69 cases of transfer of the title on their own shares in the business entities by the Members of Parliament and in 10 cases the Members of Parliament have resigned from the position of a director of a business entity.**

Most of the MPs specify that their income from the entrepreneurial activities is GEL 0. Only seven MPs specify their income from the entrepreneurial activities.

The following MPs have specified the highest incomes:

- Kakhaber Okriashvili (approximately GEL 4.7 million),
- Gocha Enukidze (approximately GEL 4.5 million),
- Sergo Khabuliani (GEL 633,205),
- Gogi Topadze (GEL 611,052)
- Giorgi Kakhiani (GEL 44500),
- Giorgi Zhvania (GEL 25000),
- Zaza Kedelashvili (GEL 16586)

13.2 UNDECLARED ENTREPRENEURIAL ACTIVITIES OF THE MEMBERS OF PARLIAMENT

The obligation of the public officials to declare their property is an effective mechanism to identify corruption and possible conflict of interests. The data on the share participation of public officials in various businesses is especially important from the obtained information. Identification of the public officials who own shares/stocks in the companies may facilitate detecting the conflict of interests and avoiding corruption.

Transparency International Georgia compared asset declarations, filled in by the Members of Parliament, with the information on their participation in various companies, published on the web-site of the Public Registry. The research showed that some Members of Parliament have not declared ownership of commercial legal persons (their own shares) and participation in their management. Transparency International Georgia has many times brought similar issues to the attention of the Parliament.

Giorgi Zhvania (Georgian Dream)

According to the asset declaration, completed in 2014, Giorgi Zhvania is a co-owner of three companies: BOSSNER LTD, BMC LTD and Tibanelli Gbmh, which are registered in Germany and produce wine. According to the information published on the web-site of the Public Registry Giorgi Zhvania is a shareholder of one more company Apolo LTD, however the data of that company have not been updated on the web-site of the Public Registry since 1998, which may mean that the company is no longer functioning.

Tamaz Shioshvili (Free Democrats)

Tamaz Shioshvili is the owner of Spanish Clay LTD (35%) and Memorex LTD (30%). This has not been included in any asset declaration since 2012. In addition, he is the owner of Logics LTD, however the data on this company have not been updated for several years, which may mean that the company is no longer functioning.

Iasha Shervashidze (Faction Independent Majoritarians - For Powerful Regions)

According to the information published on the web-site of the Public registry, Iasha Shervashidze is the shareholder of three companies: Gum-Bapa LTD (51%), Stararji LTD (5%) and Gumbapa LTD (the data have not been updated since 2007). However, neither of the above-stated companies is included in 2015 asset declaration of the Member of Parliament.

Gogi Liparteliani (majoritarian MP of Lentekhi, Georgian Dream - Independent Majoritarian Members of Parliament for Strong Regions)

According to the information published on the web-site of the Public registry Gogi Liparteliani is a shareholder of Tirpon HPP LTD. The MP has not included this information in his 2015 asset declaration. However the data on these two companies, published on the web-site of the Public Registry, have not been updated for several years. Gogi Liparteliani has not declared the participation of his spouse, Nazi Liparteliani in more than 15 various companies.

Zaza Kedelashvili (majoritarian MP of Dedoplistskaro, the United National Movement)

According to the information published on the web-site of the Public registry Zaza Kedelashvili owns 25% of Champion LTD, which is not included in his 2015 asset declaration.

Paata Lezhava (majoritarian MP of Vani, the United National Movement)

Paata Lezhava is the shareholder of two companies: Puntusha LTD and LG and Compnay Pirosmeni LTD, however the data of neither of those companies have been updated since the 90s. At the same time, he is the director of Puntusha LTD. Paata Lezhava's spouse Nino Laskhishvili owns 80% of Fashion Style LTD, which is not included in 2015 asset declaration. The data of this company have not been updated for several years.

Gia Zhorzholiani (Georgian Dream)

Gia Zhorzholiani's spouse Tinatin Zaldastanishvili is the director of Georgian branch of the company LT GLOBAL SERVICES LLC, which is not included in 2015 asset declaration of the MP. However the connections with other companies are specified in the asset declaration.

Viktor Japaridze (majoritarian MP of Mestia, Georgian Dream)

According to 2014 asset declaration Viktor Japaridze's spouse Natia Khvistani is a shareholder of the company Ktsia-94 LTD, however according to the information published on the web-site of the Public Registry Natia Khvistani has shares in two other companies, namely: Seti LTD (50%) and Tirpark Marneuli LTD (17%). Viktor Japaridze has not filled in the asset declaration since 2014.

Zakaria Kutsnashvili (majoritarian MP of Tianeti, Georgian Dream)

Zakaria Kutsnashvili's father, Omar Kutsnashvili is the shareholder of several companies, which is included in 2016 asset declaration of the Member of Parliament. However, Omar Kutsnashvili's connection with Super torpi LTD and KMB LTD is not specified in the asset declaration. According to the information published on the web-site of the Public Registry Omar Kutsnashvili owns 10% of Super torpi LTD and 20% of KMB LTD. He is also the director of Georgian Azerbaijani development company Tbil-Baku.

Koba Nakopia (the United National Movement)

The Member of Parliament Koba Nakopia has not specified in his 2015 asset declaration that his son Nikoloz Nakopia is a shareholder of Innovation Group Georgia LTD. In addition, the declaration states that Nikoloz Nakopia is a shareholder of Gold Invest LTD, but according to the information of the Public Registry the shareholder of this company is Koba Nakopia himself.

Paata Kiknavelidze (Georgian Dream – Industrials)

According to the data published on the web-site of the Public Registry Paata Kiknavelidze's brother Andro Kiknavelidze is a shareholder of Iberia-47 LTD, which is not specified in 2014 asset declaration of the Member of Parliament. Paata Kiknavelidze himself is the shareholder of Madli LTD, which is not specified in his 2015 asset declaration. The information on that company has not been updated since 2003, which may mean that the company is no longer functioning.

Levan Tarkhnishvili (the United National Movement)

Levan Tarkhnishvili has specified in his 2015 asset declaration that his spouse Ana Tarkhnishvili is the shareholder of two companies BCG Reseach LTD and Guri LTD. According to the data of the Public Registry, Ana Tarkhnishvili is the shareholder and director of one more company - BCG Monitoring.

Among the undeclared companies there are some companies, on which the information has not been updated for years on the web-site of the Public Registry, which may mean that those companies are no longer functioning. However, they exist officially and it does not exempt the Members of Parliament from the obligation to include in their asset declarations the ownership of shares in those companies and/or resign from the management of those companies.

Table 4. Connection of the Members of Parliament with business

Member of the Parliament	Entity (Parliamentary)	Company	Connection to the company	
Akaki Bobokhidze	Minority	LLC Orioni	50% of shares	
Gela Samkharauli	Majority	LLC Dia Alaverdi	100% of shares	
		LLC Dia Group	33.33% of shares	
		LLC Duta & F	22% of shares	
		LLC Vera-2011	30% of shares	
Giorgi Tsagareishvili	Majority	JSC Kazbegi	Shareholder, according to the power of attorney- Zurab Tsagareishvili	
		LLC Kazbegi-Tobacco	0.7% of shares, according to the power of attorney- Zurab Tsagareishvili	
Giorgi Kakhiani	Majority	LLC Begheli	33.34% of shares, Imeda Kakhiani managing the shares	
		LLC Global Brends	25% of shares, Imeda Kakhiani managing the shares	
Gocha Enukidze		LLC "Ibercompany"	100% of shares, Beka Kikaleishvili managing the shares	
		LLC "Bani"	100% of shares, Beka Kikaleishvili managing the shares	
		LLC Ibercompany Petroleum	100% of shares, Beka Kikaleishvili managing the shares	
		LLC "Jeotronic 2007"	80% of shares, Taniel Khechikashvili managing the shares	
		LLC "City Sport"	17.5% of shares, Taniel Khechikashvili managing the shares	
		LLC "Ibercompany Holdings"	80% of shares, Beka Kikaleishvili managing the shares	
		LLC "Sport Club Olympus"	18% of shares, Taniel Khechikashvili managing the shares	
		LLC " Global Trading Company"	33.4% of shares, Beka Kikaleishvili managing the shares	

	Comments	Declired Income	According to the declaration of 2012
		0	Does not own any company
		0	The same
		0	The same
	No amendments after 2010	0	The same
	No amendments after 2011	0	The same
	According to the property declaration	0	The same
		0	The same
		44500	The same
		0	The same
	Ibercompany Oil and Ibercompany Irao were merged with LLC Ibercompany. Summerized income of all three companies is indicated.	4317893	
		0	
		246315	
	Aliented on March 27, 2015.	0	
	Aliented on March 25, 2015.	0	
		0	
	Aliented on March 25, 2015.	0	
		0	

Member of the Parliament	Entity (Parliamentary)	Company	Connection to the company	
Gocha Enukidze		LLC "Ita Service"	25% of shares, Taniel Khechikashvili managing the shares	
		LLC " Academic Egnate Pipia Tbilisi Medical Institute"	Partner	
		LLC Galaktioni 3	50% of shares, Beka Kikaleishvili managing the shares	
Giorgi Jvania	Majority	LLC BMC	20% of shares	
		Tibaneli GmbH (Germany)	Partner	
		LLC BOSSNER	100% of shares	
		LLC Apolo	Partner	
Goderdzi Bukia	Majority	LLC System Net	3.6% of shares, Guram Akhalaia managing the shares	
Giorgi Topadze	Majority	LLC " Tophadze and Company"	34% of shares	
		LLC " Kazbegi 1881"	24% of shares	
		LLC " Truso"	30% of shares, Irakli Tophadze managing the shares	
		LLC " Kazbegi- Phshaveli"	10% of shares	
		LLC " Resort Bakuriani"	45% of Shares	
		LLC "Trialeti"	80% of shares	
		LLC "Iori Groves"	17%of shares	
		LLC "Kazbegi-Bakuriani"	99%of shares	
		LLC "CALWE"	20% of shares	
		LLC Kartu-Universal	24.5% of shares, Irakli Tophadze managing the shares	
		LLC "Terjola 2007"	34%of shares	

	Comments	Declired Income	According to the declaration of 2012
	Aliented on March 25, 2015.		
		0	
		0	
		25000	The same
	Wine Production	0	The same
	No amendments after October 30, 2012	0	The same
	Has not been renewed after 1998		The same
		0	LLC MG Company does not own share of LLC System Net
		0	
		0	
		0	
		0	
		0	
		0	
		0	
		0	
		0	
		611052	
		0	

Member of the Parliament	Entity (Parliamentary)	Company	Connection to the company	
Giorgi Topadze	Majority	LLC "Kazbegi Ice-Cream"	25%of shares	
		LLC "Phshaveli-Kazbegi"	20%of shares	
		LLC "Kazbegi Natali"	26%of shares	
		JSC Kazbegi	Shareholder (584608 shares)	
		LLC " Mountain-ski Club Kazbegi"	50%of shares	
		LLC Kazbegi-99	Shareolder, liquidation has started	
		LLC " Resaturant Kazbegi-Vere"	7% of shares, liquidation has started	
		LLC " Bar Kazbegi-Umbrellas"	Shareholder	
		LLC " Tsaraphi-98"	13% of shares	
		LLC Samgori	33.4%of shares	
		LLC Bakuriani Concrete	25 % of shares	
		LLC Vetpreparati	50% of shares, liquidation has started	
		LLC Tskhratskaro-2007	30% of shares, Irakli Tophadze managing the shares	
Eka Beselia	Majority	JLC Eka Beselia Law Company	Founder	
Vakhtang Khmaladze	Majority	LLC Tbilisi Arbitration Chamber	35.7% of shares	
Davit Bezhuashvili	Majority	CHEMEXIM INTERNATIONAL LTD (Marshall Islands)	partner	
		KEMBLE TRADING LTD (Cyprus)	partner	
Guram Misabishvili	Majority	LLC Khanda	100% of shares, Germane Kupreishvili managing the shares	

	Comments	Declired Income	According to the declaration of 2012
		0	
		0	
		0	
		0	
		0	
		0	
		0	
	According to the property declaration	0	
		0	
		0	
		0	
		0	
		0	
			The same
		0	
		0	
		0	
		0	

Member of the Parliament	Entity (Parliamentary)	Company	Connection to the company	
Gogi Liparteliani	Minority	LLC Tiriphon-HPP	Shareholder	
Zaza Kedeashvili	Minority	LLC zak	33.4% of shares, Kakha Kurtshikidze managing the shares	
		LLC zedazeni imereti	5% of shares, Giorgi Baratashvili managing the shares	
		LLC Iberia Sakartvelo	15% of shares, Mamuka Tsinamdzgvrishvili managing the shares	
		LLC Trans Experiment	5% of shares, Giorgi Baratashvili managing the shares	
		LLC Chamion	25% of shares	
Zakaria Kutsnaishvili	Majority	LLC Migrants' Lawyer Bureau	55% of shares	
		LLC Lawyers for Repressed ones	40% of shares	
		Q and Q Consulting	60% of shares	
Zviad Kvatchantiradze	Majority	JSC Golden Fleas Group	Director	
		LLC Union Credit	25% of shares and Director	
		LLC Macros World Georgia	25% of shares and Director	
		SP Zviad Kvatchantiradze	Sole Proprietor	
Zurab Tkemaladze	Majority	LLC Saamo	11%- of shares	
		LLC "Aguna"	27% of shares	
Tamaz Kacheishvili	Majority	LLC Samegobro	5% of shares	
		LLC Nugo	10.88% of shares	
		LLC Kazbegi-Natali	19%-of shares	

	Comments	Declired Income	According to the declaration of 2012
	Has not been renewed after 2001		
		0	
		12800	
		1206	
		2580	
	Has not been renewed after 2007		
	Liquidation has begun	0	
	Liquidation has begun	0	
		0	
	Registration Process for release has been suspended	0	
	Aliented on January 2, 2016.	0	
	Aliented on January 29, 2016.	0	
		0	
		0	
		0	
		0	
		0	
	His daughter Irina Kacheishvili to be referred in the declaration as shareholder	0	

Member of the Parliament	Entity (Parliamentary)	Company	Connection to the company	
Tamaz Kacheishvili	Majority	LLC "Quality"	25%-of shares	
Temur Maisuradze	Majority	LLC NEWINNOTECH	20% of shares, Nino Metreveli managing the shares	
Tamaz Shioshvili	Majority	LLC Memorex	30%-of shares	
		LLC Logix	25%-of shares	
		LLC Spanishclay	35% of shares	
Iasha Shervashidze	Without Fraction	LLC Gum-Bapa	51%-of shares	
		Sole Proprietor		
		LLC "Gumbapa"	15%-of shares	
		LLC Star R G	5%-of shares	
Kakhaber Okriashvili	Majority	LLC PSP Pharm	100%- of shares, Vazha Okriashvili managing the shares	
		LLC Alfa	100%- of shares, Vazha Okriashvili managing the shares	
		JSC Electronica 94	Shareholder	
		LLC Mandarin	100%- of shares, Vazha Okriashvili managing the shares	
		LLC PSP Insurance	100%- of shares, Vazha Okriashvili managing the shares	
		LLC JCT Engineering	37.5% of shares, Vazha Okriashvili managing the shares	
		LLC Patria Medica	100%- of shares, Vazha Okriashvili managing the shares	
		LLC Aksa Medical	100%- of shares, Vazha Okriashvili managing the shares	
		GMP Production	95%- of shares, Vazha Okriashvili managing the shares	

	Comments	Declired Income	According to the declaration of 2012
	His doughter Irina Kacheishvili to be referred in the declaration as shareholder	0	
		0	
	Has not been renewed after 2006		
	Has not been renewed after 2007		
		4700000	
		0	
		59433	
		0	
		0	
		0	
		0	
		0	
		0	

Member of the Parliament	Entity (Parliamentary)	Company	Connection to the company	
Kakhaber Okriashvili	Majority	LLC Sunnymed	100%- of shares, Vazha Okriashvili managing the shares	
		LLC PSP	59%- of shares, Vazha Okriashvili managing the shares	
		LLC Geomed	25%- of shares, Vazha Okriashvili managing the shares	
		LLC Margveti	partner	
Levan Kardava	Minority	MD Group	100%- of shares, Maka Mania managing the shares	
		Italian Motor Group	partner	
		Innovative Nano Technologies of Georgia	20% of shares	
		Global Impex	Partner	
		Gruppo Via	100%- of shares, Maka Mania managing the shares	
		Magana-2004	100% of shares	
Paata Lezhava	Minority	LLC Phuntusha	34% of shares and Director	
		LLC LG&GO "PIROSMANI"	20% of shares	
		LLC Delato Fitnes	33.3% of shares, Lasha Lezhava managing the shares	
Nodar Ebanoidze	Majority	LLC "Compaudi"	14% of shares	
Omar Nishnianidze	Majority	SP Omar Nishnianidze		
Paata Kiknavelidze	Majority	LLC Madli	Shareholder	
Sergo Khabuliani	Majority	LLC Tsekuri	62.5%of shares, Beka Khabuliani managing the shares	
		LLC Mshenebeli 2004	62.5%of shares, Beka Khabuliani managing the shares	

	Comments	Declared Income	According to the declaration of 2012
		0	
		0	
		15790	
	According to the property declaration		
		0	
	According to the property declaration	0	
		0	
	According to the property declaration	0	
		0	
		0	
	Has not been renewed after 1995		
	Has not been renewed after 1999		
		0	
		0	
	Suspended		
	Has not been renewed after 2003		
	Last declaration has been filled in by 2014	633205	
		0	

Table 5. Connection of the Family Members of the Members of Parliament with business

Name and Surname	Connection to the member of Parliament	Parliamentary entity of the member	
Tinatin Zaldastanishvili	"Spouse of Gia Zhorzholiani"	Majority	
Mariam Ghviniashvili	Daughter of Giorgi Ghviniashvili	Minority	
Nazi Liparteliani	Spouse of Gogi Liparteliani	Majority	

	Company	Connection to the company	Comments
	LT GLOBAL SERVICES LLC's branch in Georgia	Director	
	LLC Levon Travel	Director	
	LLC Legal Company GS&Barristers	50% of shares	
	LLC Speroza	15% of shares	
	LLC Biosphero+	20% of shares	
	LLC Gama+	10% of shares	
	LLC Gama+	21% of shares	
	LLC Trans Gas	22.92% of shares	
	LLC Euorstyle XXI	16.6% of shares	
	LLC Zugdidi 2010	29% of shares	
	LLC Olympy-XXI	50% of shares	Has not been renewed after 2007
	LLC "Seti-1"	50% of shares	Has not been renewed after 2007
	LLC Partner T \$ G Company	15% of shares	
	LLC Aleksandra	18% of shares	
	Partner 2010	17% of shares	

Name and Surname	Connection to the member of Parliament	Parliamentary entity of the member	
Nazi Liparteliani	Spouse of Gogi Liparteliani	Majority	
Marina Tophadze	Spouse of Giorgi Tophadze	Majority	
Lili Bakradze	Mother of Davit Bakradze	Minority	
Ekaterine Amaghlobeli	Spouse of Davit Lortkiphanidze	Majority	

	Company	Connection to the company	Comments
	LLC Roko	11% of shares	
	LLC Araoni 2010	20% of shares	
	LLC N Plus Service	17% of shares	
	LLC Rom Import 2010	25% of shares	
	Potpetroli	18% of shares	
	Partner Batumi	25% of shares	
	Marneuli Partner	20% of shares	
	Vazi	19% of shares	
	Ald	10% of shares	
	Gonio Partner	25% of shares	
	Koda Green Product	37% of shares	
	Squri 2016	15% of shares	
	Max-Service	17% of shares	
	Ekoil	20% of shares	Registration Date May 25, 2016
	LLC "Kazbegi-Tobacco"	1.4% of shares	
	Lili Bakradze - TBE	Sole Proprietor	
	LLC Solidort	30% of shares	
	LLC Davit Tatishvili Sports Medicine and Rehabilitation Centre	5% of shares	

Name and Surname	Connection to the member of Parliament	Parliamentary entity of the member	
Karapet Mkoiani	Son of Enzel Mkoiani	Majority	
Marina Zaqroshvili	Spouse of Vazha Chitashvili	Minority	
Natia Khvistani	Spouse if Viktor Japharidze	Majority	
Omar Kutsnaishvili	Father of Zakaria Kutsnaishvil	Majority	
Thea Sanikidze	Spouse of Zakaria Kutsnashvili	Majority	
Nikolozi Nakophia	Son of Koba Nakophia	Minority	

	Company	Connection to the company	Comments
	LLC Akhalgazi	50% of shares	
	LLC Karo	50% of shares and Director	
	LLC Stomatologist	7% of shares	
	LLC Qtsia-94	66.99% of shares	
	LLC Seti	50% of shares	
	LLC Tir Park Marneuli	17% of shares	
	Cooperative rk Sabetchisi-001	Director and a member of the board	
	LLC Geoengineering	40.35% of shares	
	LLC "Agra"	12.5% of shares	
	LLC "Tecno"	21.4% of shares	
	LLC Super Torphi	10% of shares	
	LLC Georgian- Azeri Construction-Design Complex Tbil-Baku	Director	
	LLC kmb	20% of shares	
	Registered Cooperative Naphareuli's Wine	Director and a member of the board	
	LLC Enresi	Shareholder	
	LLC Nitaproqurumentgroup	"Director and 33.3% of shares"	
	Bioneli limited LTD (the Virgin Islands)	Partner according to the power of attorney	

Name and Surname	Connection to the member of Parliament	Parliamentary entity of the member	
Nikoloz Nakophia	Son of Koba Nakophia	Minority	
Lina Tophuria	Spouse of Kakhaber Okriashvili	Majority	
Maka Mania	Spouse of Levan Kardava	Minority	
Zaza Gogichaishvili	Spouse of Manana Kobakhidze	Majority	
Nino Oragvelidze	Daughter of Manana Kobakhidze	Majority	
Ketevan Surmanidze	Spouse of Murman Dumbadze	Majority	
Nino Laskhishvili	Spouse of Paata Lezhava	Minority	

	Company	Connection to the company	Comments
	Georgia International Films LLC (US)	Partner	
	LLC Moving Pictures	Partner	
	LLC Goldinvest	Partner according to the power of attorney	
	LLC Innovation Group Georgia	75% of shares	
	DREAM VISION CAPITAL INC (the Virgin Islands)	Partner	
	LLC GMP	100% of shares	
	LLC Linati	100% of shares and Director	
	SP Lina Tophuria	Sole Proprietor	
	JSC Egrisi Representation	Director	
	Luche	Director	
	SP Zaza Gogichaishvili	Sole Proprietor	
	LLC Independent Arbitrary Court	25% of shares	
	Sole Proprietor		
	LLC Bavarian House	100% of shares	
	LLC Eko Mit	90% of shares	
	LLC Fashion Style	80% of shares	Has not been renewed after 2007
	LLC Antiques	50% of shares	

Name and Surname	Connection to the member of Parliament	Parliamentary entity of the member	
Nino Tkhelidze	Spouse of Omar Nishnianidze	Majority	
Andro Kiknavelidze	Brother of Paata Kiknavelidze	Majority	
Lali Kvantaliani	Spouse of Levan Shavlokhshvili	Majority	
Tamila Abutidze	Spouse of Pavle Kublashvili	Minority	
Ana Tarkhnishvili	Spouse of Levan Tarkhnishvili	Minority	

	Company	Connection to the company	Comments
	LLC Higher Educational Institute Kolkha	Director and 72% of shares	Only Director is indicated in the Declaration
	LLC Public College Kolkha 11	Director and 100% of shares	Only Director is indicated in the Declaration
	LLC Kolkha 11	Director and 60% of shares	Only Director is indicated in the Declaration
	LLC Iberia 48	Director	
	LLC Iberia 49	Director	
	LLC Iberia 50	Director	
	LLC Iberia 47	Director	
	LLC Agrarian Market	19% of shares	
	LLC Lagi	10% of shares	
	LLC Lagi	Director and 40% of shares	
	LLC Saba 2005	Director and 100% of shares	
	LLC Phonichala	Director and 100% of shares	
	LLC Friends	Partner	
	LLC BCG Research	Director and 80% of shares	
	LLC Guri	Partner	
	LLC BCG Monitoring	Director and partner	

CHAPTER 14

PROBLEMS IN THE ACTIVITIES OF THE PARLIAMENT AND RECOMMENDATIONS OF TRANSPARENCY INTERNATIONAL GEORGIA ■

Transparency International Georgia actively monitors the activities of the Parliament. There is a wide range of issues in the activities of the Parliament, for the regulation of which it is advisable that the Members of Parliament and Parliament staff take appropriate measures. Transparency International Georgia expresses its readiness to closely cooperate with the Parliament of Georgia for more transparency and more active engagement of the civil society.

There are problems in terms of more engagement of the society in the legislative process, awareness of the society and increase of the personal responsibility of the MPs with regard to their duties. For improving the activities of the legislative body and for carrying out the controlling function, it is important that each Member of Parliament contribute with their activities to the effective functioning of the Parliament.

It is notable that the Parliament has not shared the recommendations of Transparency International Georgia specified in 2014 evaluation of performance of the Parliament. However, the recommendations of our organisation regarding transparency and increase of accountability of the Parliament were shared in 2015-2016 Action Plan of Open Parliament.

Transparency International Georgia thinks that it would be important for the Parliament to take into consideration the following recommendations:

1. Improvement of the legislative process

- It is advisable **to avoid systematic postponement of the entry of a law into force at the Parliament and to substantiate each draft law, which is related to the postponement of the entry of a law into force.** It is important that, in coordination with appropriate agencies, the Parliament carries out periodic monitoring of the measures necessary for the norms to be entered into force in the future, in order to ensure all the circumstances that lead to the entry of amendments into force.
- **Expedited review of a law must be properly substantiated and must be applied by the Parliament only in case of actual necessity,** because the review of a draft law in one week limits the capability of the society to be engaged in the process of review to the greatest extent possible.
- **The explanatory note of a draft law must be reasoned, informative and justified.** Therefore it is necessary to change the current standard of the explanatory note and improve it contextually.
- It is advisable that **discussions of draft laws be confined to the Committee hearings and that in the process of review of an especially important draft law (irrespective of the initiator of a draft law) the Committees establish working groups including experts and the representatives of the civil society.**

2. Parliamentary control – enhancement and effective performance of the controlling function of the Parliament

- The Parliament should control the Government as effectively as possible. **If required the members of the Government should attend parliamentary sessions.**
- The Parliament should effectively use the parliamentary monitoring mechanisms determined by the legislation: **‘the Government Hour’ should be held, effective control of implementation of normative acts should be carried out.**
- **The Parliament should discuss at the plenary sessions the reports of the bodies accountable to the Parliament,** for example the reports of the National Bank of Georgia and the State Audit Office.
- **The Parliament should elect the officials and staff the state bodies within the timeframes established by law,** in order not to interrupt effective functioning of the state institutions.

- The representative of the executive authority should bear more responsibility for the controlling function of the legislative body. Irrespective of the author of a question, whether it is a member of the parliamentary majority or minority, **the question of a Member of Parliament must be properly answered within the established timeframes and the answer must be signed by an addressee Minister.** The Members of Parliament should often exercise their rights, granted under the Constitution of Georgia, to control the members of the Government and other officials accountable to them. The content of a question should be related to the important aspects of the public policy. All questions and answers of the MPs, recorded in the archives of the parliament office, should be proactively published.
 - The Procedural Issues and Rules Committee and the parliament bureau should apply the mechanisms determined by law and **raise the issue of liability of the officials who fail to answer the questions of the Members of Parliament or who provide inaccurate information.**
3. **Accountability and growth of responsibility of the Members of Parliament**
- In 2015 there were 2199 cases of absence of the Members of Parliament from plenary sessions with a reasonable excuse, including 1442 cases of absence due to family circumstances. Participation in the activities of the Parliament is a primary function of the Members of Parliament. It is advisable that the members of the legislative body bear more responsibility for participation in the activities of the Parliament and not to abuse the privileges granted to them by law, according to which absence due to family circumstances is considered as a reasonable excuse. **Unfortunately, the Parliament was not willing to change the current regulation in order to exclude family circumstances from the reasonable excuses of absence. It is advisable that the Parliament reject the existing faulty practice and make appropriate amendments.**
 - It is advisable that the **Members of Parliament more actively use their official e-mails published on the web-site of the Parliament,** to enable the citizens to contact them.
 - The Members of Parliament should correctly fill in their asset declarations, include there their own shares and the shares of their family members and resign from the management positions of companies as provided for by law. The Procedural Issues and Rules Committee should carry out effective control.
 - **The Parliament should draw up the Code of Ethics, which should include an effective mechanism of monitoring and the sanctions for violation of the Code of Ethics.**
4. **Transparency of activities of the Parliament and better information of the society:**
- For better information of the society on the work of the Parliamentary Committees it is advisable that **annual reports of the activities carried out by all Committees and the action plans of the following years be published on the web-site of the Parliament.**
 - It is advisable that **the information on Committee hearings, published on the web-site of the Parliament, include the comments of the members of the society which were not shared by the initiator of a law or a Committee.**
 - It is advisable that the **draft laws, adopted at various stages of discussion, be published on the web-site of the Parliament in due course and the Committee hearing protocols be written as fast as possible.**
 - It is advisable that **all opinions of leading and obligatory Committees be published on the web-site of the Parliament.**
 - Despite the fact that it is possible to watch online, with the rewind function, the Committee sittings and plenary sessions via the web-site of the Parliament, in case of the desire to repeatedly watch the record it is difficult and sometimes impossible to find because of the absence of the archive. **It is advisable that the web-site of the Parliament have a thematically categorized archive.**
 - **It is recommended that complete public information is provided to interested persons in a timely manner as defined by law. Weak coordination between the Organizational Department of the Parliament and the Committees should not be a barrier for interested persons in receiving public information in a timely manner.**

5. **Ensuring engagement of the society:**

- **The Parliamentary Committees should discuss at the sessions only the issues determined by an agenda** and new issues should not be added during the process of the session, which deprives the interested parties of the opportunity to attend the process of review of the issues they are interested in.
- **Not only legislative initiatives but also legislative proposals should be published on the web-site of the Parliament**, in order the representatives of the society to be preliminarily informed of the legislative proposals of natural and legal persons and to be engaged in the process of discussion if they are interested;
- **The legislative proposals should be discussed within the timeframes established by the Rules of Procedure.** It is advisable that the Committees publish information at the end of each session about the number of legislative proposals which were approved, and if approved whether they were transformed into a legislative initiative or not.
- It is advisable that **the agendas of plenary sessions and Committee hearings be published on the web-site of the Parliament several days in advance.** The information on plenary sessions and Committee sittings is frequently published on the web-site of the Parliament in the previous evening or sometimes on the same day, which hinders participation of the interested persons in the process of discussion.

6. **Activities of the majoritarian Members of Parliament**

- It is advisable **that the contact information of all majoritarian Members of Parliament be published on the respective web-site** (www.majoritarian.ge). Most of the majoritarian Members of Parliament does not use the web-sites developed specially for their bureaus, which are linked with the web-site of the Parliament.
- It is advisable that **the information on the applications, reviewed by the majoritarian MPs, their public meetings and the conducted surveys be regularly published on the web-sites of the majoritarian MPs.**

7. **Regarding the transparency of the Parliament and the access to public information**

- It is advisable that the cooperation between **the Organisation Department and the Committees of the Parliament be improved in terms of receipt of information** in order for the interested parties to obtain public information within the timeframes established by law.

Annex 1. Number of speeches given by the Members of Parliament in 2015

Beselia Eka	Parliamentary majority	113
Gogorishvili Khatuna	Parliamentary minority	112
Taktakishvili Chiora	Parliamentary minority	112
Tkemaladze Zurab	Parliamentary majority	93
Volsky Giorgi	Parliamentary majority	91
Kutsnashvili Zakaria	Parliamentary majority	86
Ratiani Sergo	Parliamentary minority	85
Kakhiani Giorgi	Parliamentary majority	80
Kantaria Aleksandre	Parliamentary majority	80
Kordzaia Tamar	Parliamentary majority	77
Kurtanidze Eldar	Parliamentary majority	76
Gachechiladze Giorgi	Independent	75
Minashvili Akaki	Parliamentary minority	71
Darchiashvili Davit	Parliamentary minority	66
Khmaladze Vakhtang	Parliamentary majority	63
Kandelaki Giorgi	Parliamentary minority	51
Tsiklauri Nugzar	Parliamentary minority	47
Baramidze Giorgi	Parliamentary minority	46
Maghradze Guguli	Parliamentary majority	45
Melikishvili Zurab	Parliamentary minority	45
Popkhadze Gedevan	Parliamentary majority	45
Lortkipanidze Dato	Parliamentary majority	44
Chikovani Irakli	Free democrats	42
Kighuradze Ivane	Parliamentary majority	41
Zhorzholiani Gia	Parliamentary majority	41
Machavariani Mikheil	Parliamentary minority	39
Kublashvili Pavle	Independent MP	38
Tsereteli Giorgi	Parliamentary minority	37
Subeliani Koba	Parliamentary minority	36
Khundadze Dimitri	Parliamentary minority	36
Tarkhnishvili Levan	Parliamentary minority	35

Kvachantiradze Zviad	Parliamentary majority	35
Tevdoradze Giorgi	Parliamentary minority	33
Mechiauri Tamaz	Parliamentary majority	33
Londaridze Tariel	Parliamentary minority	31
Dzidziguri Zviad	Parliamentary majority	31
Nadirashvili Irma	Parliamentary minority	29
Bobokhidze Akaki	Parliamentary minority	28
Mirotadze Ani	Parliamentary majority	28
Kherkheulidze Ekaterine	Parliamentary minority	27
Shavgulidze Shalva	Free democrats	26
Ebanoidze Nodar	Parliamentary majority	25
Vashadze Giorgi	Parliamentary minority	25
Sakvarelidze Pridon	Parliamentary majority	22
Sesiashvili Irakli	Parliamentary majority	21
Bashaleishvili Demur	Parliamentary majority	20
Bezhashvili Levan	Parliamentary minority	20
Nergadze Teimuraz	Parliamentary majority	20
Kavtaradze Giorgi	Parliamentary majority	20
Tsiskarishvili Petre	Parliamentary minority	20
Gabashvili Giorgi	Parliamentary minority	19
Lemonjava Vakhtang	Parliamentary minority	19
Maisuradze Temur	Parliamentary majority	19
Japaridze Zurab	Independent MP	19
Bukia Giga	Parliamentary majority	17
Khabareli Shota	Parliamentary majority	17
Onoprishvili Davit	Free democrats	15
Abashidze Zurab	Free democrats	14
Kobakhidze Manana	Parliamentary majority	14
Kopaliani Karlo	Parliamentary majority	14
Sajaia Mariam	Parliamentary minority	14
Topadze Giorgi	Parliamentary majority	12
Goguadze Nino	Free Democrats	11

Dolidze Viktor	Free Democrats	11
Chilingarashvili Zurab	Parliamentary minority	11
Bokuchava Tinatin	Parliamentary minority	10
Targamadze Giorgi	Parliamentary minority	10
Ghviniashvili Giorgi	Parliamentary minority	9
Papuashvili Zaza	Parliamentary majority	8
Sanikidze Gubaz	Parliamentary majority	8
Shervashidze Iasha	Parliamentary majority	8
Bezhuashvili Davit	Independent MP	7
Berdzenishvili Davit	Parliamentary majority	7
Bolkvadze Anzor	Parliamentary majority	7
Kiknavelidze Paata	Parliamentary majority	7
Zhvania Gogla	Parliamentary majority	7
Usupashvili Davit	Parliamentary majority	7
Chapidze Eliso	Parliamentary majority	7
Tsagareishvili Giorgi	Free Democrats	7
Chkuaselil teimuraz	Parliamentary majority	7
Khabelovi Leri	Parliamentary majority	7
Japaridze Tedo	Parliamentary majority	7
Baratashvili Paata	Parliamentary majority	6
Nishnianidze Omar	Parliamentary majority	6
Okriashvili Kakhaber	Parliamentary majority	6
Khachidze Giorgi	Independent	6
Dumbadze Murman	Independent	5
Enukidze Gocha	Parliamentary majority	5
Vakhtangishvili Malkhaz	Parliamentary majority	5
Meladze Giorgi	Independent MP	5
Samkharauli Gela	Parliamentary majority	5
Chavchanidze Davit	Parliamentary minority	5
Khechinashvili Giorgi	Parliamentary majority	5
Gelashvili Gela	Parliamentary majority	4
Kiknavelidze Shalva	Parliamentary majority	4

Malashkhia Shota	Parliamentary minority	4
Shioshvili Tamaz	Free Democrats	4
Chitashvili Vazha	Parliamentary minority	4
Kvizhinadze Paata	Parliamentary majority	3
Makharadze Mikheil	Parliamentary minority	3
Tripolsky Erekle	Parliamentary majority	3
Khalvashi Pati	Parliamentary majority	3
Jachvliani Ioseb	Parliamentary majority	3
Berdzenishvili Levan	Parliamentary majority	2
Megrelidze Omar	Parliamentary minority	2
Keinishvili Nana	Parliamentary majority	2
Tsiklauri Mirian	Parliamentary majority	2
Bakradze Davit	Parliamentary minority	1
Gozalishvili Giorgi	Parliamentary minority	1
Gujabidze Bidzina	Parliamentary majority	1
Danelia Soso	Parliamentary majority	1
Darzievi Makhir	Parliamentary majority	1
Verulashvili Marika	Parliamentary majority	1
Kachakhidze Merab	Parliamentary majority	1
Lezhava Paara	Parliamentary minority	1
Misabishvili Guram	Parliamentary majority	1
Metrosyani Samvel	Parliamentary minority	1
Poghosiani Ruslan	Parliamentary majority	1
Suleimanovi Azer	Parliamentary minority	1
Chrdileli Otari	Parliamentary majority	1
Chkhetiani Darejan	Parliamentary majority	1
Tsereteli Malkhaz	Parliamentary majority	1
Khidasheli Tamar	Parliamentary majority	1
Achba Vladimer	Parliamentary majority	0
Akhalaia Roland	Parliamentary minority	0
Bukia Goderdzi	Parliamentary minority	0
Butskhrikidze Kakha	Parliamentary minority	0

Gelashvili Valeri	Parliamentary majority	0
Davitashvili Koba	Independent MP	0
Dartsmelidze Davit	Parliamentary minority	0
Zviadauri Zurab	Parliamentary majority	0
Tamazashvili Aleksandre	Parliamentary majority	0
Karbelashvili Giorgi	Parliamentary minority	0
Kedelashvili Zaza	Parliamentary minority	0
Liparteliani Gogi	Parliamentary minority	0
Mamedovi Ali	Parliamentary majority	0
Mkoyani Enzel	Parliamentary minority	0
Nakopia Koba	Parliamentary minority	0
Nikolaishvili Ramaz	Parliamentary minority	0
Peikrishvili Giorgi	Parliamentary majority	0
Kardava Levan	Parliamentary minority	0
Kacheishvili Tamaz	Parliamentary majority	0
Kipshidze Nikoloz	Parliamentary minority	0
Shavlokhashvili Revaz	Parliamentary minority	0
Chkhaidze Teimuraz	Parliamentary majority	0
Khabuliani Sergo	Parliamentary minority	0
Khalvashi Rostom	Parliamentary majority	0
Khubuluri Tengiz	Parliamentary majority	0
Japaridze Viktor	Parliamentary majority	0
Japaridze Tamaz	Parliamentary majority	0

