

PARLIAMENTARY CONTROL

(ASSESSMENT OF 2019-2020)



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INTRODUCTION

This report on the implementation of the parliamentary control has been prepared by Transparency International Georgia (TI Georgia) within the framework of the project, Parliamentary Control Assessment in Georgia, with the assistance from the Good Governance Initiative (GGI) of the U.S. Agency for International Development (USAID).

The study provides the assessment of the parliamentary control exercised during the period between 1 January 2019 and 1 October 2020, and its results, as well as the analysis of main problems identified in the control and causes of these problems. Recommendations developed as a result of the study are designed to improve legislation and enhance the parliamentary control in practice.

Amendments of 13 October 2017 to the Constitution of Georgia and the new Rules of Procedure of the Parliament of Georgia were a step forward towards the enhancement of the parliamentary control, which manifested in improved statistics on the use of specific parliamentary oversight mechanisms. Nevertheless, the parliamentary control is weak while challenges with the accountability of the parliament and government members in the process of parliamentary control as well as the lack of legislative guarantees for improving the rights of the political opposition remain serious.

The reporting period saw the emergence of political tensions and the outbreak of the Covid-19 pandemic in the country, precluding TI Georgia from seeing a comprehensive picture of how new parliamentary oversight mechanisms would have worked in an ordinary situation; however, it also revealed that at the time of crisis the parliament, virtually, abandons its main function. It is worth to note that the parliamentary oversight is a crucial element of democracy and it is precisely during crises that a proper exercise of this oversight becomes extremely important.

Study methodology

The study explored the parliamentary control exercised by the Parliament of Georgia of the 9th Convocation over the period between 1 January 2019 and 1 October 2020. It is based on the analysis of the legislation, information requested from the parliament, information available on the official website of the parliament and the results of the observation conducted by the TI Georgia within the scope of the Monitoring of Parliament project.

The study applied a normative research method to scrutinize legislative amendments, legal acts and documents that were adopted and drafted by the parliament.

In studying the European experience of parliamentary control, we took into account the challenges identified during the assessment of parliamentary control and legislation in 2019-2020, governance systems and diversity of political culture of European countries as well as the parliamentary system of governance in Georgia and selected countries with mainly parliamentary republic/monarchic governance (**Germany, Italy, the Czech Republic, Poland, Sweden**) assuming that the forms and mechanisms of parliamentary control in this group of countries were more relevant for increasing the efficiency of Georgia's parliamentary oversight mechanism. Furthermore, to provide examples that would be illustrative of challenges of Georgian parliamentary life, we had to analyze the practice and legislation of countries such as **the Netherlands, Portugal, Turkey, United Kingdom, Switzerland, Denmark, and Norway**.

To identify problems in practicing the parliamentary control and gaps in the legislation, detailed interviews were conducted with representatives of various political forces in the Parliament of the 9th Convocation as well as experts and members of the Staff of the Parliament of Georgia: Irakli Beraia, the Chair of Defense and Security Committee; Irakli Kovzanadze, the Chair of Budget and Finance Committee; opposition MP Irakli Abesadze, a member of the Trust Group in the Parliament of the 9th Convocation; Tamar Chugoshvili, an independent MP of the Parliament of the 9th Convocation (as of the reporting period); Giorgi Burjanadze, deputy public defender

of Georgia; Tatuli Todua, the Parliamentary Secretary of the Public Defender of Georgia; Giorgi Muchaidze, the Executive Director of the Atlantic Council of Georgia; Vakhushti Menabde, the Director of Democratic Institutions Support Program at the Georgian Young Lawyer's Association; Davit Maisuradze, the Head of Open Governance Direction at the Institute for Development of Freedom of Information; Irina Khasia, the Head of the Staff Office of Healthcare and Social Issues Committee; Maka Kurtanidze, leading specialist (in the area of the activity of Trust Group) of the Staff Office of Defense and Security Committee.

CHAPTER I. KEY FINDINGS

With the amendments of 13 October 2017 to the Constitution of Georgia, the country fully transitioned to a parliamentary system of governance. Parliamentary control is of utmost importance in a parliamentary republic for its democratic governance, a proper functioning of independent bodies and the maintenance of balance of power.

The Rules of Procedure of the Parliament, adopted¹ on 6 December 2018, notably improved legislative guarantees of the parliamentary oversight. The improved legislation had a positive effect on the practice of parliamentary control too. However, a whole set of shortcomings in the parliamentary oversight became especially conspicuous during the crisis caused by the Covid-19 pandemic, i.e. at the critical time for the country when the parliamentary control over the executive authority was extremely important. **In the fight against the pandemic and accompanying challenges, the Parliament of Georgia virtually abandoned its function of oversight over the performance of the executive branch and fully entrusted the management of the process to the executive government.**

Improvements in parliamentary control statistics may be judged by the data of 2019, when new mechanisms of parliamentary control - the Ministerial Hour, Interpellation, Thematic Inquiry Groups were intensively applied and MPs exercised their right to ask questions of the government. Despite that positive dynamic, key problems that remain include the absence of strong legislative guarantees for the engagement of the opposition in the parliamentary control and lack of response on the part of government members, especially when the control mechanism is initiated by the political opposition.

The exercise of the parliamentary oversight revealed the following **serious challenges**:

- During the Covid-19 pandemic and pandemic-induced crisis, the parliament actually refused to perform its function and fully entrusted its power of restraining fundamental human rights to the government. The parliament did not carry out an effective monitoring on the activity of the executive branch:
 - During the state of emergency, the parliamentary committees did not conduct even a single meeting that would be dedicated to the control of government activity during the state of emergency;
 - During the state of emergency, the parliamentary committees did not apply their power of examining, within their respective fields, the compliance of normative acts issued during the state of emergency with the Georgian legislation as well as the status of their implementation;
 - During the Covid-19 pandemic, four ministerial hours were held instead of scheduled 11;
 - The Minister of Internally Displaced Persons from the Occupied Territories of Georgia, Labor, Health and Social Affairs of Georgia, Ekaterine Tikaradze, did not appear before a committee meeting, when summoned by the opposition.
- The Rules of Procedure of the Parliament of Georgia does not contain legislative guarantees that would enhance the role of opposition in the parliamentary activity, including in the parliamentary oversight. A mere presence of opposition parties in the parliament is not suffice for an efficient parliamentary control:
 - Chairpersons of all parliamentary committees are from the ruling party. According to the Rules of Procedure of the Parliament, a committee chairperson is elected from among committee members by the majority of the composition of the parliament. This issue is put to a vote without prior consideration;
 - When appointing heads of agencies accountable to the parliament, the Rules of Procedure does not provide for an obligation to hold consultations with the opposition factions and arrive at a decision through consensus, thereby heightening risks of politicized decision-making. It must be noted that the rule

envisaging the election of high officials by the majority, including a qualified majority (e.i. votes more than absolute majority; e.g. two third, three fourth and so on), is not an effective mechanism for countries with a political system where the ruling party already has a sufficient number of votes to elect a high official based on a partisan decision.

- The parliamentary oversight over the State Security Service is weak:
 - The law does not grant the powers to the Defense and Security Committee to use special mechanisms for the control of the Security Service (for example, to exercise the oversight over the measures for obtaining information, clandestine operations, personal data protection in the Security Service, etc.). The mechanisms of control available to the Committee is similar to those of any other parliamentary committee (summoning of the head of State Security Service to a sitting, hearing of a report). Committee members do not have access to classified state information and this undermines the efficiency of control exercised by them;
 - The Rules of Procedure of the Parliament grants the Trust Group a limited access to information and a whole range of activities and measures implemented by the State Security Service it are left without any oversight (for example, personal data protection in the Security Service and surreptitious audio and video recording for counterintelligence purposes); the Trust Group may not request information from Operative-Technical Agency and is only allowed to get a report from the Agency and visit it just twice a year;
 - Although the new Rules of Procedure has enhanced the competence of the Trust Group has been enhanced under, it does not provide for the involvement of experts in the security sector oversight, there is no expert council at the Trust Group, whose members would be allowed to access classified information and exercise control;
 - The set practice of discussing a report of the head of State Security Service is wrong. A report is discussed at closed committee and plenary sittings although other MPs do not have access to classified state information. Consequently, no classified information can be discussed at sittings and hence, closure of sittings on this ground is unjustified.
- Parliamentary control mechanisms are often not applied to issues that are important for the country. In the reporting period, the country faced a number of serious challenges such as, for example, borderization, kidnapping and incarceration of people living along the occupation line. There were instances of release of surreptitious recordings, including about high political officials. Information about conflicts of interest and alleged corruption deals of representatives of authorities, including MPs was made public. The problem that the court system has been run by members of so-called clan was repeatedly discussed by society and foreign partners. However, committees never held a special sitting on the above-mentioned issues and never summoned accountable persons to it. It is precisely such important topics that must be subject to the parliament control.
- Government members and other high officials who are accountable to the parliament do not treat the oversight function of the parliament seriously; for example, ministers do not provide full answers to questions of MPs in a timely manner. Out of 1683 questions posed by MPs during the reporting period, 288 questions were left unanswered; when summoned by the opposition, they do not arrive for committee sittings. During the reporting period, the opposition factions exercised the right to summon accountable persons to committee sittings as many as 32 times but the summoned officials failed to turn up for 21 of them.
- There is no mechanism of parliamentary control that would enable the opposition to summon on short notice a government member to a plenary sitting concerning a pressing issue, to ask questions of him/her and to hold debates:
 - The above possibility was to be provided by an interpellation procedure; however, a limited frequency

of this control mechanism (twice throughout a session) precludes it from being an efficient means of response to pressing issues;

- Lack of communication with ministers on pressing issues can also be seen from a practice of holding ministerial hours, where opposition MPs ask questions of government ministers about ongoing issues, although the purpose of ministerial hour, as specified in the law, is to inform the parliament about the progress in the implementation of the government program;
 - On a relatively short notice, opposition MPs may summon a government official concerning pressing issues to committee sittings, but only if two months have passed since the last appearance of the official at a committee sitting. This ground has been repeatedly used for denying requests of parliamentary factions to summon, under the obligatory procedure, accountable persons;
 - Opposition factions may not summon Prime-Minister, Chief Prosecutor, Head of State Security Service to committee sittings; this rule unjustifiably limits the application of committee oversight mechanism to these very important officials.
- Lack of transparency of the process of parliamentary control represents a problem. Information regarding the parliamentary oversight is not available in a systematized manner; some information, for example, why a particular minister failed to appear at a committee sitting, cannot be found on the webpage at all. Parliamentary committees provide incomplete information about the parliamentary control and moreover, with significant delays, thus grossly violating the timeframe set for the issuance of public information.
 - Based on recommendations provided in a Public Defender's report, the parliament adopts a decree by which tasks are assigned to various agencies. Every year, the Human Rights Committee assesses the fulfillment of assigned tasks. In 2020, the Public Defender conducted an alternative assessment of the status of fulfillment of assigned tasks. The result of the alternative assessment significantly differs from the assessment of the committee.

CHAPTER II. EXERCISE OF PARLIAMENTARY CONTROL - 2019-2020

2.1. VOTE OF CONFIDENCE IN THE GOVERNMENT

In the reporting period, the parliament expressed confidence in the government once, on 3 September 2019. The day after the Prime Minister, Mamuka Bakhtadze, resigned, the chairman of the ruling Georgian Dream party nominated Giorgi Gvakharia as a new prime minister.² On the same day, the nominee for prime minister named the composition of the government and submitted the government program to the parliament.³ Between 3 and 8 September, the parliamentary committees held hearings which were boycotted by the opposition factions. All the committees and factions that participated in the hearings gave positive assessments to both the nominated cabinet composition and the submitted government program.⁴ At the plenary sitting on 8 September, in a 98-0 vote, the parliament declared confidence in the new cabinet.⁵

2.2. ANNUAL REPORT OF THE PRIME MINISTER

According to the Rules of Procedure of the Parliament, the Prime Minister shall submit a report on the progress of the government program to the parliament in the final month of plenary sittings of a spring session. The report shall be in writing and submitted to the parliament before June 1. According to the new Rules of Procedure, the presentation of a report is followed by discussions and debates.⁶

On 31 May 2019, Prime Minister Mamuka Bakhtadze submitted the government report, “Freedom, Rapid Development, Prosperity”, on the implementation of the 2018-2020 government program.⁷ The presentation of the program by the Prime Minister was scheduled for 27 June;⁸ however, on that day the Prime Minister Mamuka Bakhtadze informed society via Facebook that his speech was postponed⁹ due to protests staged in front of the building of the parliament. The Chairman of the Parliament Archil Talakvadze declared later that consultations would be held to set a new date for the Prime Minister’s report,¹⁰ but Bakhtadze left his job without presenting it to the parliament.

The report on the progress of the government program was submitted to the parliament by Prime Minister Giorgi Gvakharia on 29 May.¹¹ On 26 June, he appeared before the parliament to give oral presentation about the implementation of the 2019-2020 government program.¹²

2 Cabinet composition and government program presented to the parliament.

<https://info.parliament.ge/file/1/BillReviewContent/229547?>

3 Cabinet composition and government program presented to the parliament.

<https://info.parliament.ge/file/1/BillReviewContent/229547?>

4 Discussions on the cabinet composition and the “Government Program 2019-2020” and the vote of confidence in the government, <https://info.parliament.ge/#law-drafting/18718>

5 Decree of the Parliament of Georgia №4942-IS, 08/09/2019. <https://info.parliament.ge/file/1/BillReviewContent/229959?>

6 The Rules of Procedure of the Parliament of Georgia, Article 150.

7 “Freedom, Rapid Development, Prosperity”, the Implementation of the 2018-2020 Government Program.

<https://info.parliament.ge/#law-drafting/18252>

8 “The Parliament to hear the Prime Minister Mamuka Bakhtadze and the Interior Minister Giorgi Gvakharia at the plenary session,” parliament.ge, June 24, 2019, <https://bit.ly/386NcjB>

9 “Bakhtadze: Talking about our program in the legislature would not be in line with public interest”, tabula.ge, June 27, 2019, <https://bit.ly/2sDUyL8>

10 Ibid.

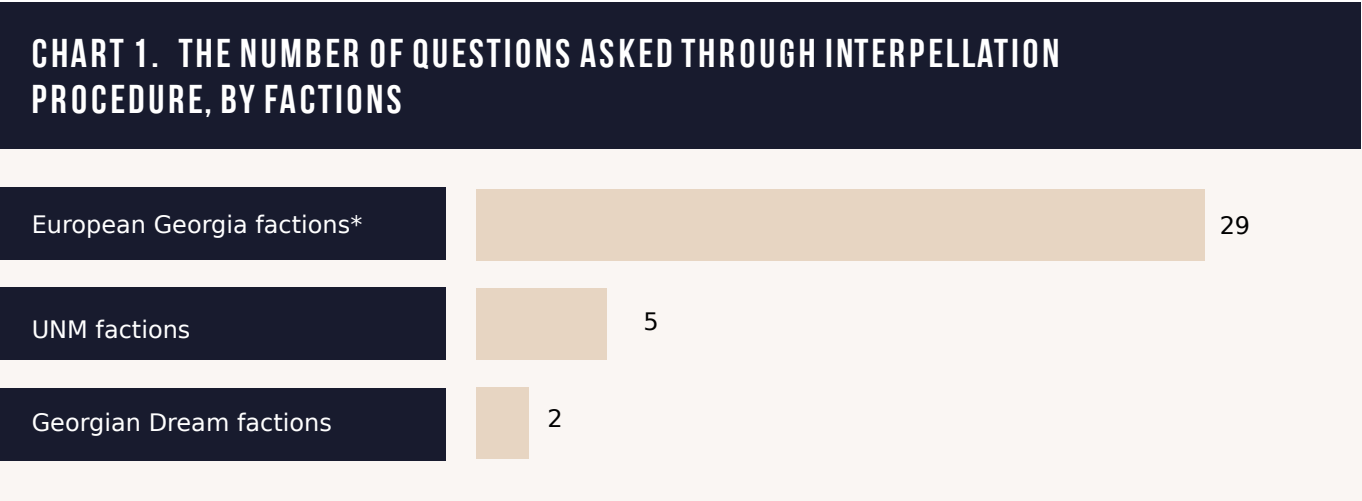
11 Report on the implementation of the 2019-2020 government program submitted by Prime Minister Giorgi Gvakharia to the parliament, <https://info.parliament.ge/#law-drafting/20471>

12 Annual report of Prime Minister of Georgia (2019-2020) on the implementation of the government program, <https://info.parliament.ge/#law-drafting/20601>

2.3 INTERPELLATION

Interpellation in the parliament is held twice every session: in March and May during a spring session and September and November during an autumn session.

In the reporting period, 10 letters containing the total of 36 questions were sent to accountable bodies through the interpellation procedure. The most active in this regard were parliamentary factions of the European Georgia,¹³ having asked 29 questions.



**The European Georgia factions include: European Georgia; European Georgia – Regions; European Georgia – Movement for Freedom.*

As a rule, the factions asked more than one question through interpellations. Questions in one interpellation were often about totally different topics and had only a common addressee (see table 1).

13 For the purposes of this study, the European Georgia factions include: European Georgia; European Georgia – Regions; European Georgia – Movement for Freedom.

Table 1. Questions sent by factions through interpellation procedure

Date	Faction	Addressee	Number of questions and topics
25.01.2019 ¹⁴	United National Movement	Prime Minister Mamuka Bakhtadze	1. Crime situation in the country.
5.02.2019 ¹⁵	European Georgia	Minister of Education, Science, Culture and Sport Mikheil Batiashvili	1. Wages of schoolteachers; 2. Autonomy of schools; 3. Student vouchers.
5.02.2019 ¹⁶	European Georgia – Regions	Minister of Education, Science, Culture and Sport Mikheil Batiashvili	1. Cancellation of graduation exams; 2. Making a general skills exam optional; 3. Rule of allocation of grants.
14.03.2019 ¹⁷	European Georgia – Movement for Freedom	Prime Minister Mamuka Bakhtadze	1-3. Accumulated pension system; 4. Banking regulations; 5. Clarification of “Otkhozoria-Tatunashvili” list; 6. Attacks on TBC Bank.
14.05.2019 ¹⁸	European Georgia – Movement for Freedom	Prime Minister Mamuka Bakhtadze	1-3. Money spent on labor remuneration in the public sector.
16.05.2019 ¹⁹	United National Movement	Chair of Central Election Commission Tamar Zhvania	1. Violations during the election campaign.
17.05.2019 ²⁰	Georgian Dream	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Davit Sergeenko	1. Principle of allocation of social assistance; 2. Control of health care institutions within the scope of universal health care program.

14 See the question of the faction and the answer from the addressee at: <https://bit.ly/2Yz1FRb>

15 See the question of the faction and the answer from the addressee at: <https://bit.ly/2rC0apd>

16 See the question of the faction and the answer from the addressee at: <https://bit.ly/2qB0kMW>

17 See the question of the faction and the answer from the addressee at: <https://bit.ly/38A5tWW>

18 See the question of the faction and the answer from the addressee at: <https://bit.ly/2E2vO1G>

19 See the question of the faction and the answer from the addressee at: <https://bit.ly/2TbOHYE>

20 See the question of the faction and the answer from the addressee at: <https://bit.ly/2E3XK5h>

5.05.2020 ²¹	United National Movement	Prime Minister Giorgi Gakharia	1-3. Measures for the reduction of poverty during the state of emergency, child and pensioner poverty.
8.05.2020 ²²	European Georgia, European Georgia – Regions, European Georgia – Movement for Freedom	Prime Minister Giorgi Gakharia	1. Tax rate cuts; 2. Use of the Pension Fund monies; 3. Assistance to self-employed people; 4. Size of assistance to job losers; 5. Delay in presenting the anti-crisis plan; 6. Reduction of bureaucratic expenditure; 7. Selective application of state of emergency restrictions.
3.09.2020 ²³	European Georgia, European Georgia – Regions, European Georgia – Movement for Freedom	Minister of Economy and Sustainable Development Natela Turnava	1. Expedience of tax rate cuts; 2. Expedience of cutting bureaucratic expenditure and ineffective state programs; 3. Reason of denial to allow tourist charter flights; 4. Different approaches to the use of forced quarantine measures for Georgian citizens and foreigners; 5. Problems in compiling a list of safe countries; 6. Expedience of refusal to perform flights to safe foreign countries.

It should be noted that a letter, irrespective of a number of questions therein, sent through the interpellation procedure is regarded as one interpellation and hence, the time for answers is, accordingly, allocated for one interpellation.

In the reporting period, addressees of interpellations appeared before the parliament four times: on 22 March and 31 May in 2019 and on 29 May and 18 September in 2020.

21 See the question of the faction at: <https://bit.ly/3aabcW7> and the answer from the addressee at: <https://bit.ly/3dkyV7U>

22 See the question of the faction and the answer from the addressee at: <https://bit.ly/2LEYG7x>

23 See the question of the faction at: <https://bit.ly/3a8NkCc> and the answer from the addressee at: <https://bit.ly/2LMcfCo>

In the autumn of 2019, the opposition factions were not engaged in this activity as they boycotted the parliament. Interpellation procedure was not used by the Georgian Dream faction either.

Table 2. Interpellations held in the reporting period	
Date	Public official
22.03.2019	Prime Minister Mamuka Bakhtadze
22.03.2019	Minister of Education, Science, Culture and Sport Mikheil Batiashvili
31.05.2019	Prime Minister Mamuka Bakhtadze
31.05.2019	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Davit Sergeenko
31.05.2019	Chair of Central Election Commission Tamar Zhvania
29.05.2020	Prime Minister Giorgi Gakharia
18.09.2020	Minister of Economy and Sustainable Development Natela Turnava

As noted above, the Rules of Procedure provides for two interpellations per session. This frequency of interpellations is insufficient and hinders a proper exercise of the parliamentary oversight. The frequency of interpellations is important as the Rules of Procedure does not provide for any other mechanism of control that would enable to summon, on reasonable notice, representatives of executive branch to a plenary session to ask them about pressing issues and hold debates.

That the frequency of interpellations is insufficient can be seen from the following example: the faction, European Georgia – Movement for Freedom, sent a question to the Prime Minister about the pressure exerted on TBC Bank on 15 March; given that the next interpellation was scheduled for 22 March while a question had to be sent at least 10 days prior to the interpellation, the interpellation on the issues raised in the 15 March letter was held on 31 May when it was no longer pressing.

The analysis of the European practice shows that an interval between interpellations shall not exceed one month; some countries also practice urgent interpellation, when member of government is obligated to appear at the next parliament session to answer a question.²⁴

Furthermore, since the interpellation procedures do not enable to summon, on reasonable notice, government members to a plenary session to question them about pressing issues, MPs often try to use other parliamentary procedures to this end, such as, for instance, the ministerial hour which is not designed for answering questions on pressing issues.²⁵

Interpellations in the reporting period were held in accordance with norm of the Rules of Procedure effective at that time, whereby in case of more than one question, the time allocated under the procedure was cut proportionally to the number of questions.²⁶ The practice of interpellations in that period showed that the mentioned provision of the Rules of Procedure undermined a possibility of full use of interpellations. In particular, the time set under

²⁴ See the analysis of legislative of European countries in the next chapter.

²⁵ For more details, see subchapter 2.5.

²⁶ Paragraph 7 of Article 149 of the Rules of Procedure of the Parliament of Georgia effective as of 19 March 2020, <https://matsne.gov.ge/ka/document/view/4401423?publication=9>

the procedure was reduced three times during the interpellation held on 22 March 2019, and four times during the interpellation on 31 May.²⁷

The above-mentioned problem was a result of misinterpretation of the Rules of Procedure. In this case, the Parliament reduced one procedure provided in Paragraphs 8 and 10 of Article 149 (which, in total, amounts to 3.5 hours) in proportion to the number of questions.²⁸ However, the Rules of Procedure allowed for allocating the whole day for the interpellation instead of splitting the procedure up.²⁹ During the interview, conducted within the scope of the study, Irakli Abesadze, the opposition MP of the 9th convocation parliament, said that due to the time allocation rule, many important questions were not asked during interpellations and the opposition factions often refrained from posing questions about pressing issues because had they posed many questions they would not have received a comprehensive answer to any one of them.

Ultimately, the parliament admitted the shortcoming in the norm and instead of changing the practice, amended a relevant provision in the Rules of Procedure during the spring sessions. According to the new wording, the time allocated for interpellation will be reduced proportionally to the number of questions only when more than two questions are asked and it will be calculated from the sum of time for two interpellations.³⁰ This amendment has improved interpellation procedures as it leaves more time for the parties to properly discuss an issue; however, in case of a significant increase in the number of questions during interpellations, problems will arise over again. For this mechanism to operate properly, an interpellation, when need be, must be spread over more than one day.³¹

After interpellation, a response of a high official may become a subject of discussion by the parliament, which, eventually, may turn this form of parliamentary control into a potential mechanism for holding the government responsible (vote of no confidence). However, it should be noted that a direct link between these two procedures (interpellation and no confidence in government) is not explicit in the Rules of Procedure, although had a corresponding provision been formulated therein, it would have underlined a possibility of such scenario and hence, might have attracted a greater attention of MPs and primarily, interpellation addressees to the procedure of interpellation.³²

A disregard of interpellation (failure to appear before the parliament to provide answers) may constitute a violation of Article 43 of the Constitution of Georgia and hence, a ground for initiating a procedure of impeachment, i.e. of raising a constitutional-legal responsibility of a minister, but it cannot lead to a political responsibility of a minister/government because under the Georgian constitution and legislation, only a response provided through interpellation, not a disregarded interpellation, may become a subject of discussion by the parliament.

27 Namely, in the case of the first interpellation, the time allocation was as following: the author of the question was given 3.5 minutes instead of 10 minutes; The Prime Minister spoke for 10 minutes instead of 30 minutes; For clarifying question, the author of the interpellation had 1 minute, instead of 3 minutes; Independent MPs – 2 minutes instead of 5 minutes; The factions outside of the majority and the minority – 5 minutes instead of 15, the majority 15 minutes instead of 45. The concluding remarks lasted 7 minutes instead of 20 minutes. In the case of the second interpellation, the author of the question was given 2.5 minutes, the respondent – 7.5 minutes, for clarification the author was given – 1 minute, the respondent – 2.5 minutes, the independent MP – 1.5 minutes, the factions outside of the majority – 4 minutes each, the majority – 11.5 minutes, the concluding remarks lasted only 5 minutes. See more: “Interpellation in the Georgian Context: Expectations and Disappointments”, Georgian Young Lawyers’ Association, <https://bit.ly/2uA3lPl>

28 Three times during March interpellation and four times during May interpellation.

29 The rationale for interpreting the Rules of Procedure in this manner is supported by Article 88 (2), which stipulates that the length of the plenary sitting in the case of interpellation is not restricted and may be extended until the matter has been resolved.

30 Paragraph 7 of Article 149 of the Rules of Procedure of the Parliament of Georgia. The new wording of this article will enter into force once the parliament of new convocation acquires full powers.

31 A similar opinion was expressed by Vakhushti Menabde, the Director of Democratic Institutions Support Program at the Georgian Young Lawyer’s Association During, and Tamar Chugoshvili, an independent MP of the 9th Convocation Parliament, during interviews conducted within the scope of the study.

32 “Parliamentary Control after the Reformation of Constitution and the Rules of Procedure,” Georgian Young Lawyer’s Association, 2020, <https://bit.ly/3btN1mb>

An important issue in terms of efficiency of parliamentary control is the publicity and availability of information about the measures used in parliamentary oversight. It should be noted that in contrast to MP questions, questions and answers posed and provided through interpellations are available on the parliament website in a systematized manner.

2.3.1 International experience

One thing that catches eye when analyzing a foreign practice of interpellation is a higher frequency of conducting it, as compared to Georgia, and a possibility of holding urgent interpellation on pressing issues.

In **Germany**, the federal government, initially, determines itself when it will be able to provide the answer. Upon the receipt of a relevant answer from the executive government, interpellation is placed on the agenda. If the federal government fails to provide answer within three weeks, the Bundestag places the debate concerning the interpellation on the agenda.³³ The Rules of Procedures of the Bundestag also provides for debates on questions of topical interest as one of the forms of parliamentary control.³⁴

In **Italy** an authorized representative of the executive branch is given two weeks to answer a question posed through interpellation; this term may be extended for another two weeks, provided that the reason for such postponement is explained.³⁵ The rules of procedure of Italian parliament also provides for urgent interpellation, which is held within a shorter time.³⁶

In **the Czech Republic**, the government or a cabinet member shall respond to submitted questions verbally at the Chamber's meeting or in writing within 30 days following their submission.³⁷

In **Poland** an addressee of interpellation shall provide response within 21 days of the submission of question.³⁸ It should be noted that apart from a high frequency of conducting interpellations, the analyzed countries also have additional mechanisms that allow to hear representatives of the executive on current, pressing issues and to debate these issues with them.

Italy is an interesting example in terms of publicity of interpellation procedures, where, pursuant to the law, the President of the Chamber is responsible for ensuring publication and accessibility of motions, interpellations and questions. The President of the Chamber verifies the content of information to be published or part thereof, also evaluates consistency of information to be published with the parliamentary language as well as admissibility criteria set in the Rules of Procedure; the President of the Chamber is also responsible for the publication of information in a manner as to ensure the protection of personal data, privacy, honor of individuals and the prestige of the institutions.³⁹

33 Refusal to reply to a major interpellation, Rules of Procedure of the German Bundestag and Rules of Procedure of the Mediation Committee, rule 102, <https://www.btg-bestellservice.de/pdf/80060000.pdf>

34 The demand for such debate shall be submitted by the initiator to a chairperson no later than 12.00 hours on the previous day of the sitting, which means that the Rules of Procedures makes it possible, upon the demand of a group of MPs and provided that all preconditions are met, to schedule debates on the next day. Ibid., Article 106.

35 RULES OF PROCEDURE OF THE CHAMBER OF DEPUTIES of Italy, rules 136-137 - https://en.camera.it/application/xmanager/projects/camera_eng/file/RULES_OF_PROCEDURE_CHAMBRE_OF_DEPUTIES.pdf;

36 In particular, interpellations, submitted no later than the previous Tuesday's sitting, shall normally be dealt with each week, during the Thursday morning sitting. Ibid., Rule 138.

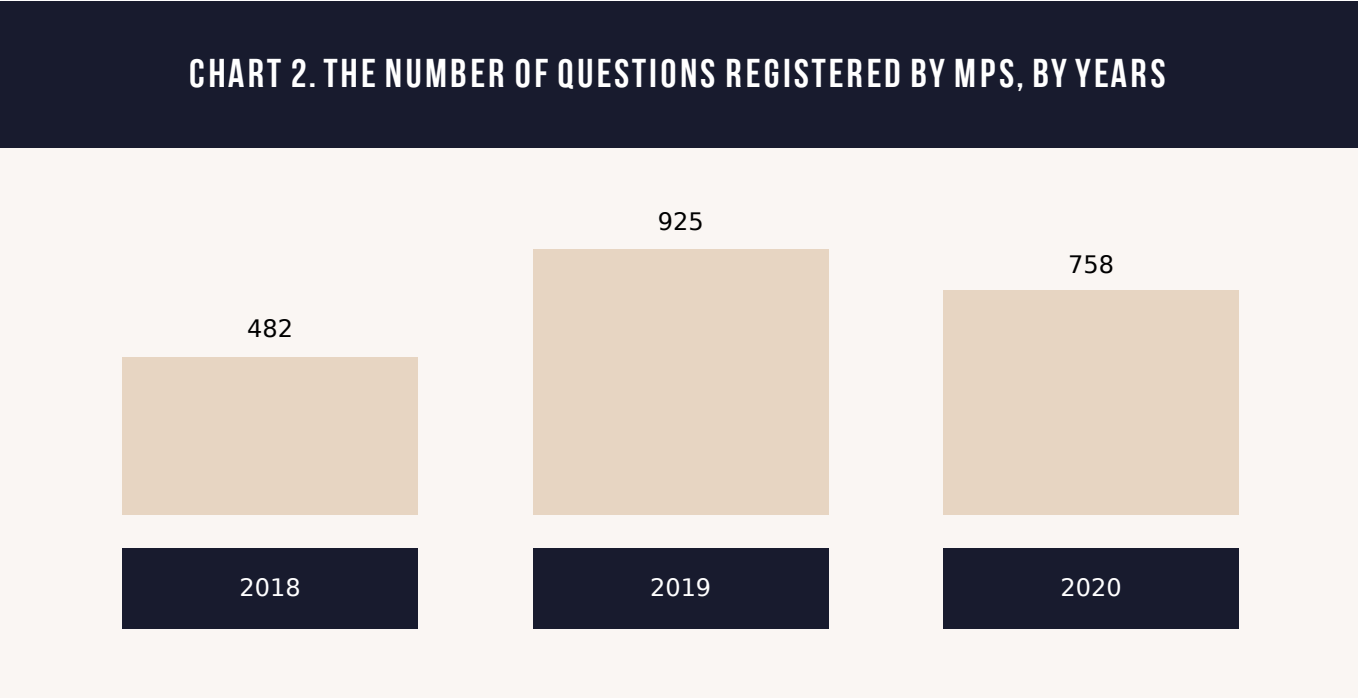
37 Rules of Procedure of the Chamber of Deputies of the CZECH REPUBLIC, article 111 - <https://www.psp.cz/en/docs/laws/1995/90.html>

38 The Standing Orders of the Sejm of the Republic of Poland, articles 191-193 - http://oide.sejm.gov.pl/oide/en/index.php?option=com_content&view=article&id=14798:the-standing-orders-of-the-sejm-of-the-republic-of-poland&catid=7&Itemid=361#31

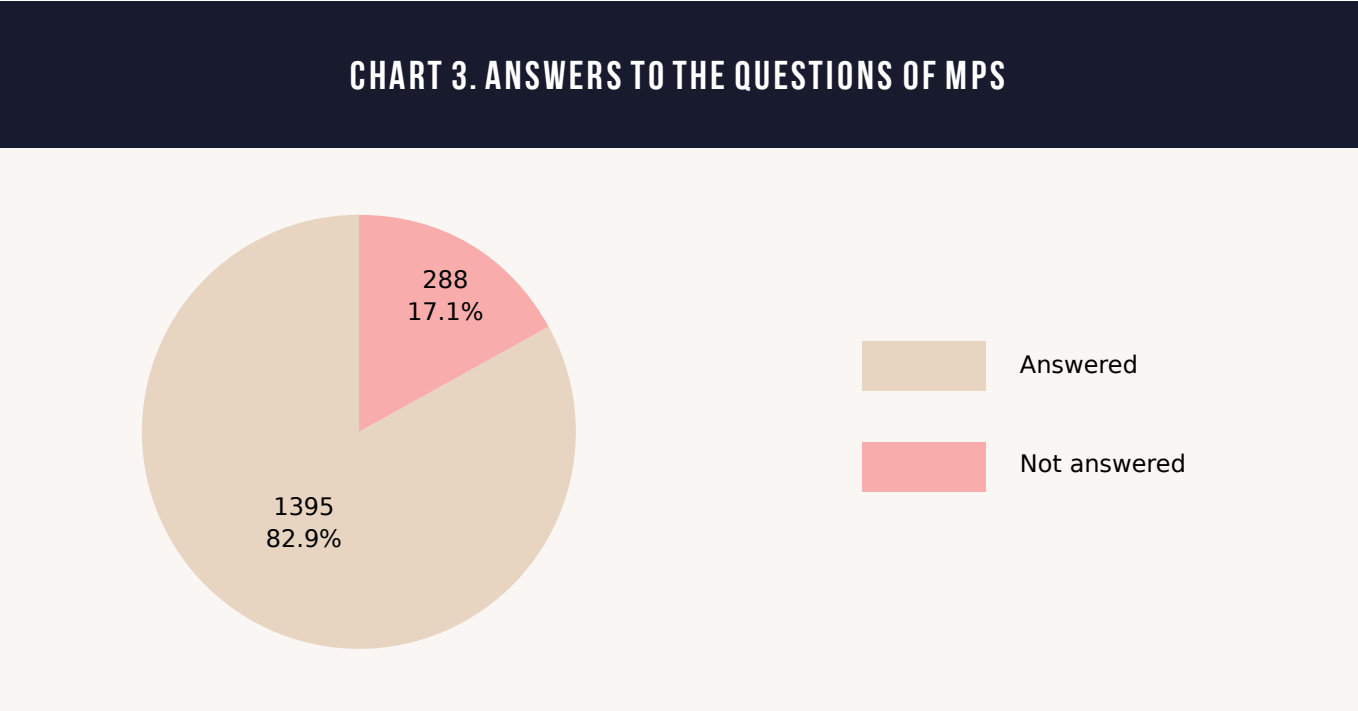
39 RULES OF PROCEDURE OF THE CHAMBER OF DEPUTIES of Italy, Rule 139 bis - https://en.camera.it/application/xmanager/projects/camera_eng/file/RULES_OF_PROCEDURE_CHAMBRE_OF_DEPUTIES.pdf

2.4. QUESTIONS OF MEMBERS OF PARLIAMENT

During the reporting period, some 52 MPs sent the total of 1683 questions, including 925 questions in 2019 and 758 questions in 2020 (by 1 October). In 2018 MPs posed 482 questions. Since this mechanism of parliament control have remained unaltered under the new Rules of Procedure, it seems that changes to other oversight instruments have led to increase in the questions posed by MPs.

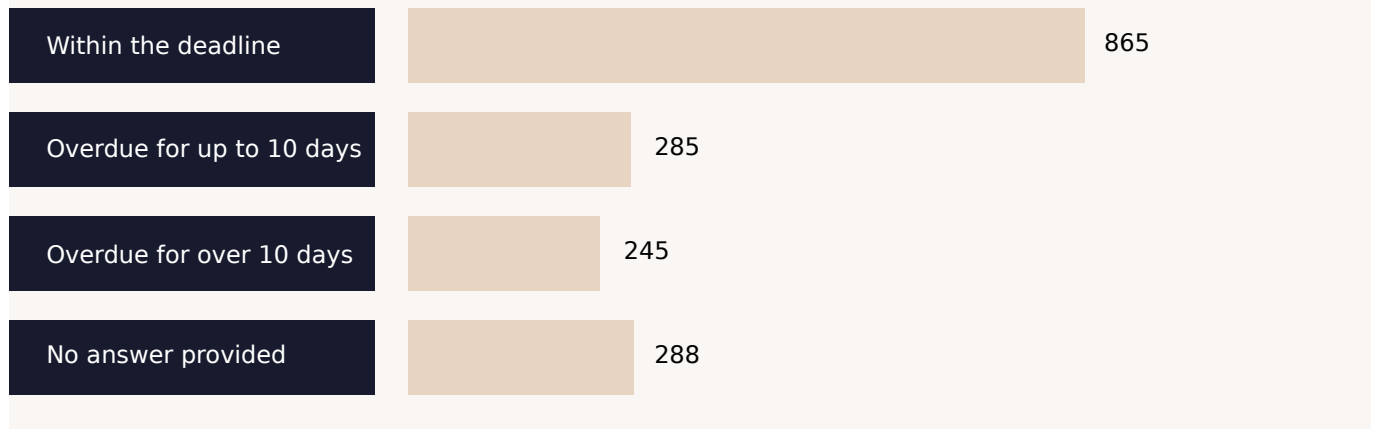


Of the total 1683 questions registered during the reporting period, 1395 were answered whereas 288 were left unanswered.



From the total of 1395 answered questions, 285 responses came with a delay of 10 days,⁴⁰ and 245 responses came with a delay of more than 10 days.

CHART 4. TIMELINESS OF THE RESPONSES



40 According to the Rules of Procedure, a 15-day term set for a response may be extended by additional 10 days with the consent of the author of the question, but such an instance cannot be found in the question-and-answer system available on the parliament's webpage; furthermore, speaking to TI Georgia, Giorgi Kakhiani has said that the Rules of Procedure does not stipulate how the additional 10-day extension should be agreed. See, Parliamentary Control in Georgia, Transparency International Georgia, 2020, pg.19. <https://www.transparency.ge/ge/post/saparlamento-kontroli-sakartveloshi>

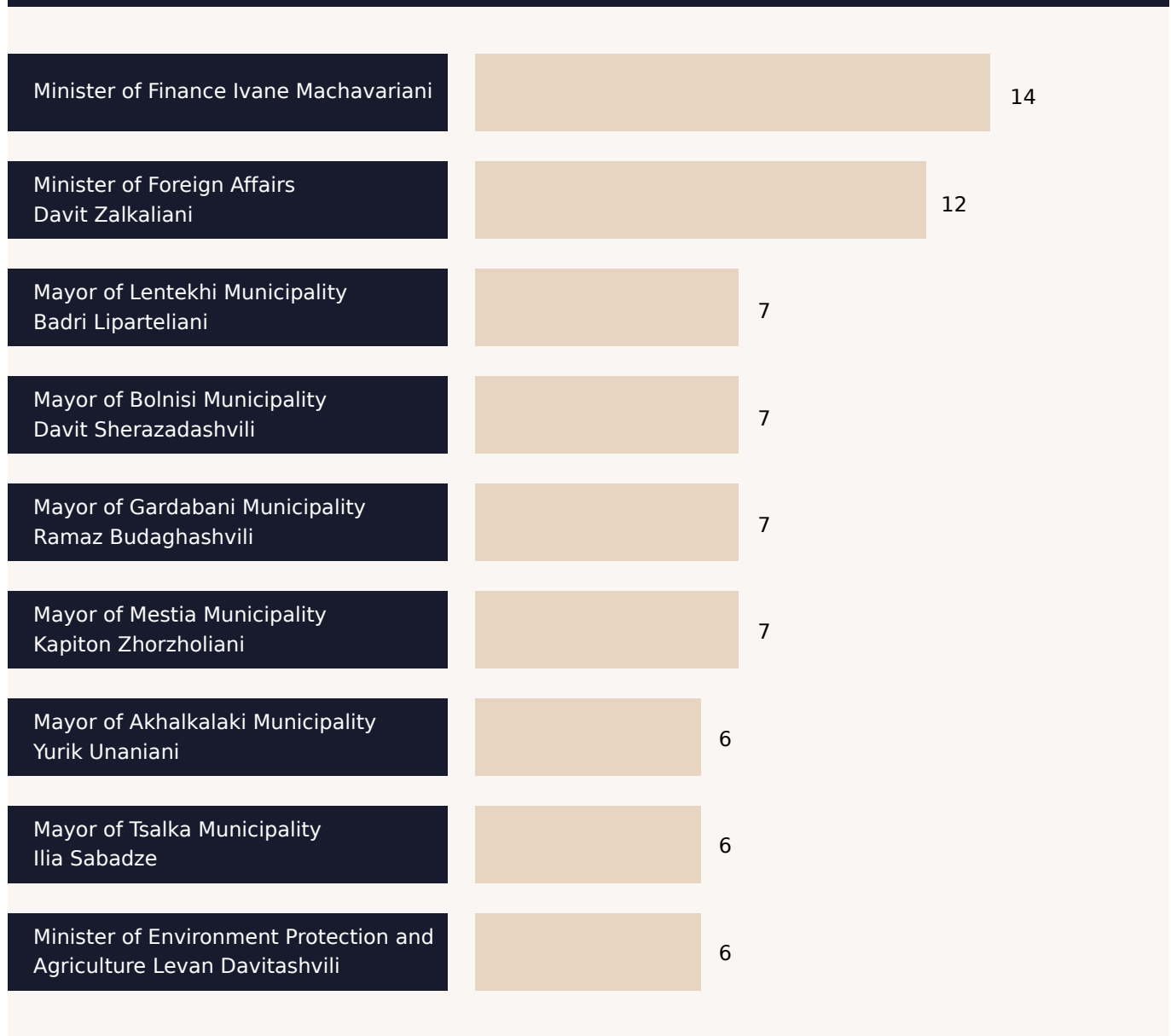
In 2019 and 2020, the highest number of questions (447) was posted by Sergi Kapanadze; followed by Kakhaber Kuchava (229) and Khatuna Gogorishvili (213).

Table N3. Top 10 MPs by the number of questions posed	
Kapanadze Sergi	384
Kuchava Kakhaber	229
Gogorishvili Khatuna	213
Abesadze Irakli	159
Nakopia Koba	120
Tsilosani Nino	100
Abuseridze Irakli	88
Chiaberashvili Zurab	67
Ratiani Sergo	39

Table N4. lists public officials who received the most MP questions.	
Minister of Finance Ivane Machavariani	37
Minister of Education, Science, Culture and Sport Mikheil Batiashvili	35
Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Ekaterine Tikaradze	30
Minister of Environment Protection and Agriculture Levan Davitashvili	24
Minister of Economy and Sustainable Development Natela Turnava	23
Minister of Education, Science, Culture and Sport Mikheil Chkhenkeli	23
Minister of Foreign Affairs Davit Zalkaliani	22
Minister of Justice Tea Tsulukiani	18
Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Davit Sergeenko	17
Mayor of Mestia Municipality Kapiton Zhorzholiani	16

Chart №5 lists those officials who most frequently left questions unanswered,⁴¹ thereby violating the requirements of the Rules of Procedure.

CHART 5. PUBLIC OFFICIALS THAT MOST FREQUENTLY LEFT QUESTIONS UNANSWERED DURING THE REPORTING PERIOD AS OF 4 FEBRUARY 2021



41 Data as of 4 February 2021.

The Rules of Procedure of the Parliament does not provide for a special sanction or response mechanism when no answer is provided to a MP question. The prevention mechanism is believed to be the publicity of MP questions, answers to these questions as well as the data on overdue answers and unanswered MP question. This is the system that has been used on the website of the Parliament of Georgia since 2016.⁴² This system is a good means of informing the public and allows for public scrutiny of this mechanism of parliamentary control. However, the Rules of Procedure of the Parliament does not provide any other mechanism for a regular discussion of, or a reaction to, overdue or unanswered questions. European countries have a practice of summoning addressees of unanswered questions to a plenary sitting to provide verbal responses to posed questions and to explain the reasons of failure to answer the questions.⁴³

2.4.1 INTERNATIONAL EXPERIENCE

With regard to the practice of questions of the MP in the analyzed countries, we would like to highlight a few interesting regulations.

In **Germany** if the reply has not been received within one week, the questioner may demand that his or her question be called for oral reply during the Question Time of the first week of sittings following expiry of the time limit. If the question has meanwhile been answered in writing, the questioner may merely ask why the reply was not given within the time limit of one week.⁴⁴

In **Italy** if the government does not give its answer within the set time limit (20 days), the President of the Chamber, at the request of the questioner, shall include the question in the agenda of the next sitting of the appropriate Committee. Moreover, the Italian legislation provides for an urgent question of the MP to which the government replies immediately or at the beginning of the next sitting.⁴⁵

2.5 MINISTERIAL HOUR

The ministerial hour is a new instrument of parliamentary oversight that was first used by the parliament during the spring session in 2019. The Bureau of the Parliament draws up a schedule of ministerial hours for the whole year. The schedule for 2019 was prepared by the Bureau of Parliament on 4 February,⁴⁶ but later it was changed six times.⁴⁷ Ministerial hours for 2020 were scheduled on 3 February of the same year and included the total of 11 ministerial hours.⁴⁸ However, only four of them were held during the year, which constituted the violation of the Rules of Procedure.⁴⁹ One of the reasons of failure of ministers to arrive at ministerial hours was the extraordinary situation caused by the Covid-19 pandemic, including the state of emergency that was declared in the country; however, the cancellation of ministerial hours was not formalized in any way – no document was adopted to explain reasons and legal grounds of cancellation.

42 See link: <https://info.parliament.ge/#mpqs>

43 See the overview of European practice in the next subchapter.

44 Annex 4 Guidelines for Question Time and for written questions, paragraph IV, Written questions - Rules of Procedure of the German Bundestag and Rules of Procedure of the Mediation Committee:

<https://www.btg-bestellservice.de/pdf/80060000.pdf>

45 RULES OF PROCEDURE OF THE CHAMBER OF DEPUTIES of Italy, rules 128-133 - https://en.camera.it/application/xmanager/projects/camera_eng/file/RULES_OF_PROCEDURE_CHAMBRE_OF_DEPUTIES.pdf

46 Decision of the Bureau of the Parliament of Georgia of 4 February 2019 N233/11,

<http://parliament.ge/ge/ajax/downloadFile/109797/1489>

47 Changes were made under the following decisions of the Bureau of the Parliament: N243/19 of 11 May; N258/16 of 13 May; N289/15 of 30 September; N302/5 of 9 December; N318/18 of 16 December.

48 Decision of the Bureau of the Parliament of Georgia of 3 February 2020 N324/10,

<http://www.parliament.ge/ge/ajax/downloadFile/133222/324--10>

49 The following ministers did not turn up for ministerial hours: Minister of Environment Protection and Agriculture Levan Davitashvili, Minister of Internal Affairs Vakhtang Gomelauro, Minister of Education, Science, Culture and Sport Mikheil Chkhenkeli, Minister of Justice Tea Tsulukiani, Minister of Foreign Affairs Davit Zalkaliani, Minister of Economy and Sustainable Development Natela Turnava, State Minister for Reconciliation and Civic Equality Ketevan Tsikhelashvili.

Table N5. Ministerial hours held in 2019

Period	Accountable person/agency
20.02.2019	Minister of Regional Development and Infrastructure Maia Tskitishvili ⁵⁰
07.03.2019	Minister of Environment Protection and Agriculture Levan Davitashvili ⁵¹
20.03.2019 - 21.03.2019	Minister of Justice Tea Tsulukiani ⁵²
04.04.2019	Minister of Defense Levan Izoria ⁵³
02.05.2019	Minister of Internal Affairs Giorgi Gakharia ⁵⁴
20.09.2019	State Minister for Reconciliation and Civic Equality Ketevan Tsikhelashvili ⁵⁵
17.10.2019	Minister of Foreign Affairs Davit Zalkaliani ⁵⁶
28.11.2019	Minister of Finance Ivane Machavariani ⁵⁷
20.12.2019	Minister of Education, Science, Culture and Sport Mikheil Chkhenkeli ⁵⁸

50 Ministerial Hour – Report of Georgian government member, Minister of Regional Development and Infrastructure, Vice-Premier Maia Tskitishvili, <https://info.parliament.ge/#law-drafting/17180>

51 Ministerial Hour – Report of Georgian government member, Minister of Environment Protection and Agriculture Levan Davitashvili, <https://info.parliament.ge/#law-drafting/17344>

52 Ministerial Hour – Report of Georgian government member, Minister of Justice Tea Tsulukiani, <https://info.parliament.ge/#law-drafting/17488>

53 Ministerial Hour – Report of Georgian government member, Minister of Defense Levan Izoria, <https://info.parliament.ge/#law-drafting/17685>

54 Ministerial Hour – Report of Georgian government member, Vice-Premier, Minister of Internal Affairs Giorgi Gakharia, <https://info.parliament.ge/#law-drafting/17889>

55 Ministerial Hour – Report of Georgian government member, State Minister for Reconciliation and Civic Equality Ketevan Tsikhelashvili, <https://info.parliament.ge/#law-drafting/18768>

56 Ministerial Hour – Report of Georgian government member, Minister of Foreign Affairs Davit Zalkaliani, <https://info.parliament.ge/#law-drafting/18916>

57 Ministerial Hour – Report of Georgian government member, Minister of Finance Ivane Machavariani, <https://info.parliament.ge/#law-drafting/19197>

58 Ministerial Hour – Report of Georgian government member, Minister of Education, Science, Culture and Sport Mikheil Chkhenkeli, <https://info.parliament.ge/#law-drafting/19484>

20.12.2019	Minister of Economy and Sustainable Development Natela Turnava ⁵⁹
05.02.2020	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Ekaterine Tikaradze ⁶⁰
20.02.2020	Minister of Finance Ivane Machavariani ⁶¹
06.03.2020	Minister of Regional Development and Infrastructure, Vice-Premier Maia Tskitishvili ⁶²
12.06.2020	Minister of Defense Irakli Gharibashvili ⁶³

The purpose of ministerial hours is to have ministers report to the parliament on the status of the implementation of the government program. The analysis of application of this parliamentary control mechanism shows that in a question-and-answer session that follows the hearing of ministerial reports, MPs do not limit their questions to the content of the report but also pose questions about other ongoing events and pressing issues, although ministerial hours are not designed for that.⁶⁴ This highlights, yet again, the failure of the Rules of Procedure to ensure the appearance of government members at the parliament in a format and at a frequency that would enable MPs to ask questions on current matters. This problem is caused by an insufficient frequency of interpellation and the absence of question time.

2.6 HEARINGS OF PUBLIC OFFICIALS AT PLENARY SITTINGS

A person accountable to the parliament can be summoned to a plenary sitting upon a request of a committee or a faction by a majority vote of MPs attending a plenary sitting (but by not less than one-third of the full composition of the parliament). This mechanism has not been used by the parliament since 2012. According to members of opposition parties, a high quorum set for summoning a public official renders this mechanism impracticable.⁶⁵

The Rules of Procedure entitles a member of the government, an official accountable to the parliament, a head of an organization accountable to the parliament, and the Public Defender to appear before the plenary sitting on their own initiative.⁶⁶

In the reporting period, a total of five public officials stood before the parliament on their own initiative.

59 Ministerial Hour – Report of Georgian government member, Minister of Economy and Sustainable Development Natela Turnava, <https://info.parliament.ge/#law-drafting/19333>

60 Ministerial Hour – Report of Georgian government member, Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Ekaterine Tikaradze, <https://info.parliament.ge/#law-drafting/19679>

61 Ministerial Hour – Report of Georgian government member, Minister of Finance Ivane Machavariani, <https://info.parliament.ge/#law-drafting/19746>

62 Ministerial Hour – Report of Georgian government member, Minister of Regional Development and Infrastructure, Vice-Premier Maia Tskitishvili,

63 Ministerial Hour – Report of Georgian government member, Minister of Defense Irakli Gharibashvili, <https://info.parliament.ge/#law-drafting/20505>

64 Parliamentary Control in Georgia, Transparency International Georgia, 2020, pg.26. <https://www.transparency.ge/ge/post/saparlamento-kontroli-sakartveloshi>

65 Ibid., pg. 28.

66 The Rules of Procedure of the Parliament of Georgia, Paragraph 1 of Article 154.

Table 6. List of public officials who appeared before a plenary session of the parliament on their own initiative during the reporting period

Date	Public official
7.02.2019 - 8.02.2019	Minister of Education, Science, Culture and Sport - Mikheil Batiashvili
21.03.2019	Minister of Regional Development and Infrastructure – Maia Tskitishvili
5.04.2019 - 8.04.2019	President of the National Bank – Koba Gvenetadze
19.04.2019	Public Defender – Nino Lomjaria
21.05.2020	Prime Minister – Giorgi Gakharia

2.7 SUMMONING PUBLIC OFFICIALS TO COMMITTEE SITTINGS

An official accountable to the parliament⁶⁷ is entitled, while upon a request, obligated to arrive at sittings of parliamentary committees to provide answers to questions raised during a sitting and submit a performance report. A public official is summoned by a committee if this is requested by the majority of committee members or a committee member's faction.

Summoning a public official on the initiative of a faction is subject to two constraints:

1. If a person has already been summoned to a committee meeting, he/she can only be summoned during the next two months at the request of the majority of committee members. This two-month waiting term is often criticized and regarded as an unreasonable constraint on the exercise of committee oversight.⁶⁸ Tamar Chugoshvili, an independent MP of the Parliament of the 9th Convocation, and Vakhushti Menabde, the Director of Democratic Institutions Support Program at the Georgian Young Lawyer's Association, talked about the expedience of abolishing this rule during the interviews conducted within the scope of the study.

2. Prime Minister, Chief Prosecutor, Head of State Security Service may be summoned only at the request of the majority of committee members. We believe that this constraint creates unjustified barriers to a comprehensive parliamentary control and is especially problematic when it comes to key officials of the country.

In 2019, out of 44 instances of summoning public officials, officials did not show up for 24 committee sittings.⁶⁹

2020 saw a sharp drop in the number of summoned officials due to the pandemic-induced situation. In that year, the total of 11 officials were summoned and only five of them showed up. Public officials were summoned by committees six times and by parliamentary factions five times. None of the officials summoned by the parliamentary factions arrived for committee sittings while out of six officials summoned by the committees only one did not show up.

67 A public official includes: a member of the government, head of a body accountable to the parliament or the official that submits to the Parliament its activity report in accordance with the Constitution of Georgia or other legislative act or the accountability of which to the Parliament is directly envisaged by the legislative act, the head of the body accountable to the Parliament, and the Public Defender of Georgia. The Rules of Procedure of the Parliament of Georgia, Paragraph 1 of Article 40.

68 See, Parliamentary Control in Georgia, Transparency International Georgia, 2020, pg.33.

<https://www.transparency.ge/ge/post/saparlamento-kontroli-sakartveloshi>

69 In contrast to previous years, whereby only a committee could summon a public official to a committee sitting, the new Rules of Procedure provide for summoning a public official to a committee sitting by a faction too; therefore, the provided data includes officials summoned by a committee as well as a faction.

In the reporting period, opposition factions exercised the right to summon accountable persons to committee sittings 32 times but accountable persons did not appear 24 times.

The right to attend a sitting on own initiative was used by Public Defender Nino Lomjaria and Minister of Justice Tea Tsulukiani. They appeared at a sitting of the Human Rights and Civil Integration Committee on 21 January 2020. The Committee heard a special report of the Public Defender and a report of Justice Minister Tea Tsulukiani.⁷⁰ The atmosphere at the sitting turned destructive due to aggressive rhetoric used by the Justice Minister against the Public Defender. With the aim to discredit the Office of the Public Defender, the Justice Minister, during the sitting, screened a video which, according to her, showed the behavior of Public Defender's representative when carrying out the monitoring. The Public Defender applied to the State Inspector with a request to examine the lawfulness of the abovementioned fact.⁷¹ According to the 2020 report of the State Inspector's Service, the State Inspector established the violation, in particular, the report reads: "disclosing identities of persons featured in the video recordings was not necessary in order to draw conclusions and form an opinion about a concrete event."⁷²

There were two most common reasons of not appearing at committee sittings:

1. **Passage of less than two months since the last appearance at a committee sitting.** This relieves an accountable person of the obligation to appear at a committee meeting.
2. **Appearance of an accountable person at a plenary sitting instead of a committee sitting.** This happened several times, including in 2020. Committees explained the failure of a particular minister to appear at a committee sitting by a fact that the minister was attending the plenary session and the faction concerned had a possibility to pose questions to him/her there. According to the Rules of Procedure, summoning a person to a plenary sitting and a committee sitting are two different, not interchangeable, mechanisms of parliamentary control and hence, an official, when under the obligation to do so, must appear at both committee and plenary sittings. This flawed practice was criticized by experts as well as politicians,⁷³ but it has not been fully eliminated yet. Attendance of public officials at committee sittings in 2019-20 see in annex 1.

2.8 HEARING OF REPORTS OF OTHER AGENCIES ACCOUNTABLE TO THE PARLIAMENT

The parliament exercises oversight over bodies other than the government too, including over the State Audit Office, the State Security Service, national regulatory commissions, etc. Reports of those agencies that are staffed with the involvement of the parliament are considered at plenary sittings and after hearing the reports, the parliament is authorized to adopt a resolution.

In the reporting period, the parliament received 42 reports for consideration. . Reports submitted by accountable agencies to the parliament of Georgia in 2019 and 2020 see in Annex 2 and Annex 3.

70 "Human Rights and Civil Integration Committee hears reports of Public Defender and Justice Minister," 21 January 2020, www.parliament.ge , <http://www.parliament.ge/ge/saparlamento-saqmianoba/komitetebi/adamianis-uflebata-dacvisa-dasamoqalago-integraciis-komiteti/axali-ambebi-adamianis/fi000259.page.htm>

71 "Public Defender applies to State Inspector with a request to examine the lawfulness of Tsulukiani's action," 22 January 2020, <https://bit.ly/3dRux05>

72 See the report on the activity of the State Inspector's Service in 2020, submitted by the State Inspector, pg. 83-84, <https://info.parliament.ge/file/1/BillReviewContent/272657?>

73 See, Parliamentary Control in Georgia, Transparency International Georgia, 2020, pg.33. <https://bit.ly/3slS6TA>

2.8.1 SUPERVISION OF THE SITUATION REGARDING THE PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN THE COUNTRY (REPORTS BY THE PUBLIC DEFENDER)

Pursuant to the Rules of Procedure, Public Defender of Georgia submits an annual report on the situation regarding human rights and freedoms in the country to the parliament every March. The Public Defender, Nino Lomjaria, presented the report on the State of Human Rights and Freedoms Protection in Georgia in 2018 to the parliament on March 30⁷⁴ and the report of the following year on 31 March 2020.⁷⁵

Based on annual reports, the parliament adopts a resolution wherewith it evaluates Public Defender's relevant report, agrees with some of the recommendations provided therein and assigns tasks to public agencies.

From the total of 355 recommendations made in the 2018 report, the parliament adopted 259 (72.9%) recommendations, while from 335 recommendations provided in the 2019 report, it adopted 268 (80%).

An important point to note is that the recommendations of the Public Defender specifically to the parliament are not reflected in the resolution (the explanation to this is that the parliament cannot define its own obligations by a resolution); this is one of the causes of discrepancy between the number of Public Defender's recommendations and the number of tasks specified in the resolution. To consider proposals issued to the parliament, on 24 February 2020, the parliament set up a working group⁷⁶ comprising representatives of the Public Defender and the Human Rights and Civil Integration Committee. However, this group held only one meeting per Public Defender's report and those meetings were largely of organizational nature. Thus, the objective, the group was set up for, remains unfulfilled.⁷⁷

The tasks assigned by the parliament to agencies is monitored by the Human Rights and Civil Integration Committee.⁷⁸ The Committee sends annual reports on the status of fulfillment of tasks/recommendations⁷⁹ defined in its resolution of the preceding year to the Bureau.

On 12 December 2019, the Committee sent to the Bureau a conclusion on the status of fulfillment of tasks assigned by the parliament in 2018 on the basis of the Public Defender's 2017 annual report,⁸⁰ which read that out of 288 tasks assigned to agencies under the parliamentary resolution:

- 73 tasks were fulfilled;
- 21 tasks were partially fulfilled;
- 124 tasks were in progress;
- 10 tasks were not fulfilled.

74 Public Defender's report submitted to the Parliament of Georgia, the State of Human Rights and Freedoms Protection in Georgia in 2018, <https://info.parliament.ge/#law-drafting/17737>

75 Public Defender's report submitted to the Parliament of Georgia, the State of Human Rights and Freedoms Protection in Georgia in 2019, <https://info.parliament.ge/#law-drafting/20250>

76 The working group was created on the basis of the 2019 resolution of the Parliament of Georgia on the Public Defender's report "State of Human Rights and Freedoms Protection in Georgia in 2018" (Paragraph 17); the existence of this group is also specified in a similar decree of the parliament (Paragraph 18).

77 This issue was raised by a representative of the Public Defender, Tatuli Dolidze, during the interview conducted within the scope of this study.

78 The Rules of Procedure of the Parliament of Georgia, Paragraphs 1 and 2 of Article 163.

79 Public Defender's recommendations that are acknowledged by the parliament in the resolution, become tasks.

80 Conclusion of the Human Rights and Civil Integration Committee of the Parliament of Georgia on the fulfillment of recommendations issued under the Resolution of Parliament of Georgia №3148-RS of 19 July 2018, based on the report of Public Defender of Georgia "State of Human Rights and Freedoms Protection in Georgia in 2017," <https://info.parliament.ge/?fbclid=IwAR2UmKlitO4f0UPMjKyEWd84xWzWCEoxII50PTSBicTFWNBuY3qVL4lyPLE#law-drafting/19430>

In 2020, a similar conclusion of the Human Rights and Civil Integration Committee, that concerned the fulfillment of tasks assigned under the resolution adopted in 2019, was presented to the Bureau on 2 July,⁸¹ whereby out of 259 tasks:

- 78 tasks were fulfilled;
- 48 tasks were partially fulfilled;
- 108 tasks were in progress;
- 24 tasks were not fulfilled.⁸²

In 2020, the Public Defender carried out its own assessment of the fulfillment of tasks defined in the 2019 resolution.⁸³ After examining the state of fulfillment of 206 tasks,⁸⁴ the Public Defender concluded that 20% of the tasks was fulfilled, 57% was not fulfilled and 19% was partially fulfilled.⁸⁵

As the above data shows, there is a stark difference between the assessments of the status of fulfillment of tasks, provided by the Public Defender, on the one hand, and the Human Rights and Civil Integration Committee, on the other. Therefore, it is advisable to discuss evaluation criteria within the format of the existing working group⁸⁶ and to revise the methodology applied by the Committee in preparing annual conclusions.

Apart from the aforementioned issues, the Deputy of the Public Defender, Giorgi Burjanadze, singled out two issues that are indicative of the fact that the cooperation of the Parliament with the Public Defender's Office is insufficient:

- The draft resolution on ensuring the implementation of the recommendations provided in the annual report of the Public Defender is not sent to the Public Defender's Office. Furthermore, only after the adoption of the resolution does the Public Defender know which recommendations were taken into account by the Parliament.
- Information on the status of the implementation of the tasks provided for in the aforementioned resolution is sent to the Committee on Human Rights and Civil Integration by the relevant agencies. The Committee does not proactively provide the information received from the agencies to the Public Defender

2.8.2 REPORT ON ACTIVITIES OF THE STATE SECURITY SERVICE

The State Security Service submitted its **2018** activity report to the Parliament on 27 March 2019.⁸⁷ The Defense and Security committee was designated as the lead committee, and the Legal Issues Committee and the Human Rights and Civil Integration Committee were tasked to present a conclusion. On 22 April, at a joint sitting of the three committees, the Deputy Head of the State Security Service, Grigol Liluashvili, presented the unclassified section of the report. The committee voted for a conduct of a question-and-answer part of the sitting behind closed doors. On May 3, 2019, the Head of the State Security Service, Vakhtang Gomelauri, presented the report to the plenary session. After hearing a short version of the report that was submitted to the parliament, Chairperson of

81 Conclusion of the Human Rights and Civil Integration Committee of the Parliament of Georgia on the fulfillment of recommendations issued under the Resolution of Parliament of Georgia №5003-IS of 20 September 2019, based on the report of Public Defender of Georgia "State of Human Rights and Freedoms Protection in Georgia in 2018," https://info.parliament.ge/?fbclid=IwAR0TsnYLCuJ5hcr94LiUw69bjBBYMK35YQI5dje42D06k0oBop_yhzO7dsvY#law-drafting/20671

82 It should be mentioned that the sum of all tasks in the Committee conclusion totals 258 instead of 259.

83 Public Defender's special report of 2020 on Status of Fulfillment of Tasks Defined in the Resolution of Parliament of Georgia №5003-IS of 20 September 2019, <https://bit.ly/3bs2m6P>

84 From assigned 259 tasks only 206 were subject to examination for various reasons, Ibid., pp.4-5

85 Ibid., pg. 105.

86 A joint working group of Public Defender and Human Rights and Civil Integration Committee, which is in charge of issues of fulfillment of recommendations issued by Public Defender to the parliament.

87 Report on the Activity of the State Security Service of Georgia in 2018, <https://info.parliament.ge/#law-drafting/17715>

the Defense and Security Committee Irakli Sesiashvili proposed to continue the session behind closed door; the issue was put to vote and with the majority vote of the parliament, the session was closed. As a result of semi-public hearing, the parliament adopted a resolution on 29 May,⁸⁸ which consisted of a single sentence: “To give a positive assessment to the 2018 report on the activity of the State Security Service of Georgia.”

As regards the **2019** report on the activity of the Security Service, it was submitted to the parliament on 15 April 2020,⁸⁹ discussed at a joint sitting of the leading committee and the mandatory committees on 10 July,⁹⁰ and according to conclusions drawn up by them, the activity of the State Security Service was assessed as positive.⁹¹ The report was presented before the sitting by the Deputy Head of the State Security Service, Aleksandre Khojevanishvili. After the presentation, a question-and-answer part of the joint sitting was held behind closed doors.⁹²

Conclusions drawn up by the committees in the reporting period, actually, represented brief summaries of the content of State Security Service reports and did not provide any analysis or assessment save the final sentence saying that the committee gave a positive evaluation to a report.⁹³

It must be noted that the Parliament of the 9th Convocation completed its term without hearing the 2019 report on the activity of the State Security Service.

Discussion of annual reports of the State Security Service at closed plenary and committee sittings is a practice that has been established in the past few years. According to Irakli Beraia, Chairperson of Defense and Security Committee, although no classified information is discussed at sittings, it is advisable to close them because the information provided to MPs is sensitive in its nature and might, in some cases, be indirectly related to state secret and it is therefore not recommended to discuss it at an open sitting. Irakli Abesadze, an opposition MP in the reporting period, believes that at least a question-and-answer part of a sitting must be open so that society can learn what issues are of interest for MPs. An addressee of questions should decide which of the questions can be answered at an open session and which of the questions at a closed session.

2.9 PARLIAMENTARY OVERSIGHT EXERCISED BY INVESTIGATIVE AND OTHER TEMPORARY COMMISSIONS

In 2019, no temporary investigation commission was set up in the parliament. Various factions put forward the initiative of creating investigation commissions five times, but none of the initiatives was put to vote at a plenary sitting. In 2020, none of the factions applied to the Bureau of the Parliament with a request to create an investigative commission.

88 Resolution N4610-IIS of the Parliament of Georgia of May 29, 2019, concerning the 2018 report on the activity of the State Security Service of Georgia, <https://info.parliament.ge/file/1/BillReviewContent/223032?>

89 Report on the activity of the State Security Service of Georgia, <https://info.parliament.ge/#law-drafting/20288>

90 At a joint sitting, parliamentary committees hear the 2019 Report on the Activity of the State Security Service of Georgia, 10 July 2020, <http://www.parliament.ge/ge/media/axali-ambebi/saparlamento-komitetebma-gaertianebul-sxdomaze-saxelmwifo-usaftrxoebis-samsaxuris-2019-wlis-saqmianobis-shesaxe-bangarishi-moismines.page.htm>

91 See, Conclusion of the Defense and Security Committee (2-7510/20; 13-07-2020) <https://info.parliament.ge/file/1/BillReviewContent/257672?>; Conclusion of mandatory committees (2-7459/20;10-07-2020;2-7610/20;13-07-2020) <https://info.parliament.ge/file/1/BillReviewContent/257804?>

92 At a joint sitting, parliamentary committees hear the 2019 Report on the Activity of the State Security Service of Georgia, official webpage of the Parliament of Georgia, 10 July 2020, <https://bit.ly/3d4p4BB>

93 See, conclusions of committees on 2018 report on the activity of State Security Service <https://info.parliament.ge/file/1/BillReviewContent/181014>, also conclusions on 2019 report on the activity of State Security Service <https://info.parliament.ge/file/1/BillReviewContent/257672?> <https://info.parliament.ge/file/1/BillReviewContent/257804?>

Table N7. Initiatives on the establishment of temporary investigation commissions in 2019

Nº	Name of temporary investigation commission of the Parliament of Georgia	Subject of investigation
1	On the establishment of a temporary investigation commission of the Parliament of Georgia to investigate alleged pressure on the individuals related to TBC Bank and Anaklia Development Consortium (Parliament minority factions: European Georgia, European Georgia-Movement for Freedom, European Georgia-Regions) Nº07-3/298, 04.03.2019	Issues related to alleged pressure on persons related to TBC Bank and Anaklia Development Consortium.
2	On the establishment of a temporary investigation commission of the Parliament of Georgia on the issues related to the Financial Company Georgia LTD (Parliamentary faction Alliance of Patriots and Social-Democrats) Nº07-3/364, 06.06.2019	The establishment of a temporary investigation commission, upon the initiative of Alliance of Patriots and Social-Democrats, to investigate issues related to the Financial Company Georgia LTD.
3	On the establishment of a temporary investigation commission of the Parliament of Georgia on the killing of Temirlan Machalikashvili as a result of special operation carried out in the Pankisi Gorge on 26 December 2017 (Parliamentary faction National Movement) Nº07-3/403, 09.10.2019	The establishment of a temporary investigation commission to investigate the killing of Temirlan Machalikashvili as a result of special operation carried out in the Pankisi Gorge on 26 December 2017.
4	On the establishment of a temporary investigation commission of the Parliament of Georgia on alleged corruption scheme in the process of pardon of offenders by President of Georgia Salome Zurbichvili (Parliamentary factions: European Georgia, European Georgia-Movement for Freedom, European Georgia-Regions) Nº07-3/410, 30.10.2019	To investigate and respond to violation of Georgian legislation by relevant state bodies and public officials.
5	On the establishment of a temporary investigation commission on alleged anti-constitutional conspiracy against the Patriarchate of Georgia and violation of Constitutional Agreement between the state of Georgia and the Autocephalous Orthodox Church of Georgia by high public officials (Parliamentary faction National Movement) Nº07-3/417, 06.11.2019	The establishment of a temporary investigation commission to investigate alleged anti-constitutional conspiracy against the Patriarchate of Georgia, unlawful action and violation of Constitutional Agreement between the state of Georgia and the Autocephalous Orthodox Church of Georgia by high public officials.

On 2 April 2019, a Temporary Parliamentary Commission on Restoration of Territorial Integrity and De-occupation was established under the decree of the Parliament of Georgia.⁹⁴ The commission consists of 16 members and is chaired by MP Irakli Beraia of the Georgian Dream faction.

In 2020 In the Parliament interim fact-finding commissions was not created.

2.10 CONTROL OF PUBLIC FUNDS MANAGEMENT

2.10.1 ANNUAL REPORT ON THE STATE BUDGET EXECUTION

The State Audit Office sent⁹⁵ the brief on the 2018 budget execution report to the Parliament on May 20, 2019, while the government sent the budget execution report on May 24th. The Parliament reviewed⁹⁶ the brief and the report simultaneously. Committees published the conclusions within the timeframe defined by the legislation, every committee supported⁹⁷ the government's report and the audit report as well. The Budget and Finance Committee's conclusion was published on June 21st⁹⁸. The conclusion supported the approval of the report on the plenary session, while it shares and repeats 4 recommendations mentioned in the State Audit Office brief. On June 27, during the plenary session, as a result of the discussion, the Parliament approved the government's report on the execution of the 2018 budget.

In 2020, the State Audit Office sent⁹⁹ the brief of the 2019 budget execution report to the Parliament on May 20th, while the government sent the budget execution report on May 25th¹⁰⁰. The Parliament reviewed the budget execution report on June 23-24, all of the committees supported the execution report, and the leading committee (Budget and Finance Committee) presented 6 recommendations to the government. 4 out of 6 recommendations were of the audit office's, which were shared¹⁰¹ by the committee as well. On June 24th, the Parliament approved the 2019 budget execution account with a resolution.

2.10.2 ACTIVITY REPORT OF THE STATE AUDIT OFFICE. AUDIT GROUP.

The State Audit Office sent¹⁰² its 2018 activity report to the Parliament on June 3, 2019. The report includes a consolidated financial report and an independent auditor's¹⁰³ report.¹⁰⁴ The Parliamentary Bureau defined the Budget and Finance Committee as a leading committee that was supposed to create the report until June 25. However, the report was postponed until the Autumn session. Finally, the Parliament reviewed¹⁰⁵ the report on

94 Decree of the Parliament №4447-IIS, 02.04.2019, see the link, <http://www.parliament.ge/uploads/other/115/115801.pdf>

95 State Audit Office's brief on the 2018 state budget execution annual report, <https://info.parliament.ge/#law-drafting/18171>

96 "Annual Report on the State Budget Execution for Georgia" The brief of the State Audit Office on the government's report on the presented annual report on 2018 state budget execution, <https://info.parliament.ge/#law-drafting/18189>

97 Conclusions of the Committees On the Annual Report of the 2018 State Budget Execution, <https://info.parliament.ge/file/1/BillReviewContent/224680?>

98 The Budget and Finance Committee's conclusion "on the annual report of the 2018 state budget execution", <https://info.parliament.ge/file/1/BillReviewContent/224673?>

99 The report of the State Audit Office on the government's report "on the annual report on 2019 state budget execution" presented by the State Audit Office, <https://info.parliament.ge/#law-drafting/20394>

100 "The annual report on the 2019 state budget execution", <https://info.parliament.ge/#law-drafting/20412>

101 The Budget and Finance Committee's conclusion "on the annual report of the 2019 state budget execution", 2-6592/20, 21.06.2020, <https://info.parliament.ge/file/1/BillReviewContent/254091?>

102 The terms envisaged by the law were not violated by this as June 1 and 2 were non-working days.

103 The report was prepared by the independent audit company Deloitte and Touche LTD

104 State Audit Office's report on 2018 activities, p.80, <https://info.parliament.ge/file/1/BillPackageContent/19554?>

105 2018 Report on the activity of State Audit Office <https://info.parliament.ge/#law-drafting/18767>

October 2nd, voted and adopted the resolution¹⁰⁶ on October 3rd.

The State Audit Office presented the 2019 activity report along with a consolidated financial report¹⁰⁷ and independent auditor's report to the Parliament on June 1, 2020. The leading - Budget and Finance Committee presented¹⁰⁸ the draft resolution on July 1, which was approved by the Parliament on July 15th.

By the decision of the Budget and Finance Committee made on February 28, 2019, a Standing group on reviewing the State Audit Office's reports was established, consisting of 7 members of the same committee:

1. Paata Kvizhinadze (Chairman)
2. Irakli Beraia
3. Gogi Meshveliani
4. Gia Benashvili
5. Khatuna Gogorishvili
6. Roman Gotsiridze
7. Sulkhan Makhatadze
8. Levan Gogichaishvili

The audit group held 9 meetings in 2019 and presented 72 recommendations in accordance with 12 reports of the State Audit Office to the Budget and Finance Committee. The group held 2 meetings in 2020, where it reviewed 11 reports of the State Audit Office and approved 117 recommendations.

The chairman of the Budget and Finance Committee - Irakli Kovzhanadze, during the interview that was conducted as a part of the research, noted that in order to improve the parliamentary oversight on the audit reports and recommendations, the formation of a mutual framework with the Legal Issues Committee is advisable, which will monitor the Prosecutor's Office's follow-ups on the materials sent by the State Audit Office.

106 The Resolution of the Parliament of Georgia 5090-Ilb on the State Audit Office's report on 2018 activities, <https://info.parliament.ge/file/1/BillReviewContent/232568?>

107 Like the previous year, the report was prepared by the independent audit company Deloitte and Touche LTD

108 The State Audit Office's report on 2019 activities presented by the State Audit Office, <https://info.parliament.ge/#law-drafting/20482>

2.11 OVERSIGHT OF NORMATIVE ACTS ENFORCEMENT

During 2019, the oversight had been exercised over 190 assignments defined by 101 laws of Georgia. A part of them were supposed to be executed during the research period and the other part during the pre-reporting period. As of December 18, 2019, 75 assignments defined by transitional provision had not been executed, and the deadlines had already been passed.¹⁰⁹

During 2020, the oversight has been exercised over 259 assignments defined by 127 laws of Georgia. A part of them was supposed to be completed in 2020, while the other part before 2020. During 2020, 92 out of 138 overdue assignments are executed, while 46 of them are in the implementation process. Description of control measures for the oversight of enforcement of normative acts in 2019-2020 by the committees see in annex 4.

2.12 THEMATIC INQUIRY

Based on a decision of a committee or a permanent Parliamentary Council, a thematic inquiry group consisting of MPs may be established to study an important issue and develop a relevant draft decision. The thematic inquiry group shall select a Chief Rapporteur from its members.

A thematic inquiry institution has been operating since 2019.¹¹⁰ 15 thematic inquiry groups were formed in the Parliament during the research period. See the following table on formation of the thematic inquiry groups and their outcomes.

Table N8. The following thematic inquiry groups were established during the research period:			
No	Initiator	Thematic Inquiry Group	Outcome
1	Education, Science and Culture Committee	On the situation of art education in out-of-school and in general education institutions	Conclusion
2	Regional Policy and Self-Government Committee	On ensuring people living in Georgia have appropriate housing space	Conclusion (discussed during the plenary meeting)
3	Human Rights and Civil Integration Committee	On access to health services for women with disabilities	Conclusion (discussed during the plenary meeting)

109 The assignments defined by the transitional provisions of the laws of Georgia and the Parliament's resolutions, whose deadlines have been expired in the period of November 18, 2016 to December 10, 2019 and have not been executed yet, <https://info.parliament.ge/file/1/BillReviewContent/240164?>

110 However, it should be noted that before the amendments, the Environmental Protection and Natural Resources Committee was the first to create such an inquiry group in 2018, which was an important mechanism for the enforcement of the oversight function by this committee. During the research period, the thematic group studied the atmospheric air condition in the city of Tbilisi. See the full information: <https://bit.ly/3u5gESc>

4	Sector Economy and Economic Policy Committee	On State Enterprises Management Efficiency	Conclusion
5	Sector Economy and Economic Policy Committee Committee on European Integration ¹¹¹	On Periodic Technical Inspection of Vehicles	Report/Conclusion not prepared
6	Open Governance Permanent Parliamentary Council	On Civic engagement tools and practices in government agencies	Report (discussed during the plenary meeting)
7	Human Rights and Civil Integration Committee	On labour safety related issues	Report/Conclusion not prepared
8	Gender Equality Council	On access to vocational education for women's economic empowerment	Report (discussed during the plenary meeting)
9	Foreign Relations Committee Defence and Security committee ¹¹²	On the issues related to disinformation and propaganda	Report
10	Gender Equality Council	On women's participation in the state economic programmes	Conclusion (discussed during the plenary meeting)
11	Education, Science and Culture Committee	On equal access for all children to quality preschool education adapted to the needs of the regions	Report

111 The decision to unify the groups that were created on the same issues was made at the joint session of the committees.

112 The thematic inquiry group "On the study of the experience of the European countries on disinformation and propaganda" (N2-10754; 07/06/2019) and the thematic research group created by the Defence and Security Committee of the Parliament "On the issues related to disinformation and propaganda" (N2-7554/19; 23/04/2019) have been unified.

12	Committee on European Integration	On challenges the Georgian SMEs face in the process of exporting products to the EU market	Conclusion
13	Environmental Protection and Natural Resources Committee	On evaluation of lead contamination of the environment in Georgia	Conclusion
14	Environmental Protection and Natural Resources Committee	On the situation in municipal waste management sphere ¹¹³	Conclusion
15	Sports and Youth Issues Committee	On how to increase the level of physical and sports activities of the Georgian population	Conclusion

2.13 WORK OF THE TRUST GROUP

Work of the trust group is an important instrument for conducting a parliamentary oversight over the defence and security sector.

Members of the Trust Group

According to the Parliament's Rules of Procedure, the trust group consists of 5 members, where one of them is the Chairperson of the Defence and Security Committee, two are the members of a faction/factions of a parliamentary majority and the rest are the members of factions of a parliamentary minority.

In 2019, the composition of the Trust Group changed due to changes in the majority and minority factions. On February 25, 2019, Eka Beselia, who was a member of the trust group with the majority quota, left the parliamentary majority. Also, on March 11th, 2019 the parliamentary minority was disassembled. Therefore, one more member of the trust group from the minority quota - Irakli Abesadze left the trust group. Following these events, the changes in the Rules of Procedure became necessary, which would envisage the rules of formation of the trust group in case of absence of the parliamentary minority.¹¹⁴

A new composition of the trust group was formed in 2019. Irakli Abesadze was reelected as a member of the group from outside of the majority MPs quota: Irakli Sesiashvili - Chairperson; [Irakli Abesadze](#)¹¹⁵; [Irakli Beraia](#)¹¹⁶; [Anri Okhanashvili](#).¹¹⁷ Another member of the trust group from the opposition quota was not appointed, as the factions outside of the majority could not agree on the candidate.

113 Was created based on Paragraph 2 of Article 29 and Paragraph 3 of Article 50 of the Rules of Procedure of the Parliament of Georgia (the version in 2018).

114 Parliamentary Oversight in Georgia (The assessment of the 2019 Spring Session of the Parliament), 2020, p. 74-75, <https://bit.ly/3ckpVia>

115 Approval of the nomination by 20 MP's on the nomination of Irakli Abesadze, member of Parliament of Georgia, as a member of the Group of Trust; see: <https://info.parliament.ge/#law-drafting/18796>

116 Application of 58 MP's elected by majoritarian electoral system of parliament on nomination of Irakli Beraia, member of Parliament of Georgia, as a member of the Group of Trust. see: <https://info.parliament.ge/#law-drafting/18739>

117 Approval of the nomination by parliamentary majority on the nomination of Anri Okhanashvili, member of Parliament of Georgia, as a member of the Group of trust, see: <https://info.parliament.ge/#law-drafting/18732>

Statistics

The trust group carried out the following activities during 2019:

- Held three sessions;
- The Ministry of Defence of Georgia presented the information on confidential public procurements to the Trust Group four times and presented the information on non-confidential public procurements to the Defence and Security Committee twice.
- On October, 2019, The Ministry of Internal Affairs presented the report to the Trust Group in accordance with the Rules of Procedure;
- LEPL Operative-Technical Agency of the State Security Service of Georgia presented statistical and generalized report on the activities of the agency to the Trust Group;
- In October 2019, the Trust Group requested the attendance of the Minister of the Internal Affairs and the relevant accountable officials at the meeting. The members of the Trust Group gave verbal recommendations to the attendees.

The information requested from the Parliament states that the Trust Group of the Parliament did not function properly in 2020 due to the situation caused by the novel coronavirus pandemic. The meetings of the Trust Group scheduled for 2020 as well as the visits envisaged by Paragraph 11 of Article 159 of the Rules of Procedure of the Parliament of Georgia were postponed.

During the period from January 1, 2020 to October, 2020:

- The Trust Group of the Parliament of Georgia held one meeting on October 7, 2020;
- The Trust Group of the Parliament of Georgia heard reports from every agency in the defence and security sector and upon the decision of the Trust Group, the sittings were attended by the heads of these agencies;
- The Ministry of Defence of Georgia submitted 12 separate information on the secret public procurements to the Trust Group in accordance with Paragraph 5 of Article 159 of the Rules of Procedure of Parliament of Georgia;
- The Ministry of Defence of Georgia submitted one report to the Trust Group on confidential activities and special programmes carried out during the past year in accordance with Paragraph 9 of Article 159 of the Rules of Procedure of the Parliament of Georgia;
- The Ministry of Defence of Georgia submitted one report on secret normative acts to the Trust Group in accordance with Paragraph 7 of Article 159 of the Rules of Procedure of the Parliament of Georgia;
- The State Security Service of Georgia submitted one report on secret | normative acts to the Trust Group in accordance with Paragraph 7 of Article 159 of the Rules of Procedure of the Parliament of Georgia;
- The Intelligence Service of Georgia submitted one report on secret normative acts to the Trust Group in accordance with Paragraph 7 of Article 159 of the Rules of Procedure of the Parliament of Georgia;
- LEPL Operative-Technical Agency of the State Security Service of Georgia submitted a statistical and generalized report on the activities to the Trust Group carried out during the past year in accordance with Paragraph 9 of Article 159 of the Rules of Procedure of the Parliament of Georgia.

The amendments made in 2018 in the Rules of Procedure of the Parliament of Georgia least affected the activities of the security sector and the Trust Group.¹¹⁸ Despite the fact that the new Rules of Procedure increased the list

118 See our assessment for the further details: <https://transparency.ge/en/blog/draft-rules-procedure-does-not-include->

of the agencies that fall in the scope of oversight of the Trust Group and the mandate of the Trust Group, the insufficient opportunities for the opposition in the process of controlling the security sector, human resources and competence remains to be an important problem.

The Chairperson of the Defence and Security Committee - Irakli Beraia (who held the position of Deputy Chairperson of the same committee during the research period) stated in an interview that the changes made in the Rules of Procedure positively affected the activities of the Trust Group, the increased mandate gave the Trust Group an opportunity to expand the scales of its oversight.

The expansion of the mandate of the Trust Group was not followed by strengthening the committee with human resources. 12 people are employed in the office of the Defence and Security committee, while only one of them appears to be the Trust Group specialist.¹¹⁹

During the interview conducted in frames of the research, the Executive Director of the Atlantic Council of Georgia - Giorgi Muchaidze stated that the wide mandate along with the lack of expertise is a problem. According to him, the practice of the last decade revealed that the committee mostly focuses on the defence issues, therefore it leaves the oversight on the intelligence and security matters beyond its attention. Giorgi Muchaidze considers the division of the committee and formation of a permanent experts council at the committee to be the right solution.

Irakli Abesadze, a sole member of the Trust Group from the opposition during the research period, also considers the lack of expertise to be a problem. As noted in an interview carried out in frames of the research the visits of the Trust Group carried out without the expert knowledge are of a formal nature.

It is noteworthy, that during the last decade, the tendency of formation of experts' oversight bodies with the aim of increasing the accountability of security systems in some democratic countries can be noticed. The experts' oversight bodies are independent institutions that are exclusively formed with the intention to oversight the security agencies.¹²⁰ Nowadays, the experts' councils are functioning in the majority of the European Union member states. The structure of these oversight bodies varies from country to country, although in most cases these types of councils are created by the parliaments and they are accountable directly to relevant oversight committees of the Parliament. The expert's oversight councils, in accordance with common standards, check the legality of activities and policies of security agencies, including their compliance with the human rights standards.¹²¹

Despite the fact that the mandate of the Trust Group was expanded, the examination of LEPL Operative-Technical Agency still remains to be a problem. This is the agency that conducts the secret surveillance activities and whose operations are strongly related to the protection of basic human rights. The Rules of Procedure of the Parliament of Georgia gives limited capabilities to the Trust Group to inspect the LEPL Operative-Technical Agency - The agency submits a statistical and generalized report to the Trust Group. The Trust Group is authorized to inspect the agency no more than twice a year. No other oversight mechanisms apply to the Operative-Technical Agency, such as, to request any kind of information from the agency required for the uninterrupted implementation of the authority of the Trust Group.¹²²

[sufficient-mechanisms-oversight-over-security-sector](#)

119 Irakli Beraia noted in a conversation with us that they are planning to increase the number of the trust group office employees by one person and to create a scientific-consultation group at the committee. It is worth noticing that previous parliament signed the memorandum of cooperation with experts, but, nevertheless those experts didn't enjoy any access to the classified information and nor to the activity of the so-called 'Group of Trust', respectively. The above-mentioned access will not be enjoyed by the scientific-consultative group, either. Within the frames of the interview, the leading specialist of the office of the Defence and Security Committee - Maka Kurtanidze (who is the sole employee at the trust group) also stated that the new Rules of Procedure of the Parliament of Georgia significantly increased the capacity of activities of the trust group and therefore, the need of adding new employees emerged.

120 EU FRA, Surveillance by Intelligence Services Vol 2, (2017) p. 68

121 Council of Europe, Democratic and Effective Oversight of National Security Services, (2015) p. 47

122 During an interview conducted within the frames of the research, the opposition member of the trust group during the research period - Irakli Abesadze also criticized it. He stated that in order to conduct an infrastructural audit of the Operative-Technical Agency, it is important that the trust group will possess the mandate and an opportunity to use the expert's knowledge.

2.14 APPOINTING OF THE OFFICIALS (APPROVAL ON APPOINTMENT)

The Constitution of Georgia and the Rules of Procedure of the Parliament of Georgia envisages the participation of the Parliament in the process of appointing officials to a number of positions. It is noteworthy, that the opinions of the opposition is never taken into account during the appointment of the officials and frequently, the parliamentary majority appoints the individuals whose competence and honesty are questionable. For example, we can bring the case of Shalva Tadumadze, who was appointed as a judge at the Supreme Court of Georgia, and whose Higher Education Diploma's authenticity is [in doubt](#).¹²³ During the research period, the Parliament appointed 39 officials and in one case, it supported the candidate to be nominated at the international court. See the list of these individuals in annex 5 with the references to their nominator.

123 Questions concerning authenticity of Tadumadze's diploma must be answered, Transparency International Georgia, October 07, 2019, <https://transparency.ge/en/blog/questions-concerning-authenticity-tadumadzes-diploma-must-be-answered>

CHAPTER III PARLIAMENTARY CONTROL DURING THE COVID PANDEMIC

Parliamentary oversight over the executive branch is of crucial importance during a critical period in a parliamentary republic and neglecting the role of a parliament in such periods threatens democratic development of a country.

During the Covid-19 pandemic, the Parliament in fact refused to exercise the oversight mechanism over the executive branch in the process of fighting against pandemics and subsequent challenges and fully entrusted the management process to the executive government. Instead of effectively exercising the parliamentary control, the Parliament, during the state of emergency, amended the laws that were not caused by urgent need, e.g., the initiative to pass the lands over to the Patriarchate (Forest Code of Georgia) and the changes made in Local Self-Government Code on creation of LEPL's.¹²⁴

During the state of emergency, the parliamentary committees did not hold the meeting that would address the oversight of the executive government's activities. Neither did the Trust Group hold a meeting during the state of emergency. During the crisis period for the country, the Parliament did not express an interest in measuring the rationality and proportionality of the imposed restrictions. The Parliament did not exercise the control of the normative acts passed by the executive government. The role of the Parliament was limited to the participation of a representative of the ruling party in the activities of the Crisis Management Council of Georgia.

3.1 DECLARING AND EXTENDING THE STATE OF EMERGENCY BY THE PARLIAMENT

On March 11, 2020, the World Health Organization declared a pandemic because of the spread of an infectious disease. Based on a Presidential Decree of March 21, 2020, the management of the state of emergency was entirely passed over to the government and the parliamentary oversight over the government was of a formal nature.

Freedom of movement, right of personal and family privacy, right of fair administrative proceeding, access to public information, right to property, freedom of assembly and freedom of labour were restricted based upon the Presidential Decree N1 of March 21. The decree determined the blanket grounds of restricting the rights and the authority to determine the scales and nature of particular restrictions was delegated to the executive government. Moreover, the ministries were also granted the authority to regulate particular issues. As a result, the executive government was given a wider discretion for restricting human rights. Based on the power given by the decree, the list of measures for preventing the spread of a new coronavirus were determined by the Resolution N181 of the Government of Georgia¹²⁵, where the scale of restriction of the constitutional rights was significantly wide.

The Presidential Decree did not clearly define the scales of the restrictions of constitutional rights, therefore, the power of making substantive decisions on intervention into the rights were completely passed over to the government.

Effective parliamentary oversight would have been enforced only in case if specific scales of restricting the rights were determined by the Presidential Decree, under which conditions the government would have been given the possibility to exercise its actions.

Initially, the state of emergency was declared until April 21, however, later it was extended until May 22. The Parliament unanimously came to the decision to declare the state of emergency, however, the matter of extension

124 See for the further details: Managing the Challenges of COVID-19 Government Actions Evaluation Report <https://transparency.ge/en/post/managing-challenges-covid-19-government-actions-evaluation-report>

125 Decree of the Government of Georgia On the Measures Taken for Prevention of Spread of the New Coronavirus in Georgia, 23.03.2020. <http://bit.ly/30XBeqd>

evoked a harsh discussion among the MPs. Before coming to this decision, the opposition parties were demanding an anti-crisis plan from the Government of Georgia and a report on prior activities from the government.¹²⁶ Finally, the decision was approved by 97 votes against 10 with the support of the parliamentary majority.

3.2 DELEGATION OF PARLIAMENTARY POWERS TO THE GOVERNMENT AFTER THE STATE OF EMERGENCY

On May 22, 2020, the Parliament voted in favor of changes in the Law of Georgia on Public Health. According to these changes, the government is authorized to restrict such important rights as the freedom of movement, right to property, right to labour, professional and economic activities, freedom of assembly of individuals on social issues and the right of public institutions to operate without declaring the state of emergency. The law ignored the requirements of the Constitution - The restriction of rights has to be enforced according to the law and it shall meet the requirements of definiteness and certainty. As the Parliament did not exercise oversight over the decisions and activities of the government, the issue of determining proportionality of the government's decisions and implemented activities during the pandemic, including the mechanisms for restricting the rights guaranteed by the constitution was left beyond the scope of control.

With the draft law, the Parliament in fact refused to enforce its basic authority during a critical period for a country and by exercising the quarantine measures, it declared a de facto state of emergency.¹²⁷

During the stage of consideration of the draft law, we noted in our assessments that these legislative amendments were in conflict with the Constitution of Georgia and gave the Government of Georgia the authority to restrict those basic human rights, which according to the Constitution is only allowed during the state of emergency and with the decision of the Parliament. The non-government organizations [appealed](#) this particular law in the Constitutional Court.¹²⁸ The constitutional court dismissed the claim in the general part.¹²⁹ The transfer of authority was declared unconstitutional only in part of the right to labour. Only the judge of the first collegium - Giorgi Kverenchkhiladze disagreed with the court's ruling and wrote a different opinion on this decision. We consider that the decision of the Constitutional Court of Georgia is not in line with the principle of separation of powers in a democratic country and negatively affects the establishment of the Parliament as a solid institution.

The law was extended two times and it remains to be in force even today.

126 European Georgia did not support the extension of the state of emergency, because the Government of Georgia did not provide a plan on how it is going to support the citizens, *interpressnews*, 23.04.2020

<http://bit.ly/3tHFGG5>

127 It is unconstitutional to impose restrictions without a state of emergency, *Transparency International Georgia*, 19.05.20, <https://transparency.ge/en/post/it-unconstitutional-impose-restrictions-without-state-emergency>

128 Constitutional Appeal - Lika Sajaia and Eduard Marikashvili V. the Parliament of Georgia and the Government of Georgia, 22.06.20. <https://constcourt.ge/en/judicial-acts?legal=9815>

129 The Ruling of the Constitutional Court of Georgia of February 11, 2020 on the case - Paata Diasamidze, Giorgi Chitidze, Eduard Marikashvili and Lika Sajaia V. the Parliament of Georgia and the Government of Georgia, see: <https://www.constcourt.ge/en/judicial-acts?legal=10658>

3.3 USE OF PARTICULAR PARLIAMENTARY OVERSIGHT MECHANISMS DURING THE STATE OF EMERGENCY

Prime-Minister's report to the Parliament by his own initiative

On May 21, 2020, the Prime-Minister of Georgia - Giorgi Gakharia addressed the Parliament by his own initiative in order to submit an activity report.¹³⁰ The Prime-Minister [presented](#) a report to the Parliament on dealing with the coronavirus pandemic on May 27.¹³¹

Interpellation during the Covid pandemic

2 interpellations were held in 2020 based on the questions of the opposition factions that addressed the pandemic period and tackling related issues.

During the state of emergency, on the last Friday of May, the faction - National Movement summoned the Prime-Minister - Giorgi Gakharia at the plenary session using the interpellation. The faction - European Georgia also addressed the Prime-Minister - Giorgi Gakharia with questions on the anti-crisis plan and on measures implemented during the pandemic by the Government of Georgia on May the 8th. The Prime-Minister appeared at the Parliament to answer those questions on May 29th.¹³²

130 The brief of the Prime Minister of Georgia - Giorgi Gakharia to the Parliament of Georgia on the activities carried out by the Government of Georgia during the state of emergency declared in order to prevent the massive spread of the new Coronavirus (COVID-19). <https://info.parliament.ge/#law-drafting/20418>

131 "Prime Minister of Georgia - Giorgi Gakharia presented a report to the Parliament of Georgia on the activities carried out by the Government of Georgia during the COVID-19 pandemic", http://gov.ge/index.php?lang_id=-&sec_id=541&info_id=76279

132 "The Prime Minister of Georgia answered the questions asked in frames of the Interpellation at the Plenary Sitting of the Parliament of Georgia", May 9, 2020, <https://bit.ly/2TSILEB> ; also, see: the written answers of the Prime Minister of Georgia to the questions asked in frames of Interpellation <https://bit.ly/2TR2Yd5> ; <https://bit.ly/3dj32tA> [Last seen on 15.06.2020].

29.05.2020	The Prime-Minister of Georgia - Giorgi Gakharia	Parliamentary Factions: United National Movement and European Georgia, European Georgia - Regions and European Georgia - Movement for Freedom	The question of the National Movement:¹³³ • “Why was not the reduction of poverty achieved in the country, how the mistakes made by the government during the state of emergency worsened the social situation of the population and what measures are being applied by the government in order to fix the situation? • What is the situation concerning child poverty in the country? • What are you planning to do in order to halt the pensioners’ poverty with growing prices and depreciation of the Georgian Lari? The questions of “European Georgia, European Georgia - Regions and European Georgia - Movement for Freedom:¹³⁴ • During the economic crisis, why didn’t you reduce the income tax and the excise duty on petroleum products? Why didn’t you nullify the property tax for every sector of the economy in 2020? Why didn’t you change the VAT taxation rule? • Why don’t you give the citizens and entrepreneurs the opportunity to get a refund of what is accumulated in the pension fund? • Based on the criteria you set, why do you leave the most of the self-employed without any support at all? • Why do you offer a fixed amount of money that is less than the subsistence minimum to those who have lost their jobs? • Why was the anti-crisis plan presentation delayed in the most critical months and why did you leave the citizens without any kind of support? • Why don’t you reduce the bureaucratic expenses and ineffective state programs? • Why did you take a selective approach to different people and groups during the enforcement of restrictions imposed in frames of the state of emergency?”
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133 See the question of the United National Movement faction, <https://info.parliament.ge/file/1/BillReviewContent/249544?>

134 See the question of the factions - European Georgia, European Georgia - Regions, European Georgia - Movement for

18.09.2020	The Minister of Economy and Sustainable Development of Georgia - Natela Turnava	Upon request of the Parliamentary Factions: European Georgia, European Georgia - Regions and European Georgia - Movement for Freedom	The questions of European Georgia, European Georgia - Regions and European Georgia - Movement for Freedom:¹³⁵ : • “Given the sharp economic downturn during the recent months, don’t you consider it to be necessary to reduce the income tax, the excise duty on the petroleum products, to nullify the property tax for every sector of the economy in 2020 and to change the rules of VAT taxation? If you have already discussed these issues with the government, why have not these decisions already been made? • During the pandemics, when the government’s debt is being drastically increased and the social and economic situation is deteriorating in the country, don’t you think that the bureaucratic expenses and ineffective state programmes should be urgently reduced? • Why were 16 tourist charter flights from Lithuania and Estonia rejected in August and in September? - As well as other tourist charter flights from the countries declared safe by the Government of Georgia? • What is the reason for forcibly placing Georgian citizens in a two-weeks quarantine even if they return from the countries that are declared safe by the Government of Georgia, while the citizens of those countries are not required to undergo the similar quarantine, including in the case of the same family members? • Why does the Georgian Government not include Greece, Poland and other countries in the list of safe countries, as their epidemiological picture per million people is significantly better than that of the countries that are in the list of safe countries? • What is the reason for not allowing regular flights to safe countries, including refusing the permission for low-cost airlines to operate, when such airlines keep adding new flights to countries with good epidemiological pictures, such as the Baltic States?”
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Freedom, <https://info.parliament.ge/file/1/BillReviewContent/249554> .

135 The question of European Georgia, European Georgia - Movement for Freedom, European Georgia - Regions <https://info.parliament.ge/file/1/BillReviewContent/262954>?

Ministerial Hour during the Covid Pandemic

The schedule of 2020 Ministerial Hour was defined on February 3 of the same year, according to which 11 Ministerial Hours were to be held during the year.¹³⁶ Instead, only 4 Ministerial Hours were held during the year, thus the Rules of Procedure of the Parliament was violated.¹³⁷ The absence of ministers was caused by the extraordinary situation created by the pandemic, including the state of emergency, however the cancellation of the Ministerial Hours was now formalized in any form, no documents were adopted that would justify the reasons for cancellation and its legal grounds.

The following ministers were present at the Parliament in frames of the Ministerial Hour during the pandemic:

- Minister of Regional Development and Infrastructure, Vice Prime-Minister - Maia Tskitishvili (06.03.2020);
- Minister of Defence - Irakli Garibashvili (12.06.2020)

The following Ministerial Hours were not held during the pandemic scheduled by the Parliamentary Bureau:

The Minister of Foreign Affairs of Georgia - David Zalkaliani	June 23-26
The Minister of Economy and Sustainable Development of Georgia - Natela Turnava	September 1-4
The State Minister of Georgia for Reconciliation and Civic Equality - Ketevan Tsikhelashvili	September 1-4

MP questions during the pandemic

MP question is an important instrument of exercising parliamentary oversight, which has to be responded in a written form on a legally predetermined timeframe by a member of an accountable agency to the Parliament.

11 questions sent during the pandemic addressed the covid related issues. Initiators of all of those 11 questions were the representatives of the opposition.

Author	Belonging	Question Headline	Addressee	Answer
Kapanadze Sergi	Faction European Georgia - Regions	On the number of the COVID19 tests performed from September 6 to September 21, 2020 ¹³⁸	To the Director General of National Center for Disease and Public Health Amiran Gamkrelidze	The date of the answer - 25.09.20 ¹³⁹
Kandelaki Giorgi	Faction European Georgia	On the costs incurred in quarantine places and on subsidized flights after the regular flights were restricted ¹⁴⁰	To the Minister of Economy and Sustainable Development of Georgia - Natela Turnava	No answer
Koberidze Levan	Faction Independent MPs	On the promotion of smooth and efficient operation of the healthcare system under the declared state of emergency to combat the new coronavirus pandemic ¹⁴¹	To the Prime- Minister of Georgia - Giorgi Gakharia	The date of the answer - 25.06.2020 ¹⁴²
Tchugoshvili Tamar	Independent Member	On the number of students at public schools, access to online education during the pandemics etc. ¹⁴³	To the Minister of Education, Science, Culture and Sports of Georgia - Mikheil Chkhenkeli	The date of the answer - 29.06.2020 ¹⁴⁴

138 See the question of Sergi Kapanadze <https://info.parliament.ge/file/1/MpQuestionContent/9509>

139 See the answer to the question of Sergi Kapanadze <https://info.parliament.ge/file/1/MpQuestionContent/9519?>

140 See the question of Giorgi Kandelaki <https://info.parliament.ge/file/1/MpQuestionContent/9466>

141 See the question of Levan Koberidze <https://info.parliament.ge/file/1/MpQuestionContent/8352?>

142 See the answer to the question of Levan Koberidze <https://info.parliament.ge/file/1/MpQuestionContent/8641?>

143 See the question of Tamar Chugoshvili <https://info.parliament.ge/file/1/MpQuestionContent/8345?>

144 See the answer to the question of Tamar Chugoshvili <https://info.parliament.ge/file/1/MpQuestionContent/8693?>

Ratiani Sergo	Faction European Georgia Date of the question asked - 28.04.2020	Information regarding the educational process carried out in various educational institutions using various forms of distance learning / communication ¹⁴⁵	To the Minister of Education, Science, Culture and Sports of Georgia - Mikheil Chkhenkeli	The date of the answer - 02.06.2020 ¹⁴⁶
Ratiani Sergo	Faction European Georgia Date of the question asked - 03.06.2020	Information regarding the educational process carried out in various educational institutions using various forms of distance learning / communication ¹⁴⁷	To the Minister of Education, Science, Culture and Sports of Georgia - Mikheil Chkhenkeli	The date of the answer - 09.07.2020 ¹⁴⁸
Chikovani Mamuka	Faction National Movement	On the Stop Cov foundation established to fight the novel coronavirus in Georgia ¹⁴⁹	To the Minister of Economy and Sustainable Development of Georgia - Natela Turnava	The date of the answer - 29.06.2020 ¹⁵⁰
Chikovani Mamuka	Faction National Movement	On the Stop Cov foundation established to fight the novel coronavirus in Georgia ¹⁵¹	To the Prime-Minister of Georgia - Giorgi Gakharia	The date of the answer - 29.05.2020 ¹⁵²

145 See the question of Sergo Ratiani <https://info.parliament.ge/file/1/MpQuestionContent/8219?>

146 See the answer to the question of Sergo Ratiani <https://info.parliament.ge/file/1/MpQuestionContent/8311?>

147 See the question of Sergo Ratiani <https://info.parliament.ge/file/1/MpQuestionContent/8346?>

148 See the answer to the question of Sergo Ratiani <https://info.parliament.ge/file/1/MpQuestionContent/8844?>

149 See the question of Mamuka Chikovani <https://info.parliament.ge/file/1/MpQuestionContent/8284?>

150 See the answer to the question of Mamuka Chikovani <https://info.parliament.ge/file/1/MpQuestionContent/8395?>

151 See the question of Mamuka Chikovani <https://info.parliament.ge/file/1/MpQuestionContent/8285?>

152 See the answer to the question of Mamuka Chikovani <https://info.parliament.ge/file/1/MpQuestionContent/8386?>

Gotsiridze Roman	Faction National Movement	On the grants and credits allocated to Georgia in the aftermath of spreading the coronavirus pandemic ¹⁵³	To the Minister of Finance of Georgia - Ivane Machavariani	The date of the answer - 05.05.2020 ¹⁵⁴
Samadashvili Salome	Faction National Movement	On the measures to be taken to prevent the spread of the new coronavirus in Georgia ¹⁵⁵	To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia - Ekaterine Tikaradze	The date of the answer - 21.04.2020 ¹⁵⁶
Koneridze Levan	Faction Independent MPs	On the action plan developed by the Ministry to prevent and manage the spread of the new variant of the the coronavirus ¹⁵⁷	To the Minister of Economy and Sustainable Development of Georgia - Natela Turnava	The date of the answer - 05.06.2020 ¹⁵⁸
Koberidze Levan	Faction Independent MPs	On the action plan developed by the Ministry to prevent and manage the spread of the new variant of the the coronavirus ¹⁵⁹	To the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia - Ekaterine Tikaradze	The date of the answer - X

153 See the question of Roman Gotsiridze <https://info.parliament.ge/file/1/MpQuestionContent/8211?>

154 See the answer to the question of Roman Gotsiridze <https://info.parliament.ge/file/1/MpQuestionContent/8229?>

155 See the question of Salome Samadashvili <https://info.parliament.ge/file/1/MpQuestionContent/8215?>

156 See the answer to the question of Salome Samadashvili <https://info.parliament.ge/file/1/MpQuestionContent/8216?>

157 See the question of Levan Koberidze <https://info.parliament.ge/file/1/MpQuestionContent/8085?>

158 See the answer to the question of Levan Koberidze <https://info.parliament.ge/file/1/MpQuestionContent/8353?>

159 See the question of Levan Koberidze <https://info.parliament.ge/file/1/MpQuestionContent/8086?>

The use of Parliamentary oversight instruments during the covid pandemic by the committees

The Parliamentary committees did not hold a session during the state of emergency, which would address the oversight of the activities of government during the state of emergency. No trust group meeting was held during the covid pandemic as well.

On September 14, 2020, only a single committee session was dedicated to the discussion of covid related issues. [The Diaspora and Caucasus Issues Committee heard the report on support carried out and on planned measures of the Ministry of Foreign Affairs for the Georgian citizens living abroad due to the situation caused by the spread of Covid-19.](#)¹⁶⁰

The committees did not exercise the power granted to them by Article 39 of the Rules of Procedure of the Parliament of Georgia during the state of emergency. In particular, the committees, based on their fields of work, are capable of examining the compliance of normative acts adopted during the state of emergency with Georgian legislation and their implementation status. Even under such conditions, when the government was granted a complete discretion of managing the state of emergency, the use of this instrument during the Parliamentary oversight would have been important.

On May 20, 2020, the faction - Independent Deputies summoned the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia - Ekaterine Tikaradze, who did not appear at the committee session.

The exercise of the Parliamentary oversight by the committees during the pandemic was assessed as a major failure by Tamar Chugoshvili, in particular by those committees, whose areas of control were directly affected by the crisis caused by the pandemic, for example, the Healthcare and Social Issues Committee, The Sector Economy and Economic Policy Committee and the Education and Science Committee. She noted that she, with the status of an independent deputy, raised the issue at the Education and Science Committee multiple times that the committee should have researched and heard the information on how the education system was affected by the online education during the pandemic, what was the quality of accessibility to the internet in the regions, what amount of resources were spent on the TV-School project and how many students benefit from this project. As the chairperson of the committee and the majority disagreed with this initiative, Tamar Chugoshvili used the instrument of MP Question and addressed the Minister of Education, Science, Culture and Sports regarding this issue.

Elaboration of recommendations by the Parliament

The Gender Equality Council elaborated [recommendations](#)¹⁶¹ during the state of emergency that were meant to be taken into consideration by the Government during the management of the pandemic. According to the council, this will ensure the consideration of women's needs and women participation in the process of building economic wealth will be maximized.

3.4 INTERNATIONAL STANDARDS FOR PARLIAMENTARY OVERSIGHT DURING THE PANDEMIC

The importance of the Parliamentary oversight during the pandemic was outlined by multiple international organizations. Coronavirus generated a number of new and important challenges for the legislative bodies of various countries worldwide. Despite the challenges and difficulties, it is of a great importance that the legislative body is able to continue organizing its activity in a way that will not lose such a fundamental principle of democracy as the parliamentary oversight and the exercise of parliamentary control over the activities of the executive branch.

Venice Commission states that in any kind of critical situation, including a pandemic and the state of emergency, the need of immediate actions with the necessity of the oversight of these processes are equally important. Thus, the latter is important because of the growing risks of disproportionate restrictions of human rights during the state of emergency. The uninterrupted and continuous operation of the Parliament during the state of emergency is important in order to oversight the executive government and the exercise of constitutional powers related to the state of emergency to be uninterrupted.¹⁶²

Strengthening the role of the Parliament and limiting this power, controlling and carrying out the compensating measures is important. MPs shall control and oversight the rightfulness and adequacy of urgent actions implemented by the executive government and their compatibility with democratic standards. They shall oversee the proportionality and the terms of restriction of freedom, the justification and proportionate use of the armed forces, the purposeful provision of social economic assistance, financial resources, etc.¹⁶³

During the coronavirus crisis, the maintenance of operation of legislative bodies, in particular, the exercise of the oversight over the executive governments has never been more important. The executive government and the healthcare system play a crucial role in crisis management in order to ensure that the country overcomes the difficulties caused by the coronavirus pandemic. The legislative bodies (along with the courts) play a crucial role in controlling and exercising the oversight over the executive government in this process in order for the countries not to lose those constitutional and democratic values that represent their key achievements.¹⁶⁴

It is noteworthy that the legislative bodies continue their operation during the pandemic. The legislative bodies continue to operate in Italy as well, one of the first countries to be affected by the coronavirus. Even in the Parliaments, where the sessions were closed or cancelled, the parliamentary control and oversight were maintained. For example, in Lithuania, despite the fact that the Parliament is closed, the plenary sessions and committees continue to operate without any delay, the issues of special importance are being reviewed urgently and the sessions are being held; In Slovenia, the parliamentary activities were generally postponed, however, the National Assembly continues to hold the meetings on issues related to the exceptional matters.

It is noteworthy, that those legislative bodies, which continue the operation, keep on functioning using the two models: Several legislative bodies (For example in the **USA, Great Britain and South Korea**) continue to operate in a regular manner, while the others modified their forms of operation. One of the mutual modifications includes the reduction of the number of meetings and making adjustments in parliamentary agendas, the transfer of their focus to the coronavirus and other necessary and urgent matters, while postponing the issues of less urgency.

During the coronavirus pandemic, in most of the countries, the executive government is responsible to carry out institutional actions against the COVID-19, however, the effective parliamentary oversight of the executive government still continues. Here are the examples of Switzerland and Norway.

162 The European Commission for Democracy through Law (Venice Commission), Emergency Powers, 1995, CDL-STD(1995)012. <https://bit.ly/2Pb9uvr>

163 Ensuring a Balance of Power in the Face of COVID-19, Francine Picard Mukazi, 2020. <http://bit.ly/3eV8BC9>

164 Parliamentary Activity and Legislative Oversight during the Coronavirus Pandemic -A Comparative Overview, Ittai Bar-Siman-Tov, 2020. <http://bit.ly/3s6s1b1>

Switzerland

A positive trend in the exercise of parliamentary oversight during the period of the Covid pandemic was revealed in Switzerland.

According to Switzerland's legislation, the government of Switzerland and the Parliament of Switzerland have the authority to issue emergency orders and decrees to combat the coronavirus pandemic. Hereby, if the orders of the government will not be approved by the Parliament they will be suspended automatically in the term of 6 months. Due to the high legitimacy of the Parliament, the special decrees adopted by the Parliament are superior to those adopted by the government. The adoption of special regulations by the Parliament increases the capacities of parliamentary oversight and efficiency.¹⁶⁵

In Switzerland, the Federal Assembly has announced its readiness to review the crisis management and coping plan by the government and public agencies and to assess the circumstances of how the Federal Council and other agencies have handled their responsibilities. The review aims to increase the accountability of the Federal Council and the Federal Administration and to ensure that the parliamentary oversight is exercised in the future.¹⁶⁶

Norway

The Corona Act adopted by the Parliament of Norway is one of the noteworthy examples of the maintenance of parliamentary oversight over the actions carried out by the executive government. According to the law on the coronavirus, the government was granted the authority to adjust or suspend particular legislative norms in case of the state of emergency during the fight against pandemic. Hereby, the Parliament itself shall assess and approve the compliance of the government's any similar decision with the act adopted by the Parliament and with the Constitution of Norway. The purpose of the legislation on coronavirus was to avoid the violation of a normal public life and to reduce the damage caused to democratic institutions and the country's economy.¹⁶⁷

165 Parliamentary activities and legislative oversight under conditions of COVID-19 pandemic.

<http://bit.ly/3lwGkmj>

166 Legislative budget oversight of emergency responses: Experiences during the coronavirus (COVID 19) pandemic, 25.09.20- <http://bit.ly/3r52gqa>

167 Parliamentary activities and legislative oversight Under conditions of COVID-19 pandemic - https://idfi.ge/en/parliamentary_activities_and_legislative_oversight_under_conditions_of_covid-19_pandemic;

CHAPTER IV THE ROLE OF OPPOSITION IN THE PROCESS OF PARLIAMENTARY CONTROL

Strong parliamentary opposition is an important component of a functioning democracy. However, the mere existence of opposition parties in the Parliament is not a sufficient mechanism for the effective exercise of democratic institutions, including parliamentary oversight.

In new democracies, where there is no tradition of parliamentarism, it is particularly important to have a solid legal basis that provides legal guarantees for members of opposition parties to exercise their powers freely. Following the adoption of the new Rules of Procedures of the Parliament, the mechanisms for exercising parliamentary control have been improved, but the role of the opposition in the parliamentary oversight process remains to be a problem. Out of the problems in the legislation, it is particularly noteworthy that only the members of the majority hold the positions of chairmen of all parliamentary committees and the role of the opposition in the election process of the officials is neglected by the Parliament. It is also noteworthy that the opposition does not fully exercise its legislative powers in the exercise of parliamentary oversight, due to a lack of parliamentary traditions and political culture of cooperation between the opponents, and also due to frequent boycotts by the opposition.

4.1 STATISTICS ON THE PARTICIPATION OF OPPOSITION IN PLENARY SESSIONS

How many plenary sessions were held and how many sessions were boycotted by the opposition

During the reporting period, 112 plenary sessions of the Parliament were held, including 13 extraordinary and 5 special sessions.

Boycott and refusal to participate in the activities of the Parliament due to political views

- European Georgia, European Georgia – Movement for Freedom and European Georgia – Regions – 35 times
- National Movement – 27 times
- Alliance of Patriots – Social-Democrats – 4 times
- Independent Members of Parliament – 4 times

Independent MPs have also repeatedly refused to take part in the plenary sessions:

- In 2019, Members of the Parliament: Eka Beselia twice, Nato Chkheidze 6 times and Ramaz Nikolaishvili 18 times, refused to discuss and resolve issues during the plenary sessions due to political views.
- In 2020, Tamar Chugoshvili, Eka Beselia, Zviad Kvachantiradze, Dimitri Tskitishvili, Tamar Khulordava, Irina Pruidze, Nato Chkheidze, Zaza Khutsishvili, Davit Chichinadze, Ramaz Nikolaishvili and Mamuka Chikovani refused to discuss and resolve the issues during the plenary sessions due to political views.

4.2 REPRESENTATION OF THE OPPOSITION IN THE PARLIAMENTARY STRUCTURES AND HOLDING THE OFFICE

According to the Rules of Procedure of the Parliament, the composition of the Committee is determined in proportion to the representation of the factions and the number of members without faction. The Chairman of the Committee is elected by the Parliament from the members of the Committee. The decision to elect a Chairman of the Committee shall be deemed to have been made, if he or she is supported by a majority of the full composition of the Parliament. This decision will be made without consideration. The Chairmen of all Committees of the Parliament of Georgia are the representatives of the ruling party. As a result of this record, the chairmen of all the fifteen Parliamentary Committees are the representatives of the majority.

The parliamentary opposition also represented the minority in other important parliamentary structures, for example: 2 out of 8 members of the permanent audit group that reviews the reports of the State Audit Office were the representatives of the opposition.¹⁶⁸

According to the Rules of Procedures of the Parliament, 2 out of 5 members of the trust group are from the minority, however the opposition had only a single representative in the trust group during the research period.¹⁶⁹

4.3 USE OF THE CERTAIN PARLIAMENTARY OVERSIGHT MECHANISMS BY THE OPPOSITION

The use of parliamentary oversight mechanisms has traditionally been more frequent by the opposition than by the majority. It is noteworthy, that in most cases the opposition's initiative to exercise parliamentary oversight fails as members of the government do not attend committee meetings and do not answer the questions, if the opposition is the initiator of parliamentary oversight. This, at the end of the day, has a negative impact on the role of the parliament in the parliamentary republic, as well as on the democratic development of a country in general.

Participation of the opposition in the interpellation process

7 interpellations were held during the reporting period.

The authors of the written questions in 6 out of 7 cases were the opposition factions National Movement, European Georgia - Movement for Freedom, European Georgia-Regions, European Georgia, and in one case the majority faction.¹⁷⁰

Invitation of those accountable by the opposition factions at the Committee and Plenary Session

According to the new Rules of Procedures of the Parliament of Georgia, the faction has the right to summon an accountable official to the Parliament at the committee meeting, who is obliged to appear at the session and answer the questions.

During the research period, opposition factions exercised their power to summon accountable officials at the committee meeting 27 times, requesting that 32 officials attend the committee meeting, out of which only 7 appeared at the meeting (see Table 7).

During the reporting period, in accordance with Article 152 of the Rules of Procedure, the Parliament (by the majority of the votes present at the plenary session, but not less than one third of the full composition of the Parliament) did not convene a member of the Government, an accountable official to the Parliament and the head of the body accountable to the Parliament.

Request of the opposition to create a temporary investigative commission

The 2017 amendments to the Constitution significantly simplified the creation of a temporary investigative commission. Relevant changes were reflected in the new Rules of Procedure of the Parliament in 2018, however, it should be noted that a temporary investigative commission has not been created after the enactment of the new Rules of Procedure.

168 The representatives of the opposition - Khatuna Gogorishvili; Roman Gotsiridze. These were the other members of the group: Paata Kvizhinadze; Irakli Beraia; Gogi Meshveliani; Gia Benashvili; Sulkhan Makhatadze; Levan Gogichaishvili.

169 On February 25, 2019, Eka Beselia, who was a member of the trust group from the majority quota, left the majority. Also, on March 11, 2019 the minority was disassembled. Therefore, one more member with the minority quota - Irakli Abesadze left the trust group. Following these events, the amendments to the rule of the trust group assembly became necessary, in case of absence of the minority. The trust group was assembled with new members in September 2019, Irakli Abesadze was reelected as a member of the trust group with the quota of the deputies left out of the majority.

170 See the 2.3. Head for the further information

During the reporting period, 5 requests for the creation of a temporary investigative commission were registered¹⁷¹, all of them initiated by the opposition factions. In particular:

1. "On the creation of a temporary investigative commission in the Parliament of Georgia to investigate possible case of pressure on TBC Bank and the Anaklia Development Consortium";¹⁷² *Initiator - European Georgia, European Georgia-Movement for Freedom, European Georgia-Regions (04.03.19; no voting has been held)*
2. "On the creation of a temporary investigative commission related to the Financial Company Georgia Ltd"¹⁷³ - *Initiator: Alliance of Patriots and Social Democrats (17.06.2019, no voting has been held)*
3. "On the creation of a temporary investigative commission on the murder of Temirlan Machalikashvili as a result of a special operation in Pankisi Gorge on December 26, 2017";¹⁷⁴ *Initiator: National Movement (15/10/2019, no voting has been held)*
4. "On the creation of a temporary investigative commission of the Parliament of Georgia to investigate the possible corruption scheme in the process of pardoning convicts by the President of Georgia Salome Zurbashvili";¹⁷⁵ *Initiator: Factions: European Georgia, European Georgia-Movement for Freedom, European Georgia-Regions (04/11/2019, no voting has been held)*
5. "On the creation of a temporary investigative commission on the alleged anti-constitutional conspiracy of high-ranking officials against the Patriarchy of Georgia, and the violation of the constitutional agreement between the Georgian State and the Apostolic Autocephalous Orthodox Church of Georgia";¹⁷⁶ *Initiator: National Movement (11/11/2019, no voting has been held).*

Use of MP questions by the opposition

1683 MP questions were sent during the reporting period, out of which 1126 were sent by the opposition.

Kapanadze Sergi	384
Gogorishvili Khatuna	213
Abesadze Irakli	159
Nakopia Koba	120
Tchiaberashvili Zurab	67
Rartiani Sergo	39

171 No requests on creation of investigative commissions were registered in 2020.

172 On creation of a temporary investigative commission at the Parliament to study the alleged coercion on the individuals related to TBC bank and Anaklia Development Consortium.

<https://info.parliament.ge/#law-drafting/17442>

173 On creation of a temporary investigative commission to study the issues related to Finance Company Georgia LTD <https://info.parliament.ge/#law-drafting/18393>

174 On creation of a temporary investigative commission to study the case of murder of Temirlan Machalikashvili as a result of the special operation in Pankisi Gorge on December 26, 2017.

<https://info.parliament.ge/#law-drafting/18914>

175 On creation of a temporary investigative commission to study the alleged corruption scheme in the process of using Pardon by the President of Georgia - Salome Zurbashvili. <https://info.parliament.ge/#law-drafting/19020>

176 On creation of a temporary investigative commission to study the alleged anti-constitutional conspiracy by the senior officials and the violation of the treaty between the State of Georgia and the Georgian Apostolic Autocephalous Orthodox Church, <https://info.parliament.ge/#law-drafting/19070>

Koberidze Levan	30
Beselia Eka	16
Melia Nikanor	10
Tchitchinadze Davit	9
Chikovani Mamuka	8
Kandelaki Giorgi	7
Gogichaishvili Levan	7
Khoshtaria Elene	6
Kakhidze Otar	6
Samadashvili Salome	6
Chugoshvili Tamar	5
Nadirashvili Irma	5
Bokuchava Tinatin	4
Basishvili Badri	4
Bukia Giga	3
Bokeria Giorgi	3
Tsereteli Giorgi	2
Inashvili Irma	2
Bobokhidze Akaki	2
Tughushi Giorgi	2
Zhorzholiani Gia	2
Gogvadze Nino	1
Gunava Tengiz	1
Narchemashvili Koba	1
Natsvlishvili Beka	1
Keburia Lela	1

Participation of the opposition in the process of electing officials by the Parliament

For the independence and greater effectiveness of non-political institutions, active involvement of the opposition parties in the election process of the officials is particularly important. The independence and non-partisanship of the officials significantly depends on the procedure, on who nominates the candidates and then how the decision is made on their appointment to a particular position.

According to the Rules of Procedure of the Parliament of Georgia there is no need for a consensus with the opposition in the process of electing officials. It should be noted that the rule of electing officials with a majority, including a qualified majority, cannot be an effective mechanism in the countries with a political system where the ruling party already has the required number of votes to elect such an official by a unilateral decision. In such cases, the opposition parties must have an effective mechanism to influence the selection process.

The Public Broadcaster's Board of Trustees is the only exception, here the members are elected separately by the majority and the opposition. The parliamentary opposition has the right to nominate 3 candidates and if these candidates are not elected by the Parliament the positions remain vacant.

During the reporting period, the opposition nominated 3 members of the Public Broadcaster's Board of Trustees to the Parliament of Georgia.

Candidate (Name, Surname)	Nominator	Result
Bondo Mdzinarashvili	Members of the Parliament of Georgia: Mirian Tsiklauri, Gia Zhorzholiani, Giorgi Mosidze, №6692 01.07.20 _ Alexander Erkvania, Irma Inashvili, Emzar Kvitsiani, Giorgi Lomia, Ada Marshania, Davit Chichinadze, Koba Narchemashvili, Mariam Jashi, Bidzina Gegidze, Giorgi Begadze and Gela Mikadze (№2-6697 / 19, 23.06.2020) As a Member of the Board of Trustees of the Public Broadcaster - Trustee	№6692 01.07.20
Zaza Abashidze	Members of the Parliament of Georgia: Davit Bakradze, Akaki Bobokhidze, Giorgi Bokeria, Tengiz Gunava, Lasha Damenia, Giorgi Kandelaki, Sergi Kapanadze, Otar Kakhidze, Zaza Kedelashvili, Irma Nadirashvili, Lela Keburia, Giorgi Ghviniashvili, Giorgi Tsereteli and Elene Khoshtaria (№2-6730/19, 23.06.2020) As a Member of the Board of Trustees of the Public Broadcaster - Trustee	№6691 01.07.20
Dodo Shonava	Members of the Parliament of Georgia: Eka Beselia, Tamar Chugoshvili, Tamar Khulordava, Irine Pruidze, Dimitri Tskitishvili, Nino Gogvadze, Nato Chkheidze, Gedevan Popkhadze, Beka Natsvlashvili, Levan Gogichaishvili, Zviad Kvachantiradze, Levan Koberidze, Zaza Khutsishvili and Zviad Dzidziguri (№2-6764/19, 24.06.2020) As a Member of the Board of Trustees of the Public Broadcaster - Trustee	№6693 01.07.20 Was not elected

4.4. BEST PRACTICE ON THE INVOLVEMENT OF THE OPPOSITION IN THE PARLIAMENTARY OVERSIGHT

Many important international organizations, such as the Venice Commission¹⁷⁷ and the Parliamentary Assembly of the Council of Europe¹⁷⁸, have made recommendations and conclusions on the importance of the role of the opposition in the parliamentary oversight process.

According to the Resolution N1601, paragraph 2.2 of the Parliamentary Assembly of the Council of Europe adopted in 2008 the member states of the Council of Europe must ensure the active participation of the opposition parties in the process of overseeing and controlling the activities of the executive government, which includes the following powers:

2.2.1. Members of opposition have the right to information which entails that opposition members and members of the majority are entitled to receive the same information from the government;

2.2.2. Members of the opposition have the right to ask written and oral questions to the representatives of the Executive Government, and to receive responses to these questions;

2.2.3. Members of opposition shall be privileged during the question time with the government (in particular they shall have the right to open question time and to ask more questions to the government than members of the majority);

2.2.4. Members of opposition have the right to interpellation (oral question with debate) and the right to move a motion of no confidence;

2.2.5. Members of opposition have the right to request the convening of a plenary sitting of the parliament/ chamber, which should be granted if a quorum of one quarter of members is reached;

2.2.6. Members of opposition have the right, at regular intervals, to set the agenda of plenary sessions, and to choose subjects for debate, including bills tabled by opposition members, control of government actions and evaluation of public policies and spending; matters selected on those days shall have precedence over the government activities;

2.2.7 Members of opposition have the right to ask for debates to be held, including on the urgent or current issues, which should be granted if a quorum of one quarter of the members is reached;

2.2.8 Members of opposition have the right to request the setting-up of a committee of inquiry or a parliamentary mission of information and to become members thereof; this should be obtained if a quorum of one quarter of members is reached; a member of the opposition shall be appointed either as a chairperson or rapporteur of every committee of inquiry or mission of information successfully requested by the opposition members or political groups;¹⁷⁹

177 European Commission for Democracy throughout Law (Venice Commission)

Parameters on the relationship between the Parliamentary majority and the opposition in a democracy: A checklist, Adopted by the Venice Commission at its 119th Plenary Session (Venice, 21-22 June 2019 and endorsed by the Committee of Ministers on 5 February 2020). <https://bit.ly/3tAlwh1>

Report on the role of the opposition in a democratic Parliament T adopted by the Venice Commission, at its 84th Plenary Session (Venice 15-16 October 2010), <https://bit.ly/3c2O50C>

Report on the democratic oversight of the security services, Adopted by the Venice Commission at its 71st Plenary Session (Venice, 1-2 June 2007) <https://bit.ly/3cKT9pK>

178 Council of Europe, Parliamentary Assembly, Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, Resolution 1601 (2008) <http://bit.ly/2Qgs0Df>

179 Resolution 1601, Parliamentary Assembly, 2008. - <http://bit.ly/2Qgs0Df>

Despite the diversity of the parliamentary systems in Europe, the legislation of all member countries confers certain rights on the parliamentary minority, regardless of their representation as political factions in parliament. The Council of Europe in all its recommendations or guidelines emphasizes the importance of the role of the opposition parties in strengthening parliamentary control and the proper functioning of democratic institutions. Moreover, in recent years there has been a rather innovative and salutatory trend in a number of countries to achieve full parity between the majority and the opposition in terms of certain rights, despite their influence in parliament.¹⁸⁰

Representation of opposition in parliamentary structures

It should be noted that the legislations of the European countries ensure not only the proportional composition of political forces represented in parliamentary committees, but also the redistribution of positions in parliament based on this principle. According to the international best practice, the positions of the heads of the structural units of the parliament should be divided proportionally among the political forces represented in the legislative body, and the representatives of the opposition should lead the committees whose role is particularly important in overseeing the government and being responsible for monitoring human rights, budgetary process and security sector.

In the **United Kingdom**, part of the parliamentary committees in the House of Commons (which deal with both general issues (human rights) and the activities of most government departments) are usually chaired by a member of the opposition.¹⁸¹

In accordance with Article 12 of the Rules of Procedure of the **German** Parliament, the composition of the committees and the appointment of the chairmen of various committees must be carried out in accordance with the principle of proportionality of power of the parliamentary groups. Chairmen of the Committees are elected by the committees itself and Deputy Chairmen are elected in accordance with the agreements reached among the Board of Elders. In Germany, the security sector is overseen by a specialized parliamentary committee, the Parliamentary Control Group. The committee consists of 9 members, coming from all parliamentary groups elected by a majority of the parliament. Representatives of the ruling and opposition parties take turns on holding the chairman position annually.¹⁸²

Some countries' legislation directly states that the chairman of a parliamentary committee should be elected from an opposition party. In some countries, however, the issue may not be regulated by law, although it may be a practice. The possibility of electing a member of an opposition party as the chairman of various parliamentary committees is provided in the legislation of governing the activities of the parliament in countries such as the **Netherlands, Norway, and Portugal**.

The experience of countries where parliamentary committees are chaired by a representative of an opposition party has shown that the diversity of the composition of parliament for its effective functioning should also be reflected in leadership positions. Due to the fact that the diversity of votes of the persons authorized to make decisions, on the one hand, contributes to the more effective legislative deliberations, and on the other hand, ensures the exercise of effective parliamentary control.¹⁸³

Electing a representative of the opposition as a chairman of a temporary investigative commission is also a good international practice. For example, according to the Rules of Procedure of the **Hungarian** Parliament, an

180 Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, Parliamentary Assembly, 2008. - <http://bit.ly/2Qgs0Df>

181 Election of select committee chairs and members in the House of Commons -<http://bit.ly/3cMthJT>

182 on International Standards and Good Practices in the Governance and Oversight of Security Services, Nazli Yildirim Schierkolk, Tbilisi 2018, <https://bit.ly/3bZR1eo>

183 Global Parliamentary Report 2017, p. 47, https://www.ipu.org/resources/publications/reports/2017-10/global-parliamentary-report-2017-parliamentary-oversight-parliaments-power-hold-government-account?fbclid=IwAR1JtGY4i0Gzlw8FWYwxXDnluABh8JusQuTuqxUu-EN_g7fTE3235I83w

investigative committee which is investigating the activities of a government, any government agency or ministry, is headed by an opposition member of parliament, and if the investigation concerns the activities of several governments in a row and the opposition parliamentary parties are not the same, the investigative committee is co-chaired by members of the opposition parliamentary parties to each government. In this case, co-chairs jointly prepare and chair the committee meetings; They are obliged to cooperate in the performance of other duties of the Chairman.¹⁸⁴

The role of opposition in the election process of electing officials

In terms of the legal guarantees of the opposition, their role in the process of electing the officials by the parliament is also important. The role of the opposition is especially crucial in electing the officials who are required to have a high standard of independence and non-partisanship. That is why the procedure for selecting, nominating and appointing a candidate for this position should therefore be based on the consensus of opposing political parties in order to ensure its independence and non-partisanship. In any case, there should be effective mechanisms in place to prevent relevant officials from entering into any kind of deal with the ruling party or forming a coalition with the ruling party.

In some countries, the rule of electing an official by a qualified majority of votes is traditionally used as a mechanism to ensure the political neutrality of apolitical officials. The number of votes required for a qualified majority for an appointment usually depends on the political decision of a particular country.

It should be noted that the rule of electing officials by a qualified majority may not be an effective mechanism in the countries of a political system where the ruling party or the ruling bloc already has the required number of votes to elect / appoint such an official to a relevant position. In such a case, the demand of a qualified majority may, on the contrary, be detrimental for the opposition in the long run, as the mechanism for replacing the official elected in this way can be much more difficult and appointing an official to a responsible position with a unilateral decision by a ruling party instead of strengthening the role of the opposition in the Parliament might help to strengthen the influence of the ruling party instead.

An alternative to this model, which is also often used in various parliamentary systems, is the appointment of the officials by a proportional representation, in particular, members of the collegial body may be appointed to positions based on the principle of proportionality by the majority and the opposition parties. The law may also provide a quota for the representatives of opposition parties in the voting procedure for electing an official. The role of the opposition parties is particularly considerable in parliamentary systems where the opposition party can have some control over the pre-selection process. It is also possible to have a mixed system in which the collective body consists of members elected by simple and qualified majority.

184 Standing Orders of the Parliament, article 36 - <https://www.legislationline.org/documents/id/15173>

CHAPTER V. RECOMMENDATIONS

- During a crisis, the Parliament must perform its function properly, and should fully exercise parliamentary oversight. A special oversight is required over the government-imposed restrictions directly related to the restriction of human rights;
- According to the international best practice, the positions of the heads of the structural units of the Parliament should be divided proportionally among the political forces represented in the legislative body, and the representative of the opposition should lead those committees whose role is particularly important in overseeing the government and that are responsible to monitor human rights, budgetary process and security sector. Accordingly, the positions of the chairmen of the committees in the Parliament of Georgia should be distributed proportionally among the represented political forces. The representative of the opposition, among others, should act as a chairman of the following committees: **Human Rights and Civil Integration Committee, Finance and Budget Committee, Defense and Security Committee.**
- It should be impossible to elect certain officials without consensus with the opposition parties, regardless of how many seats the majority holds in the Parliament. The consent of the majority of the opposition should be required to elect the Auditor General and the Prosecutor General. It should also be noted that the Auditor General is one of the leading figures in the anti-corruption system of the country. The Auditor General may be appointed from the opposition quota. The candidates for the membership of the Supreme Court and the members of the High Council of Justice who are elected under Parliamentary quota shall be appointed on the basis of simultaneous support of the majority and the minority in the Parliament.
- The role of the opposition in the parliamentary oversight should be increased:
 - Members of the opposition should be privileged to ask questions to the government (in particular, they should have the right to open debates, ministerial hours, should ask more questions than the majority during the review of the Prime Minister's annual report and during interpellation);
 - Members of the opposition should have the right to request a debate, including a debate when there is an urgency or debates on the current issues (current regulations require that political debates to be scheduled once a month on a predetermined issue upon the request of at least one-fifth of the full composition of the parliament);
 - Members of the opposition (opposition factions) should have the right to summon officials at the committee meetings, including the Prosecutor General and the Head of the State Security Service.
- Parliamentary oversight over the State Security Service should be strengthened:
 - A Permanent Oversight Council of Experts should be established with the Parliamentary Oversight Committee of the State Security Service, which will oversee the State Security Service on a permanent basis and will be accountable to the Parliament. The members of the Oversight Council should be elected by the Parliament.
 - Members of the Parliamentary Specialized Committee and the members of the Supervisory Board should have access to the state secrets, with the only exception of not having access to the information about ongoing operations.
 - The Oversight Council, accountable to the Parliament should have the guarantees of independence, e.g. should be able to summon the head of the Security Service by its own initiative independently from the committee (trust group); to start reviewing various the issues on its own initiative; to perform particular oversight functions, such as requesting documents, summoning officials, or visiting the Security Service

for checks, should not need the consent from a committee (trust group) and they should have the authority to make their own report to the Parliament publicly available.

- Accountable bodies and members of the government should encourage the Parliament to exercise full and effective oversight, take responsibility on the parliamentary oversight procedures envisaged by the Constitution and the Rules of Procedure of the Parliament of Georgia, regardless of whether the oversight is initiated by the ruling party or the opposition;
- It is important that the Parliament monitors the implementation of the recommendations of the State Audit Office in public institutions and that the issue is discussed in detail at the meetings of the Finance and Budget Committee. In order to increase parliamentary oversight over the implementation of audit findings and recommendations, it is advisable to establish a format with the Legal Committee, which will monitor the response to the materials sent to the Prosecutor's Office by the State Audit Office;
- In order to establish a mechanism of the parliamentary oversight, which would enable the opposition to summon a member of the government at the plenary session on a topical issue in a short period of time, it is necessary to:
 - Conduct interpellation procedure at least once a month;
 - Introduce emergency / accelerated interpellation mechanism;
 - Divide interpellation process over several days, if necessary;
- Eliminate barriers restricting the summoning of a member of the government and other officials accountable to parliament at the committee, namely:
 - Abolish the restriction when, after the public official attends the committee meeting, only the majority of the committee can summon him/her to the meeting within a mandatory period of two months after attending the committee;
 - Abolish the restriction by which the Prime Minister, the Prosecutor General, the Head of the State Security Service can be summoned at a Committee meeting by only the majority of the members of the Committee.
- It is necessary to review the methodology of monitoring the implementation of the recommendations provided in the Public Defender's report and to develop an effective format for reviewing the submitted proposals.
- The cooperation of the Parliament with the Public Defender's Office in the process of reviewing the reports should be improved, namely:
 - The draft resolution of the Parliament on the implementation of the recommendations outlined in the Public Defender's annual report should be shared with the Office of the Public Defender;
 - The Committee on Human Rights and Civil Integration should proactively provide the Public Defender's Office with the information on the implementation of the resolution submitted to the Committee by the agencies.
- To increase the transparency of the parliamentary oversight:
 - Information on the implementation of the parliamentary oversight and the results achieved should be available on the website of the Parliament in a centralized and proactive manner;
 - This portal should contain information on all the activities carried out within the framework of the parliamentary oversight, including the summoning of the public officials at the Committee.

Annex 1. Attendance of public officials at committee sittings in 2019-20

Committee	Initiator	Public official	Attendance
Regional Policy and Self - Government Committee	Committee	Public Defender Nino Lomjaria	Attended, 16.01.2019
Regional Policy and Self - Government Committee	Committee	State Minister for Reconciliation and Civic Equality Ketevan Tsikhelashvili	Attended, 16.01.2019
Education, Science and Culture Committee	European Georgia	Minister of Education Mikheil Batiashvili	Attended, 07.02.2019
Sector Economy and Economic Policy Committee	Committee	Minister of Economy and Sustainable Development Giorgi Kobulia	Attended, 13.02.2019
Sector Economy and Economic Policy Committee	European Georgia, European Georgia – Regions	President of National Bank Koba Gvenetadze	Attended, 26.02.2019 but the sitting was not held
Foreign Relations Committee	United National Movement	Minister of Foreign Affairs David Zalkaliani, Minister of Regional Development and Infrastructure Maia Tskitishvili	Not attended
Healthcare and Social Issues Committee	European Georgia	Minister of Health Davit Sergeenko	Attended, 05.03.2019
Budget and Finance Committee	European Georgia	President of National Bank Koba Gvenetadze	Not attended
Human Rights Committee	European Georgia	Minister of Justice Tea Tsulukiani	Not attended
Legal Issues Committee	European Georgia	Minister of Internal Affairs Giorgi Gakharia	Not attended

Foreign Relations Committee	Committee	Deputy Minister of Foreign Affairs Lasha Darsalia, Prime Minister's Special Representative in Relations with Russia Zurab Abashidze	Attended, 4.03.2019
Environmental Protection and Natural Resources Committee	European Georgia, European Georgia – Regions	Minister of Environment Protection and Agriculture Levan Davitashvili	Not attended
Sector Economy and Economic Policy Committee	European Georgia	Head of Pension Agency Levan Surguladze	Attended, 23.04.2019
A joint sitting of Committee on European Integration and Foreign Relations Committee	Committee	Minister of Foreign Affairs David Zalkaliani	Attended, 14.03.2019
Diaspora and Caucasus Issues Committee	Committee	Head of LEPL Circassian Cultural Centre Merab Chukhua	Attended, 14.03.2019
Sector Economy and Economic Policy Committee	European Georgia, European Georgia – Regions, European Georgia – Movement for Freedom	President of National Bank Koba Gvenetadze	Not attended because the term for a repeated summoning had not elapsed since the previous Committee sitting on 26 February, at which he presented the report.
Healthcare and Social Issues Committee	European Georgia, European Georgia – Regions	Minister of Health Davit Sergeenko, Minister of Finance Ivane Machavariani	Not attended. In case of Sergeenko the law was not breached, because the term for a repeated summoning had not elapsed since the previous Committee sitting which he attended on 5 March. ¹⁸⁵

185 According to Minister Machavariani, the topic to be discussed was beyond the sectoral competence of the Finance Ministry, moreover, the topic was described in general terms and also, he planned to travel on a business trip during that period. See, a letter of 8 April of the Finance Minister to Chairpersons of the Committees: <https://bit.ly/3g8J5rx>

Healthcare and Social Issues Committee	Alliance of Patriots and Social-Democrats	Minister of Health Davit Sergeenko	Not attended because the term for a repeated summoning had not elapsed since the previous Committee sitting which he attended on 5 March.
Sector Economy and Economic Policy Committee	Committee	Deputy Minister of Environment Protection and Agriculture Nino Tandilashvili	Attended, 12.04.2019
Diaspora and Caucasus Issues Committee	Committee	Head of the Migration Division of the Department of Labor and. Employment Policy at the Ministry of Health Giorgi Bunturi	Attended, 15.04.2019
Diaspora and Caucasus Issues Committee	Committee	Director of the Department of Neighboring Countries of the Ministry of Foreign Affairs Malkhaz Mikeladze	Attended, 29.03.2019
Legal Issues Committee	European Georgia, European Georgia – Regions, European Georgia – Movement for Freedom	Minister of Justice Tea Tsulukiani	Not attended
Budget and Finance Committee	European Georgia, European Georgia – Regions	Minister of Finance Ivane Machavariani	Attended, 23.04.2019
Sector Economy and Economic Policy Committee	Alliance of Patriots and Social-Democrats	Minister of Health Davit Sergeenko, Chairperson of State Procurement Agency Levan Razmadze, Chairman of Competition Agency Nodar Khaduri	Not attended
Legal Issues Committee	European Georgia, European Georgia – Regions, European Georgia – Movement for Freedom	Minister of Justice Tea Tsulukiani	Not attended

Human Rights and Civil Integration Committee	European Georgia, European Georgia – Regions	Minister of Health Davit Sergeenko	Not attended
Sector Economy and Economic Policy Committee	European Georgia, European Georgia – Regions, European Georgia – Movement for Freedom	Minister of Internal Affairs Giorgi Gakharia, Minister of Economy and Sustainable Development Natela Turnava	Giorgi Gakharia not attended; Natela Turnava attended, 7.06.2019
Foreign Relations Committee	Committee	Deputy Minister of Foreign Affairs Aleksandre Ghvtisiashvili	Attended, 7.05.2019
Sector Economy and Economic Policy Committee	Committee	Executive Director of JSC Partnership Fund Davit Saganelidze	Attended, 27.05.2019
Diaspora and Caucasus Issues Committee	Committee	Head of LEPL Enterprise Georgia Mikheil Khidureli	Attended, 28.05.2019
Sector Economy and Economic Policy Committee	European Georgia, European Georgia – Movement for Freedom, European Georgia – Regions, United National Movement	Minister of Economy and Sustainable Development Natela Turnava	Attended, 7.06.2019
Budget and Finance Committee	European Georgia	Minister of Finance Ivane Machavariani	Not attended because the term for a repeated summoning had not elapsed since the previous Committee sitting on 23 April, at which he presented the report.
Diaspora and Caucasus Issues Committee	Committee	First Deputy Justice Minister Mikheil Sarjveladze	Attended, 10.06.2019

Sector Economy and Economic Policy Committee	Committee	Depity Minister of Economy and Sustainable Development Akaki Saghirashvili	Attended, 26.09.2019
Budget and Finance Committee	European Georgia, European Georgia – Movement for Freedom	Minister of Finance Ivane Machavariani	Not attended
Foreign Relations Committee	European Georgia, European Georgia – Movement for Freedom	Minister of Foreign Affairs David Zalkaliani	Not attended
Foreign Relations Committee	Committee	State Minister for Reconciliation and Civic Equality Ketevan Tsikhelashvili	Attended, 21.10.2019
Foreign Relations Committee	Committee	Representative of State Security Service and the Ministry of Internal Affairs ¹⁸⁶	Attended, 28.10.2019
Foreign Relations Committee	Committee	Deputy Head of State Security Service Aleksandre Khojevanishvili	Attended, 16.01.2020
Human Rights Committee	On personal initiative	Public Defender Nino Lomjaria	Attended, 21.01.2020
Human Rights Committee	On personal initiative	Minister of Justice tea Tsulukiani	Attended, 21.01.2020
Healthcare and Social Issues Committee	Independent MPs	Minister of Health Ekaterine Tikaradze	Not attended
Healthcare and Social Issues Committee	Alliance of Patriots and Social-Democrats	Minister of Health Ekaterine Tikaradze	Not attended

¹⁸⁶ The information requested from the parliament did not provide a position and identity of the person.

Healthcare and Social Issues Committee	Committee	Minister of Health Ekaterine Tikaradze	Not attended
Healthcare and Social Issues Committee	Independent MPs	Minister of Health Ekaterine Tikaradze	Not attended
Sector Economy and Economic Policy Committee	Independent MPs	Minister of Finance Ivane Machavariani	Not attended
Foreign Relations Committee	Committee	Deputy Minister of Justice Gocha Lortkipanidze	Attended, 2.06.2020
Foreign Relations Committee	Committee	Deputy Minister of Foreign Affairs Khatuna Totladze	Attended, 5.06.2020
Foreign Relations Committee	Committee	Deputy Minister of Finance Giorgi Kakauridze	Attended, 12.06.2020
Foreign Relations Committee	Committee	Deputy Minister of Foreign Affairs Khatuna Totladze	Attended, 4.09.2020
Human Rights Committee	European Georgia – Movement for Freedom	Minister of Justice tea Tsulukiani	Not attended

Annex 2. Reports submitted by accountable agencies to the parliament of Georgia in 2019

Nº	Number and date of submission	Title of the report	Note
1	1-100/170546/19 24.01.2019	2018 Report on the activities performed by LEPL State Regulation Agency for Medical Activities of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, (State Regulation Agency for Medical Activities)	Sent to the committees and parliamentary factions for deliberation
2	1-3818/19 28.02.2019	2018 Report on the activities of the Legal Aid Service (Legal Aid Service)	Resolution of the Parliament of Georgia № 51209 , 29.10.2019

3	1-3942/19 01.03.2019	2018 Report on the Status of Personal Data Protection and the Activities of the Inspector (Personal Data Protection Inspector)	Resolution of the Parliament of Georgia № 4735 , 30.05.2019
4	1-5005/19 15.03.2019	Deposit Insurance Agency Annual Report 2018 (Deposit Insurance Agency)	Distributed to the committees and parliamentary factions for deliberation
5	1-5126/19 18.03.2019	Activity Report of the Office of the Business Ombudsman of Georgia for 2018 (Business Ombudsman of Georgia Irakli Lekvinadze)	Distributed to the committees and parliamentary factions for deliberation
6	1-6041/19 27.03.2019	Report on the activities of the State Security Service of Georgia for 2018 (State Security Service of Georgia)	Resolution of the Parliament of Georgia № 4610 , 29.05.2019
7	1-6104/19 27.03.2019	2018 Reports on Status of Enforcement of Judgments / Decisions on Georgia by the European Court of Human Rights (Ministry of Justice)	Distributed to the committees and parliamentary factions for deliberation
8	1-6107/19 27.03.2019	Report on the Status of Enforcement of Decisions of the United Nations Committees on Georgia 2018 (Ministry of Justice)	Distributed to the committees and parliamentary factions for deliberation
9	1-6397/19 30.03.2019	Report of the Public Defender of Georgia on the State of Human Rights and Freedoms in Georgia in 2018 (Public Defender of Georgia)	Resolution of the Parliament of Georgia № 5003 20.09.2019
10	1-7130/19 10.04.19	2018 Report of the Public Defender of Consumers' Interests in the Energy and Water Supply Sector of Georgia (Public Defender of Consumers' Interests, an independent body at the Georgian National Energy and Water Supply Regulatory Commission)	Distributed to the committees and parliamentary factions for deliberation

11	1-8288/19 24.04.2019	2018 Report on the activity of the National Statistics Office of Georgia (Geostat) (National Statistics Office of Georgia (Geostat))	Accepted as notification by the Parliament's plenary session on 11 June 2019, extract from a protocol №152
12	1-8461/19 30.04.2019	2018 Report of the Public Broadcaster (Board of Trustees of the Public Broadcaster)	Distributed to the committees and parliamentary factions for deliberation
13	1-8477/19 30.04.2019	2018 Report on the activities of the Georgian National Energy and Water Supply Regulatory Commission (Georgian National Energy and Water Supply Regulatory Commission)	Accepted as notification by the Parliament's plenary session on June 27, 2019, extract from a protocol №156
14	1-8483/19 30.04.2019	2018 Annual Report of the National Bank of Georgia (National Bank of Georgia)	Resolution of the Parliament of Georgia № 4864 , 27.06.2019
15	1-9440/19 14.05.2019	Report on the activities of the Prosecutor's Office of Georgia in 2018 (Chief Prosecutor of Georgia Shalva Tadumadze)	Distributed to the committees and parliamentary factions for deliberation
16	07-2/352 24.05.2019	2018 Annual Report on the Implementation of State Budget (Government of Georgia)	Resolution of the Parliament of Georgia № 4865 , 27.06.2019
17	1-10641/19 29.05.2019	2018 Report on the activities of the Georgian National Communications Commission (Georgian National Communications Commission)	Distributed to the committees and parliamentary factions for deliberation
18	07-2/358 31.05.2019	"Freedom, Rapid Development, Prosperity" - Report on the Progress in the Implementation of the Government Program for 2018-2020 (Prime Minister of Georgia)	Distributed to the committees and parliamentary factions for deliberation
19	1-10847/19 03.06.19	State Audit Office Activity Report 2018 (State Audit Office)	Resolution of the Parliament of Georgia № 5090 , 03.10.2019

20	1-10908/19 03.06.19	Pension Agency Report 2018 (LEPL Pension Agency)	Resolution of the Parliament of Georgia №5210, 29.10.2019
21	07-2/368 19.06.19	Draft Fifth Periodic Report of Georgia on the Implementation of the International Covenant on Civil and Political Rights (Government of Georgia)	Distributed to the committees and parliamentary factions for deliberation

Annex 3. Reports submitted by accountable agencies to the parliament of Georgia in 2020

№	Number and date of submission	Title of the report	Number and date of submission
1	1-3742/20 28.02.2020	2019 Report on the activities of the Legal Aid Service (Legal Aid Service)	Distributed to the committees and parliamentary factions for deliberation
2	1-5465/20 31.03.2020	2019 Reports on Status of Enforcement of Judgments / Decisions on Georgia by the European Court of Human Rights (Ministry of Justice of Georgia)	Human Rights and Civil Integration Committee of the Parliament of Georgia presented the conclusion on 23 June 2020 (№2-6693/20)
3	1-5466/20 31.03.2020	Report on the Status of Enforcement of Decisions of the United Nations Committees on Georgia 2019 (Ministry of Justice of Georgia)	Human Rights and Civil Integration Committee of the Parliament of Georgia presented the conclusion on 23 June 2020 (№2-6692/20)
4	1-5468/20 01.04.2020	Report of the Public Defender of Georgia on the State of Human Rights and Freedoms in Georgia in 2019 (Public Defender of Georgia)	Resolution of the Parliament of Georgia №6679, 29.06.2020
5	1-5469/20 01.04.2020	2019 Report on the activities of the State Inspector submitted by the State Inspector's Service (State Inspector's Service)	Resolution of the Parliament of Georgia №6851, 15.07.2020

6	1-5776/20 15.04.2020	Report on the activities of the State Security Service of Georgia for 2019 (State Security Service of Georgia)	Distributed to the committees and parliamentary factions for deliberation
7	1-6002/20 29.04.2020	2019 Report on the activity of the National Statistics Office of Georgia (Geostat) (National Statistics Office of Georgia (Geostat))	Distributed to the committees and parliamentary factions for deliberation
8	1-6037/20 30.04.2020	2019 Annual Report of the National Bank of Georgia (National Bank of Georgia)	Resolution of the Parliament of Georgia №7056, 17.07.2020
9	07-2/468 01.05.2020	Draft combined 9th and 10th periodic reports of Georgia on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (Government of Georgia)	Distributed to the committees and parliamentary factions for deliberation
10	1-6050/20 01.05.2020	2019 Report of the Public Broadcaster (Public Broadcaster)	Distributed to the committees and parliamentary factions for deliberation
11	1-6110/20 01.05.2020	a) Decree N717 of the Government of Georgia of 24 April 2020 on the endorsement for the submission to the Parliament of Georgia of the Annual Report (2019) on the Implementation of the Action Plan for 2018-2020 on the Measures to be Implemented for Combating Violence against Women and Domestic Violence and Protection of Victims; b) Decree N719 of the Government of Georgia of 24 April 2020 on the endorsement for the submission to the Parliament of Georgia of the Annual Report (2019) of the National Action Plan for 2018-2020 on the Implementation of UN Security Council Resolutions on Women, Peace and Safety; c) Decree N718 of the Government of Georgia of 24 April 2020 on the Interim Report on the Government of Georgia Action Plan (for 2019) on the Protection of Human Rights Protection of Georgia.	Human Rights and Civil Integration Committee of the Parliament of Georgia presented the conclusions on 21 July 2020 (№2-7617/20 and №2-7618/20) and 14 July 2020 (№2- 7659/20)

12	1-6475/20 15.05.2020	Report on the activities of the Prosecutor's Office of Georgia in 2019 (Prosecutor's Office of Georgia)	Distributed to the committees and parliamentary factions for deliberation
13	1-6740/20 22.05.2020	Activity Report of the Office of the Business Ombudsman of Georgia for 2019 (Business Ombudsman of Georgia)	Distributed to the committees and parliamentary factions for deliberation
14	07-2/473 25.05.2020	Annual Report on the 2019 State Budget Implementation (Government of Georgia)	Resolution of the Parliament of Georgia №6483, 24.06.2020
15	1-6962/20 29.05.2020	Pension Agency 2019 Report (LEPL Pension Agency)	Distributed to the committees and parliamentary factions for deliberation
16	1-6967/20 29.05.2020	Enclosed report on the progress in the implementation of 2019-2020 government program (Prime Minister of Georgia)	Presented at the parliament's plenary session on 26 June 2020
17	1-6997/20 01.06.2020	2019 Annual Report on the activities of the Georgian National Energy and Water Supply Regulatory Commission and the independent audit report on financial statements (Georgian National Energy and Water Supply Regulatory Commission)	Accepted as notification by the extraordinary plenary session on 14 July, extract from a protocol №218-lis
18	1-7025/20 02.06.2020	2019 Report on the activity of State Audit Office Activity (State Audit Office)	Resolution of the Parliament of Georgia №6852, 15.07.2020
19	1-7954/201 7.06.2020	2019 Report of the Public Defender of Consumers' Interests in the Energy and Water Supply Sector of Georgia (Public Defender of Consumers' Interests, an independent body at the Georgian National Energy and Water Supply Regulatory Commission)	Sector Economy and Economic Policy Committee of Parliament presented the conclusion on 8 July 2020 (№2-7380/20)

20	1-8205/20 23.06.2020	2019 Report on the activities of the Georgian National Communications Commission (Georgian National Communications Commission)	Distributed to the committees and parliamentary factions for deliberation
21	07-2/504 17.07.2020	Draft National Report of Georgia for the UN Universal Periodic Review 2020 (Government of Georgia, author – Ministry of Foreign Affairs of Georgia)	Human Rights and Civil Integration Committee of the Parliament of Georgia presented the conclusion on 24 September 2020 (№2- 9594/20)

Annex 4. Description of control measures for the oversight of enforcement of normative acts in 2019-2020 by the committees

Committee	Description of the oversight
Agrarian Issues Committee	2019 - The committee heard the LEPL National Food Agency report on 2018 activities and the activities planned in 2019, which are the following: • On the effectiveness of the state oversight on food safety; • On the epizootic reliability; • On the plant safety and phytosanitary reliability; • The 2018 laboratory report of the Ministry of Environmental Protection and Agriculture. 2020 - The committee exercised the oversight function over the enforcement of the following normative acts: • The obligation under Article 14, paragraph 1 of the law of Georgia “On the determination of the designated purpose of land and on sustainable management of agricultural land” • The obligation under Article 14, paragraph 2 of the law of Georgia “On the determination of the designated purpose of land and on sustainable management of agricultural land” • Article 29 of the law of Georgia “On water users organisations”.

Human Rights and Civic Integration Committee	2019 - The committee exercised oversight over the enforcement measures on the following normative acts passed by the Parliament: • Resolution of the Parliament N3148-RS adopted on July 19, 2018 “On the Ombudsman’s 2017 report on the situation of protection of human rights and freedoms in Georgia”.¹⁸⁷ • Resolution of the Parliament N2182-IIS adopted on April 19, 2018 “On the Personal Data Protection Inspector’s 2017 activity report and on the situation of personal data protection in Georgia”.¹⁸⁸ 2020 - The committee exercised oversight over the enforcement measures of the following normative acts passed by the Parliament: • “Resolution of the Parliament adopted on October 20, 2019 on the Ombudsman’s “report on the situation of protection of human rights and freedoms in Georgia in 2019”; • Resolution of the Parliament adopted on May 30, 2019 “On the Personal Data Protection Inspector’s 2018 activity report and on the situation of personal data protection in Georgia” • Resolution of the Parliament adopted on June 28, 2019 “On the reports presented to the Parliament by public institutions under Article 49 of the General Administrative Code of Georgia”
Environmental Protection and Natural Resources Committee	2019 - The committee carried out an audit report on the enforcement of the oversight of legislative changes on electric-motor vehicles.¹⁸⁹ 2020 - The enforcement of the oversight of the “Environmental impact evaluation procedure”.¹⁹⁰
Education, Science and Culture Committee	2019 - The committee exercised oversight over the enforcement of the following laws: • “On General Education” • “On Vocational Education and Training” • “On Early and Preschool Education” • “On Higher Education” • “On Education Quality Improvement” • “On Official Language” 2020 - The committee did exercise the oversight on the enforcement of the following normative acts: • “On Culture” • “On General Education” • “On Vocational Education and Training” • “On Early and Preschool Education” • “On Official Language”

187 see the link: <https://info.parliament.ge/#law-drafting/16229>

188 see the link: <https://info.parliament.ge/#law-drafting/15275>

189 See the relevant link on the Parliament’s web-site: <https://bit.ly/2OqgbXN>

190 The enforcement of the oversight of the Environmental impact evaluation procedure, parliament.ge, <https://bit.ly/3uB4ukk>

Sectoral Economy and Economic Policy Committee	2019 - The execution of the following normative acts were examined: 1. Law of Georgia "On the Partnership Fund JSC" 2. "Spatial Planning, Architectural and Construction Activities Code of Georgia" 3. Law of Georgian "On Free Industrial Zones" 2020 - Examination was not carried out.
Diaspora and Caucasus Issues Committee	2019 - The committee exercised the oversight on the enforcement of changes made in the "Organic Law on Georgian Citizenship" 2020 - Examination was not carried out.
Committee on European Integration	2019 - The Committee heard the Public Service Bureau's 2018 report on the monitoring of public officials' asset declarations. Together with the Environmental Protection and Natural Resources Committee, heard the analysis of the organization "Green alternative" on the flaws revealed during the 1st year of implementation of the "Environmental Assessment Code". 2020 - The committee conducted 5 committee hearings on the enforcement of Association Agreement and Association Agenda and developed recommendations accordingly.
Defence and Security Committee	2019 - The committee exercised the oversight over the enforcement of the Laws of Georgia "On Weapons" and "On Licences and Permits". 2020 - The Committee exercised the oversight on the enforcement of the following laws: • "On Weapons"; • "On Licences and Permits"; • "Law of Georgia on Licence and Permit Fees".
Legal Issues Committee	The committee did not provide the information in this regard.
Regional Policy and Self-Government Committee	2019 - The committee exercised the oversight over the enforcement of the following normative acts: Organic Law of Georgia "Local Self-Governance Code" and the Law of Georgia "On the Development of High Mountainous Regions". 2020 - Examination was not carried out.

Finance and Budget Committee	2019 - The committee carried out the study of the reform on profit taxation reform within the Retrospective Regulation Impact Assessment (ex-post RIA).¹⁹¹ 2020 - The Committee heard: • “Annual report on the 2019 budget execution” (Issued 6 recommendations); • State Audit Office’s report on the “Annual report on 2019 state budget execution” presented by the Government of Georgia; • “The review of 3 months of the 2020 state budget of Georgia”; • “The review of 6 months of the 2020 state budget of Georgia”; • The report “On the current status of the execution of obligations under the Association Agreement on the financial service, taxation, accounting and audit from the 2019 action plan of the Association Agreement and the Association Agenda”; • Also, the audit group discussed 11 reports presented by the State Audit Office and issued 117 recommendations.
Foreign Relations Committee	2019 - According to the responses received from the committee, the committee regularly receives the information from the Ministry of Foreign Affairs of Georgia regarding the entry into the international treaties (Conclusion, Termination) in accordance with the Article 25 of the Law “On International Treaties of Georgia”. 2020 - Examination was not carried out.
Procedural Issues and Rules Committee	2019 - According to the information provided by the committee the oversight of enforcement of the normative acts that fall within its competence is conducted regularly, however, the committee did not provide the information regarding which normative acts they enforced oversight over and which activities they carried out during the oversight process. 2020 - According to the information received from the committee, it exercised oversight over the execution of the Parliament’s Rules of Procedure on a regular basis.
Sports and Youth Issues Committee	The committee did not exercise the oversight over the normative acts during the research period.
Healthcare and Social Issues Committee	2019 - Within the oversight of the execution of the normative acts the committee carried out a thematic research on the Law of Georgia “On Tobacco Control”.¹⁹² Hereby, the committee started oversight of the enforcement of the Law of Georgia “On Medicines and Pharmaceutical Activities”.¹⁹³ 2020 - Examination was not carried out.

191 Archil Talakvadze: The Parliament is working on the legislative amendments in various fields, that will support the creation of new jobs”, parliament.ge, <https://bit.ly/2ZPvD4p>

192 A Draft Resolution of the Parliament was prepared based on the oversight over the normative act, which is initiated in the Parliament, <https://info.parliament.ge/#law-drafting/20101>

193 See the Links: the enforcement of the Law of Georgia “On Medicines and Pharmaceutical Activities” - Access to good quality medicines in Georgia <https://bit.ly/2QlaWKi>; The enforcement of the Law of Georgia “On Tobacco Control” <https://bit.ly/2CRcfso>

Annex 5. Information on the candidates discussed in the Parliament during the reporting period

№	Candidate (Name, Surname)	Nominator	Resolution of the Parliament of Georgia	Note
1	Giorgi Sharabidze	President of Georgia (№07-1/25, 10.01.2019) As a member of the Central Election Administration Commission	<u>№4460</u> 04.04.2019	
2	Mikheil Chikviladze	Parliamentary majority factions (№2-3825/19, 07.03.19) As a member of the Board of Trustees of the Public Broadcaster	<u>№4364</u> 20.03.2019	
3	Olivie Ruso	Investment board of the Pension Agency (1- 10158/19, 22.05.2019) As a member of the investment board of the Pension Agency	<u>№4754</u> 11.06.2019	
4	Timo Viherkenttä	Investment board of the Pension Agency (1- 10158/19, 22.05.2019) As a member of the investment board of the Pension Agency	<u>№4755</u> 11.06.2019	
5	Michael Riddle	Investment board of the Pension Agency (1- 10158/19, 22.05.2019) As a member of the investment board of the Pension Agency	<u>№4756</u> 11.06.2019	
6	Davit Tsikaluri	Investment board of the Pension Agency (1- 10158/19, 22.05.2019) As a member of the investment board of the Pension Agency	<u>№4757</u> 11.06.2019	
7	Jean-Frederick Polson	Investment board of the Pension Agency (1- 10158/19, 22.05.2019) As a member of the investment board of the Pension Agency	<u>№4758</u> 11.06.2019	
8	Londa Toloraia	Premier Minister of Georgia (№07-2/360, 03.06.2019) For the position of State Inspector	<u>№4752</u> 11.06.2019	
9	Merab Gabinashvili	High Council of Justice of Georgia (№1- 16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5548</u> 12.12.2019	
10	Miranda Eremadze	High Council of Justice of Georgia (№1- 16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5550</u> 12.12.2019	

11	Mamuka Vasadze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5551</u> 12.12.2019	
12	Maia Vachadze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5552</u> 12.12.2019	
13	Tamar Zambakhidze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5553</u> 12.12.2019	
14	Shalva Tadumadze	High Council of Justice of Georgia(№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5554</u> 12.12.2019	
15	Vladimer Kakabadze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5555</u> 12.12.2019	
16	Levan Mikaberidze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5556</u> 12.12.2019	
17	Giorgi Mikautadze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5557</u> 12.12.2019	
18	Nugzar Skhirtladze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5559</u> 12.12.2019	
19	Lali Papiashvili	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5560</u> 12.12.2019	
20	Nino Kadagidze	High Council of Justice of Georgia(№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5561</u> 12.12.2019	
21	Ketevan Tsintsadze	High Council of Justice of Georgia(№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5563</u> 12.12.2019	

22	Aleksandre Tsuladze	High Council of Justice of Georgia (№1-16602/19, 06.09.2019) As a judge at the Supreme Court of Georgia	<u>№5564</u> 12.12.2019	
23	Davit Narmania	President of Georgia (№07-1/27, 17.09.2019) For the position of Chairman of National Energy and Water Regulatory Commission	-	Voting did not take place ¹⁹⁴
24	Grigol Liluashvili	Government of Georgia (07-2/400, 07.10.2019) For the position of the head of State Security Service of Georgia	<u>№5200</u> 17.10.2019	
25	Giorgi Pruidze	President of Georgia (№07-1/28, 07.11.2019) For the vacant position of Chairman of National Energy and Water Regulatory Commission	<u>№5388</u> 28.11.2019	
26	Dimitri Javakhadze	President of Georgia (№07-1/29, 25.11.2019) As a member of the Central Election Administration Commission	<u>№5453</u> 10.12.2019	
27	Giorgi Dzagania	President of Georgia (№07-1/30, 25.11.2019) As a member of the Central Election Administration Commission	<u>№5455</u> 10.12.2019	
28	Giorgi Javakhishvili	President of Georgia (№07-1/31, 25.11.2019) As a member of the Central Election Administration Commission	<u>№5457</u> 10.12.2019	
29	Giorgi Tchikaberidze	President of Georgia (№07-1/32, 25.11.2019) As a member of the Central Election Administration Commission	<u>№5459</u> 10.12.2019	
30	Kakhi Bekauri	President of Georgia (№07-1/33, 26.11.2019) As a member of Georgian National Communications Commission	<u>№5494</u> 11.12.2019	
31	Revaz Mikaberidze	N(N)LE Civil Development Society As a member of the Prosecutorial Council	<u>№5608</u> 19.12.19	

194 The Parliament did not vote on the election of the chairman, as the compliance of this procedure with the legislation raised questions. Later, with the amendments of the law, the authority of appointing the chairman was defined as a discretion of the members of the commission, instead of the Parliament. See the amendment of the law that took place on October 18th, 2019 <https://bit.ly/2UKEG4F>

32	Tea Tcheishvili	Georgian Bar Association (№1-1197/20, 27.01.2020) As a member of the Prosecutorial Council	<u>№5737</u> 17.03.20	
33	Irakli Shotade	Prosecutorial Council (№1-2184/20, 10.02.2020) As a Prosecutor General of Georgia	<u>№5715</u> 18.02.20	
34	Nino Kadagidze	High Council of Justice of Georgia (№1-4616/20, 11.03.2020) Chairman of the Supreme Court of Georgia	<u>№5804</u> 17.03.20	
35	Gocha Lortkipanide	Government of Georgia (№07-2/458, 11.03.2020) As a candidate for the International Criminal Court judge	<u>№5861-III</u> 20/03/2020	
36	Sergo Shavgulidze	President of Georgia (№07-1/34, 11.03.2020) As a member of Georgian National Communications Commission	<u>№5892-სს</u> 21.05.20	Was not elected
37	Vakhtang Abashidze	President of Georgia (№07-1/34, 11.03.2020) As a member of Georgian National Communications Commission	<u>№5893-სს</u> 21.05.20	
38	Tamar Tchelidze	President of Georgia (№07-1/34, 11.03.2020) As a member of Georgian National Communications Commission	<u>№5894-სს</u> 21.05.20	Was not elected
39	Lili Gelashvili	Minister of Justice of Georgia (№6166, 19.05.2020) as a member of the Prosecutorial Council of Georgia	<u>№6348</u> 23.06.20	
40	Bondo Mdzinarashvili	The Members of the Parliament of Georgia: Mirian Tsiklauri, Gia Zhorzholiani, Giorgi Mosidze, №6692 01.07.20 _ Aleksandre Erkvania, Irma Inashvili, Emzar Kvitsiani, Giorgi Lomia, Ada Marshania, David Chichinadze, Koba Narchemashvili, Mariam Jashi, Bidzina Gegidze, Giorgi Begadze and Gela Mikadze (№2-6697/19, 23.06.2020) As a member of the Board of Trustees of the Public Broadcaster - Trustee	<u>№6692</u> 01.07.20	

41	Zaza Abashidze	The Members of the Parliament of Georgia: Davit Bakradze, Akaki Bobokhidze, Giorgi Bokeria, Tengiz Gunava, Lasha Damenia, Giorgi Kandelaki, Sergi Kapanadze, Otari Kakhidze, Zaza Kedelashvili, Irma Nadirashvili, Lela Keburia, Giorgi Ghviniashvili, Giorgi Tsereteli and Elene Khoshtaria (№2-6730/19, 23.06.2020) As a member of the Board of Trustees of the Public Broadcaster - Trustee	<u>№6691</u> 01.07.20	
42	Grigol Murghulia	The factions of the parliamentary majority: "Georgian Dream", "Georgian Dream - Industrials", "Georgian Dream - Greens", "Georgian Dream - For the Development of the Regions", "Georgian Dream - Strong Economy", "Georgian Dream - Strong Georgia" (№2-6763/19, 24.06.2020) As a member of the Board of Trustees of the Public Broadcaster - Trustee	<u>№6694</u> 01.07.20	
43	Dodo Shonava	The Members of the Parliament of Georgia: Eka Beselia, Tamar Tchugoshvili, Tamar Khulordava, Irine Pruidze, Dimitri Tskitishvili, Nino Gogvadze, Nato Chkheidze, Gedevan Popkhadze, Beka Natsvlishvili, Levan Gogichaishvili, Zviad Kvachantiradze, Levan Koberidze, Zaza Khutsishvili and Zviad Dzidziguri (№2-6764/19, 24.06.2020) As a member of the Board of Trustees of the Public Broadcaster - Trustee	<u>№6693</u> 01.07.20	Was not elected

