



PARLIAMENTARY CONTROL IN GEORGIA

(ANALYSIS OF THE 2019 SPRING SESSION)

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INTRODUCTION

Transparency International Georgia is carrying out research on the implementation of parliamentary control in the framework of the parliamentary monitoring project. The report assesses the exercise of parliamentary control cover the period from December 16, 2018¹ to July 1, 2019, and its outcomes, key challenges and their causes.

With the amendments to the Constitution of Georgia on October 13, 2017, Georgia has fully transitioned to a parliamentary model of governance. Parliamentary control in a Parliamentary Republic is of utmost importance. Through the oversight of the bodies accountable before it, the Parliament ensures democratic governance, the proper functioning of independent bodies and maintain the balance of power.

The Constitutional amendments were a significant positive step towards the strengthening of parliamentary control; the procedure for establishing a temporary investigation commission were simplified, an obligation was introduced for the Prime Minister to present an oral report to the Parliament once a year, interpellation was introduced, and the procedures on declaring no confidence in the government were simplified. In order to bring it into line with the Constitution of Georgia, amendments were adopted in the Rules of Procedure of the Parliament of Georgia in 2018. In these amendments, the procedure of parliamentary oversight of the Constitution was established and new control mechanisms were introduced, such as the Ministerial Hour, Thematic Inquiry Groups, and so on.

The reporting period covers the first session after the new Rules of Procedure² came into force and therefore it includes both the practice of introducing new parliamentary control mechanisms as well as the dynamics of the development of the mechanisms prior to the adoption of the New Rules of Procedure.

The research is based on both the analysis of legislation and the information requested from Parliament and the findings of our organization's monitoring in the framework of the parliamentary monitoring project. In this report, in order to identify problems in the practice of parliamentary control and to identify gaps in the legislation, detailed interviews were conducted with representatives of various political forces of the Parliament: Deputy Speaker Giorgi Kakhiani, Independent Member of Parliament Tamar Chugoshvili, Secretary of the Faction "European Union Georgia - Movement for Freedom" Faction Khatuna Gogorishvili, Independent Member of Parliament Eka Beselia, Deputy Chairman of the "National Movement" Faction Salome Samadashvili, Secretary of the Faction "Patriots Alliance and Social Democrats" Gela Mikadze.

Based on the findings of the report, recommendations were formulated on the improvement of the legislation and the strengthening of parliamentary control.

1 The date of entry into force of the principal part of the Rules of Procedure of the Parliament was the day of taking the oath of office of the President elected in 2018. The President took the oath of office on December 16, 2018.

2 Hereinafter "New Rules of Procedure" shall mean the Rules of Procedure of the Parliament of Georgia, Website, 14/12/2018, 3875.

CHAPTER I. MAIN FINDINGS

The amendments to the Constitution of Georgia on October 13, 2017 and the adoption of the Rules of Procedure on December 6, 2018 significantly improved the legislative guarantees of parliamentary control, introduced new parliamentary oversight mechanisms, and improved the existing procedures. The improvement of legislative norms has had a positive impact on the practice of parliamentary control.

In spite of the progress, the accountability and responsibility of both the Members of the Parliament and Members of the Government in the process of parliamentary oversight remains a challenge to date. The reason for this is the lack of a tradition in the exercising of parliamentary oversight, as well as the lackluster legislative norms. Implementation of parliamentary oversight and effective enforcement of legislative norms should be carried out with a high level of independence by the Members of Parliament and their political will to exercise control over matters of high public importance.

The following positive trends and challenges on parliamentary control were identified in regards to parliamentary control during the first session after the adoption of the new Rules of Procedure:

Positive amendments

Legislation

- The amendments to the Constitution of Georgia of 13 October 2017 are important in regards to the strengthening of parliamentary control. The procedure for establishing a temporary investigation commission has been simplified and the role of the opposition has been strengthened in the process of establishing the commission. The mechanisms for parliamentary control that were introduced by the Constitution have been appropriately reflected in the form of specific procedures in the Rules of Procedure of the Parliament;
- The Rules of Procedure of the Parliament introduced new important mechanisms of parliamentary control - the Ministerial Hour, thematic inquiry group, the summoning of accountable by factions to a committee meeting;
- The Rules of Procedure of the Parliament defined the notion of bodies that are accountable to the Parliament and the procedure for reviewing the reports, with a particular reference to the consideration of reports by public authorities on public information by the Human Rights Committee and the presentation of the latter's report to the plenary sitting;
- The Rules of Procedure introduced an additional component of debates, e.g. during an interpellation or when an accountable official to Parliament is summoned to the plenary sitting.

Practice

- As a result of the introduction of new mechanisms of parliamentary control, the accountability of the Members of the Government before the Parliament has increased. Ministers are actively attending plenary sessions and are answering questions within the framework of interpellation and ministerial hours;

- Members of Parliament are more active in exercising their right to pose deputy questions. During the reporting period, 36 MPs addressed 464 written questions to the accountable bodies, while in 2018, a total of 482 questions were sent. 416 out of 464 questions received a response;
- The factions are actively using the right to summon Members of the Government and accountable bodies to the committee sittings. During the reporting period, the factions summoned 32 accountable bodies to the committee. There were 20 cases when public officials did not attend the committee sitting;
- Thematic inquiry groups are established in the Parliament to prepare reports and recommendations on the basis of the inquiry. It is imperative to note that the inquiry carried out by the Environmental Protection and Natural Resources Committee on the state of the atmospheric air in Tbilisi;
- As a result of legislative amendments, the practice of hearing the reports by accountable bodies before the parliamentary committees has increased.

Challenges

Legislation

- The role of the opposition in the exercise of parliamentary control is not properly defined and provided for by the law. Based on the Rules of Procedure of the Parliament of Georgia, only the representatives of the majority are able to hold the chairperson positions in the parliamentary committees. Moreover, in the process of appointing heads of bodies accountable to Parliament, the Rules of Procedure does not include the requirement to hold consultations with opposition factions and to make with them decisions based on consensus. This increases the risks of politicized decision-making in the Parliament. According to the Rules of Procedure of the Parliament, there is no obligation to consider the opinion of the opposition in any matter of high importance, which would provide high legitimacy for the decision and would be a step towards reducing political polarization.
- Parliamentary control over the State Security Service is weak. The control exercised over the security system by the Defence and Security Committee has a formal character, as the members of the committee do not have access to state secret information, while Rules of Procedure gives the Group of Trust a limited mandate to access information; the involvement of experts in the oversight of the security sector is not provided for;
- The procedures for the Ministerial Hour have been improved. In the exercise of important parliamentary control mechanisms such as the Ministerial Hour, the Rules of Procedure do not envisage an opportunity for political debates. The Ministerial Hour is also restricted to the discussion around the implementation of state programs. Although practice has demonstrated that Ministers answer all the questions, it is important for the best practice to be stipulated in the law;
- The limited periodicity of interpellation (two times per session) entails the risk that the issue brought up will lose its relevance before the interpellation is carried out. With the interpellation procedure, the number of questions increases, but the time allocated to the procedure decreases. As a result, important issues may not be thoroughly discussed and the allocated time may be decreased by political motives;

- It is possible to summon a committee member and other officials that are accountable to Parliament once two months have passed since the latter attended a committee sitting. Due to this rule, the parliamentary factions were repeatedly unable to summon accountable persons to a committee sitting. As a result, a faction is deprived of the right to summon an accountable person if the latter had already been summoned to a committee sitting by another faction or committee in the past two months.

Practice

- In the exercise of parliamentary control, MPs do not demonstrate a high level of independence. Due to this, parliamentary control does not address all the major issues of that are of high concern to the public and the outcome of the control are ineffective;
- The Parliament does not use all of its control mechanisms. For example, during the 8th and 9th convocation of the Parliament, the factions never exercised the right of summoning accountable public officials to the legislature. Moreover, the Parliament did not request the Prime Minister to submit a report on the fulfillment of individual parts of the state program;
- Misinterpretation of the norms of the interpellation has led to inadequate shortages of time for each interpellation session, which could significantly interfere with the interpellation process and render this mechanism of parliamentary control useless in the future;
- Members of the Government and other public officials accountable to the Parliament do not take parliamentary control seriously, e.g. Ministers do not respond to deputy questions in a timely and complete manner (48 out of 416 questions were not answered and 119 were delayed), parliamentary factions made a total of 32 summons during the reporting period, out of which only 12 were answered with the public official showing up.
- When summoned by a faction, the Members of the Government often did not attend the committee sitting, noting that the matter would be discussed at a plenary session. This behavior has established bad practice. The use of a specific parliamentary control mechanism cannot be used as a means for refusing the exercise of another parliamentary control mechanism on the same issue;
- Although the procedure for establishing a temporary investigation commission was considerably made simpler, no parliamentary temporary investigation commission was established during the reporting period. Two requests to set up a commission have been registered - the creation of a temporary investigation commission to investigate the possible pressure on persons affiliated with TBC Bank and the Anaklia Development Consortium (initiated by factions European Georgia, European Georgia-Movement for Freedom, European Georgia-Regions) and the establishment of a commission related to LTD Financial Company Georgia (initiated by the parliamentary faction Patriots Alliance and Social Democrats). None of the issues were discussed at the plenary sitting, although the issue was present on the agenda.
- The parliamentary committees do not always review the reports of accountable bodies within the timeframe established by law and do not adopt the respective findings. The deadline for deliberations and presenting findings has been delayed on a number of occasions without any justification. For example, such a case occurred in the Legal Issue Committee during the review of the report of the Chief Prosecutor's Office in 2018. The committee did not submit a report at the spring session of 2019 and asked the Bureau for a delay on three separate occasions. The Legal Issues Committee also requested on four

occasions to postpone the review of the Legal Aid Service's 2018 report; the report was finally postponed for the fall session. There was no substantial justification in either of the cases related to the delays.

- Parliamentary oversight over the security sector remains weak, which is conditioned by the limitations of the legislation, restricted mandate of the Group of Trust, as well as lackluster human resources. An unfitting practice was established during the deliberation of the report of the Head of the State Security Service. The report was discussed behind closed doors in the committee and plenary sittings, which is inappropriate as Members of the Parliament that are not members of the Group of Trust have no access to classified state information. Therefore, no classified state information could have been discussed during the sessions;
- The transparency of the parliamentary control process is a challenge. For example, the website does not present information on all of the thematic inquiry groups, information related to parliamentary control is searchable in a non-systematic manner, specific information on the website cannot be retrieved, e.g. Why did not a particular minister failed to appear at a committee sitting. The parliamentary committees provided us with the requested information on parliamentary control in an incomplete manner and with significant delays.

CHAPTER II. EXERCISE OF PARLIAMENTARY CONTROL – SPRING SESSION 2019

2.1 VOTE OF CONFIDENCE AND NO CONFIDENCE IN THE GOVERNMENT

The constitutional amendments of 2017 amended the rules for the vote of confidence and no confidence in the government, simplified the procedure of a vote of no confidence in the government, which was respectively reflected in the Rules of Procedure.

2.1.1 VOTE OF CONFIDENCE IN THE GOVERNMENT

The constitutional amendments and new Rules of Procedure have removed the role of the President in the process of nominating the Prime Minister. The powers of the President are limited to the formal appointment of the Prime Minister following the motion of confidence by the Parliament. The procedures for passing a vote of confidence were significantly simplified and the terms were decreased.

THE PROCEDURE FOR DECLARING CONFIDENCE TO THE GOVERNMENT

The Parliament is presented with the candidacy of the Prime Minister

The candidate presents the state program and the cabinet

The committees and the factions deliberate on the state program and the cabinet

The committees and the factions present findings to the Bureau

The Bureau introduces the issue of motion of confidence in the agenda of the plenary sitting

The need for a motion of confidence occurs if the government or the Prime Minister resigns (or has his/her powers terminated for any other reason). The necessity to hold a motion of confidence occurs if the Prime Minister raises the issue of confidence in the government before the Parliament.

None of the preconditions described above have taken place during the reporting period and, therefore, there were no instances when the Parliament had to express confidence in the government.

2.1.2 VOTE OF NO CONFIDENCE IN THE GOVERNMENT

Declaration of non-confidence in the government is an ex-post parliamentary oversight mechanism, which allows the legislature to retain the principal oversight role over the government even after the vote of confidence.

- The issue of a declaration of no-confidence can be initiated by at least 51 MPs and present at the same time the candidacy for the Prime Minister;
- In addition to calling for a vote of no-confidence, the initiators shall nominate a candidate for Prime Minister, a new composition of the Government, and a new Government program;
- If the Parliament declares confidence in the new Government not earlier than 7 and no later than 14 days from the initiation of the issue by a majority of the full composition of the Parliament, no-confidence shall be declared.

There was no vote of no confidence in the government or the raising of the issue thereof during the reporting period.

2.2 ANNUAL REPORT OF THE PRIME MINISTER

The amendments to the Constitution of Georgia in 2017 made it the obligation for the Prime Minister of Georgia to submit an annual report on the fulfillment of the government program to the Parliament.³

The Prime Minister is obliged to present a report to the Parliament about the progress of the government program once in a year in the last month of the plenary sittings of the spring session. The report is submitted to the Parliament in written form before June 1. According to the new Rules of Procedure, discussions and debates are held following the presentation of the report.

The old Rules of Procedure⁴ also stipulated an obligation⁵ for the Prime Minister to submit an annual report on the fulfillment of the government program to the Parliament, although the Rules of Procedure had vague provisions on whether it was mandatory to make an oral presentation along with the written report.⁶

On May 31, 2019, the Prime Minister submitted a written Government Report on the Implementation of the Government Program for 2018-2020 - Freedom, Rapid Development,

3 Article 55.5 of the Constitution of Georgia

4 Hereinafter "Old Rules of Procedure" shall mean the Rules of Procedure of the Parliament of Georgia, Website, 03/07/2012, 6533-I (lost its power with the entry into force of the new Rules of Procedure in 2018).

5 Rules of Procedure of the Parliament of Georgia, December 6, 2018 Version, Article 205.

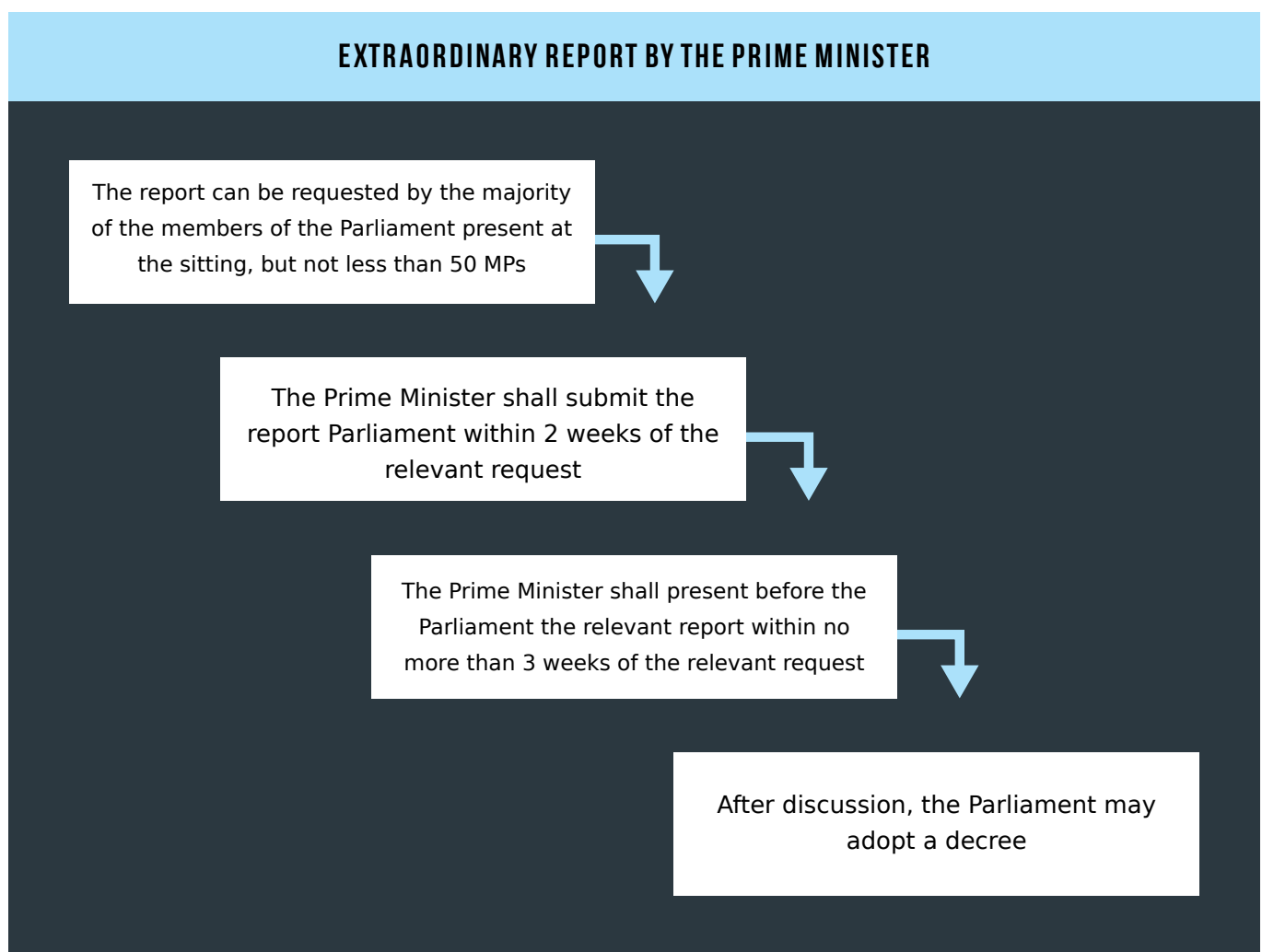
6 Ibid. Paragraph 3, the formulation of which provided space for an ambiguous interpretation.

and Prosperity⁷. The Prime Minister's oral presentation was scheduled for June 27,⁸ but on the same day, Prime Minister Mamuka Bakhtadze announced on Facebook that his speech would be postponed for a later date⁹. The demonstrations in front of the building of the Parliament were the reason for the delay. Later on, the Chairman of the Parliament Archil Talakvadze announced that consultations would be held¹⁰ to set a new date for the Prime Minister's report, though Bakhtadze resigned as PM before he could present a report to the Parliament.

2.3 EXTRAORDINARY REPORTS OF THE PRIME MINISTER

The Parliament is authorized to request that the Prime Minister presents a report on the progress of specific chapters of the government program. Unlike the annual report, the Prime Minister is required to submit such a report only upon request.

The Parliament takes this decision based on the request of a committee or a faction, at a plenary sitting with the majority of the members of the Parliament present at the sitting, but with not less than one-third of the full composition of the Parliament. The report should be related to the progress of implementation of specific chapters of the Government Program



7 On the Implementation of the “Freedom, Rapid Development, Prosperity” Government’s 2018-2020 Program , <https://info.parliament.ge/#law-drafting/18252>

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

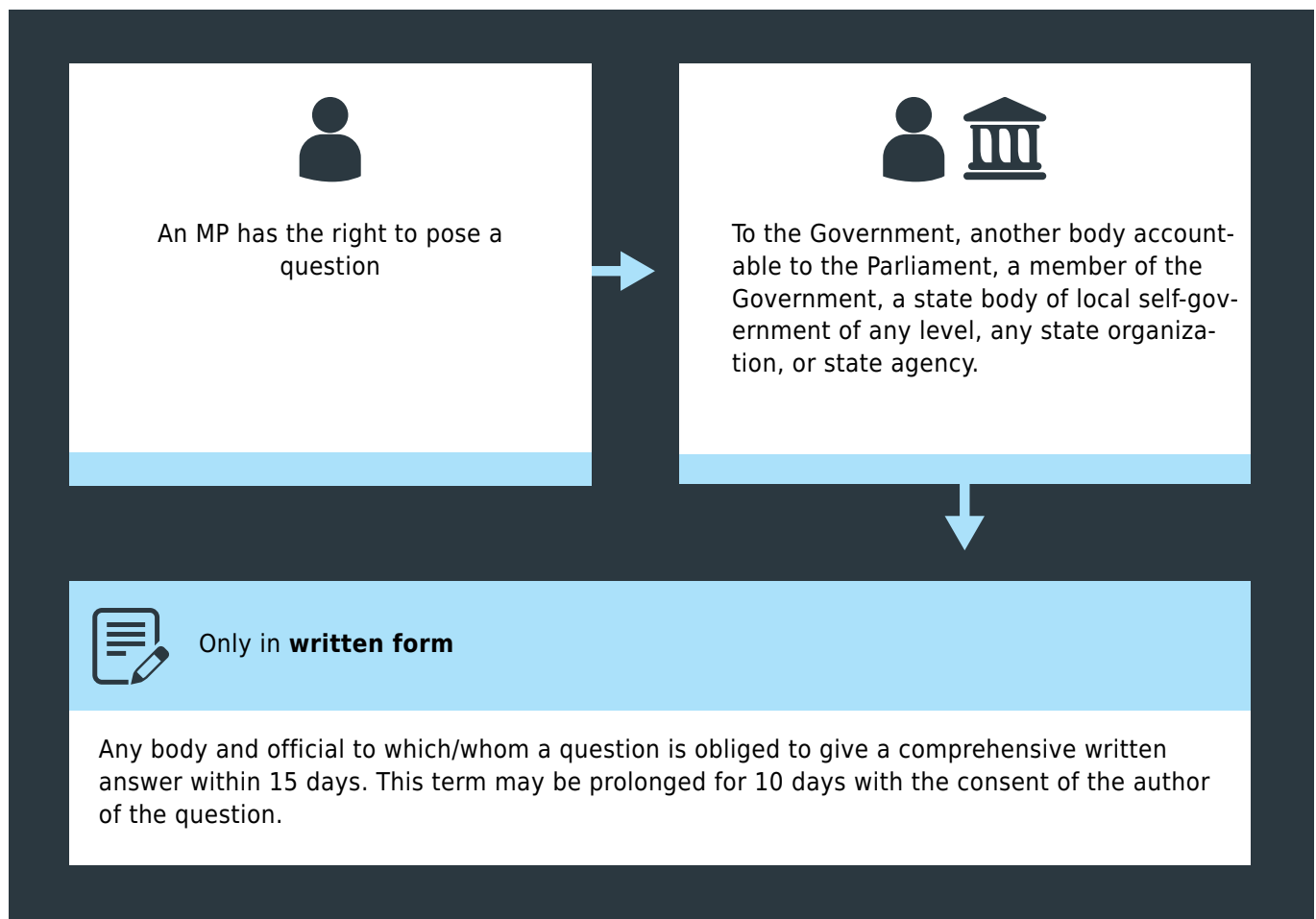
9 “Bakhtadze: Talking about our program in the legislature would not be in line with public interest”, tabula.ge, June 27, 2019, <https://bit.ly/2sDUyL8>

10 Ibid.

During the reporting period, the Parliament did not request the Prime Minister to submit a report on the status of implementation of certain parts of the government program. It is noteworthy that since its existence, the Parliament has never used this mechanism¹¹. In an interview conducted for this research with the representative of the opposition, Khatuna Gogorishvili has noted that the opposition doesn't try to use this mechanism as the decision to request the report by the Prime Minister is taken at the plenary session with a majority of the members of the Parliament present at the sitting, but with not less than one-third of the full composition of the Parliament. According to Gogorishvili, the opposition is unable to secure these many votes.

2.4 QUESTIONS OF THE MEMBERS OF THE PARLIAMENT

Questions of the Members of the Parliament are the most commonly used mechanism for parliamentary control. Its substance has remained virtually unchanged under the new Rules of Procedure and it envisages the right of an MP to pose a question to the Government, another body accountable to the Parliament, ¹² a member of the Government, a state body of local self-government of any level, any state organization, or state agency.

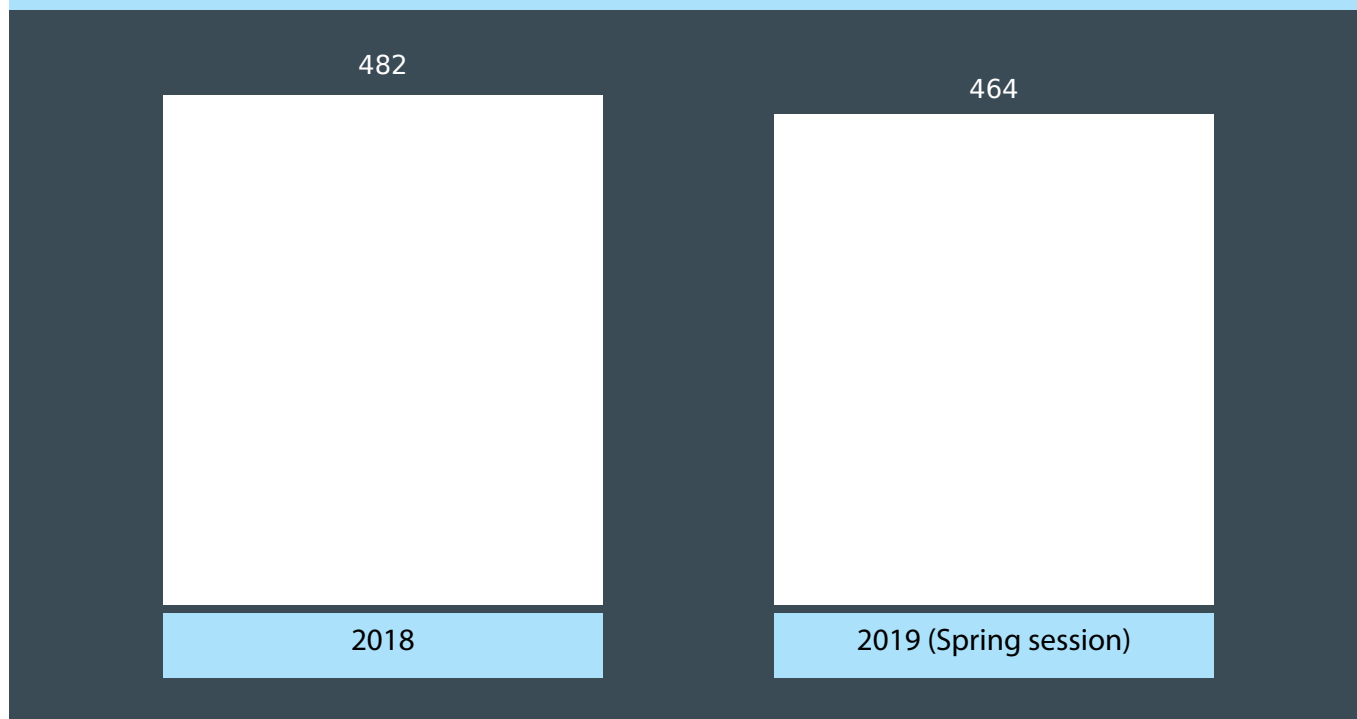


11 Menabde et al. "Twenty Years Without Parliamentary Control", Second Revised Edition, Tbilisi, 2018, p. 51.

12 Regulatory Commissions, the State Inspector, Prosecutor General, Pension Agency and other bodies, which in accordance with the Constitution of Georgia or other legislative act submit to the Parliament a report on their activities or whose accountability to the Parliament is otherwise directly envisaged through a legislative act.

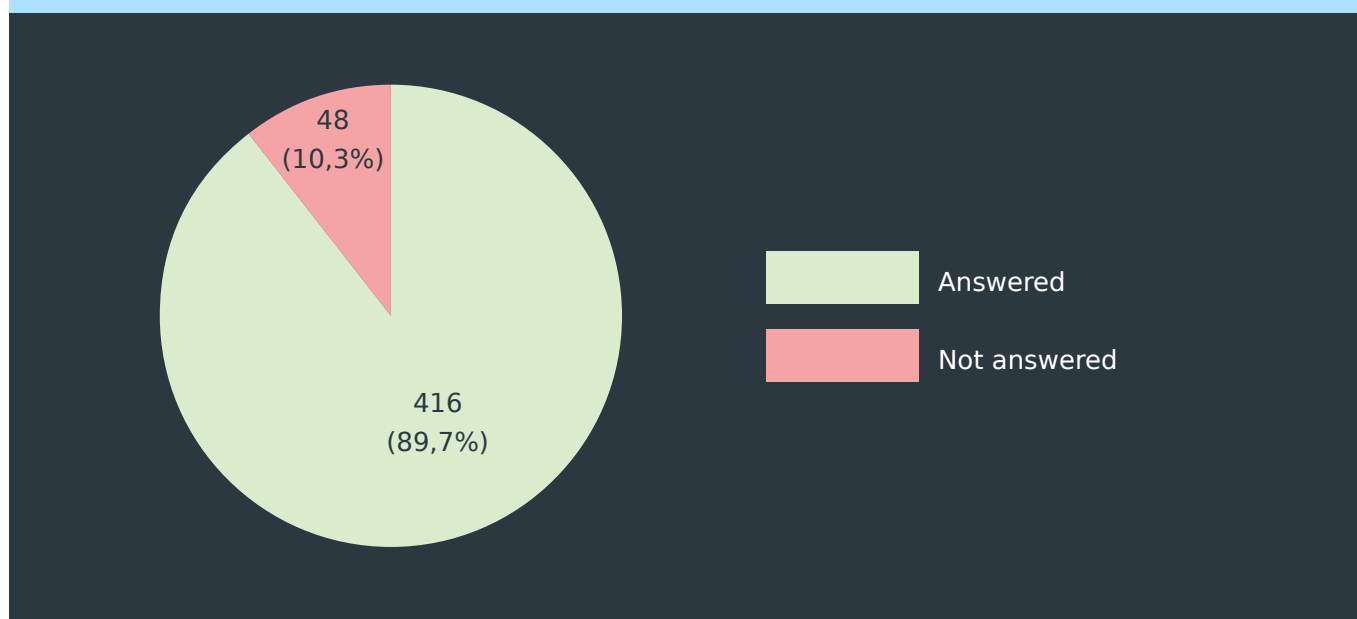
During the reporting period, 36 MPs sent 464 written questions. It should be noted that the MPs asked 482 questions in 2018. Although the new Rules of Procedure have not changed the rules related to the questions of the Members of the Parliament, it seems the amendments to the other mechanisms of parliamentary control have had an impact on the number of questions posed by MPs.

DIAGRAM 1. NUMBER OF REGISTERED QUESTIONS OF THE MPS



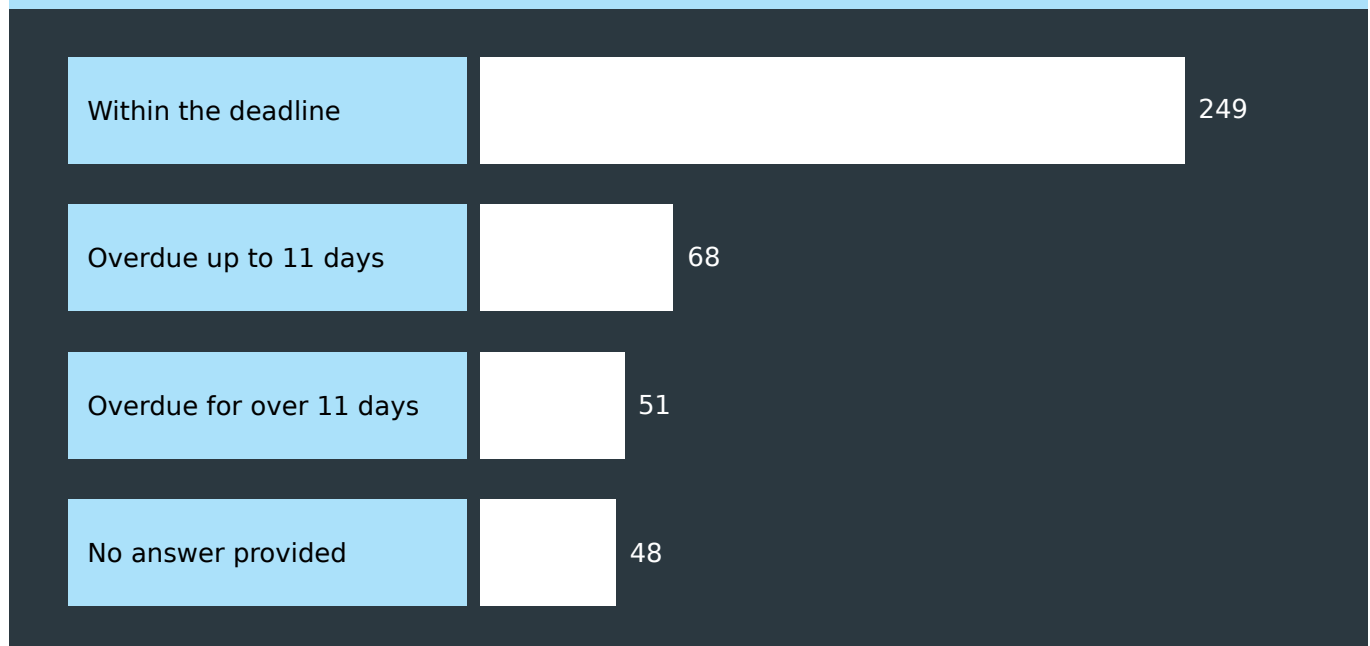
During the reporting period, there were 464 questions, out of which 416 were answered and the remaining 48 remained unanswered.

DIAGRAM 2. NUMBER OF ANSWERS TO THE QUESTIONS OF MPS



Answers were overdue for 11 days in 68 cases out of 416, while in 51 cases the answers were over 11 days late.

DIAGRAM 3. TIMELINESS OF THE RESPONSES



During the reporting period, Sergi Kapanadze posed the most questions (184), Irakli Abuseridze sent 85 questions, while Zurab Chiaberashvili posed 43 questions.

Table N1. Top 10 of the authors of the most MP questions 10

Kapanadze Sergi	184
Abuseridze Irakli	85
Chiaberashvili Zurab	43
Kuchava Kakhaber	17
Gogorishvili Khatuna	16
Tsilosani Nino	14
Ratiani Sergo	11
Melia Nikanori	9
Kavelashvili Mikheil	9
Abesadze Irakli	6
Kandelaki Giorgi	6

Table N9 lists the officials who received the most MP questions during the reporting period.

Table N2. 10 Public Officials/Bodies Most Frequently Addressed	
Minister of Finance of Georgia, Ivane Machavariani	26
Minister of Education, Science, Culture and Sport of Georgia, Mikheil Batiashvili	26
Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Davit Sergeenko	18
Minister of Internal Affairs of Georgia, Giorgi Gakharia	12
Minister of Foreign Affairs of Georgia, David Zalkaliani	11
Minister of Environment Protection and Agriculture of Georgia, Levan Davitashvili	9
The Minister of Economy and Sustainable Development of Georgia, Giorgi Kobulia	9
Minister of Regional Development and Infrastructure of Georgia, Maia Tskitishvili	8
Minister of Justice of Georgia, Tea Tsulukiani	7
Acting Mayor of Chiatura Municipality, Givi Modebadze	6
President of the National Bank of Georgia, Koba Gvenetadze	5

The first chart lists the bodies that left the largest number of questions unanswered,¹³ thereby violating the stipulations of the Rules of Procedure.

¹³ The data is provided as of December 5, 2019.

DIAGRAM 4. BODIES THAT LEFT THE MOST UNANSWERED QUESTIONS DURING THE REPORTING PERIOD AS OF DECEMBER 5, 2019

Minister of Finance of Georgia, Ivane Machavariani

12

Minister of Foreign Affairs of Georgia, David Zalkaliani

5

The Minister of Economy and Sustainable Development of Georgia, Giorgi Kobulia

2

Minister of Education, Science, Culture and Sport of Georgia, Mikheil Batiashvili

2

Minister of Internal Affairs of Georgia, Giorgi Gakharia

2

Minister of Environment Protection and Agriculture of Georgia, Levan Davitashvili

2

Minister of Justice of Georgia, Tea Tsulukiani

2

The Rules of Procedure of the Parliament does not stipulate a special sanction or response mechanism if no answer is provided to a MP question. It is considered that the prevention mechanism for an overdue or unanswered MP question is the open publication of the answer. This system has been used on the website of the Parliament of Georgia since 2016.

¹⁴ The system is a good means of informing the public and creates the capacity for public scrutiny in regards to this mechanism of parliamentary control. The Rules of Procedure of the Parliament does not stipulate for any provisions that would provide for the discussion or response mechanisms for overdue or unanswered questions. Giorgi Kakhiani (who served as the Chairman of the Procedural Issues and Rules Committee during the reporting period) noted during the interview that the committee had processed information on responding to MP questions and intended to hold a hearing on the matter, however, the meeting was not held due to ongoing political processes.

On the other hand, it is problematic that this system of recording MP questions only provides the capacity for formal control and does not include content analysis. Khatuna Gogorishvili, for example, has told Transparency International Georgia that if an accountable person requests an additional 10-day extension to provide a response to the MP's questions, the system on the parliamentary website would erroneously register it as a proper response.

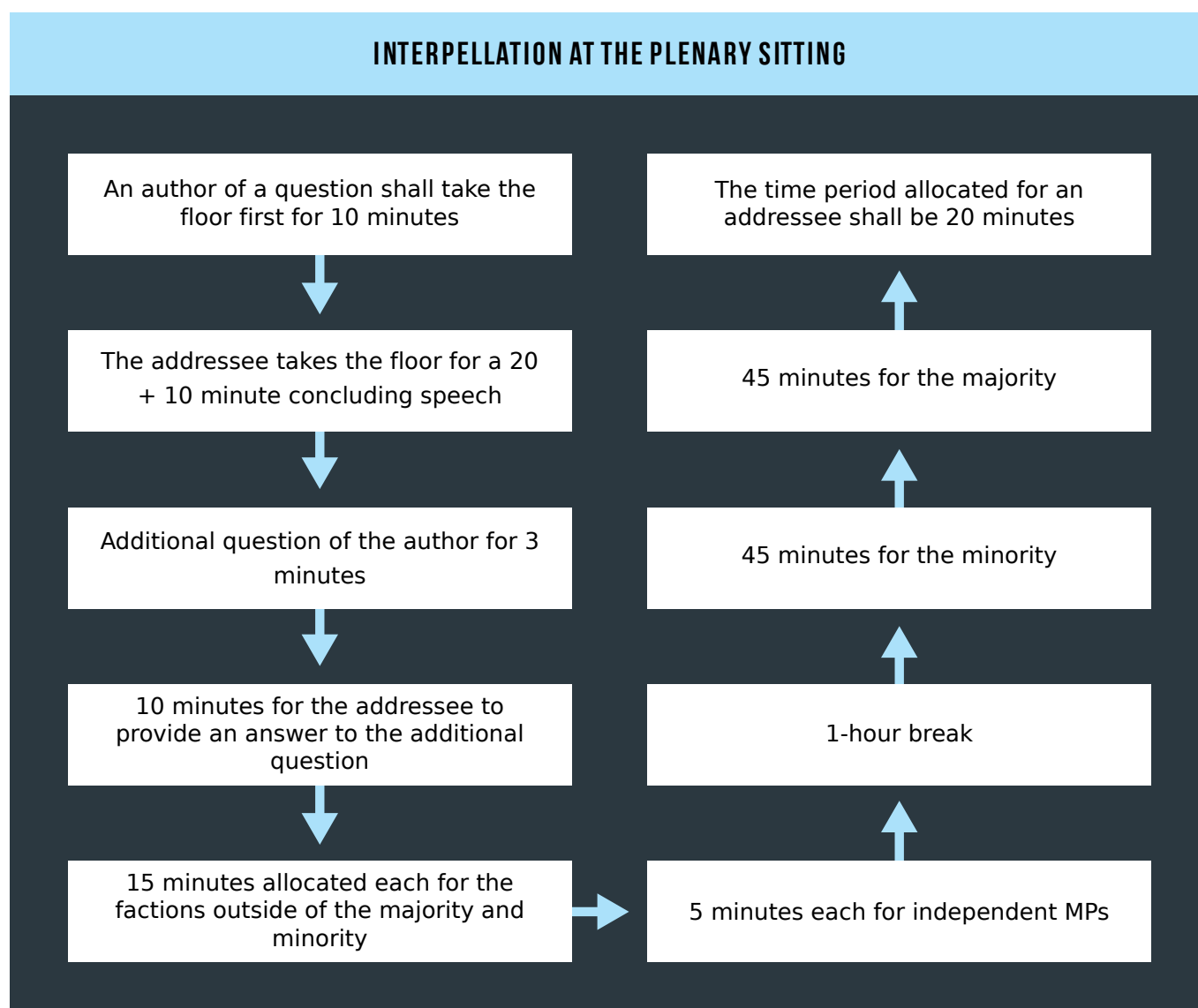
Deputy Chairperson of the Parliament Giorgi Kakhiani has told Transparency International Georgia that the Rules of Procedure does not stipulate the rules for agreeing to a ten-day extension and that it is better for the law to provide a specific deadline without the possibility of extension.

¹⁴ See link: <https://info.parliament.ge/#mpqs>

2.5 INTERPELLATION

The term “interpellation” was introduced by the Constitutional amendments of December 16, 2018 in the legislation of Georgia.¹⁵ Comprising group of no fewer than 7 MPs, a faction is authorized to ask question, according to the rule of interpellation, to the Government, another body accountable to the Parliament, and any member of the Government. A question shall be in written form with specific content and shall address an issue under the addressee’s authority. Addressees shall answer questions personally, as well as submit written answers at a plenary sitting of the Parliament, after which debates are held.

The Rules of Procedure also specify the periodicity of the interpellation: an addressee of a question asked through the interpellation rule shall, as a rule, be present before the Parliament twice during each next session, in particular, on the Friday of the last week of the plenary sittings in March and May in the spring session and in September and November in the autumn session.



¹⁵ According to the old Rules of Procedure, an MP question implied the right of a ten-member group or faction of MPs to ask a question to an accountable body, the government, or any Member of the Government. The question would be answered at the government hour, but unlike the interpellation procedure, it did not include debate.

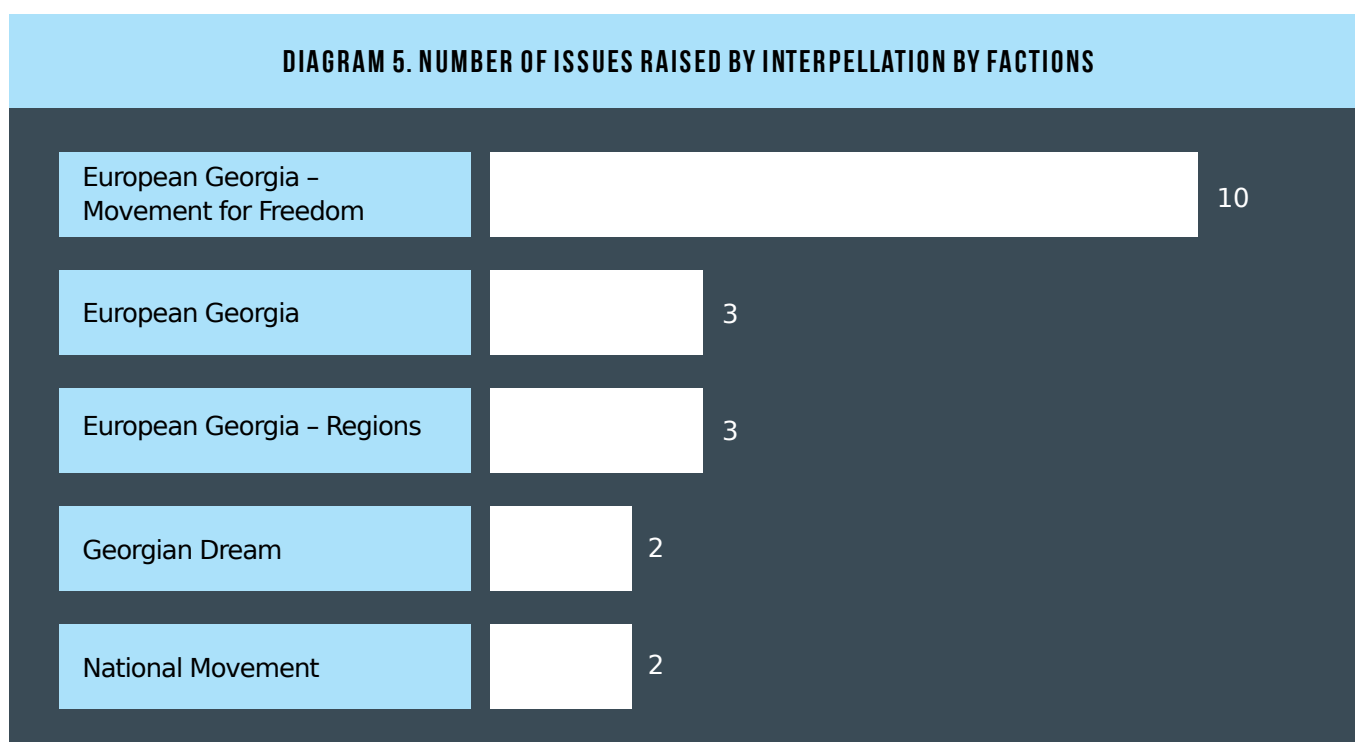
Considering the number of questions, the Bureau of the Parliament shall reduce the time proportionally envisaged by paragraphs 8-10 of this article to enable the fulfilment of procedures prescribed by this article for every question

Upon the completion of the addressee's concluding speech, the Parliament may adopt a resolution. At the same time, the interpellation may be the grounds for raising the issue of sanctions towards different public officials, or initiating a motion of no confidence in the Government.

Since 2012, a group of ten MPs have not posed a question to an accountable body and therefore a government hour has not been held¹⁶. The Faction National Movement used one time the right to ask a question, however the government hour was not held.¹⁷

During the reporting period, a total of 20 questions were addressed to the accountable bodies¹⁸.

DIAGRAM 5. NUMBER OF ISSUES RAISED BY INTERPELLATION BY FACTIONS



16 Transparency International Georgia, Strengthening of Parliamentary Control in Georgia, Tbilisi 2018, Page 62. <https://bit.ly/2LCA247>

17 Transparency International Georgia, Assessment of the Work of the Parliament in 2018, Tbilisi 2019, Page 50, <https://bit.ly/2t5Vj01>

18 The National Movement faction posed a question through the interpellation format to the Minister of Economy and Sustainable Development, but later withdrew the question.

Table 3. Questions Sent by Interpellation by Date, Faction Initiator, Addressee and Number of Questions

Date	Faction	Addressee	Number of Questions
25.01.2019 ¹⁹	National Movement	Prime Minister	1
5.02.2019 ²⁰	European Georgia	Ministry of Education, Science, Culture and Sport of Georgia	3
5.02.2019 ²¹	European Georgia - Regions	Ministry of Education, Science, Culture and Sport of Georgia	3
14.03.2019 ²²	European Georgia - Movement for Freedom	Prime Minister	6
14.05.2019 ²³	European Georgia - Movement for Freedom	Prime Minister	4
16.05.2019 ²⁴	National Movement	Head of the CEC	1
17.05.2019 ²⁵	Georgian Dream	The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia	2

During the reporting period, addressees of the interpellation twice appeared before Parliament on March 22 and May 31, the same day they provided written answers to the questions asked.

19 See the faction's question and the reply at the following link: <https://bit.ly/2Yz1FRb>

20 See the faction's question and the reply at the following link: <https://bit.ly/2rC0apd>

21 See the faction's question and the reply at the following link: <https://bit.ly/2qB0kMW>

22 See the faction's question and the reply at the following link: <https://bit.ly/38A5tWW>

23 See the faction's question and the reply at the following link: <https://bit.ly/2E2vO1G>

24 See the faction's question and the reply at the following link: <https://bit.ly/2TbOHYE>

25 See the faction's question and the reply at the following link: <https://bit.ly/2E3XK5h>

Table 4. Interpellations Held During the Reporting Period

Date	Addressee	Issue	Result
22.03	Prime Minister	Criminogenic condition in the country ²⁶	No resolution adopted
22.03	Ministry of Education, Science, Culture and Sport of Georgia	1.Salaries of school teachers 2.School autonomy 3.Student vouchers ²⁷ 4.Cancellation of Graduation Exams 5.Making the general skills test an optional test 6.Procedures for allocating grants. ²⁸	No resolution adopted
31.05	Prime Minister	1-3. Accumulated pension 4. Banking regulations 5. Clarifying the “Otkhozoria - Tatumashvili” list 6. Attack on TBC Bank ²⁹ 7-10. Money spent on remuneration of employees in the public sector ³⁰	No resolution adopted
31.05	The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia	1. Principle for the allocation of social assistance 2. Control of medical institutions in the universal healthcare program ³¹	No resolution adopted
31.05	Head of the CEC	Violations during the election campaigning period ³²	No resolution adopted

As mentioned above, the Rules of Procedure provides for a proportional reduction in the number of questions if there are many questions at once. The practice of using interpellation during the reporting period has shown that this provision of the Rules of Procedure reduces the time required by the procedure to make the complete use of the interpellation mechanism. More specifically, the time required by the procedure was reduced three times during the

26 See Chart 10, question of National Movement on January 25.

27 Ibid. Question of “European Georgia” on February 5.

28 Ibid. Question of European Georgia – Regions on February 5.

29 Ibid. March 14 letter from Faction “European Georgia - Movement for Freedom”.

30 Ibid. May 14 letter from Faction “European Georgia - Movement for Freedom”.

31 Ibid. May 17 question of “Georgian Dream” faction

32 Ibid. May 16 question “National Movement” faction.

interpellation held on March 22 and by four times³³ at the interpellation on May 31. The practice of proportionally reducing question time during the interpellation creates risks when questions may be asked solely for the purpose of paralyzing the interpellation procedure. This may endanger the effective use of the interpellation procedure in the future.³⁴

The problem outlined above is caused by an incorrect interpretation of the Rules of Procedure. In this case, the Parliament reduced one procedure defined under Article 149 (8-10) (nearly 3.5 hours in total) in proportion to a single question - three times during the interpellation in March and by four times in May. Whereas the Rules of Procedure provided for the whole day to be split for the interpellation, instead of a single 3.5-hour split.³⁵ Tamar Chugoshvili, the author of the draft law, as well as Giorgi Kakhiani, the Deputy Chairman of the Parliament, criticizes the established practice and the interpretation of the provision in such a manner.³⁶

The correct interpretation of the provisions of the Rules of Procedure will significantly improve the practice of interpellation. Nevertheless, problems will persist if the number of questions during the interpellation is significantly increased.

2.6 MINISTERIAL HOUR

The Ministerial Hour is a mechanism for parliamentary oversight that has been introduced by the new Rules of Procedure. There was no similar mechanism in the old Rules of Procedure. The Ministerial Hour implies an oral report by the Members of the Government on the implementation of the government program at the plenary session of the Parliament. Each Minister (except for the Prime Minister) has the obligation to present before the plenary sitting of the Parliament the report on the respective components of the implementation of the government program not less than once in a year.

33 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 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, the author - 1 minute, the respondent 2.5 minutes, the independent MP 1.5 minutes, the factions outside of the majority - 4-4 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>

34 Ibid.

35 The rationale for interpreting the Rules of Procedure in this manner is strengthened 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.

36 They spoke about this in the interviews with Transparency International Georgia.

PROCEDURES FOR THE MINISTERIAL HOUR

The Bureau of the Parliament prepares a schedule of presentation for each member of the Government in the Parliament



The Minister shows up at the Parliament according to the schedule



A Minister makes a 45-minute speech



The Parliament considers the report of a member of the Government according to the rules set forth by the Rules of Procedure for the consideration of a draft law at the first hearing.

The Bureau of the Parliament shall prepare a schedule of presentation for each member of the Government in the Parliament, in a manner for the schedule to ensure that at least one minister's hour is planned every two weeks during plenary sittings. The Parliament considers the report of a member of the Government according to the rules set forth by the Rules of Procedure for the consideration of a draft law at the first hearing.

The Bureau of Parliament on February 4, 2019, set a schedule³⁷ for the summoning of Members of the Government in 2019, which has changed twice during the reporting period.³⁸

MP Khatuna Gogorishvili criticized the practice of changing the schedule in an interview with Transparency International Georgia. She considers that it should not be possible to replace the Minister with another Minister as set out in the schedule a few days before the Ministerial Hour is held, as this would deprive the Members of Parliament of the capacity to duly prepare for the Ministerial Hour.

37 Decision of the Bureau of the Parliament of Georgia of 4 February 2019 N233/11 <http://parliament.ge/ge/ajax/downloadFile/109797/1489>

38 See all the amendments to Resolution N233 / 11 of the Bureau of the Parliament of Georgia dated February 4, 2019: <https://bit.ly/2sdXloX>

Table 5. Ministerial Hours Held During the Reporting Period

Period	Accountable Persons/Bodies
20.02.2019	Minister of Regional Development and Infrastructure
07.03.2019	Minister of Environment and Agriculture
20.03.2019 - 21.03.2019	Minister of Justice
04.04.2019	Minister of Defense
02.05.2019	Minister of the Internal Affairs

During the Ministerial Hour, the Ministers report on the respective components of the implementation of the government program in their field, which actually implies a report on the achievements of the Ministry. Nevertheless, if we were to judge from the practice established during the reporting period, although a substantial part of the procedure is devoted to the Minister's report, the MPs pose questions on matters of high public interest, and do not limit the substance of their questions to the authorities of the Minister. Namely:

- 54 MPs have asked a total 93 questions to Maia Tskitishvili, the Minister of Regional Development and Infrastructure
- 42 MPs have asked a total of 80 questions to Levan Davitashvili, the Minister of Environment Protection and Agriculture,
- 41 MPs have asked a total of 69 questions to Tea Tsulukiani, the Minister of Justice.
- 38 MPs have asked a total of 76 questions to Levan Izoria, the Minister of Defense.
- 43 MPs have asked a total of 57 questions to Giorgi Gakharia, the Minister of Internal Affairs.

The Ministers provide answers to the questions at the end of the procedure.³⁹

Khatuna Gogorishvili had a remark regarding the Ministerial Hour. According to her, the Ministers do not submit a written report to the Parliament before the Ministerial Hour, thereby the information provided in the report cannot be read in advance. The written report is provided to the MPs at the plenary session after the Ministerial Hour has begun.⁴⁰

39 See the video recordings of the Ministerial Hour on the FB page of the Parliament <https://www.facebook.com/pg/parliamentgeo/videos/>

40 According to Khatuna Gogorishvili, the exception was the Ministerial Hour of Maya Tskitishvili, when the written reports were distributed to the MPs an hour before the speech.

2.7 HEARINGS OF A MEMBER OF THE GOVERNMENT AND OTHER OFFICIALS

According to the current Constitution, a member of the Government, an official accountable to Parliament or the head of a body accountable to Parliament shall be entitled and, upon request, obliged to attend sittings of Parliament, parliamentary committees or commissions, in order to provide answers to questions raised during the sitting and to submit a report of activities performed.

HEARINGS OF A MEMBER OF THE GOVERNMENT AND OTHER OFFICIALS



Hearing at the Plenary Session

- Obligatory hearing [1/3]
- On one's own initiative

Hearing at Committee Sitting

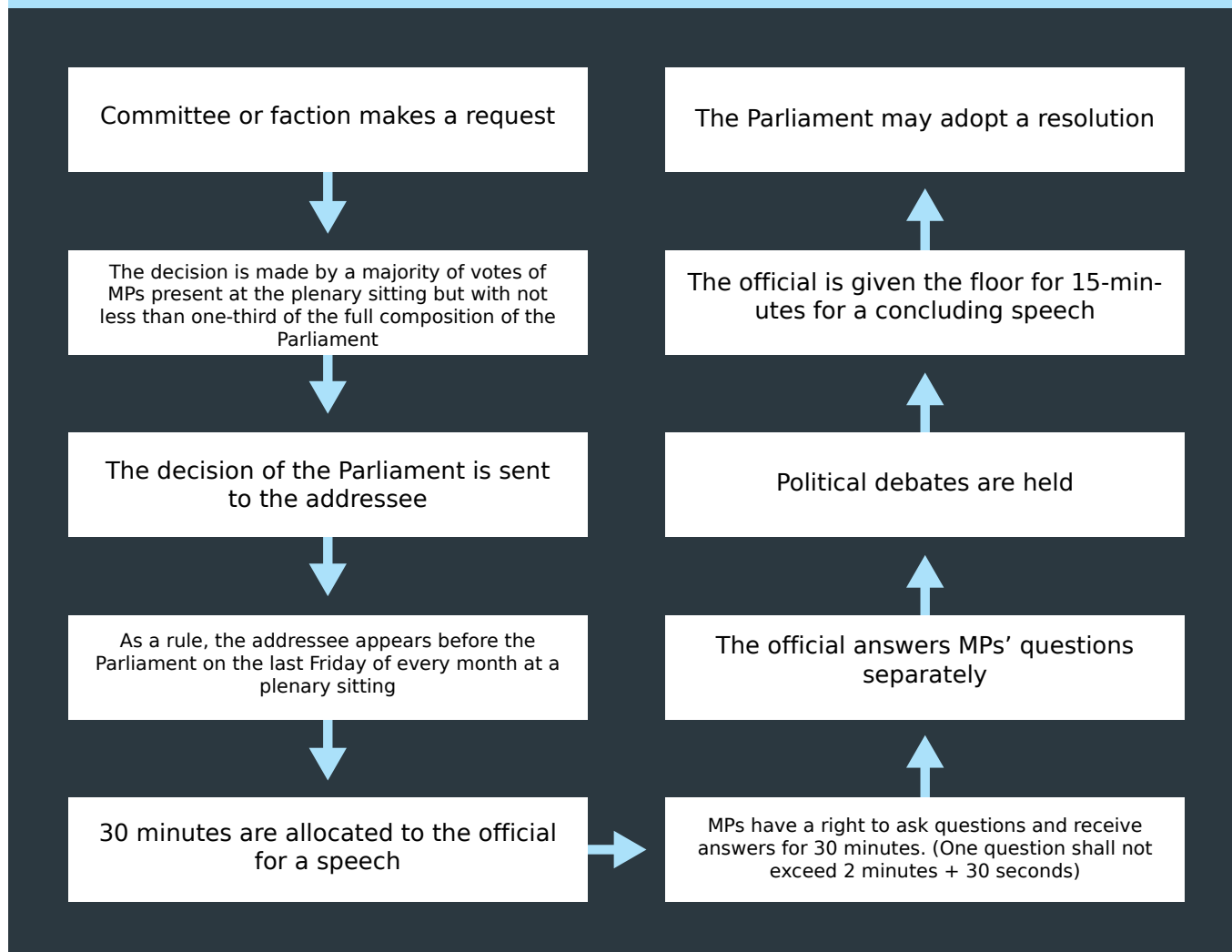
- Obligatory hearing
 - On the initiative of the Faction
 - On the initiative of the Committee
- On one's own initiative

2.7.1 SUMMONING TO PLENARY SESSION

The Parliament is authorized to summon a member of the Government, an official of a government organization accountable to the Parliament, a head of a body accountable to the Parliament to a plenary sitting on the basis of a request of a committee or a faction, by a majority of votes of MPs present at the plenary sitting but with not less than one-third of the full composition of the Parliament. They shall be obliged to answer questions and present an activity report at the sitting.⁴¹

41 Rules of Procedure of the Parliament of Georgia, Article 152, Paragraph 1.

PROCEDURE FOR SPEECH AT THE PLENARY SESSION



Since 2012 to date, the mechanism for summoning an official to the plenary session has not been used in the Parliament⁴². In spite of the fact that a provision has been added to the Rules of Procedure that provides for an obligatory debate component, the factions did not try to use this opportunity during the reporting period. Khatuna Gogorishvili said in an interview with Transparency International Georgia that a high quorum is set for making the decision, which is why the opposition is not trying to use it. It is also worth noting that there was a lower quorum (30 MPs) in the last Rules of Procedure, but this mechanism of parliamentary control was still not used.

2.7.2 HEARING OF A PUBLIC OFFICIAL AT A PLENARY SITTING ON THEIR OWN INITIATIVE

A Member of the Government, an official accountable to the Parliament, a head of an organization accountable to the Parliament, or the Public Defender immediately upon his/her request shall be heard by the Parliament.⁴³ The presentation of an official specified at a plenary sitting shall not exceed 20 minutes. If necessary, this can be prolonged by a Sitting Chair for 10 minutes. After the presentation of an official, a discussion shall take place according to the rules provided for the first hearing of a draft law.

42 Transparency International Georgia, Strengthening Parliamentary Control in Georgia, February 13 2018, p. 42

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

Holding a presentation at a plenary session on one's own initiative by an accountable official does not relieve the official of the obligation to appear before Parliament in any other format. For example, during the reporting period, the Faction National Movement summoned the Minister of Regional Development and Infrastructure Maia Tskitishvili to a committee sitting. She did not show up at the committee sitting, and the committee informed us that Maia was present at the plenary session related to the issue of the construction of the Anaklia port, where members of the Faction National Movement had the opportunity to ask questions and receive answers.

The same situation happened with Minister of Internal Affairs Giorgi Gakharia and the President of the National Bank Koba Gvenetadze. They didn't show up at a committee session on the grounds that they had already attended the plenary session when summoned.⁴⁴

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

Table 6. List of public official who showed up at the Parliament's plenary session on their own initiative

Date	Public Official
21.12.2018	Minister of Internal Affairs - Giorgi Gakharia
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

According to the Rules of Procedure, the public official is obliged to submit in written form to the Chair (Speaker) of the Parliament the issues s/he wants to present to the Parliament no later than 3 days before presentation before the Parliament. The Rules of Procedure imposes only time limits hence the public official is free to choose whatever topic they wish. During the reporting period, the following issues were presented by the public official who appeared before the Parliament on their own initiative:

- The Minister of Internal Affairs, **Giorgi Gakharia**, explained in a letter to the Speaker of Parliament on December 18 his intention to appear before the plenary session: he was ready to submit a report on the work of the Ministry to the legislature and to answer questions the MPs had in regard to the work of the Ministry. In fact, while addressing the plenary session, the Minister was not limited to a specific topic and touched upon many issues that falls within the competence of the Ministry. The questions of MPs, which lasted for about two hours, covered a number of different directions of the Ministry's activities.⁴⁵

As a result, it can be said that the relationship between the Minister of Internal Affairs

⁴⁴ See Chapter 2.8.3 for more details on this matter

⁴⁵ Address of the Deputy Prime Minister of Georgia, Mr. Giorgi Gakharia on December 18 2018, <https://info.parliament.ge/#law-drafting/16966>

and the Parliament in this format was very close to the established practice of holding the Ministerial Hour: Giorgi Gakharia submitted a general report to the Parliament, and the Members of Parliament asked questions that were not limited to the contents of the report.

- The Minister of Education, Science, Culture and Sport **Mikheil Batiashvili** addressed the Parliament on January 15, 2019 and requested that he appear before the parliament, whenever he was ready to submit a unified report of the Ministry and to answer the MPs' questions. As a result, both the Minister's speech and the questions of Members of the Parliament were not limited to a specific topic.
- The Minister of Infrastructure and Regional Development **Maia Tskitishvili** delivered a speech to the Parliament and covered a number of specific issues. In a letter to the Parliament on March 15, the Minister of Infrastructure and Regional Development noted that "the construction of the Anaklia Port has been of particular public interest lately" and therefore expressed her desire to inform the Parliament and the public on this pressing issue. At the plenary session, the discussion and questions of the MPs covered only the topic that was discussed by the Minister.⁴⁶
- Koba Gvenetadze, the President of the National Bank of Georgia, noted the basis of the committees' request to the Parliament as following: The President of the National Bank, upon the initiative of the Faction European Georgia, was requested before the Parliament at the Finance and Budgetary Committee sitting in regards to the decision by the National Bank towards JSC TBC Bank (N2627/4-3/19, 11-03-2019) and in regards to the retail lending regulations adopted on January 1, 2019 by the Sector Economy Committee of the Parliament of Georgia (N1682/4-6/19, 19-02-2019). The latter issue was postponed at the committee sitting on February 26, as the National Bank needed to analyze the results of at least one quarter of regulatory compliance practice to draw its initial conclusions.⁴⁷ In this case, Gvenetadze replaced his summons to the committee sitting with him appearing at the plenary session, which is not envisaged by the Rules of Procedure.
- Public Defender **Nino Lomjaria** addressed the Parliament with a request to address the plenary sitting to discuss the draft law on the procedures for election of members of the Supreme Court of Georgia⁴⁸. The Public Defender's hearing was held on April 19 and following a 20-minute report, the discussions around the Public Defender's evaluation of the draft law in the Parliament lasted more than an hour.⁴⁹

46 Hearing by the Parliament of Georgia on the Implementation of Anaklia Port Construction Project by the Vice Prime Minister of Georgia, Minister of Regional Development and Infrastructure of Georgia Maia Tskitishvili, <https://info.parliament.ge/#law-drafting/17603>

47 Hearing of the President of the National Bank of Georgia Koba Gvenetadze on the decisions taken by the National Bank in regards to JSC TBC Bank and the Retail Lending Regulations Introduced on January 1, 2019, <https://info.parliament.ge/#law-drafting/17744>

48 Specifically, evaluation of the draft law, substantive shortcomings, evaluation of conclusions drawn by international organizations and the existing context, letter of the Public Defender (N 02-1 / 4220 15/04/2019) to the Speaker of the Parliament of Georgia <https://info.parliament.ge/file/1/BillReviewContent/218720?>

49 Hearing of the Public Defender of Georgia Nino Lomjaria on the Draft Law on Election of Members of the Supreme Court of Georgia by the Parliament of Georgia, <https://info.parliament.ge/#law-drafting/17834>

2.7.3 SUMMONING A PUBLIC OFFICIAL TO THE COMMITTEE SITTING

An official accountable to Parliament⁵⁰ shall be entitled and, upon request, obliged to attend sittings of the parliamentary committees, in order to provide answers to questions raised during the sitting and to submit a report of activities performed.⁵¹

The request for the summons of the public official to the committee should include detailed information on the questions to be discussed. The public official has the right to refuse the discussion of matters that weren't communicated in advance in the summons request.⁵²

THE RULES FOR SUMMONING A PUBLIC OFFICIAL TO THE COMMITTEE SITTING



General rules for summoning a public official

- By the Faction's request
- By a majority of votes of MPs present at the committee sitting*

The committee can summon the following persons with the majority of the full composition

- Prime Minister
- Chief Prosecutor
- Head of the State Security Service

**If the public official already appeared before the same committee in the last two months, then he/she can be summoned only by this rule*

50 A Member of the Government, an official accountable to the Parliament (member of the Government, head of the 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, Article 40(1) of the Rules of Procedure

51 According to the old Rules of Procedure, a respective official could only be summoned to a committee sitting through the decision of the committee, while a faction could summon an official to a faction sitting.

52 Ibid, paragraph 5.

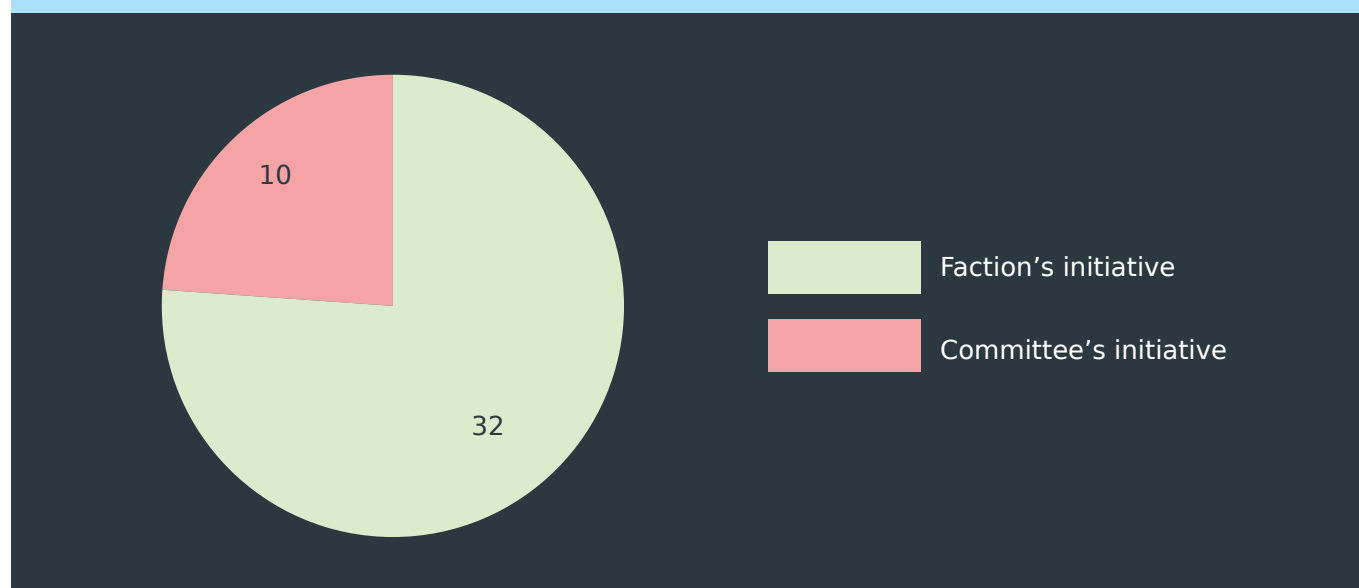
The format of the deliberations at the committee meeting includes the hearing of to the summoned person for 20 minutes (with the possibility of extension of no more than 10 minutes), after which the MPs will ask questions for 30 minutes. According to the Rules of Procedure, the time allotted must be fairly distributed among the minority, the majority and the factions and members that are beyond the majority and minority.

Salome Samadashvili and Khatuna Gogorishvili expressed their opinions on the aforementioned format of discussion. According to them, the faction should have a fixed time allocated to them that they can use at their own choosing for the purpose of fair distribution and holding thorough deliberation.

During the reporting period, there were 42 instances of summoning of public officials to the committee sittings. Factions initiated 32, while committees – 10.

During 2018, parliamentary factions made a total of 21 summons of public officials to a faction sitting, while in 2017 – 11 times.⁵³ As the 2019 data shows, under the new Rules of Procedure, factions more actively used the mandatory summons mechanism, and officials were more likely to show up for the respective sessions.

DIAGRAM 6. NUMBER OF PUBLIC OFFICIALS SUMMONED TO A COMMITTEE SITTING, BY THEIR INITIATORS



During 2018, none of the 21 summoned officials appeared at the faction's session⁵⁴. During the reporting period, 12 of the 32 summoned officials appeared at the committee meeting while 20 did not show up.

⁵³ Assessment of the Work of the Parliament of Georgia in 2018, Transparency International Georgia, July 12 2019, <https://bit.ly/3071pcA>, p. 44.

⁵⁴ Ibid, p. 44-45.

The reasons for not appearing at the sitting are discussed in detail in the subchapters of the committee reports, although it should be noted that the two most common justifications for not attending a committee meeting were as following:

1. **Two months have not passed since the last appearance at the committee sitting.** As noted above, the accountable person is not required to appear at a committee meeting if two months haven't passed. MPs Salome Samadashvili and Eka Beselia have criticized this two-month rule in an interview with Transparency International Georgia. According to Eka Beselia, the two-month period should be calculated separately for the majority and separately for the other factions. This will mitigate the risks of the ruling party abusing the oversight mechanism, which may be exhibited in the ruling party MPs summoning the minister to prevent the opposition from exercising that same right within the next two months.
2. **The accountable person appearing at the plenary sitting instead of the committee sitting.** This has happened several times. The committee explained that the Minister didn't show up as he/she was attending the plenary session and the faction had the chance to pose questions to him/her in that venue. According to the Rules of Procedure, summoning a person to plenary and committee sitting are different mechanisms of parliamentary control and they do not replace each other, so if there is an obligation, the official should show up at both the committee and the plenary sitting. This flawed practice was criticized by all respondents during the interview held with Transparency International Georgia.

It is noteworthy that the Rules of Procedure does not provide for a centralized registration system⁵⁵ for accountable persons showing up at the committees, nor any sanction other than political responsibility for failing to appear in violation of the law.⁵⁶

It is noteworthy that such important committees such as the Legal Issues Committee, Human Rights and Civil Integration Committee and the Defense and Security Committee did not exercise the right to summon persons accountable to the committee sitting during the reporting period. At the initiative of the committee, no public officials were summoned to the sitting, and those invited by opposition factions did not show up. Many important developments took place during the reporting period, such as the borderization problems and proceedings in the court. Parliamentary control should cover exactly these types of important issues.

Transparency International Georgia has requested information from parliament on the public officials summoned or those that requested a hearing on their own initiative during the reporting period. The information on the committees is as follows:

Human Rights and Civil Integration Committee

According to the information provided by the committee, on December 19, 2018, the Minister of Internal Affairs of Georgia, **Giorgi Gakharia**, was summoned by the Faction "European Georgia" to the committee sitting. Minister Gakharia's summoning at the committee meeting coincided with his appearance at the plenary sitting of the Parliament of Georgia. The Minister spoke about the issues to be presented to the committee at the plenary sitting and did not appear before the committee.

55 For example, such a system exists in the case of parliamentary questions, and the website of the Parliament posts questions and answers of MPs, as well as cases of non-response and delays.

56 In an interview with Transparency International Georgia, a representative of the Patriots' Alliance, Gela Mikadze, said that monetary sanctions should always be applied in this case.

On April 21, 2019, the Minister of Health Davit Sergeenko and Minister of Finance Ivane Machavariani were summoned to the committee sitting by the faction “European Georgia”. The Ministers failed to show up at the committee meeting within the deadline set by the Rules of Procedure. The Ministers asked for time before appearing before the Parliament, which was communicated and approved by the initiator of the summons request.

Education, Science and Culture Committee

- Minister of Education, Science, Culture and Sport **Mikheil Batiashvili** was summoned to the committee at the request of the Faction “European Georgia”. The grounds for the summons was the issue related to the inspection of the Zugdidi Public School #6. On February 7, 2019, the Minister attended the Committee meeting and answered the MPs’ questions.

Sector Economy and Economic Policy Committee

- On February 26, the President of the National Bank, **Koba Gvenetadze**, appeared at the committee sitting at the request of the Factions “European Georgia” and “European Georgia - Regions”. The issue for discussion included the regulations introduced by the National Bank and the ongoing processes related to TBC Bank.

The format of discussing the issue with the committee was the subject of heated debate. Koba Gvenetadze, as well as MPs from the ruling party, including the Chairperson of the committee, Roman Kakulia, thought that a public hearing on the TBC Bank issue could prove to be harmful. The suggestion of the parliamentary minority was that all MPs’ questions should be asked publicly at the sitting. The President of the National Bank made public responses where appropriate, and the remaining questions were answered after the session was continued behind closed doors⁵⁷. Later, the Chairperson of the committee voted to end the meeting, which was supported by members of the ruling party, as a result the committee sitting ended.⁵⁸

- **Levan Surguladze**, the Director of the Pension Agency, appeared at the committee sitting on April 23, 2019, at the request of the Faction “European Georgia”. The Law on Accumulative Pensions was the topic for discussion.
- The Minister of Economy and Sustainable Development **Natela Turnava** appeared at the June 7 committee sitting at the request of four factions⁵⁹. There were four issues on the schedule for consideration: the miners’ strike in Chiatura; construction of a deep-water port in Poti; developments in the Pankisi Gorge on April 21, 2019; contract signed with Gazprom.

On March 25, 2019, three factions summoned the President of the National Bank, Koba Gvenetadze, to speak about the results of the new regulations related to the National Bank, but since Gvenetadze already appeared at the committee sitting on February 26, and two months had not passed since, he was not under the obligation to attend.⁶⁰

57 “Public Hearing of TBC Case in Parliament Has Failed,” imedinews.ge, February 26 2019, <https://bit.ly/38Lwwyk>

58 “History of the Disrupted Session - Why Has the Hearing of Mamuka Khazaradze Failed”, bm.ge, February 26 2019, <https://bit.ly/2PPdoHI>

59 Factions “European Georgia”, “European Georgia - Movement for Freedom”, “European Georgia - Regions”, “National Movement”.

60 On the basis of the agreement, on April 5, 2019, the Parliament heard a report by Koba Gvenetadze

On April 2, the Faction “Patriots Alliance and Social Democrats” summoned three officials to the Parliament: Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia David Sergeenko, Head of the State Procurement Agency Levan Razmadze and Chairman of the Competition Agency Nodar Khaduri. The officials did not show up at the committee sittings. The committee provided us with the justification of absence for Davit Sergeenko; according to the committee, Sergeenko was away on a work trip.

Diaspora and Caucasus Issues Committee

During the reporting period, the committee summoned the following public officials on their own initiative:

- **Zaza Vashakmadze**, the Head of the State Agency for Religious Affairs, presented the committee’s work on December 19, 2018, with a report on the Agency’s activities;
- **Merab Chukhua**, the Director of LEPL Circassian (Adyghian) Cultural Center at the Ministry of Education, spoke at a committee sitting on March 14 about the report of the Center’s activities and the plans for 2019;
- **Malkhaz Mikeladze**, the Director of the Department of Neighboring Countries of the Ministry of Foreign Affairs, briefed the Committee on March 29 in regard to the relations with countries in the region and the priorities in regional policy.
- **Giorgi Bunturi**, the Head of the Migration Division of the Department of Labor and Employment Policy at the Ministry of Health, briefed the committee on April 15 in regards to the challenges of labor migration, its challenges and ways to address them.
- Director of LEPL “Produce in Georgia”, **Mikheil Khidureli**, spoke at a committee sitting on May 28 to discuss the engagement, use of the diaspora potential and formulation of special program under the “Produce in Georgia” program for Georgian citizens living abroad and returned migrants.
- The Committee has summoned the First Deputy Minister of Justice, **Mikheil Sarjveladze**, on the issue of requesting the right to preserve and restore Georgian citizenship. On June 10, he attended a committee sitting, where the discussions covered the constitutional reform and the amendments to the Organic Law on Georgian Citizenship on the following issues: retaining Georgian citizenship if another citizenship is obtained; the right of temporary restoration of citizenship; obtaining citizenship in exceptional cases; general and statistical data on the current situation; challenges in the practice and ways to resolve them.

Committee on European Integration

On March 14, the Foreign Minister of Georgia, **David Zalkaliani**, presented⁶¹ the Georgian Foreign Policy Strategy 2019-2022 at the joint sitting of the Committee on European Integration and the Foreign Affairs Committee. The strategy covered the following four objectives:

at the plenary session.

61 Joint Session of the Committee on European Integration and Foreign Affairs, March 14, 2019, parliament.ge, <https://bit.ly/39AtjrX>

1. Sovereignty and territorial integrity
2. Membership of the EU
3. Membership of NATO
4. Consolidation of institutional democracy and strengthening of the country's political image abroad⁶²

In addition to the other goals, Zalkaliani stressed on the aspiration of the country to become a member of NATO, and the following points were outlined in the strategy for achieving this goal: to continue and maximize the political dialogue within the format of the NATO-Georgia Commission; to make effective use of the Annual National Programme of Georgia as one of the important mechanisms for integration; to make effective use of the Substantial NATO-Georgia Package as one of the important tools of practical cooperation with the Alliance; and the strengthening of the cooperation with the Alliance in terms of contributing security to the Black Sea, etc.

The Minister also presented to the plenary the report on issues related to European integration, which included: Implementation and coordination of the Association Agreement and its current status; Information on Georgia's EU Integration Roadmap and Georgia's visa-free travel with Schengen Area countries.

Defense and Security Committee

The Committee did not provide information on the summoning of accountable persons to the committees. Nevertheless, the information specified that during the reporting period, the Chairperson of the committee had meetings with the heads of the agencies in the defense and security sector in regards to the ongoing reforms. Information on these meetings is rarely published, as it is carried out in a working format, however the letter from the committee underlines that the meetings are based on the mechanism of parliamentary control. It is noteworthy that during the reporting period, the committee didn't hold a sitting for the purposes of exercising parliamentary control and hasn't summoned accountable public officials on important matters such as the problems of borderization.

Legal Issue Committee

Parliamentary Faction "European Georgia", "European Georgia - Regions" and "European Georgia - Movement for Freedom" requested the summons of three Members of the Government in March and April 2019 on ongoing relevant matters. The committee did not clarify which officials were summoned by the factions. According to the information provided by the committee, the officials summoned to the committee sittings had already appeared at the plenary session for the discussion of the same matter. Therefore, they no longer had to show up at the sitting of the Legal Issues Committee.

Regional Policy and Self - Government Committee

- On January 16, 2019, Public Defender **Nino Lomjaria** appeared at the committee upon the latter's request. She spoke about the human rights situation in the regions and municipalities.

62 Georgia's Foreign Policy Strategy for 2019-2022, <https://bit.ly/2leuNpr>

- The State Minister for Reconciliation and Civic Equality **Ketevan Tsikhelashvili** appeared at the committee sitting upon the latter's request on January 16, 2019. The sitting was dedicated to the discussion of the situation in the settlements adjacent to the boundary line.

Foreign Affairs Committee

- The Minister of Foreign Affairs, David Zalkaliani, attended the joint sitting of the Committee on Foreign Affairs and the Committee on European Integration on March 14, 2019. The committees were the initiators of the summons.

According to the information provided by the committee, on 19 February 2019, the Faction National Movement addressed the committee with a request to summon the Minister of Foreign Affairs and the Minister of Infrastructure and Regional Development on the matter of the Anaklia Port. The Ministers did not attend the committee sitting. According to the committee, the members of the Faction National Movement had the opportunity to ask questions during the Foreign Minister's speech at the sitting on March. As for the Minister of Infrastructure and Regional Development, she appeared at the plenary session on March 21 in regards to the construction of the Anaklia Port, where the Faction National Movement also had an opportunity to ask questions and receive answers.

As noted above, a plenary sitting of an accountable official invited to a committee meeting may not serve as grounds for the failure to appear before a committee, as it has been observed on a number of occasions during the reporting period.

Budget and Finance Committee

- On April 2, 2019, parliamentary Factions European Georgia and European Georgia - Movement for Freedom requested the summons of Minister of Finance **Ivane Machavariani** to talk about the Omega Company, banking regulation, pension reform, increase of tax burden, and deliver information about the number of employees in municipal LEPLs, their labor contracts and remuneration. On April 23, 2019, the Minister of Finance presented information on the aforementioned issues at the sitting of the budget and finance committee.

On June 17, 2019, the parliamentary faction "European Georgia" once again requested the summoning of the Minister of Finance of Georgia, Ivane Machavariani, to attend the sitting of the committee. The request was denied due to the fact that the two-month period envisaged by the Rules of Procedure had not passed since the last time the faction summoned the Minister.

On February 26, 2019, Faction European Georgia requested the summons of Koba Gvenetadze, the President of the National Bank of Georgia, to discuss the decisions made by the National Bank in regards to the TBC Bank. The President of the National Bank of Georgia has exercised his right under the Rules of Procedure and addressed the Parliament with a request to address the plenary sitting. As indicated in the information by the committee to Transparency International Georgia, Gvenetadze's report, including information on the National Bank's decisions in regards to the TBC Bank, was heard at the plenary session on April 8 instead of at the committee sitting. As noted above, failure to show up at a committee sitting on these grounds constitutes a violation of the Rules of Procedure.

Healthcare and Social Issues Committee

- Faction “European Georgia” and Faction “European Georgia Regions” summoned by the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs **David Sergeenko**. The purpose of the summons was to discuss problems in the field of child protection and the system of social work. On March 5, 2019, a committee sitting was held where David Sergeenko presented information on the problems that social workers face in their work. Based on the presentation of the Minister and the discussions, the committee drafted recommendations for the Ministry.

On March 29, the Factions European Georgia and European Georgia - Regions demanded the summons of Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs David Sergeenko and the Minister of Finance Ivane Machavariani (issue to be discussed – problems of social workers, their strike and so on). Existing in the field discussing the most difficult issues). Ivane Machavariani did not show up at the committee sitting. As a result of additional communication obtained from the committee, we were informed that the reason for Machavariani not attending the sitting was that he was on a work trip. In the case of David Sergeenko, there was no justified reason for not showing up. In particular, before the expiration of two months from the date of compulsory summons to a committee sitting, the official is required to attend the committee sitting if the majority of the committee members make such a request. In this case, however, there was no such request from the majority. According to the information provided by the committee to Transparency International Georgia, despite the absence of a mandatory requirement to show up, the Minister expressed his willingness to attend the sitting when his work schedule allowed for it, but this has not happened during the reporting period.

A similar case occurred on April 2, when the Faction “Patriots of Georgia” again requested for David Sergeenko to be summoned to the committee sitting. (Subjects for discussions: Tenders announced by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs in 2016-2017 for the procurement of cars and their services). In this case, too, less than two months had passed since Minister showed up at the committee sitting, as such, the Minister had no obligation to appear. According to the letter received from the Ministry, the Minister expressed his readiness to attend the sitting, however, in light of the objective circumstances indicated in the letter, requested that the date of the sitting to be changed. This information was communicated by the committee to the author of the summons request.

Other committees

According to information received from the Parliament, the Agrarian Issues Committee, Search Results Web results Environmental Protection and Natural Resources Committee, Sports and Youth Issues Committee and the Procedural Issues and Rules Committee did not summon an accountable public official to their sittings during the reporting period.

2.8 HEARING OF REPORTS BY OTHER BODIES ACCOUNTABLE TO THE PARLIAMENT

The Parliament exercises oversight over bodies other than the government, such as the National Bank of Georgia, the State Audit Office, the State Security Service and others. The main form of oversight is the hearing of their annual reports.

The reports of the bodies, in the formation of which the Parliament participates, shall be heard at the plenary session. Following the hearing, the Parliament has the right to adopt a resolution.

PROCEDURES FOR THE HEARING OF REPORTS BY ACCOUNTABLE BODIES

The report is presented to the Bureau at the nearest session

The Bureau defines the lead committee and timeline for the hearing

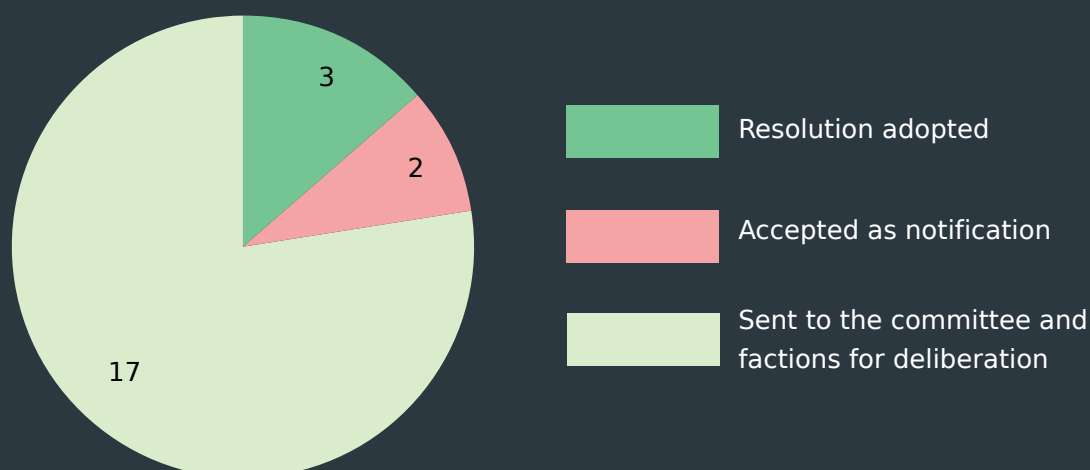
The report is sent to the committees, factions, majority and minority, which provide their opinions in a defined timeframe to the lead committee

The lead committee holds a hearing of the report in the timeframe defined by the Bureau, prepares conclusions and presents the report

The report can be heard at the plenary session

During the reporting period, the accountable bodies (including the mid-term report on the government program) submitted a total of 22 reports to the Parliament, two of which were accepted as notification by the Parliament, and a resolution was drafted on the basis of three reports. The remaining 17 reports were submitted to the committees and factions for consideration and are scheduled for the autumn session.

DIAGRAM 7. REPORTS SUBMITTED BY THE ACCOUNTABLE BODIES BEFORE THE PARLIAMENT DURING THE REPORTING PERIOD



It is noteworthy that during 2018, the Parliament received a total of 19 reports from accountable bodies⁶³, which is less than the reports received during the spring session in 2019.

Table N7. Reports submitted by the accountable bodies before the Parliament (16.12.2018 - 01.07.2019)

N	Date of submission	Name of the Report	Note
1	24.01.2019	Report of the State Regulation Agency for Medical Activities of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, 2018 (State Regulation Agency for Medical Activities)	Sent to the committees and factions for deliberation
2	28.02.2019	On the activities of the Legal Aid Service in 2018 ⁶⁴	Sent to the committees and factions for deliberation
3	01.03.2019	2018 Report on the Status of Personal Data Protection and the Activities of the Inspector ⁶⁵	Resolution of the Parliament N4735, 30.05.2019 ⁶⁶

63 Assessment of the Work of the Parliament of Georgia 2018, Transparency International Georgia, Tbilisi, 2019, p. 36, <https://bit.ly/32GPout>

64 The report is av. at the following link, bit.ly/2VPpQLO.

65 The report is av. at the following link, bit.ly/38tTnNI.

66 The resolution is available at the following link, bit.ly/2TtPbcD.

4	15.03.2019	Deposit Insurance Agency Annual Report 2018	Sent to the committees and factions for deliberation
5	18.03.2019	Activity Report of the Office of the Business Ombudsman of Georgia for 2018 ⁶⁷	Sent to the committees and factions for deliberation
6	27.03.2019	Report on the activities of the State Security Service of Georgia for 2018 ⁶⁸	Sent to the committees and factions for deliberation
7	27.03.2019	Reports on State of Enforcement of Judgments / Decisions of Georgia by the European Court of Human Rights in 2018 (Ministry of Justice) Completed cases. ⁶⁹ Ongoing cases ⁷⁰	Sent to the committees and factions for deliberation
8	27.03.2019	Report on the Status of Enforcement of Decisions of the United Nations Committees on Georgia 2018 (Ministry of Justice) ⁷¹	Sent to the committees and factions for deliberation
9	30.03.2019	Georgia's Public Defender's Report on the State of Human Rights and Freedoms in Georgia in 2018 ⁷²	Sent to the committees and factions for deliberation
10	10.04.2019	2018 Public Defender of Consumers 'Interests in the Energy and Water Supply Sector of Georgia (Public Defender of Consumers' Interests Independently with Georgian Energy and Water Supply Commission) ⁷³	Sent to the committees and factions for deliberation

67 The report is av. at the following link, bit.ly/2vBaQXg.

68 The report is av. at the following link, bit.ly/39tXtqt.

69 The report is av. at the following link, bit.ly/2PU9QEp.

70 The report is av. at the following link, bit.ly/3cBeVeB.

71 The report is av. at the following link, bit.ly/2TGNE1z.

72 The report is av. at the following link, bit.ly/38mS5UI.

73 The report is av. at the following link, bit.ly/2TLRtTI.

11	24.04.2019	National Statistics Office of Georgia Activity Report 2018 ⁷⁴	Accepted as notification by the Parliament's plenary session on June 11, 2019
12	30.04.2019	Public Broadcaster 2018 Report (Internal Audit - Budget Execution. ⁷⁵ First Channel Report 2018) ⁷⁶	Sent to the committees and factions for deliberation
13	30.04.2019	2018 report on the activities of the Georgian National Energy and Water Supply Regulatory Commission ⁷⁷	Accepted as notification by the Parliament's plenary session on June 27, 2019
14	30.04.2019	National Bank of Georgia Annual Report 2018 ⁷⁸	Resolution of the Parliament N4864 27.06.2019 ⁷⁹
15	14.05.2019	Report on the activities of the Prosecutor's Office of Georgia in 2018 ⁸⁰	Sent to the committees and factions for deliberation
16	20.05.2019	State Audit Office Report on "State Budget Execution for 2018 To the Government Account on the Annual Report." ⁸¹	Sent to the committees and factions for deliberation
17	24.05.2019	2018 State Budget Implementation Annual Report, (Government of Georgia) ⁸²	Resolution of the Parliament #4865, 27.06.2019 ⁸³
18	29.05.2019	Report of the Georgian National Communications Commission's 2018 activities ⁸⁴	Sent to the committees and factions for deliberation

74 The report is av. at the following link, bit.ly/38wCKRs.

75 The report is av. at the following link, bit.ly/32W0wFf.

76 The report is av. at the following link, bit.ly/3avdH2D.

77 The report is av. at the following link, bit.ly/2uZY983.

78 The report is av. at the following link, bit.ly/2PThpLE.

79 The resolution is av. at the following link, bit.ly/2vMVezV.

80 The report is av. at the following link, bit.ly/38oPzNz.

81 The report is av. at the following link, bit.ly/2VPyN7D.

82 The report is av. at the following link, bit.ly/3auL3Pd.

83 The report is av. at the following link, bit.ly/2xgoJdO.

84 The report is av. at the following link, bit.ly/2vHLSFq.

19	31.05.2019	"Freedom, Rapid Development, Prosperity" - Report on the Implementation of the Government Program 2018-2020 ⁸⁵	Sent to the committees and factions for deliberation
20	03.06.2019	State Audit Office Activity Report 2018 ⁸⁶	Sent to the committees and factions for deliberation
21	3.06.2019	Pension Agency 2018 Report ⁸⁷	Sent to the committees and factions for deliberation
22	14.06.2019	Project of the 5th Periodic Report of Georgia on the Implementation of the International Covenant on Civil and Political Rights (Government of Georgia) ⁸⁸	Sent to the committees and factions for deliberation

The Public Defender and the Prosecutor General failed to submit an oral report to the plenary session due to the events on June 20, despite having submitted the written report to the Parliament. The hearing for the reports was postponed for the fall session.

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

According to the Rules of Procedure, once a year, in March, the Public Defender of Georgia submits a report on the situation regarding human rights and freedoms protection in the country to the Parliament. The Public Defender, Nino Lomjaria, presented the report on the State of Human Rights and Freedoms Protection in Georgia in 2018 on March 30 to the Parliament.⁸⁹

According to the report, in 2018, 8480 applications were filed with the Office of the Public Defender and appropriate legal action was taken. 107 recommendations / suggestions have been issued. During the reporting period, the Public Defender presented the opinion of the friend of the court (*Amicus Curiae*) on 11 occasions. Moreover, 2 constitutional lawsuits have been sent to the Constitutional Court of Georgia. 11 special reports were prepared during the year.

The report provides a detailed and comprehensive discussion of the human rights situation in the country in 2018. It covers all areas of the Public Defender's activities, including:

85 The report is av. at the following link, bit.ly/3ayZYbc.

86 The report is av. at the following link, bit.ly/2wzd2yq.

87 The report is av. at the following link, bit.ly/2TW4LwL.

88 The report is av. at the following link, bit.ly/2xji4jb.

89 Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms in Georgia in 2018, <https://info.parliament.ge/#law-drafting/17737>

- **Right to Life** - The cases of Temirlan Machalikashvili, Khorava Street, and Levan Kortava are discussed, as well as the investigation into the murder of Zviad Gamsakhurdia.
- **Right to liberty and security** - Illegal arrests, as well as flaws in the use of surveillance cameras during the May 12 special operation are covered. There is also discussion of the investigation of Ivane Merabishvili's removal from prison, and the requirements set by the Committee of Ministers of the Council of Europe in this regard.
- **Right to a Fair Trial** - Presents a review of the institutional problems in the system, the process of nominating Supreme Court judge candidates, and other cases.
- **Protection of Equality** - During the reporting period, the Public Defender's Office studied 158 cases of alleged discrimination and issued recommendations in 16 cases and issued general proposals in 6 cases.
- **Legal Status of LGBT+ Persons and Achieving Gender Equality** - The report emphasizes that oppression and discrimination of LGBT + people remains a significant challenge in the country. Moreover, the report covers the elimination of economic and political inequality for women.
- **Freedom of Expression** - This aspect of the report deals with the unhealthy media environment and the unresolved case of the disappearance of Afgan Mukhtarli.
- **Ecology** - Covers air pollution, environmental damage, building regulations, etc.
- **Occupational safety** - Focuses on ineffective legislation.
- **Patients' rights** - The methodological shortcomings in the allocation of targeted allowances remain a challenge, according to the report.
- **Voting Rights** - The highly polarized electoral environment of the 2018 presidential election, as well as the violent incidents and hate speech that accompany it.
- **Occupied Territories** - Provides an insight into the grave conditions for people in the occupied territories. Violation of Archil Tatunashvili's right to life.
- **Child Rights Situation** - The report highlights the ineffectiveness of state policy and the crisis situation in the system.
- **Disability Rights** - Focuses on the fact that no significant steps have been taken to implement the UN Convention on the Rights of Persons with Disabilities.
- The report also covers the rights of the elderly, ethnic minorities, human rights defenders, as well as the legal status of refugees and foreigners.

Based on the aforementioned problems, the Public Defender made a total of 306 recommendations to the central and local authorities.

The report also analyzes the state of implementation of the recommendations outlined in the Public Defender's 2017 Parliamentary Report.⁹⁰

90 Ibid, p. 20.

On May 27, 2019, the Human Rights and Civil Integration Committee (the Lead Committee) reviewed the Public Defender's report and took into account 250 of the 306 recommendations. According to the committee⁹¹, the addressees of the recommendation have set a deadline of March 1, 2020, to submit their implementation report to the Committee.⁹²

According to the Rules of Procedure, the Public Defender had to present the report at the Spring Session, but due to the events of June 20, the Parliament failed to consider the Public Defender's report and postponed it to the autumn Session. Therefore, the Parliament's resolution on the report will be adopted at the autumn session.

During the reporting period, the Human Rights and Civil Integration Committee examined the implementation of Parliament's resolution⁹³ on the basis of the Public Defender's previous year's report.

2.8.2 REPORT OF THE NATIONAL BANK

Every year, within 4 months of the end of the fiscal year, the National Bank of Georgia submits to the Parliament a report on the implementation of activities related to the monetary-credit, currency and supervisory policy. During the reporting period, the National Bank presented the written report on April 30.⁹⁴

Parliament will review and approve the reports of the National Bank by the adoption of a resolution. In case of disapproval of the report of the National Bank of Georgia, the Parliament adopts a decision on the assessment of the activity of the National Bank of Georgia.

The Parliament heard the President of the National Bank Koba Gvenetadze at the plenary session on June 27. As a result of the discussion, the Parliament approved the report of the National Bank.⁹⁵

2.8.3 OVERSIGHT OF ACTIVITIES OF THE PENSION AGENCY

From January 1, 2019, the system of compulsory accumulation of pensions in Georgia came into force⁹⁶. The LEPL Pension Agency was established on August 15, 2018 to implement, manage and administer the accumulated pension scheme. Parliament has an important role to play in overseeing the agency, which, in addition to appointing members of the Supervisory Board, covers the hearing of to the report on the agency's activities and the adoption of resolutions.

Namely, the Parliament's Rules of Procedure requires the Pension Agency to submit to the Parliament no later than October 1, the annual report on the activities carried out during the

91 Conclusion on the Report of the Public Defender of Georgia on the State of Protection of Human Rights and Freedoms in Georgia in 2018 <https://info.parliament.ge/file/1/BillReviewContent/230879?>

92 Ibid, p. 108.

93 Resolution N3148 of July 19, 2018 of the Parliament of Georgia on the Human Rights Report of the Public Defender of Georgia.

94 Annual Report of the National Bank of Georgia 2018 Presented by the National Bank of Georgia, <https://info.parliament.ge/#law-drafting/17954>

95 Resolution of the Parliament of Georgia on the Approval of the Annual Report on the Implementation of the National Bank of Georgia's Monetary-Credit, Currency and Supervisory Policy for 2018, <https://info.parliament.ge/file/1/BillReviewContent/225578?>

96 Law of Georgian on Accumulative Pensions

6 months of the current year, and to submit the annual report of its activities by no later than June 1. The resolution of the Parliament may indicate recommendations and proposals regarding the elimination of individual deficiencies and/or improvements of the Pension Agency's performance.

On May 31, 2019, the Pension Agency forwarded to Parliament a report on the Pension Agency 2018, which covered the period from the date of the establishment of the agency until December 31, 2018⁹⁷. Since the pension system came into force on January 1, the reporting period covered the period from the agency's establishment to the system coming into force, the report therefore describes the process of adopting the agency's statute, appointing the Director and establishing the organization's structure.

The Bureau of Parliament forwarded the report to committees and factions, and the Healthcare and Social Issues Committee was designated as the lead committee. At the plenary session, the consideration of the report was scheduled for the autumn session.

2.8.4 REPORT OF THE STATE INSPECTOR'S OFFICE

On July 21, 2018, the State Inspector's Office was established by the Law on the State Inspector's Office. The same law abolished the position of Personal Data Protection Inspector, as the State Inspector was also assigned to his position. However, the repeal of the Personal Data Protection Inspector was postponed until May 10, 2019. Accordingly, the new Rules of Procedures maintains that, no later than March 1 of each year, the Personal Data Protection Inspector shall report to the Parliament on the state of personal data protection and the activities carried out by the Inspector.⁹⁸

The Personal Data Protection Inspector submitted the report to the Parliament on March 1, 2019⁹⁹. The Bureau designated the Human Rights and Civil Integration Committee as the lead committee. On April 25, the committee presented a report that assessed the report positively. The conclusion is largely descriptive, with eight recommendations attached.¹⁰⁰

The Parliament adopted a resolution on May 30, which positively assessed the state of personal data protection and the activities of the Inspector, moreover, the legislature endorsed the opinion of the lead committee, and the recommendations were transferred without change.¹⁰¹

2.8.5 REPORT ON ACTIVITIES OF THE LEGAL AID SERVICE

According to the Parliament's Rules of Procedure, once a year, by no later than March 1, a director of the legal entity of public law, the Legal Aid Service, presents a report on activities implemented by the Legal Aid Service during the previous year. It is mandatory to discuss a report on the Legal Aid Service's activities at a plenary sitting. After hearing the report,

97 Report of the LEPL Pension Agency 2018, <https://info.parliament.ge/#law-drafting/18262>

98 This obligation, due to its non-permanent need, has been transposed into the transitional provisions of the new Rules of Procedure: Article 228, paragraph 2 (b).

99 Report on the Status of Personal Data Protection in the Country and Activities of the Personal Data Protection Inspector 2018, <https://info.parliament.ge/#law-drafting/17416>

100 Findings on the State of Personal Data Protection Status and Inspector Activity Report 2018 presented by the Personal Data Protection Inspector, <https://info.parliament.ge/file/1/BillReviewContent/219286?>

101 The Resolution of the Parliament on the Report on the State of Personal Data Protection and the Activity of the Personal Data Protection Inspector in the Country 2018, <https://info.parliament.ge/file/1/BillReviewContent/223341?>

the Parliament approves the report by decree or requests the Legal Aid Service to address specific shortcomings and/or improve its performance.

The Legal Aid Service has submitted a report on its 2018 activities to the Parliament on February 28, 2019¹⁰². The Legal Issues Committee was appointed as the lead committee, which addressed the Bureau four times with a postponement request. None of the letters contained specific, substantiated grounds for the postponement request¹⁰³. Nevertheless, the Bureau upheld the request four times. As a result, the consideration of the report at the plenary session was postponed for the autumn session.

Only the Human Rights and Civil Integration Committee prepared the conclusions on the report during the spring session¹⁰⁴. The conclusions, except for its descriptive part, included recommendations. Out of the six recommendations, four repeated the recommendations that were made in the last year's report.¹⁰⁵

The conclusions do not assess the state of the implementation of the committee's recommendations that were made in the last year's report.

2.8.6 REPORT ON ACTIVITIES OF THE STATE SECURITY SERVICE OF GEORGIA

According to the Rules of Procedure, the Head of the State Security Service or her/his deputy shall present to the Parliament a report on the activities implemented by the State Security Service during the previous year once a year, by no later than April 15.

The State Security Service has submitted its 2018 activity report to the Parliament on March 27, 2019¹⁰⁶. The Defense and Security committee was designated as the lead committee, and the Legal Issues Committee and the Human Rights and Civil Integration Committee was tasked with presenting the conclusions.

On April 22, at the joint sitting of the three committees, the Deputy Head of the State Security Service, Grigol Liluashvili, presented the public part of the report. There was a question and answer session after the sitting was continued behind closed doors. The reason for closing the sitting to the public was Liluashvili's statements: "Questions and answers will, in any case, be of interest not only for allies, but to the enemy as well."¹⁰⁷

102 Report of Legal Aid Legal Entity - Legal Aid Service on the Activities of the Legal Aid Service in 2018, <https://info.parliament.ge/#law-drafting/17386>

103 The grounds for requesting postponement were as follows: (1) "The committee is unable to consider the report"; (2) "In order for the committee to be able to review the report within ... the timeframe and within the prescribed period, you are requested to extend the ... time period by three weeks."; (3) "Since the rapporteur unable to present the report within the timeframe [...]"; (4) "For the committee to be able to review the report in the manner prescribed by [...], you are requested to extend the period by 30 days." See the letters to the Parliamentary Bureau of March 25, 2019, May 1, May 27 and June 12, 2019.

104 The Bureau of Parliament decided to submit the report to the Human Rights and Civil Integration Committee in a compulsory manner. See: Report on the Activities of the Legal Aid Service in 2018, presented by Public Law - Legal Aid Service, <https://info.parliament.ge/file/1/BillReviewContent/229571?>

105 LEPL Legal Aid Service Report on Activities in 2017, p. 6, <https://info.parliament.ge/file/1/BillReviewContent/181014?>

106 On the Activities of the State Security Service of Georgia for 2018: <https://info.parliament.ge/#law-drafting/17715>

107 "Report on the Activity of the State Security Service of Georgia in 2018 was heard in the Parliament", <https://bit.ly/2rJDzqB>

As a result of the discussions, the committees presented their relevant findings. These are, in fact, a summary of the State Security Service's report and do not include any analysis or evaluation parts other than last sentences where the committee positively assesses the presented report.¹⁰⁸

On May 3, 2019, Vakhtang Gomelauro, the Head of the State Security Service, presented the report at the plenary session. After submitting a short version of the report to Parliament, Irakli Sesiashvili, Chairperson of the Defense and Security Committee, raised the issue of closing the session to the public, saying: "[...] we have heard that part of the State Security Service report is public. If we want to be equipped in the process of carrying out our functions with information that is relevant to the security of our country [...] we need to additionally possess very important information about the country."¹⁰⁹ Following Sesiashvili's request, Parliament closed the session to the public by a majority vote.¹¹⁰ As a result of the semi-public hearing, the Parliament adopted a resolution on May 29 consisting of just one proposal: "To positively evaluate the report on the work of the State Security Service of Georgia for 2018."¹¹¹

The decision to close the sessions both in committee and in plenary is unclear as it was attended by MPs who do not have access to classified information, so no state secret information could be discussed at the session.

It is noteworthy that the discussion of the Annual Report of the State Security Service at closed plenary and committee sittings is a practice¹¹² that has been established over the last few years, which has been criticized by other NGOs as well¹¹³¹¹⁴. There were three remarks about this issue in the interviews:

1. MPs Tamar Chugoshvili and Eka Beselia consider closing the session to be appropriate, although no secret information is provided during the sittings, the MPs receive more complete information at a closed session and the session is held in a calmer and more productive format.
2. MPs Salome Samadashvili and Gela Mikadze consider that the session should not be closed, as there was never any information that could not be publicly disclosed at the session, and on the contrary, the openness of the session would promote public confidence.
3. MP Khatuna Gogorishvili believes that at least part of the questions at the session should be open so that the public is made aware as to what issues MPs are interested in. According to Gogorishvili, the sessions may then be closed based on the nature of the questions.

108 See the conclusions of the three committees:
<https://info.parliament.ge/file/1/BillReviewContent/181014?>

109 Head of State Security Service is presenting a report to the Parliament: <https://bit.ly/2Njvf2h>

110 Details of the hearing are also unknown, as the sitting was closed according to Article 92(5) of the Rules of Procedure

111 Resolution N4610-II of the Parliament of Georgia of May 29, 2019,
<https://info.parliament.ge/file/1/BillReviewContent/223032?>

112 See the hearing of the 2016 report: <https://bit.ly/2rttNIS>, Hearing of the 2017 report:
<https://bit.ly/35xpNpw>

113 EMC Responds to the Flawed Procedure of the hearing of the State Security Service's report in the Parliament, April 14, 2017, <https://bit.ly/2OT7eFB>

114 Gyla Responds To Complete Closure Of The State Security Service's Report Discussions, April 20, 2017
<https://bit.ly/2KX7t1i>

2.8.7 REPORT ON ACTIVITIES OF THE PROSECUTOR'S OFFICE OF GEORGIA

The Parliament's Rules of Procedure, which was effective until December 6, 2018, did not provide for a regular hearing¹¹⁵ of the Prosecutor's Office's report. Instead, the Rules of Procedure provided for the hearing of the Prosecutor General upon the Parliament's request.

According to the new Rules of Procedure, the Chief Prosecutor of Georgia has to present to the Parliament a report on the activities implemented by the Prosecutor's Office of Georgia during the previous year once a year, by no later than May 15. The report covers the following issues:

- criminal law policy implementation outcomes;
- evaluation of the general crime situation in the country;
- statistical data of common crime indicating categories and trends;
- protection of human rights and liberties in the process of litigation;
- priorities of the Prosecutor's Office activities;
- professional training development programs for prosecutors.

The Chief Prosecutor's Office sent a report on its activities in 2018 to the Parliament on May 14¹¹⁶. The Legal Issues Committee was designated as the lead committee. The committee requested the Bureau with a postponement request on three occasions, all of which the Bureau approved^{117 118}. In all three cases, the Legal Issues Committee referred to the mandatory committee's¹¹⁹ request for postponement, which in turn called for postponement for "objective reasons." As a result, the review of the report was postponed for the fall session.

2.8.8 REPORTS ON PUBLIC INFORMATION

According to the General Administrative Code of Georgia, every public institution is obliged, on December 10 each year, to submit¹²⁰ to the Parliament of Georgia, reports that cover the following:

- the number of applications submitted to a public institution for issuing public information and making amendments to public information, as well as the number of decisions on rejecting such applications;
- the number of decisions on granting or rejecting applications, the name of the public servant making the decisions, as well as the decisions on closing its own session by a collegial public institution;

115 Rules of Procedure of the Parliament of Georgia, Website, 03/07/2012, 6533-Is, Article 206 (6)

116 Report on the activities of the Prosecutor's Office of Georgia in 2018, <https://info.parliament.ge/#law-drafting/18102>

117 Ibid.

118 As of November 21, 2019, the Legal Issues Committee had not yet reached its conclusion; the committee extended its term for the Bureau on October 24 for another month.

119 The Human Rights and Civil Integration Committee was designated by the Bureau as a mandatory committee.

120 Also to submit to the President and the Prime Minister of Georgia and to publish in the "Legislative Herald of Georgia", Article 49 of the General Administrative Code.

- the public databases, and collecting, processing, storing and transferring the personal data by public institutions to others;
- the number of violations of the requirements of this Code by public servants, and imposing disciplinary fines on the responsible persons;
- the legislative acts used by a public institution as a basis for refusing to issue public information, or when closing the session of a collegial public institution;
- appealing decisions to refuse issuing public information;
- the costs, including the amounts paid in favor of a party, related to processing and issuing information by a public institution, as well as to appealing decisions to refuse to issue public information or to close the session of a collegial public institution.

The Human Rights Protection and Civil Integration Committee of the Parliament elaborates and submits to the Bureau of the Parliament a unified conclusion on reports presented to the Parliament by the public authorities before the end of the spring session. The Bureau of the Parliament shall include the issue on the agenda of the nearest plenary sitting. The Parliament adopts a decree on the assessment of reports on public information and relevant recommendations.¹²¹

The Human Rights Protection and Civil Integration Committee submitted its report to the Bureau on 14 June 2019 in regards to the reports submitted to the state legislature before December 10, 2018.¹²²

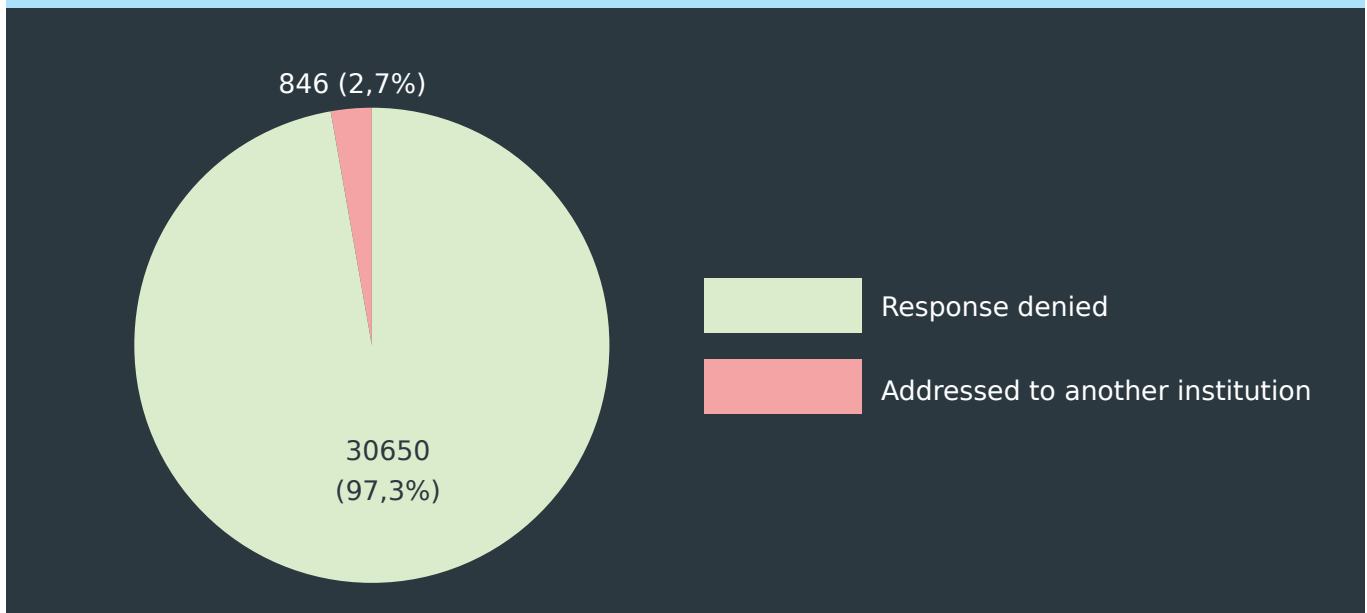
According to the report, in 2018, 85 327 requests for public information were submitted to public institutions, and 102 requests for amendments to the public information. 64% of the requests were satisfied, 846 applications (1%) were redirected to another relevant agency, and in 30 650 cases (36%) the request was denied.¹²³

121 According to the old Rules of Procedure, administrative bodies submitted annual reports, although the law did not provide for a format for their review.

122 Draft of the Resolution of the Parliament of Georgia on the Reports Submitted to it by Public Agencies in line with the Article 49 of the General Administrative Code of Georgia, submitted by the Committee on Human Rights and Civil Integration of the Parliament of Georgia, <https://info.parliament.ge/#law-drafting/18409>

123 Conclusions of the Reports Submitted to the Parliament by Public Agencies in accordance with Article 49 of the General Administrative Code of Georgia, p. 10, <https://info.parliament.ge/file/1/BillReviewContent/224291?>

DIAGRAM 8. RESPONSES TO FREEDOM OF INFORMATION REQUESTS SUBMITTED TO PUBLIC INSTITUTIONS



48 decisions (0.15%) on refusal to release public information were appealed. 82 public servants were subject to disciplinary action for violating the requirements of the General Administrative Code.¹²⁴

The committee notes in its conclusions the shortcomings of the reports it had received from public agencies. These include contradictory data, incomplete information, unnecessary information, and so on. The committee emphasizes the need to bring data processing into compliance with the law on personal data protection. However, the committee elaborates the abundance of information that is requested is based on the fact that the opportunities for proactive disclosure aren't fully used. The committee has made three recommendations to address the problems identified:

- Public authorities should ensure that the information referred to in Article 49 (a) to (g) of the General Administrative Code of Georgia is fully documented and systematically reflected in the annual report submitted to the Parliament of Georgia.
- All public institutions should ensure the creation and improvement of public databases. At the same time, when designing databases, they should ensure that their information processing complies with the requirements of the Law of Georgia on Personal Data Protection.
- Analyze what type of public information is most needed and allow public authorities to proactively publish such information.

In conclusion, on June 28, the Parliament considered the conclusions of the Human Rights and Civil Integration Committee at a plenary session and adopted a resolution which positively assessed the reports of public agencies. The resolution also includes the three recommendations issued by the committee.¹²⁵

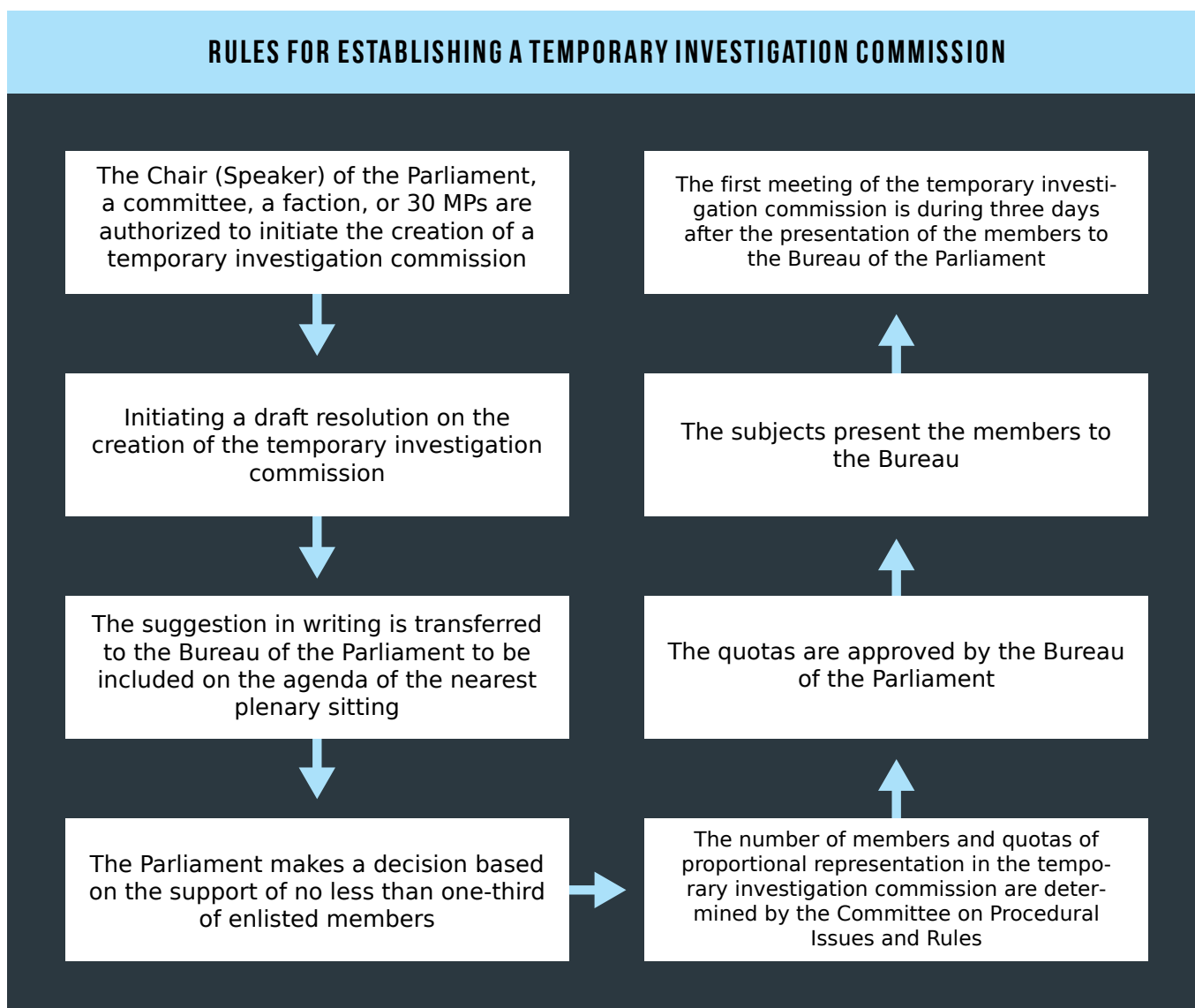
¹²⁴ Ibid.

¹²⁵ Resolution of the Parliament of Georgia 4935-II, 28/06/2019, <https://info.parliament.ge/file/1/BillReviewContent/225576?>

2.9 PARLIAMENTARY OVERSIGHT BY INVESTIGATIVE AND OTHER TEMPORARY COMMISSIONS

2.9.1 TEMPORARY INVESTIGATION COMMISSION

The Temporary Investigation Commission is an important mechanism for parliamentary control. The amendments to the Constitution of October 13, 2017 reduced the number of votes required to form a temporary investigation commission from 76 to 50 and this procedure is now regulated by the Constitution instead of the Rules of Procedure. Simplified procedure for establishing a temporary investigation commission is an important instrument to increase the role of the opposition in the process of establishing a temporary investigation commission.¹²⁶



It is noteworthy that within the work of the Constitutional Commission, the majority of MPs expressed the position that simplifying the establishment of the temporary investigation commission would significantly increase the number of demands by opposition parties and the creations of such commission for political gains. The analysis of one session shows that the number of requests to set up temporary investigation commissions did not increase.

¹²⁶ Simplifying the process of setting up a temporary investigation commission was the recommendation of Transparency International Georgia during the process of establishing the constitutional commission. See <https://bit.ly/2NPea68>

During the reporting period, the Parliament did not support (29.05.2019) the initiative of the parliamentary faction “National Movement” on the establishment of a temporary investigation commission in regards to the murder of Temirlan Machalikashvili on 26 December 2017 during a special operation in the Pankisi Gorge.

During the reporting period, two initiatives to set up a temporary investigation commission were registered in the Parliament:

1. On the Establishment of a temporary investigation commission on the investigation of the possible pressure on the individuals related to TBC Bank and Anaklia Development Consortium (Initiated by Factions “European Georgia”, “European Georgia-Movement for Freedom”, “European Georgia-Regions”)
2. On the establishment of an temporary investigation committee on the issues of the LTD Financial Company Georgia (initiated by the Parliamentary Faction “Patriots Alliance and Social Democrats”)

The issue has not been discussed at the plenary session despite the fact that the issue is on the agenda. During the interview, MP Salome Samadashvili noted that the simplification of the setting up of a temporary investigation commission makes no sense unless the Chairperson of the plenary sessions raises the issue on the agenda and doesn’t continue the indefinite postponement of the issue. MP Gela Mikadze also highlighted the issue of postponing the discussion in an interview with Transparency International Georgia. We inquired into the causes behind the postponements. Tamar Chugoshvili, who occupied the post of first Deputy Speaker of the Parliament during the reporting period, noted that the issue was not discussed at the plenary session because the initiator did not raise the issue. This was confirmed by Khatuna Gogorishvili, a member of the Faction “European Georgia - Movement for Freedom”. As the opposition MP points out, since there are not enough votes to support the issue, the initiator is not in a hurry to put it to a vote.

It is noteworthy that no temporary investigation commissions during the VII and VIII convocations of the Parliament, despite the repeated requests of the parliamentary minority. During the 8th convocation of the Parliament (2012-2016), the opposition was the initiator of 13 such requests. Prior to the entry into force of the new Rules of Procedure during the 9th convocation (period November 1, 2016 - December 31, 2008), there were 12 requests¹²⁷ for the establishment of a temporary investigation commission. In all cases, the initiators were from the parliamentary minority or other opposition factions. The commission was established in only one case on December 1, 2017, in regards to the case of the murder of two young people in Khorava Street in Tbilisi¹²⁸. It was the first time that a temporary investigation commission was set up in the state legislature at the request of opposition parties, at the backdrop of protests demanding an investigation into the murder case.

2.10 TEMPORARY COMMISSION OF THE PARLIAMENT OF GEORGIA

A temporary commission is a body of the Parliament, created for the purposes of fulfilling an impermanent objective of state and/or societal importance that requires collegial examination

127 Information on setting up of a temporary investigation commission in the 9th convocation of the Parliament, See Assessment of the Work of the Parliament of Georgia in 2018 <https://bit.ly/34OwQK4>, Assessment of the Work of the 9th Convocation of the Parliament of Georgia <https://bit.ly/2Cu2u3v>

128 The term of the Temporary Commission was set for 3 months. Sergi Kapanadze was elected as its Chairman – his candidacy was supported by 91 MPs.

and decision-making, it also might be related to the issues of restoration of territorial integrity and de-occupation shall be formed in the Parliament.

By the decree¹²⁹ of the Parliament of Georgia, on April 2, 2019, a Temporary Parliamentary Commission on Restoration of Territorial Integrity and De-occupation was established.

The commission consists of 14 members.¹³⁰ The Chairperson, Irakli Beraia, is a member of the Faction Georgian Dream.

2.11 OVERSIGHT OF PUBLIC FUNDS MANAGEMENT BY THE PARLIAMENT

One of the important aspects of parliamentary oversight is the control over public funds management and the budgetary process. The Parliament exercises this authority through the State Audit Office. According to the constitution, the State Audit Office (SAO) shall ensure the control of public funds by Parliament.

The SAO presents a statement on the report of the Government twice a year when presenting preliminary and complete reports on the implementation of the State Budget and once a year a report on its activities to the Parliament.

The most important new mechanism introduced by the new Rules of Procedure in terms of control over public funds management is the establishment of a permanent audit team reviewing the reports of the State Audit Office.

During the reporting period, the State Audit Office sent two reports to the Parliament: the State Audit Office's report on the Government's Annual Report on the 2018 Execution of the State Budget and the 2018 State Audit Office's Activity Report.

2.11.1 ANNUAL REPORT ON THE IMPLEMENTATION OF THE STATE BUDGET

The State Audit Office submits to the Parliament a statement on the report of the Government on the implementation of the State Budget by April 1. The State Audit Office then within 50 days of the submission reviews the report and sends the statement back to the Parliament. The Parliament adopts a decree on the approval or rejection of the report on the implementation of the State Budget before the end of the spring session.

The State Audit Office submitted the report to the Parliament on May 20, 2018¹³¹, and to the Government on May 24. The Parliament discussed the report and the statement at the same time.¹³²

According to the Rules of Procedure, the Budget and Finance Committee discusses the report and statement, if it so desires, other relevant committees according to fields of their competence. The factions, majority, minority and independent MPs also participate in this review.

129 Resolution of the Parliament №4447-III, 02.04.2019, av. at the following link, bit.ly/2VNRcSi.

130 The list of commission members is av. at the following link, bit.ly/3avlyvY.

131 Report of the State Audit Office on the Annual Report on the State Budget Execution of Georgia for 2018, <https://info.parliament.ge/#law-drafting/18171>

132 "Annual Report on the State Budget Execution of Georgia for 2018"; Report of the State Audit Office on the Government's Report on the Annual Report on the State Budget Execution of Georgia for 2018 <https://info.parliament.ge/#law-drafting/18189>

The committees issued their findings in accordance with the deadline set by law, with all committees supporting the report of the Government and the report by the State Audit Office¹³³. The Budget and Finance Committee's report was released on June 21.¹³⁴ The report consists of a total of three pages and it supports the approval of the report at the plenary session. The report also shares and repeats the four recommendations that were outlined in the report of the State Audit Office.

At a plenary session on June 27, the Parliament held a hearing of the Deputy Minister of Finance Giorgi Kakauridze, Auditor General Irakli Mekvabishvili, and Chairman of the Budget and Finance Committee, as well as co-rapporteur for the Deputy Minister of Finance, Irakli Kovzanadze. As a result of the discussion, the Parliament approved the report of the Government on the implementation of Georgia's Budget of 2018.¹³⁵

2.11.2 HEARING OF THE QUARTERLY IMPLEMENTATION OF THE STATE BUDGET

According to the Rules of Procedure, within 1 month of the end of each quarter, the Ministry of Finance submits to the Parliament a quarterly overview of the implementation of the State Budget.¹³⁶ The Budget and Finance Committee of the Parliament and, if it so desires, other relevant committees according to the fields of their competence, as a rule, consider the quarterly implementation of the State Budget during a fiscal year. The results of consideration shall be reported to the Parliament and they may become a matter of parliamentary consideration.¹³⁷

During the reporting period, the Ministry of Finance submitted one report on April 30 to the Parliament – "Three Month Report of the State Budget Execution of Georgia for 2019"¹³⁸. The report was reviewed by ten parliamentary committees, including the Budget and Finance Committee, which also issued its conclusions on May 23. According to the report, the committee accepted the report submitted by the Ministry and did not consider it necessary to submit it to the Parliament for discussions at a plenary sitting. However, the committee has put forward a proposal that it considers expedient to focus on the issue of mobilizing revenue from external sources. Moreover, the committee points to the need to intensify work to ensure that there is some backlog in the use of budget payments.¹³⁹

2.11.3 ACTIVITY REPORT OF THE STATE AUDIT OFFICE

Once a year, no later than June 1 of the year immediately following the reporting year, the State Audit Office submits a report on its activities to the Parliament. The report should include the results of the State Audit Office's financial audit in an annex. The Parliament adopts a relevant decree upon consideration of the report

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

134 Report of the Budget and Finance Committee on the Annual Report on the State Budget Execution of Georgia for 2018, <https://info.parliament.ge/file/1/BillReviewContent/224673?>

135 Resolution of the Parliament of Georgia on Budget Execution 2018, 4865-Il, 27/06/2019 <https://info.parliament.ge/file/1/BillReviewContent/225577?>

136 Parliament's Rules of Procedure, Article 141 (2)

137 Ibid, paragraph 3

138 Three Month Report of the State Budget Execution of Georgia for 2019 Presented by the Ministry of Finance of Georgia <https://info.parliament.ge/#law-drafting/17948>

139 Report of the Budget and Finance Committee on May 23, 2019 on the 3-month review of the state budget execution of 2019 submitted by the Ministry of Finance of Georgia.

The State Audit Office has submitted its Activity Report for 2018 to the Parliament on June 3, 2019¹⁴⁰. Consolidated financial statements and a report by an independent auditor¹⁴¹ is attached the report.¹⁴² The Bureau of Parliament designated the Budget and Finance Committee as the lead committee, which had to prepare the report by June 25. However, the preparation of the report was postponed for the fall session. It should be noted that decisions for the postponement are not searchable on the website of the Parliament. The reason for this may be the developments of June 20 and the subsequent events at the Parliament.

2.11.4 PERMANENT AUDIT GROUP THAT REVIEWS THE REPORTS OF THE STATE AUDIT OFFICE

The new Rules of Procedure for the creation of a permanent audit group that reviews the reports of the State Audit Office and is aimed at increasing the effectiveness of the control of the public funds management by the Parliament. The audit team shall be composed of members of the Budget and Finance Committee, their composition and number shall be determined by the decision of the Committee. The charter of the audit team is to review the reports of the State Audit Office and submit the relevant recommendations to the Parliamentary Budget and Finance Committee.

On the basis of the decision of the Budget and Finance Committee made on February 28, 2019, a permanent audit group that review the reports of the State Audit Office were formed from 7 members of the Budget and Finance Committee. The Rules of Procedure do not set out the criteria for staffing the group except that they must be members of the Budget and Finance Committee. According to the decision, the composition as defined as following:

1. Paata Kvizhinadze (Head of the Group),
2. Irakli Beraia,
3. Gogi Meshveliani,
4. Gia Benashvili,
5. Khatuna Gogorishvili,
6. Roman Gotsiridze,

According to the Rules of Procedure, the audit group is obliged to present a report on its activities to the Budget and Finance Committee at least once during a session. During the spring session, the audit group held four meetings, during which the group submitted 24 recommendations to the Budget and Finance Committee for approval¹⁴³. These recommendations included:

- Ensuring accountability for the sectoral ministry and public law entities under its jurisdiction;
- Ensuring fire safety in public buildings;
- Mechanisms for protection and prevention of domestic violence;
- Prevention and control of infection.

140 This did not violate the deadline stipulated by law, as June 1 and June 2 were non-working days.

141 The report was prepared by an independent audit firm Deloitte & Touche.

142 State Audit Office Activity Report 2018, p. 80,
<https://info.parliament.ge/file/1/BillPackageContent/19554?>

143 According to the letter N10174 / 2-7 / 19 received from the Organizational Department of the Parliament of Georgia on September 13.

The addressees of the recommendation are the relevant ministries and legal entities of public law.

In an interview with Transparency International Georgia, Khatuna Gogorishvili, who is a member of the group, emphasized the uniquely positive role of the audit group in raising the awareness of the MPs. The format ensures that both the State Audit Office and the representatives of the institutions subject to the audit are participating in the hearing of the reports, which allows for everyone to receive comprehensive information.

2.12 OVERSIGHT OVER THE IMPLEMENTATION OF NORMATIVE ACTS AND TRANSITIONAL PROVISIONS

The parliamentary committees oversee the state of enforcement of normative acts adopted by the Parliament in the committee's specific field. The regulatory impact assessment (ex-post RIA) is a parliamentary mechanism of control over the implementation of normative acts is a parliamentary mechanism for ex-post RIA regulation.

With this purpose in mind, it studies and analyzes their efficiency, considers any obstacles to have emerged since they became effective and the necessary measures to eradicate these obstacles, as well as subjective and objective factors that prevent their proper enactment, and takes necessary measures to ensure their enforcement.¹⁴⁴ The committee is obliged to define in its action plan the control mechanisms for the purpose of carrying out oversight over the implementation of the normative acts, as well as indicating future plans, terms and responsible committee members.

The Bureau of the Parliament is authorized to put on the agenda of the plenary sittings the issue of the enforcement of normative acts. After the parliamentary hearing of the state of the enforcement of a normative act, if necessary the Parliament adopts a decree that may reflect the Parliament's evaluation regarding the implementation of the normative act and the assignment to a respective committee on making appropriate corrections into the normative act.¹⁴⁵

Below we describe in more detail the control mechanisms exercised in regards to the implementation of normative acts that have been made by the committees during the reporting period. Most of the measures described are based on the information received from the committees, as the Parliament's website does not contain comprehensive information on the control of normative acts. It should be noted that the website of the Parliament has a relevant banner / section for the control of the implementation of normative acts, which has information in this regard only on two committees: the Environmental Protection and Natural Resources Committee and the Healthcare and Social Issues Committee.¹⁴⁶

In their respective fields, the committees also inspect the execution of the obligations assigned by the transitional provisions of the parliamentary decrees to the institutions of the executive branch of the Government, and the timeliness thereof. If the terms of executing the aforementioned obligations are not defined, the committee defines them for the relevant institution of the executive branch. In contrast to the old Rules of Procedure, the new one obliges the committees to submit the information regarding the state of the enforcement of the obligations envisaged in this paragraph to the Committee on Procedural Issues and Rules

144 Parliament's Rules of Procedure, Article 38 (1)

145 Ibid, 38(2-3)

146 See link above, last accessed January 9, 2020:
<http://www.parliament.ge/ge/normatiuli-aqtebis-agrulebis-kontroli>

that studies the aforementioned information and submits it to the Bureau of the Parliament once every three months.

It should be noted that the ineffectiveness of the exercise of this parliamentary control mechanism was highlighted by the respondents that participated in our interviews. Khatuna Gogorishvili pointed out that many of the obligations that are stipulated by the law have not been fulfilled for years, for example she cited the government's obligation under the Law on Public Service, which stipulated for the initiation of a Draft Law on "Legal Entity of Public Law" in 2016. Eka Beselia cited the government's failure to implement the preschool reform in a timely manner, and that she plans to address the Prime Minister with an interpellation on this matter. Deputy Chairman of Parliament Giorgi Kakhiani believes that the grounds for non-compliance for each case is unique and the relevant committees should use the parliamentary mechanisms to compel the relevant government agencies to fulfill their duties.

2.12.1 AGRARIAN ISSUES COMMITTEE

The committee provided information in regards to the measures taken to control the implementation of normative acts, but did not provide clarification as to which normative acts these were.

The committee held a hearing of the report of the LEPL National Food Agency on its 2018 activities and the action plan for 2019:

1. Effectiveness of state control over food safety;
2. Reliability of epizootics;
3. On the Protection of Plants and Phytosanitary Reliability
4. 2018 Report of the Laboratory of the Ministry of Environmental Protection and Agriculture of Georgia

Oversight over the Implementation of Transitional Provisions

On March 25, 2019, the committee held a hearing of Gela Khanishvili, the Deputy Minister of Environmental Protection and Agriculture of Georgia, for the purpose of monitoring the compliance with the deadline that was set in the transitional provisions of the normative acts. Khanishvili informed the committee with information in regards to the implementation of the transitional provisions in the normative acts:

1. Law of Georgia on Permission for the Distribution of Agricultural Plant Species Subject To Mandatory Certification and On Seed Production. The task was carried out through the Government Decree N118 of 27 February 2019.
2. Law of Georgia on Vines and Wine. Completed 4 assignments in regards to the following bylaws:
 - Government Resolution N55 of 12 February 2019.
 - By Order N2-79 of the Minister of Environmental Protection and Agriculture of Georgia of 24 January 2019.
 - By Order N2-78 of the Minister of Environmental Protection and Agriculture of Georgia of January 24, 2019.

3. Food Products/Animal Feed Safety, Veterinary and Plant Protection Code. Completed 2 tasks in regards to the following bylaws:

- Government Resolution N605 of December 29, 2017.
- Government Decree N590 of 23 December 2018.

2.12.2 HUMAN RIGHTS AND CIVIL INTEGRATION COMMITTEE

The committee provided us with a list of measures without specifying the normative acts.

According to the information provided to Transparency International Georgia, the committee reviewed the situation in “specific areas” and identified a number of shortcomings in the effectiveness of the implementation of the relevant normative acts and set up the following working groups to identify the measures needed to resolve them:

- To review the challenges faced by religious minorities and to identify the measures needed to resolve them;
- Drafting amendments to the legislation on violence against women, domestic violence and domestic crime;
- To study the issues that are related to children’s rights;
- To develop measures to ensure safety in regards to the use of natural gas

Oversight over the Implementation of Transitional Provisions

According to the Human Rights and Civil Integration Committee, the committee checked the amendment to the Law on International Protection, and the status of the implementation of the task within the deadline set by the Ministry of Internal Affairs and the Ministry of Health, Labour and Social Affairs of Georgia. There were no reported instances of failing to fulfill the tasks.

2.12.3 ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES COMMITTEE

The committee, according to information provided to us by them, is working on a draft law on the implementation of legislative changes related to electric vehicles¹⁴⁷. The committee notes that it will prepare a summary report at the final stage of its work.

For the purposes of monitoring the implementation of normative acts, the Environmental Protection and Natural Resources Committee plans to:

- Carry out an in-depth study of substantiated opinions provided by stakeholders;
- Develop specific conclusions, recommendations, and suggestions based on reasoned opinions and oral hearings.

During the monitoring of the implementation of normative acts, the committee received opinions from a number of different stakeholders, including: the Waste and Chemicals Management Department of the Ministry of Environmental Protection and Agriculture of Georgia, Municipal Transport Service of Tbilisi City Hall, Kutaisi Municipality, MIA Service

147 Refer to the link to the appropriate page on the Parliament website: <https://bit.ly/2OqgbXN>

Agency, “Caucasian Auto Import”, JAC MOTORS, etc.

Oversight over the Implementation of Transitional Provisions

The Committee did not provide information on the activities it carried out to exercise control over the implementation of transitional provisions.

2.12.4 EDUCATION, SCIENCE AND CULTURE COMMITTEE

According to the information received from the committee, the implementation of the following laws was monitored during the reporting period: “On General Education”, “On Vocational Education”, “On Higher Education”, “On Quality Education Development” and “On State Language”.

During the reporting period, the committee, in coordination with the Ministry of Education, Science, Culture and Sport, its subordinate legal entities, and the Department of State Language, monitored the laws passed by Parliament during the reporting period. During this period, 6 workshops were held, 2 official correspondances took place, and the Minister of Education, Science, Culture and Sport presented and the aforementioned subjects submitted a report on their work to the committee.

According to the 2019 Action Plan of the Education¹⁴⁸, Science and Culture Committee, the monitoring of the implementation of legislation related to education, science and culture is planned throughout the year. The priority issues are as follows:

- Inclusive education at all levels;
- Updating textbooks at the general education level;
- Changes to the teacher scheme and reform of the school officer;
- Professional education;
- Ensuring the quality of higher education;
- Regulations on pyrotechnics;
- Implementation of Horizon 2020 and EC recommendations in the field of science;
- Protection of world and national category cultural heritage sites.

Oversight over the Implementation of Transitional Provisions

According to information provided by the committee, they requested the Ministry of Education and Science to submit information on the tasks to be completed in regards to the laws on Vocational Education, Early and Preschool Education and Higher Education. On June 26, 2019, the Ministry of Education provided information indicating that they were past the deadline for one tasks related to the implementation of the transitional provision of the Law on Vocational Education. The committee will hold a hearing on this matter during the fall session in 2019.

148 Education, Science and Culture Committee’s 2019 Action Plan, <https://bit.ly/2OtrMW1>

2.12.5 SECTOR ECONOMY AND ECONOMIC POLICY COMMITTEE

According to the information provided by the committee, the implementation status of the following normative acts were reviewed:

1. Law of Georgia on JSC “Partnership Fund”
2. On May 27, 2019, the committee held a hearing of the Partnership Fund’s Executive Director’s report
3. Code on Spatial Planning, Architectural and Construction Activities
4. The Scientific-Advisory Council on Spatial Planning, Architectural and Construction Activities was established in the committee.
5. Law on Free Industrial Zone

Two meetings were held with the participation of the members of the committee, representatives of the local and executive government, as well as stakeholders.

The committee supported the establishment of a working group to assess the status of the enforcement of the law and to formulate amendments. The representatives of the private sector expressed their opinions on the improvement of the law. Work in this regard is planned to be resumed at the fall session in 2019.

Oversight over the Implementation of Transitional Provisions

During the reporting period, the committee examined the status of implementation of the 12 tasks that had been assigned by the transitional provisions of 5 normative acts. 10 of them have been carried out, while 2 bylaws are in the process of formulation. The committee did not provide any information on which specific normative acts it had exercised control over.

2.12.6 DIASPORA AND CAUCASUS ISSUES COMMITTEE

According to the information provided by the committee, as a result of the amendments to the Organic Law of Georgia on Citizenship of Georgia, the committee requested information on the aforementioned issues from the Ministry of Justice:

- Conditions of maintaining Georgian citizenship in case of obtaining citizenship of another country;
- The use of the temporary right to demand the restoration of Georgian citizenship;
- Restoration of Georgian citizenship;
- Issuance of Georgian citizenship by way of exception.

A decision was made to consult with relevant agencies and to initiate new amendments if necessary. On June 10, the First Deputy Minister of Justice Mikheil Sarjveladze was summoned to a committee sitting. Based on the analysis of the information requested by the members of the committees from the Ministry of Justice, amendments were initiated in June to the Law of Georgia on Citizenship of Georgia.

Oversight over the Implementation of Transitional Provisions

According to the information provided, the committee did not control the implementation of transitional provisions during the reporting period.

2.12.7 COMMITTEE ON EUROPEAN INTEGRATION

According to the information provided by the committee, in order to control the status of implementation of the normative acts, the committee has carried out the following activities:

1. On December 17, 2018, along with the Committee on Sector Economy and Economic Policy, the committee heard the status of compliance of the normative acts with the existing regulatory norms related to mandatory technical inspection, which was presented by the Deputy Minister of Economy and Sustainable Development of Georgia, Akaki Sagirashvili.

The committee, after hearing the issues, drafted its findings¹⁴⁹, which reflected the shortcomings identified in the implementation of the normative acts and recommendations. The committee also plans to carry out a thematic inquiry in regards to this matter.

2. On February 1, 2019, the committee held a hearing of the report of the Civil Service Bureau on the Monitoring of Asset Declarations of Officials in 2018.
3. On May 27, 2019, along with the Environmental Protection and Natural Resources Committee, held a hearing of the analysis carried out by Green Alternative in regards to the shortcomings identified within one year of the enactment of the Environmental Assessment Code.

Deputy Minister of Environmental Protection and Agriculture of Georgia Nino Tandilashvili participated in the committee sitting and presented the report of the Ministry in regards to its activities a year after the adoption of the Code. Following the consideration of the issue, the committee issued recommendations to bring the Environmental Assessment Code in line with international requirements.

According to the committee's 2019 Action Plan, hearings on the status of implementation of normative acts under the Association Agreement are planned to be held during the year.¹⁵⁰

Oversight over the Implementation of Transitional Provisions

According to the information provided, the committee did not control the implementation of transitional provisions during the reporting period.

2.12.8 DEFENCE AND SECURITY COMMITTEE

According to the information provided, the committee exercised oversight over the implementation of normative acts during the reporting period on the Laws on "Weapons" and "Licenses and Permits".

According to the Law on Weapons, a number of licenses are issued on the basis of a recommendation by the Permanent Commission on Military-Technical Issues of the Ministry

149 The report is not searchable on the Parliament's website

150 Action Plan of the Committee on European Integration of the Parliament of Georgia 2019, <http://parliament.ge/uploads/other/118/118398.pdf>

of Defense recommendation, and legal acts are considered for further review by the Standing Commission on Military-Technical Issues. Moreover, the Law on Licenses and Permits provides for the licensing of brokerage services for military products, but does not regulate the licensing authority for brokerage services for military products.

The relevant legislative amendments to the Laws on Weapons, Licenses and Permits and License and Permit Fees have been prepared to resolve the shortcomings mentioned above.

Oversight over the Implementation of Transitional Provisions

The committee reviewed the implementation of 7 transitional provisions in 5 normative acts, specifically in the following:

1. Amendments to the Law on Public Safety – the task of the implementation of the transitional provision was fulfilled with a violation of the deadline, ¹⁵¹
2. Law on Public Safety – a task envisaged in accordance with two articles of the law was reviewed;
 - On March 1, 2019, the MIA had to adopt a normative act¹⁵², which was not carried out. However, the committee notes that according to the information it holds, the draft law has been formulated and there are ongoing talks with the relevant agencies.
 - The relevant individual administrative-legal act, which has been carried out, must have been issued within the same time period by the Emergency Management Service. ¹⁵³
3. Law on Non-military Alternative Labor Service - The implementation of the transitional provisions provided for in two norms (paragraphs 1 and 2 of Article 18³) has been reviewed.
 - According to Article 18³, paragraph 1, the Ministry of Internal Affairs had to adopt a relevant normative act¹⁵⁴ by March 1, 2019, which is still ongoing. ¹⁵⁵
 - According to paragraph 2 of the same norm, the Emergency Management Service was to provide the necessary conditions for non-military, alternative labor service no later than March 1, 2019. According to the committee, this has not been fulfilled.
4. The Law of Georgia on Amendments to the Law on State Material Reserves of Georgia -

151 Namely, the commission defined by Article 2 (5) of the law was established on January 22 instead of January 10, 2019, Government Decree N85 22 January 2019).

152 “Single telephone number -” 112 “- included information about the national security of the system and the delivery of the response by the respective body / emergency mechanism to the initial implementation of the Ministry of Internal Affairs and National Security of the reacting system of the body oordinatsiis Adoption of the Regulations.”

153 “ Emergency Management Service of the Ministry of Internal Affairs - Database of pre-registered with the appropriate skills to mobilize veterans and emergency response activities involving the approval of the plan,” Order No. 528458 of February 28, 2019.

154 Order of the Minister of Internal Affairs of Georgia on Approval of Additional Rules for Passage of Non-Military, Alternative Labor Service and Special Training in the Units of the Emergency Management Service.

155 According to information received from the committee, “work is ongoing with the respective agencies”.

the Government had to adopt two transitional provisions¹⁵⁶ by May 1, 2019, which were not fulfilled and the work on the draft law is still ongoing.

5. Georgia's Law on Amendments to the Law on National Security Planning and Coordination - One transitional provision has been reviewed according to which the Government is required to adopt two resolutions before July 3, 2019.¹⁵⁷ The Government adopted the respective decrees on July 17, 2019, which violated the deadline stipulated by the law.

2.12.9 LEGAL ISSUES COMMITTEE

The committee did not provide us with information on the control of implementation of normative acts.¹⁵⁸

Oversight over the Implementation of Transitional Provisions

According to the information received from the committee, during the reporting period, the committee has reviewed the fulfillment of 7 tasks outlined in the transitional provisions of 6 normative acts. Out of these tasks, 7 were completed, while 3 were ongoing. The committee has not addressed the Bureau of Parliament to place the issue of implementation of normative acts in the schedule of the plenary sitting.

2.12.10 THE REGIONAL POLICY AND SELF-GOVERNMENT COMMITTEE

During the reporting period, the committee worked on the control of implementation of the following normative acts:

1. Organic Law of Georgia Local Self-Government Code

In the process of reviewing the enforcement of the Code, the committee held a field meeting, which was largely dedicated to the review of the state of implementation of transitional provisions as well as to the control of the enforcement of normative acts.

2. Law of Georgia on the Development of Mountainous Regions

According to the committee, the Ministry of Regional Development and Infrastructure of Georgia submits official information to the committee on the implementation of the Law of Georgia on the Development of Mountainous Regions by December 1 of each year, and

156 Concerning the Approval of the List of State Material Reserve Objects as Objects of Special State Importance, as well as the List of Material Values to be Collected in the State Material Reserve System and on the Approval of the Nomenclature and Amount of the Material Material Reserves of the State Material Reserves.

157 "On Approval of the Statute of the Office of the National Security Council" and "On the Recruitment of an Employee of the Office of the National Security Council, Granting him a Special State Degree, Rules and Conditions for Conducting the Service".

158 The respond contained general information: "It should be noted that the committee's efforts to improve parliamentary scrutiny to enhance analytical activities have led to the creation of an analytical group within the staff of the committee. One of the functions of this group is to study and analyze the state of enforcement of the normative acts envisaged by Article 38 (1) of Rules of Procedure of the Parliament of Georgia. Accordingly, the Legal Issues Committee, through this group, continues to monitor more effectively and extensively the enforcement of the normative acts adopted by the Parliament of Georgia in the areas assigned to it. " Following a request for clarification from Transparency International Georgia, they pointed to the committee's 2019-2020 Action Plan, which also does not contain information on measures taken to control the enforcement of normative acts during the reporting period.

unofficial information until July 10. According to the results of the first half of the year, the information provided reflects the ongoing work in the relevant ministries and agencies, the state of implementation of the requirements of the Law of Georgia on the Development of Mountainous Regions, and the analysis of existing challenges and needs.

The committee emphasizes that the committee's field and public meetings with citizens are important tools for determining the state of the implementation of normative acts (in 2018 and 2019 the committee held a total of six field meetings).

Oversight over the Implementation of Transitional Provisions

According to the committee, relevant requests were sent to the respective ministries and agencies to review the implementation of the transitional provision in regards to three articles¹⁵⁹ of the Local Self-Government Code, moreover, workshops were also held. As a responsible body several times applied to the Ministry of Justice¹⁶⁰. Together with the Ministry of Regional Development and Infrastructure, work is ongoing to determine the status and timeliness of the tasks. According to the committee, a committee sitting is scheduled for the fall session, to which the Ministries of Regional Development and Infrastructure, Justice and Finance will be summoned.

2.12.11 BUDGET AND FINANCE COMMITTEE

The committee did not provide us with information on the control of implementation of normative acts

Oversight over the Implementation of Transitional Provisions

The committee reviewed the fulfillment of the six tasks set out in the transitional provisions of the normative act within the prescribed timeframe, one of which wasn't fulfilled while two were not completed on time. According to the committee, the issues were quickly identified and resolved. The committee provided us with information only in regards to the unfulfilled normative acts:

According to the Law on Accounting, Reporting and Auditing, the Government of Georgia was required to draft a legislative act on valuation activities by July 1, 2019. The committee also provided us with information that the draft law was developed and should be adopted by fall.

¹⁶¹

2.12.12 FOREIGN AFFAIRS COMMITTEE

According to the information received by the committee, according to Article 25 of the Law on International Agreements of Georgia, the committee regularly receives information from the Ministry of Foreign Affairs on the conclusion of international agreements (termination, suspension). The committee have not carried out other activities.

159 Articles 162, 163 and 165

160 See Article 162

161 As of December 1, no legislative act has been drafted.

Oversight over the Implementation of Transitional Provisions

The committee has notified us that it has not carried out control over the implementation of normative acts during the reporting period.¹⁶²

2.12.13 PROCEDURAL ISSUES AND RULES COMMITTEE

In regards to the control over the implementation of normative acts, the committee said that “[...] the enforcement of normative acts within its competence is systematically carried out”, but the committee did not provide information on the specific normative acts or what type of activities were carried out.

Oversight over the Implementation of Transitional Provisions

The committees report on a monthly basis to the Procedural Issues and Rules Committee, which reviews the received information and submits it to the Bureau of the Parliament every three months.

MONITORING OF THE IMPLEMENTATION OF TRANSITIONAL PROVISIONS BY THE LEGAL ISSUES COMMITTEE

The committee has reviewed 7 tasks defined by 6 statutory acts

Out of these 7 tasks, 4 were completed while 3 were ongoing

The committee also prepared and submitted to the Bureau the following information as required by the Rules of Procedure of the Parliament:

- Between November 18, 2016 and April 1, 2019 on the status of implementation of the tasks of the transitional provisions of the Laws of Georgia and Resolutions of the Parliament.
- Tasks envisaged by transitional provisions of the laws of Georgia and the Resolutions of the Parliament, which were fulfilled from December 7, 2018 - April 5, 2019, or after the expiration of the deadline.¹⁶³

Moreover, the committee has on the parliamentary website all the information that it has regarding the control over the implementation of the tasks envisaged by the transitional provisions¹⁶⁴.

¹⁶² See the exact quote from the response of the committee: “The transitional provisions of the draft laws discussed in the committee was not included in the control of tasks within the committee’s competence during the period outlined in the letter.”

¹⁶³ “Information on the Status of the Committees on Procedural Issues and Rules of the Parliament of Georgia from 18 November 2016 to 1 April 2019 on the Status of Implementing Assignments Provided by the Transitional Provisions of the Laws and Regulations of Georgia”
<https://info.parliament.ge/#law-drafting/17797>

¹⁶⁴ See the following link: <https://bit.ly/2LgGtK9>

2.12.14 SPORTS AND YOUTH ISSUES COMMITTEE

The committee has notified us that it has not carried out control over the implementation of normative acts during the reporting period, while not providing us with information on the control of fulfillment of transitional provisions.

2.12.15 HEALTHCARE AND SOCIAL ISSUES COMMITTEE

The committee planned the control of normative acts in regards to two laws: Law of Georgia on Tobacco Control and the Law of Georgia on Drugs and Pharmaceuticals. During the reporting period, the process of exercising the control was ongoing.

Activities of the committee, the following are its activities in regards to the two laws:

- Issues were identified;
- Working groups were set up;
- Stakeholders were identified;
- Questions, working groups action plan and technical requirements for control of normative acts were developed;
- Informational meetings were held with stakeholders;
- Stakeholders were provided with elaborate questions that should be submitted to the committee in accordance with the technical requirements of the control of normative acts;
- Full information about the control of normative acts: elaborated questions, working group action plan, technical requirements of the control of normative acts and replies were uploaded on the Parliament's website.¹⁶⁵

Activities related to the control of the implementation of the Law of Georgia on Tobacco Control.

An informational meeting was held on March 11 within the framework of the Scientific Advisory Council on Health Promotion and Prevention that was set up by the committee in regards to the enforcement of the Law on Tobacco Control.

On May 30 of this year, a group was set up in regards to the issue of enforcement of normative acts: An oral hearing on the implementation of the Law of Georgia on Tobacco Control was held, where opinions were discussed and heard on the issue.

Responses were received from the following bodies:

- LEPL - L. Sakvarelidze National Center for Disease Control and Public Health;
- Center for the Implementation and Monitoring of the Framework Convention on Tobacco Control;
- NNLE Georgian Restaurant Association;
- City Court;

¹⁶⁵ See the following links: Enforcement of the Law on Drugs and Pharmaceuticals - Access to Quality Medicines in Georgia, <https://bit.ly/2QlaWKi>, Enforcement of the Law of Georgia on Tobacco Control, <https://bit.ly/2CRcfso>

- Ministry of Finance.

As a result of the measures described, the following report on the control of normative acts was developed, which today has acquired the status of a thematic inquiry.¹⁶⁶

Activities related to the control over the enforcement of the Law of Georgia on Drugs and Pharmaceutical Activities

- On March 25, 2019, the Working Group that was created to work on the project held an information meeting with the stakeholders;
- They were provided with elaborate questions that were to be submitted to the committee in accordance with the technical requirements of the control of implementation of normative acts;
- 13 agencies were identified as stakeholders;
- 10 out of 13 agencies responded to the questions submitted to them by the working group
- Oral hearings are scheduled for September.

Oversight over the Implementation of Transitional Provisions

Within the prescribed deadline for reviewing the implementation of the tasks outlined in the transitional provisions of the normative acts, the committee has examined three normative acts:

1. In regards to the Amendments to the Law on Medical Practice¹⁶⁷, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, has to, until July, 2019, to approve the rules on granting to foreign specialists the right to temporary independent medical practice or one-time medical care in Georgia.

The Ministry has prepared a draft Decree.

According to the information provided by the committee, due to the staff changes carried out in the Ministry, the draft decree is being reviewed once again and after the conclusions of the consultations the draft decree will be approved/adopted.

2. According to the Environmental Assessment Code¹⁶⁸, on the recommendation of the Ministry of Labour, Health and Social Affairs of Georgia, the Government of Georgia shall, by 31 December 2018, ensure the adoption of a legal act necessary for the exercise by the Ministry of Labour, Health and Social Affairs of Georgia of the competences provided for by this Code.

The transitional provision was drafted and presented for consideration at the main government meeting, but it was not approved during the spring session.

3. According to the Law on Accumulated Pension, the LEPL Pension Agency had to ensure the adoption of legal acts provided for by this Law before December 1, 2018.¹⁶⁹

166 Refer to the link: <https://bit.ly/355rsSY>

167 See Article 2

168 Article 49 (3), <https://matsne.gov.ge/ka/document/view/3691981?publication=2>

169 Article 38 (4), <https://www.matsne.gov.ge/ka/document/view/4280127>

During the reporting period the Pension Agency adopted three acts – the Order of the Director:

- 1) “Approval of the Pension Scheme, the Pension Fund and the Return and Re-Membership of Investment and / or Other Income Related to these Deposits.”
- 2) “On Approval of the Rules for Payment of Pensions Contributions, Forms of Submission of Information, Administration of Overpaid Funds, Pension Contributions to Individual Retirement Accounts, Expenses, Surplus Income, Losses, Other Income, Profits and Losses.”
- 3) “Approval of the Instructions on the Issuance of Pensions and Pension Assets.”

2.13 THEMATIC INQUIRY

The new Rules of Procedures of the Parliament of Georgia envisages a new mechanism of parliamentary control. According to the Rules of Procedure, based on a decision of a committee or permanent parliamentary committees, a thematic scrutiny group from MPs may be appointed to study an important issue and develop a relevant draft decision. The thematic scrutiny group shall select a Chief Rapporteur from its members.

A thematic inquiry group prepares and submits a report to the Bureau or Committee of the Parliament within 2 months. This term can be prolonged by no more than 1 month in cases of necessity. Based on the conclusion, a committee or the Parliament shall develop recommendations or exercise other powers prescribed by the Rules of Procedure. Recommendations and/or tasks developed by the committee/ the Parliament shall be sent to relevant administrative bodies and published on the website of the Parliament.

Information on the thematic inquiry group is provided on the Parliamentary website¹⁷⁰, but it is not complete.

The following thematic inquiry groups were established during the reporting period:¹⁷¹

Committee	Thematic Inquiry Group
Human Rights and Civil Integration Committee	1. Labor Safety Challenges in Georgia¹⁷² 2. Access to health services for women with disabilities¹⁷³
Environmental Protection and Natural Resources Committee	1. On the state of atmospheric air in Tbilisi¹⁷⁴ 2. On the status of municipal waste¹⁷⁵

170 Available at the following link, bit.ly/2TssaGJ.

171 The information is based on data available on the Parliament’s website and the information that was requested from committees.

172 Av. at the following link, bit.ly/2PSxO34.

173 Av. at the following link, bit.ly/32Tlxk4.

174 Av. at the following link, bit.ly/39uXs5A.

175 Av. at the following link, bit.ly/2Tt5pTd.

Education, Science and Culture Committee	According to the action plan, two thematic inquiries are planned. During the reporting period, the selection of the issues were ongoing. One of the issues will be the reforms that is expected to be implemented in the vocational education system.
Sector Economy and Economic Policy Committee	1. On the effectiveness of the management of state-owned enterprises ¹⁷⁶
Diaspora and Caucasus Issues Committee	1. Challenges and problems of historical Diasporas of Georgia. Mechanisms for resolving these challenges. 2. Supporting modern Georgian diaspora organizations and their activities
Committee on European Integration	Plans to carry out a thematic inquiry into the reform of the periodic technical inspection of vehicles
Defence and Security Committee	1. On issues of misinformation and propaganda. ¹⁷⁷ (The group merged with the Foreign Relations Committee)
Foreign Relations Committee	1. Disinformation and Propaganda Issues (with the Defense and Security Committee)
Sports and Youth Issues Committee	It is planned to set up a thematic inquiry group on the status of implementation and the achievements of the “State Sport Policy Document 2014-2020”.
Gender Equality Council	1. Participation of women in state economic programs ¹⁷⁸ 2. Access to vocational education for women’s economic empowerment ¹⁷⁹
Open Governance Permanent Parliamentary Council	1. Instruments and practice of civic participation in state bodies ¹⁸⁰

According to Article 155 of the Rules of Procedure of the Parliament, there are no clear procedures for the thematic inquiry group. According to Article 155(7), during the scrutiny of an issue, it is mandatory to hold a hearing to which interested persons, specialists of the relevant field(s), and experts and representatives of administrative bodies related to the issue shall be invited. However, since the procedures for holding the hearing are not outlined, there was an instance (e.g. the thematic inquiry group of the Open Governance Permanent Parliamentary Council - Tools and Practices for Civic Engagement in Public Agencies) when the invited experts were not allowed to ask questions during the thematic inquiry. This format for holding the thematic inquiry group was justified on the grounds of the Rules of Procedure.

176 Av. at the following link, bit.ly/3azolpe.

177 Av. at the following link, bit.ly/3az3KkC.

178 Av. at the following link, bit.ly/2Tubpez.

179 Av. at the following link, bit.ly/2Trz3Z6.

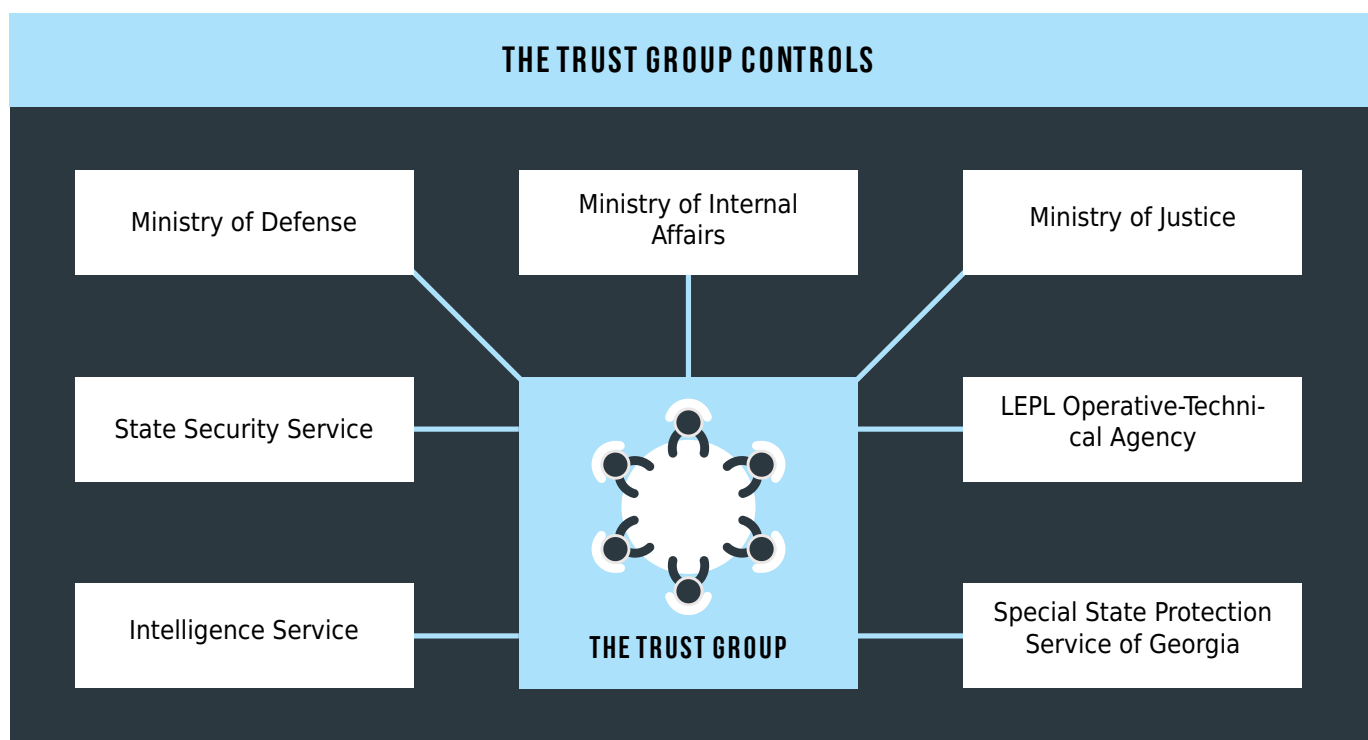
180 Av. at the following link, bit.ly/2TGyrxK.

Tamar Chugoshvili noted the procedures for the holding of a thematic inquiry group. In her view, the entry into force of the Rules of Procedure has demonstrated that a three-month maximum for the work of the thematic inquiry group is not sufficient at times. Therefore, it would be better not to set a fixed time limit and instead allow the initiator to determine the appropriate timeframe for the thematic inquiry group.

2.14 PARLIAMENTARY CONTROL OVER THE DEFENSE AND SECURITY SECTOR OF GEORGIA

2.14.1 WORK OF THE TRUST GROUP

The Parliament of Georgia oversees the activities of the defense and security sector through the Committee of Defense and Security, a Trust Group and other field-specific committees. The Trust Group has the most important role in the control of the defense and security sector, since the Trust Group is the only structure in the Parliament that has access to classified information.



The new Rules of Procedure have improved parliamentary oversight mechanisms in the security sector, nevertheless, parliamentary control still remains weak and ineffective. With the adoption of the new Rules of Procedure, the Law on the Trust Group was abolished and the regulating norms of the security sector were incorporated into the new Rules of Procedure. During the drafting of the new Rules of Procedure, the recommendations of non-governmental organizations, including Transparency International Georgia, in regards to the broadening of the Trust Group's mandate and the involvement of experts in its work were not taken into account.¹⁸¹

181 For more, see Transparency International Georgia's recommendations in "The draft rules of procedure does not include sufficient mechanisms for oversight over the security sector" <https://bit.ly/32EtwQa>, Also the report on the "Reforms of the Security Sector in Georgia" <https://bit.ly/2S8GVN1>

AUTHORITY OF THE TRUST GROUP

Respective authorities are obliged to provide all information to the relevant Trust Group

Except for the Operative-Technical Agency, relevant authorities submit a report of the secret activity and special programs of the previous year once a year, no later than April 15 to the relevant Trust Group.

The Operative-Technical Agency submits a statistical and generalized report of performance annually

All authorities are obliged to submit to a Trust Group the secret normative act containing the structure of the authority and main goals of its structural subunits

A Trust Group is authorized inspect the Operative-Technical Agency no more than twice a year

Relevant authorities shall provide the relevant Trust Group with detailed information on implemented secret state procurement, if the estimated value of goods or services exceeds 2 million GEL and, for construction work, if the estimated value of exceeds 4 million GEL. Not less than once a year, the relevant authorities shall submit a report on implemented and ongoing secret state procurement

WHAT INFORMATION DOES THE TRUST GROUP HAVE NO ACCESS TO?

Information on ongoing cases and activities

Information, including normative acts, which are connected to activities relating to covert forms and methods of activity

During the reporting period, there was a change in the composition of the Trust Group, due to the changes in the parliamentary majority and minority factions. On February 25, 2019, Eka Beselia, who was in the Trust Group through the quota of the parliamentary majority, left the majority. Moreover, on March 11, 2019, the minority was dissolved, therefore another member from the minority left the Trust Group. It was therefore necessary to make amendments to

the Rules of Procedure, which would allow for the composition of the Trust Group to be formed without a minority.¹⁸²

During the reporting period, the Trust Group carried out the following activities in regards to the exercise of parliamentary oversight:

- The Chairperson of the Trust Group asked the bodies of the defense and security sector for information on the past year's secret activities and special programs. According to the information provided by the Parliament, the Special State Protection Service of Georgia submitted the information once during the time period of December 6, 2018 to August 1, 2019;¹⁸³
- The Ministry of Defense of Georgia has submitted information on the secret state procurement to the Trust Group on four occasions, and information on non-classified procurement twice to the Defense and Security Committee;
- In 2019, the LEPL Operational-Technical Agency of the State Security Service of Georgia submitted to the Trust Group a statistical and generalized report of its activities.

Tamar Chugoshvili, Eka Beselia, Khatuna Gogorishvili, Salome Samadashvili and Gela Mikadze emphasized the weakness of parliamentary control over the security sector. Tamar Chugoshvili noted that parliamentary oversight of the security sector has improved with the adoption of the new Rules of Procedure, but there is much more to be done, and it has been repeatedly stated during the process of the adoption of the new Rules of Procedure that improvements in this regard should continue. Eka Beselia, Member of Parliament, emphasized the importance of the participation of experts in the work of the Trust Group and noted that it is important that they are permanently involved in the control over the security sector, as the competences of MPs is often insufficient to exercise thorough and complete control over the security sector.

182 According to Article 157 of the Rules of Procedure of the Parliament, the Trust Group is composed of five members: Chair of the Defense and Security Committee of the Parliament; one member of the Majority; the majoritarian MP who gained most votes in the previous election; one member of the Minority; and the MP not affiliated with either the Majority. In the absence of a minority, two MPs outside of the majority who receive the most votes.

183 The responses provided to us by the Parliament do not provide information on whether other defense and security agencies have provided the requested information to the Trust Group.

CHAPTER III. RECOMMENDATIONS

The introduction of new forms of parliamentary oversight through the adoption of the new Rules of Procedure, as well as the improvement of the norms regulating the forms of parliamentary control, have had a positive effect on the practice of parliamentary control. The progress in this regard is most evident in the quantifiable statistics of parliamentary control, such as the fact that there are more instances of Ministers attending committee and plenary sittings, factions are making more summons requests of the heads of accountable bodies, and the Members of the Parliament are more actively using their right to pose a deputy question.

The absence of guarantees for the proper engagement of the opposition in parliamentary control and the lack of accountability and responsibility of both the MPs and the Members of the Government still remains a challenge. The reason for this is the lack of a tradition in the exercising of parliamentary oversight, as well as the lackluster legislative norms.

The implementation of the new Rules of Procedure has revealed a number of practical problems, which is preconditioned in a number of cases by an incorrect interpretation of the norms of the Rules of Procedure or the gaps in the legislation.

The following amendments should be carried out to resolve the practical and legislative challenges of parliamentary control:

- Members of Parliament, both the representatives of the ruling party and the opposition, should not exercise parliamentary control mechanisms for their narrow party purposes and instead they should use parliamentary oversight in regards to matters of high public importance;
- It is necessary to increase the role of the opposition in the process of parliamentary control. It is advisable for at least one committee chairperson role be reserved to a member of the opposition. In order to avoid politicized decision-making in the process of appointing heads of bodies accountable to Parliament, consultations with opposition factions should be made mandatory and the consensus decision-making should be outlined in the Rules of Procedure;
- Accountable bodies and Members of the Government should facilitate the complete and effective exercise of parliamentary control, to take into account the parliamentary scrutiny procedures outlined in the Constitution and the Rules of Procedure in good faith and responsible manner. (For example, showing up at a plenary session should not be used as grounds for refusing to appear at a committee sitting, to provide timely answers to deputy questions, etc.);
- There should be provisions in the legislation that outline response mechanisms in cases when a Member of the Government does not participate in the exercise of parliamentary control. If a person accountable before the Parliament does not provide answers to written questions, if the deadlines for replies are not met, the committee should raise the issue in the agenda and the Minister should be obliged to appear at the committee sitting. Monetary sanctions, along with political responsibility, could be introduced if the Minister or the person accountable before the Parliament is summoned but does not attend the committee or plenary sittings;
- Parliamentary control over the security system should be strengthened. A Permanent Supervisory Board of Experts should be established within the Defense and Security Committee tasked with the control of the state security, which will exercise permanent control of the State Security Service and be accountable before Parliament; The members of the Supervisory Board shall be elected by the Parliament; to receive classified and non-classified reports by the State Security Service should, non-classified reports should

be heard at the plenary session, while the classified report should be heard by the Trust Group.

- The Parliamentary committees were required to review the reports of bodies accountable before the Parliament within the timeframe established by law. The postponement of the time limits prescribed by law for the consideration of the reports of the accountable bodies to the committees and their conclusions shall happen only in exceptional cases and when substantiated justification is provided.
- It is important for the Parliament to monitor the public agencies' implementation of the recommendations of the State Audit Office and to discuss these matters in detail at the sitting of the Budget and Finance Committee;
- The format of the Ministerial Hour should not be limited to the implementation of the governmental program and should instead cover all of the pressing issues of the respective Ministries. As exemplified by the Ministerial Hours during the spring session, Members of the Government were not restricted in their speeches by the government program and answered all questions that were asked by the MPs. It is advisable to enshrine this good practice in the legislation;
- Debates should be held after the Prime Minister's annual and extraordinary report, as well after the Ministerial Hour;
- It is recommended to have interpellation once a month. The existing practice of interpellation during the plenary session should be amended, when the time allotted for one question is reduced in proportion to the number of questions instead of dividing the time for the whole day.
- The procedures for summoning a Member of the Government and another official accountable before the Parliament should be simplified. According to the current rules, only a majority of the members of the committee can summon an official in a compulsory manner within two months of the said official having already appeared before the committee. It is recommended to reduce this time restriction from two months to one month;
- The Rules of Procedure should be amended to stipulate that the issue of setting up of a temporary investigation commission should be referred to the plenary for discussion no more than one month after such a request was made;
- The maximum 3-month timeframe for the thematic inquiry that is outlined in the Rules of Procedure should be increased and the initiator should decide what time would be appropriate for the inquiry. The Rules of Procedure should be amended to include the procedures for the hearings of the thematic inquiry, in the framework of which experts and interested stakeholders will have the opportunity to engage and ask questions;
- The Parliament should start exercising its mechanisms of parliamentary control that were never used in the 8th and 9th convocations of the Parliament, e.g. Summoning of accountable officials by the factions to the plenary sessions and requesting the report of the Prime Minister in regards to the individual parts of the government program;
- The transparency of parliamentary control should be increased, information on the implementation of parliamentary control and achievements should be systematically and proactively made available to the public; A centralized recording system should be established on the Parliament's website to provide information and statistics on how Ministers and other public officials have responded to summons requests; the committees should provide timely and complete information on parliamentary control to all interested stakeholders.

