Parliamentary Oversight during the COVID-19 Pandemic

2021 Report

Authors:
Tamar Chugoshvili
Nino Gogadze
Tamar Khulordava
Irina Pruidze
Nato Rubanova
The opinions expressed in this report do not necessarily reflect the views of the United States Agency for International Development (USAID) and the Good Governance Initiative (GGI).

Table of Contents

1. Introduction  3

2. Key Findings  5

3. Question of MP  10

4. Parliamentary Control at the Plenary Sitting  12
   4.1 Declaration of Confidence in Government  12
   4.2 Annual Report of the Prime Minister 13
   4.3 Report of the Prime Minister  15
   4.4 Appearance of an Official at the Plenary Sitting  15
   4.5 Minister’s Hour  16
   4.6 Interpellation  17

5. Oversight Work in the Committees  21
   5.1 Committee Action Plan .................................................................21
   5.2 Mandatory Attendance of the Committee Sitting by Officials ..........24
   3.3 Thematic Inquiry .................................................................29
   5.4. Thematic Rapporteur ..........................................................31
   5.5 Control on Implementation of Normative Acts (PLS) ..................32

6. Annual Report on Budget Execution  35

7. Parliamentary Control Exercised by the Standing Parliamentary Councils  37

8. Temporary Investigative Commission  37


10. Oversight of the Situation of Protection of Human Rights and Freedoms in the Country  38

11. Monitoring of the Implementation of Recommendations Issued by the Parliament 39

12. Review of International Standards and Good Practices  40

13. Recommendations  46
Preface

This report was prepared by the EGERIA Solutions under the Project “Strengthening the Role of Parliament during the COVID-19 Pandemic” implemented by the Good Governance Initiative (GGI) of the United States Agency for International Development (USAID). The present report summarizes the Project, as it reviews the parliamentary oversight of the COVID-19 pandemic management measures carried out in 2021.

The report covers the oversight activities carried out from 1 January to 1 December of 2021¹ and it evaluates their outcomes. The report explores the application of oversight tools by the Parliament for the control of those activities of the executive and other accountable agencies of Georgia, which aimed at addressing the COVID-19 pandemic and its outcomes. The report also reviews the problems and challenges identified in the process of parliamentary oversight. The final part of the report presents the recommendations aimed at improving the parliamentary oversight.

In the process of working on this report, the legal acts (resolutions, decrees) and committee working documents (actions plans, committee decisions, etc.) that were adopted within the reporting period were also analyzed.

The report is based on the information obtained through the cooperation with the parliamentary committees and standing councils in the process of implementation of the Project by EGERIA Solutions. It is also based on the information published at the official website of the Parliament and the public information provided by the Parliament according to the law. The report refers to the open access studies prepared by the local non-governmental organizations in recent years.

To better evaluate the current challenges in the oversight activities and respective legislation of the Parliament of Georgia, this report also reviews the international standards and best practices on the parliamentary oversight of the executive power.

The present report aims to provide practical assistance to the Parliament of Georgia through identification of the existing deficiencies and specific recommendations, accounting for which will contribute to the effective implementation of the parliamentary oversight of the activities of executive power in Georgia.

¹ The public information provided by the Parliament of Georgia covers the period from 1 January to 1 October, 2021.
1. INTRODUCTION

In addition to the due organization of the legislative process, the Parliament ensures effective implementation of its constitutional mandate through the oversight of the Government activities. Invigoration and improvement of the parliamentary oversight has been one of the goals of drafting and adoption of the new Rules of Procedure of Parliament of Georgia. Constitutional amendments and the new Rules of Procedure of Parliament streamlined the existing tools of the parliamentary control and introduced the new ones, including the interpellation, annual address and report of the prime minister, minister’s hour, thematic inquiry, investigative commission, etc. The Rules of Procedure entered into force on 1 January, 2019 and the Parliament started to apply the new tools in practice. However, very soon, due to the global challenges entailed by the COVID-19, the parliamentary life lost its dynamism.

The COVID-19 pandemic, and the problems caused by it, significantly affected the form and manner of functioning of the state institutions in Georgia. At the outset of the pandemic, the Parliament of Georgia delegated significant part of its powers to the executive branch and the Government took over the entire process of management of pandemic. On 21 March 2020, the Prime Minister referred to the President of Georgia with the submission of the declaration of the state of emergency. The President of Georgia issued the Order and the respective Decree on the same day. The plenary sitting of the special session of the Parliament of Georgia was also held on 21 March and the Decree of the President was approved by 155 votes. In the context of rapid spread of the COVID-19, reduction of the anticipated risks for the public safety, life and health of the population, that is necessary in the democratic society and management of the situation were named as grounds for the declaration of emergency. At first, the state of emergency was declared until 21 April, but later, employing the same procedure, it was prolonged until 22 May.

To provide the Government of Georgia with the legislative basis for introduction and keeping in force the human rights restricting measures after revoking the state of emergency, the Parliament of Georgia adopted the amendments to the Law of Georgia on Public Health through the expedited procedure on 22 May 2020. In addition to the other amendments, the temporary measures were introduced, which set forth the rules of isolation and quarantine. The temporary measures were originally adopted until 15 July; later they were prolonged until 1 January 2021 and then again – until 1 January, 2022.

Based on the above legislative provision, after revoking the state of emergency on 23 May 2020, the Government of Georgia adopted the Resolution No 322, which includes the main part of the human rights restricting measures related to the new coronavirus pandemic. In certain cases, the restrictions set forth previously in the Resolution No 181 or other legal acts were transferred unchanged to the Resolution No 322, whereas in other cases, the scope and substance of certain restrictions were changed (mostly lightened). At first it was determined that the Resolution No 322 would be effective until 15 July 2020, but later its expiration date was prolonged until 1 January, 2022.

The state of emergency and the introduced restrictions made particularly tangible the need to inform the public about the parliamentary control over the activities of executive agencies and the management of the pandemic caused crisis and its ramifications.

At the end of 2020, the 10th Parliament of Georgia started to exercise its powers. At that time, the Parliament already had some experience of working under the new Rules of Procedure. Moreover, certain national and international practices of parliamentary work in the times of pandemic have accumulated. The 10th Parliament started to work against the backdrop of boycott of the opposition parties. The account of reasons, outcomes and procedures of the boycott falls outside the scope of this report. However, it is noteworthy, that the full-scale parliamentary life and particularly, parliamentary oversight of the executive power requires intense parliamentary work of both, the parliamentary majority and opposition parties.
In the process of parliamentary oversight of the executive power, the opposition political parties and independent Members of the Parliament have a special role. The preconditions of application of each parliamentary mechanism are reviewed in the respective parts of this report and they will not be recapped here, but their analysis shows that the present mechanisms of the parliamentary control allow for the effective parliamentary control over the activities of executive branch.

If in 2020, the functioning of Parliament was hindered by the objective problems due to the quarantine and isolation, in 2021 the parliamentary work was resumed as usual in the formats of parliamentary sessions and within Committees. Therefore, there were no limitations for conducting hearings, inquiries, or other oversight activities within the reporting period.

The process of working on the present report disclosed not only the achievements and deficiencies related directly to the parliamentary oversight of the management of pandemic, but also general impediments to the effective exercise of the parliamentary power to control. Therefore, on one hand this report provides detailed account of the parliamentary oversight implemented in the context of the pandemic in 2021; on the other hand, the report identifies the principal dynamics of the parliamentary oversight activities for the last three years and provides recommendations, which aim for the institutional empowerment of the legislative body of Georgia.
2. KEY FINDINGS

The analysis of the oversight activities of Parliament of Georgia led to the whole range of findings, part of which are related to the management of the pandemic, while the other part goes beyond the difficulties caused by the COVID-19 pandemic and exposes the general challenges faced by parliamentary control. The present study allows making of the following conclusions.

To control the management of the pandemic was not among the political priorities of the Parliament, however, in certain cases, the Parliament ensured the parliamentary oversight of the activities of the executive power.

The pandemic had major impact on many aspects of human life. The whole range of human rights was restricted. Economy, healthcare and education sector were hit the hardest. Against the backdrop of the ongoing crisis, the Parliament had to pay attention to many issues.

According to the Rules of Procedure of Parliament of Georgia, Article 19, the Chair of the Parliament ensures preparation of the annual report on the work of Parliament and of the action plan for the following year. This process aims at identification of the main priorities of the work of the Parliament at the beginning of the year. Such plan had also been published in the beginning of 2021, however, it did not even mention the pandemic, despite the fact that at the moment of planning of its law-making and oversight activities, the Parliament already had year-long experience of working during the pandemic and there was an expectation, that in 2021 Georgia would have to continue living under the pandemic.

In the beginning of 2021, the parliamentary committees submitted and approved the committee action plans within the deadlines set forth in the Rules of Procedure. Here again, with some exceptions, despite the experience of working under the pandemic, the committee actions plans did not duly reflect the oversight activities of the measures for management of the pandemic.

Therefore, it was clear already in the beginning of the year, that the parliamentary control over the measures to counter the pandemic was not among the priorities of the work of the Parliament of Georgia for 2021. For example, out of 1538 questions sent by the Members of Parliament (referred to as “MPs”) to the accountable agencies from 1 January to 21 October, only 18 were related to the topic of the COVID pandemic.

And still, despite the fact that the Parliament of Georgia, in contrast to the Parliaments of some other countries, did not form special formats, such as temporary commission or inter-faction group to study the consequences of the COVID-19 pandemic, the issues involving the pandemic were periodically discussed at the plenary sittings and committee sittings of the Parliament. The Parliament has also employed some oversight mechanisms (mostly, thematic inquiry) to evaluate the impact of the COVID-19 Pandemic.

The rules on accountability set forth by the Constitution of Georgia and the Rules of Procedure of Parliament are regularly neglected by the public officials.

The Constitution of Georgia and the Rules of Procedure of Parliament provide the detailed regulation of control powers of Parliament of Georgia, its committees, factions and individual MPs. Part of these competences, such as question of MP, interpellation, appearance before investigative commission and provision of information to it are regulated by the Constitution itself, and violation of these requirements may even serve as ground for impeachment of an official. Moreover, the Rules of Procedure of Parliament grants the whole range of oversight powers to MPs, such as mandatory appearance of an official at the committee meeting, etc.

In spite of this, these legal requirements are often grossly violated. During 2021, the opposition (the seven

---

4 Constitution of Georgia, Article 48
5 Rules of Procedure of the Parliament of Georgia, Article 40
member group of the MPs) has summoned four ministers to the Parliament through the interpellation procedure. None of them has appeared at the plenary sitting or presented an explanation for their absence.

Opposition factions have summoned the public officials to the committee meetings 9 times in 2021, however, none of them appeared at the meeting.

Furthermore, in certain cases, the questions of the MPs were left unanswered, or the answer was issued in violation of legal requirements, exceeding the legal deadlines, answer was incomplete or issued by an unauthorized person.

**Involvement of the opposition in the process of parliamentary oversight is weak.**

Efficiency of the parliamentary oversight greatly depends on the vigorous activities of the parliamentary opposition. The majority political party has naturally less political interest to question the activities of its Government. Despite the fact, that the Rules of Procedure authorizes individual MPs, opposition factions and groups of MPs to employ the oversight instruments, the representatives of the opposition have not demonstrated any special interest towards the conduct of the COVID pandemic measures and their outcomes.

The 10th Parliament of Georgia is the first one in the recent history, where the representatives of the opposition political parties significantly exceed one third of the total number of the MPs. Moreover, according to the amendments made to the Constitution of Georgia and the Rules of Procedure of Parliament, the opposition was granted the important oversight leverages. One third of votes is enough for formation of the investigative commission of the parliament, to raise the issue of impeachment of an official or issue of vote of no-confidence in the government. With one fifth of votes, the opposition is entitled to schedule political debates. Moreover, the Deputy Chair from the opposition is entitled to present its statement to the Parliament with regards to the annual report of committee’s work.

Naturally, it is the majority of the MPs, which takes the final decision on almost every issue. However initiating the process, or leading the parliamentary investigation, *per se*, is of crucial political importance and it can determine the process of transformation of the Parliament into a powerful institution. In spite of this, there has been no case of employing certain leverages granted to the opposition under the Constitution and the Rules of Procedure for the years.

**The Parliament has rarely employed those oversight instruments, which ensure the timely consideration of the issues of public importance.**

In order for the Parliament, as the main representative body, not to lose tight connection to the public, it has to constantly address the public needs in a timely and adequate manner and has to foster the protection of interests of the society through its activities. This function of parliament gains particular importance during pandemics, or other types of crises, which naturally lead to reduction of the degree of public engagement in the decision-making and transparency of the decision-making process.

In 2021, the Parliament faced the complex task of active communication with the public and ensuring their involvement in the decision-making. Throughout the year, the oversight activities of the parliament was carried out through employment of those oversight instruments, which did not allow for holding the immediate political discussions on the issues of public concern. The committee hearings, interpellation and political debates provide for the better opportunity for the public to get the answers on problematic issues of public concern in time, than the relatively longer and in-depth evaluation process, which characterizes the thematic inquiry or control over the implementation of normative acts.

The timely and proportional reaction of the Parliament to the issues of public concern increases public trust to the parliament and gives it appearance of a genuinely representative body.
The mechanism regulated under Article 93 of the Rules of Procedure of Parliament, “political debates” is also noteworthy. Political debates can be held at the request of no less than one fifth of the MPs, once a month. Political debates are crucial mechanism for any parliament, as it provides the opportunity of timely discussion of problematic political issues. It is interesting that the Parliament of Georgia practically does not use the format of political debates anymore.

**Among the available mechanisms of parliamentary oversight, the thematic inquiry is used most frequently.**

The committees actively use the thematic inquiry for the comprehensive study of various issues, including the evaluation of impact of COVID pandemic and for identification of existing deficiencies. In view of the complexity, novelty, and participatory character of the instrument, this is a commendable trend. However, at the same time, it is important that the committees develop the right practice of its use. Observation on the parliamentary activities exposed the following serious issues:

- The main problem is the weak engagement of committee members in the process of thematic inquiry, which is mostly led by the head of the inquiry group (often, chair of the committee) with the assistance of outsourced experts. This approach substantially counteracts the essence of the instrument, which requires active involvement of all political groups represented in the committee in the process of interviews of concerned persons and preparation of recommendations. When the whole work is done by the outsourced experts, the thematic inquiry loses its political meaning and functions as an analytical instrument.

- Thematic inquiry is a complex and complicated process, which requires mobilization of quite large resources from the committee. In view of its complexity and direct active participation of committee members, it is logical, that committees should pay due attention to selection of topics of political priority for the thematic inquiry at the beginning of the year, when the action plans are drafted. If the thematic inquiry is properly carried out, it is hardly possible for one committee to conduct more than two inquiries during the session.

- Intensive use of thematic inquiry is also fostered by the fact, that in the situation of strong political polarization, thematic inquiry is a less confrontational instrument compared to the other oversight mechanisms and it is considered to allow better possibility of constructive work on the problems.

- The process of thematic inquiry allows for active involvement of the civil society, both during presentations of opinions and public hearing process. The reports developed as a result of thematic inquiries are mostly based on the information provided by the civil society, which is a positive trend.

- **Monitoring the implementation of recommendations issued as a result of thematic inquiry is not institutionalized.** Despite the fact, that since 2019, the committees actively employ this instrument and issue recommendations to the executive agencies, the Parliament is unaware of the situation regarding the implementation of its recommendations and their impact on policy improvement. It is true, that in certain cases, the committees show interest towards the state of implementation of their recommendations, however currently, there is no common practice of monitoring the implementation of recommendations issued in the process of thematic inquiry.

- Process of thematic inquiry is mostly carried out with the financial support and technical assistance of international partners, as the committees of the Parliament have no internal resources needed for thorough implementation of this process.
Importance of control on the implementation of normative acts is not duly understood.

Control on the implementation of normative acts is another new oversight instruments, which has not been actively used by the Parliament until now. It involves a complex process, which consists of planning, collection of written and oral information, processing of information and preparation of conclusions. In the rare cases, when this tool is employed, the process is carried out with the exclusive support of the international partners. The committee action plans provide for the control of implementation of normative acts without indicating the titles of specific normative acts, which demonstrates that meaning and function of this instrument is not duly understood. Control over the implementation of normative acts is the tool for the Parliament to influence the state policies and it is not merely analytical process, which could be carried out without active participation and involvement of politicians.

Consideration of Reports presented to the Parliament is often a formality.

The accountable bodies, which present their activity reports to the Parliament are those, whose activities are of particular importance for the country. These include Prime Minister of Georgia (annual address), Ministers (Hour of Minister), State Security Service, General Prosecutor General, State Inspector, etc. Consideration of these reports is an important political process, during which, the main representative body of the country and directly elected MPs evaluate the activities of the important public agencies accountable to the Parliament, their efficiency, accountability and issue the recommendations for improvement of their work and eradication of the deficiencies. Despite the fact, that the reports are constantly presented to the Parliament, their consideration is an extreme formality and usually ends with reception of information, which means that no in-depth evaluation of reports takes place. Furthermore, in 2021, some of the reports were not even considered at the plenary sitting.

In order to ensure the parliamentary oversight of the work of accountable bodies, it is necessary, that instead of reception of information, the Parliament adopts substantive resolution. It is noteworthy in this regard, that the Parliament has a well-established similar practice with regards to consideration of the Public Defender’s reports.

The above mentioned challenges are partially due to the technical difficulties. MPs, with their scarce resources, find it hard to duly study every issue and conduct in-depth research of quite voluminous reports.

Instrument of thematic rapporteur does not work in practice.

The instrument of a thematic rapporteur is a novel instrument for the Parliament of Georgia. The goal of its introduction was division of labour among the members of the Committees, fostering the active engagement of MPs in the parliamentary activities in line with their interests. Thematic rapporteurs can play a positive role in improving the quality of both the law-making and oversight activities. In spite of the fact, that the requirement of the Rules of Procedure to assign the thematic rapporteurs in action plans is formally observed, it is almost never used. Therefore, the thematic rapporteur instrument cannot meet its intended goals and it is recommended to review the respective Article of the Rules of Procedure.

The Parliament has not evaluated the efficiency and legality of the COVID-19 pandemic costs

International practice and recommendations pay particular attention to the role of parliaments in controlling the spending during the crises. It is known, that in any crisis management spending becomes less transparent as there are whole range of measures, which should be funded as soon as possible. Due to this very fact, the Parliament should pay particular attention to the post-factum check of efficiency and legality of spending during the pandemic. In this respect, State Audit reports and their discussion in the Parliament, as well as appearance of the relevant officials at the committees of the Parliament and plenary sittings of the Parliament is of particular importance.
In spite of the fact, that the Audit Group in the Georgian Parliament kept working in 2021, it or Budget and Finance Committee had not checked efficiency and legality of costs of the management of pandemic, including the spending of the awarded financial assistance (grants, loans).

**There is a weak control on the implementation of the recommendations issued by the Parliament and acquisition of information on the recommendations is difficult**

Monitoring the implementation of the recommendations issued by the Parliament, does not constitute important part of parliamentary activities and it happens rarely, that the Parliament undertakes monitoring of implementation of its own recommendations in an open and transparent procedure. It is quite difficult to identify the recommendations issued by the Parliament as they are not available in any organized, transparent and easily accessible form. As a result often the committee members themselves have no information on the recommendations issued by the Parliament. The coherent mechanism on enforcement of recommendations issued at the plenary sitting practically has not been applied in the Parliament. In this respect, there is an exception in the form of resolution adopted after the hearing of the Public Defender’s report.

**Information on the oversight activities of the Parliament is not easily available to the public and it is an important impediment for the engagement**

There is scarce information available at the website of the Parliament on the planned and undertaken oversight activities. The websites of factions and political groups do not post documents, including statement on summoning the officials to the Parliament. Actions plans of certain committees, minutes of the sittings, conclusions, and recommendations prepared by the committees cannot be found online. Information on the committee hearings provided in the minutes of sittings is mostly scarce and incomplete. There is no unified system of processing of information. As a result, the minutes drawn and quality and quantity of information provided in them drastically differ from one another.

Access to the information on parliamentary control is important for the members of public, as well as MPs, themselves in certain cases. The website of the Parliament is a crucial resource, which, on one hand presents, an archive of important information, and on the other hand, provides the opportunity to the stakeholders to follow the activities of the Parliament and get involved in the process themselves in certain cases. Information on the parliamentary activities should be posted on the website in a full and timely manner. When the necessary information is not published on the website, it is difficult even for the MPs to acquire the basic information and it takes extraordinary effort for outsiders to understand the parliamentary activities.

**Capacity of the staff of Parliament cannot meet the needs of the efficient oversight activities of the legislative body**

Efficient implementation of the oversight activities requires strong institutional support. In certain cases, and in view of the volume of the work, the relevant offices of Parliament, staff of the committees, the research center of the Parliament cannot ensure collection, processing and provision of the information needed by the MPs. Proper conduct of the oversight activities of the Parliament requires special knowledge and development of skills of not only the MPs, but also of the staff employees. In this respect, the role of the international partners has been crucial in recent years; however, it is necessary to better institutionalize the use of parliamentary mechanisms.
3. QUESTION OF MP

Question of an MP is an oversight instrument provided in the Constitution of Georgia and the Rules of Procedure of Parliament. The letter may be addressed to the Government of Georgia, an agency accountable to the Parliament, member of the Government, state body of any level of territorial units, state agencies. Question is sent to the respective body in the written form. It is mandatory to provide timely and full response to the question (within 15 days). Question of an MP, including unanswered questions are published at the website of the Parliament.

According to the constitutional provision, leaving the question of an MP unanswered may be considered as violation of the Constitution and may serve as ground for impeachment of the respective official. The issue may be raised by one third of the full number of the MPs.

Within the reporting period, the MPs have sent 1538 questions to the accountable agencies (190 addressees). Out of this, 609 questions were asked by the members of the majority, whereas 929 questions were asked by the representatives of the opposition. The accountable agencies provided responses to 1297 questions and exceeded the deadline to provide response in 367 cases. The MPs were not provided any response to 241 questions, 146 out of which were issued by the representatives of opposition. Out of total number of questions, only 18 dealt with COVID-19 pandemic and management of its ramifications. Out of this number, only 12 questions were answered (See Table #1).

<table>
<thead>
<tr>
<th>Table #1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question of MP 2021</td>
</tr>
<tr>
<td>Questions Asked by the Representatives of Majority</td>
</tr>
<tr>
<td>Questions Asked by the Representatives of Opposition</td>
</tr>
<tr>
<td><strong>Total Number of Questions</strong></td>
</tr>
<tr>
<td>Questions Related to COVID-19 Pandemic</td>
</tr>
</tbody>
</table>

Question of MP is an oversight instrument that can be employed by the MP independently. Using this mechanism, they can request the information necessary for exercise of their powers. Therefore, the addressee agency should answer the MP’s question in timely and full manner. It is important that the Parliament addressees each fact of leaving the MP’s question unanswered and holds discussion in each such case in order to ensure unhindered exercise of its powers.
**QUESTIONS OF MEMBERS OF PARLIAMENT 2021**

- **Number of the questions asked**
- **Number of unanswered questions**

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Questions Asked</th>
<th>Number of Unanswered Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questions asked by the representatives of majority</td>
<td>400</td>
<td>100</td>
</tr>
<tr>
<td>Questions asked by the representatives of opposition</td>
<td>800</td>
<td>200</td>
</tr>
<tr>
<td>Total number of the questions sent by the majority and the opposition</td>
<td>1,200</td>
<td>300</td>
</tr>
</tbody>
</table>
4. PARLIAMENTARY CONTROL AT THE PLENARY SITTING

4.1 Declaration of Confidence in Government

Within the reporting period the Parliament declared the confidence in government once on 22 February, 2021 when the Prime Minister Irakli Garibashvili presented to the Parliament the new composition of Government and Government program.

Due to the boycott of opposition at that time there was only one faction in Parliament - “Georgian Dream”. Therefore, only the parliamentary faction of the governing party considered the issue of declaration of confidence in the Government and Government Program. The faction has not presented respective opinion to the Bureau.  

Government program is the action plan of the Government. Based on it the Parliament should evaluate what priorities will be pursued by the executive power throughout the whole period of being in power. Declaring the confidence, the legislative body studies and evaluates: the extent to which the Government priorities address the current challenges in the country along with the other issues; the extent to which implementation of the planned activities is relevant and realistic; whether budgetary funds are properly allocated among the various sectors, etc. In view of the COVID-19 Pandemic it was expected that legislative body would apply particular scrutiny to the activities planned by the Government in response to the pandemic caused problems and would evaluate their appropriateness.

Discussing the issue at the plenary session four MPs asked the candidate Primer minister about the issues of pandemic and management of its outcomes. Out of these questions three of them were similar content-wise. The MPs have not demonstrated any interest towards such particularly problematic issues related to the COVID-19 pandemic as are adequacy of the health care and social support programs, expediency of the spending of taken foreign debt, readiness of the financial sector to address the risks entailed by the Covid-19 pandemic, etc. (see table N2)

<table>
<thead>
<tr>
<th>Author of the Question</th>
<th>Subject of the Queston</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zaza Lominadze</td>
<td>Prolongation of privileges for the small and medium-sized businesses in view of the pandemic</td>
</tr>
<tr>
<td>Kakhi Kakhishvili</td>
<td>Presentation of the relief program for small businesses in view of the problems caused by pandemic</td>
</tr>
<tr>
<td>Fridon Injia</td>
<td>Readiness of the Ministry of Education for a possible third wave of Covid-19 pandemic</td>
</tr>
<tr>
<td>Marian Kvrivishvili</td>
<td>In order to foster the work of business sector alleviation of restrictions related to COVID-19 pandemic.</td>
</tr>
</tbody>
</table>

Finally, the Parliament declared the confidence in the new composition of the Government with the Resolution of the Parliament on Declaration of Confidence in the Government of Georgia that was supported by 89 members of the Parliament.

4.2 Annual Report of the Prime Minister

The Prime Minister of Georgia is obligated to present annual report to the Parliament on implementation of
Government program once a year. The Report is presented to the legislative body in the last month of the spring session. The presentation of the report is followed by the questions and answers for discussion of the issues and debates.

The Government program is the basic document of Government’s activities based on which the Parliament declares its confidence to the candidate Prime Minister and the Government proposed by him. Therefore, evaluating the activities of the executive branch, the Parliament mostly refers to the benchmarks set forth in the Government program. The special character of this instrument lies with the fact, that it allows the legislative body to hear, discuss and assess the work of the entire Government at the plenary sitting. The Parliament is authorized to include its evaluations of the performance of governmental program in the resolution of parliament, which can be adopted at the end of discussions.

On 25 June, 2021 the Prime Minister, Irakli Garibashvili delivered his annual address to the Parliament and he presented the report of implementation of government program for the period of June 2020 – May 2021. The significant part of the Government program dealt with the crisis management caused by the COVID-19 pandemic and its ramifications. Work of almost every government agency involved the response measures to the outcomes of the pandemic. Therefore, it was expected, that the Parliament would focus on this issue. Particularly, in view of the fact that since the outbreak of the pandemic this was the first opportunity for the Parliament to discuss the adequacy and efficiency of the response mechanisms employed by the government to handle the crisis entailed by the COVID-19.

Hearing the address of the Prime Minister, four MPs posed 4 questions on the issues of COVID-19 pandemic. Two questions were similar content-wise (See Table #3).

<table>
<thead>
<tr>
<th>Author of the Question</th>
<th>Subject of the Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Levan Ioseliani</td>
<td>On the development of the plan of COVID-19 vaccination.</td>
</tr>
<tr>
<td>Rima Beridze</td>
<td>On the start of full vaccination</td>
</tr>
<tr>
<td>Mamuka Khazaradze</td>
<td>On the problems with management of the pandemic, including, awarding loans, acquiring vaccines, etc</td>
</tr>
<tr>
<td>Ketevan Dumbadze</td>
<td>On the post-pandemic plan for the actors in culture sector</td>
</tr>
</tbody>
</table>

These data allow us to infer, that the MPs made little use of this format for the in-depth study of the efficiency of state policy on the issues of COVID-19 pandemic.

At the end of discussion of the address of Prime Minister, the Parliament did not adopt a resolution. Here, the legislative body reiterated its established practice for the recent years and did not evaluate the work of Government through the respective legal act. It is true, that the Rules of Procedure does not provide a legal obligation of adoption of resolution, however adoption of a summarizing act would have been an important step forward for the improvement of the parliamentary oversight. The resolution could put together the evaluation of the performance of the Government program, its flaws identified by the Parliament and recommendations for their elimination. Moreover, adopting the resolution, Parliament would have made the information on the work of government, which is of particular concern for the public more accessible.

9 Rules of Procedure of the Parliament article 150, Paragraph 1
10 ibid.
11 Constitution of Georgia, article 56
12 Rules of Procedure of Parliament, Article 150, Paragraph 3
13 The previous address of the Prime Minister was heard by the Parliament on 26 June 2020. By that time, it was still early to have substantive discussion on the difficulties caused by the COVID-19 pandemic and its implications or to evaluate efficiency of the response mechanisms launched by the Government.
4.3 Report of the Prime Minister

In addition to the regular annual address, the Parliament is authorized to invite the Prime Minister to the plenary sitting and to hear the report of the head of the Government on the course of implementation of individual parts of the Government program. Committee or faction is entitled to demand the invitation of the Prime Minister and presentation of the report. The final decision is taken by the Parliament with the votes of the majority of MPs attending the plenary session, but no less than the one third of the total number of MPs of the Parliament. The Parliament may invite the Prime Minister several times a year according to this rule. Within the reporting period, the Parliament of Georgia has not used this oversight instrument; The parliamentary committees and factions have not demanded the invitation of the Prime Minister and presentation of the report.

4.4 Appearance of an Official at the Plenary Sitting

The Parliament is authorized to summon to the plenary sitting member of the Government, official from the agency accountable to the Parliament, head of the agency accountable to the Parliament and demand a report on the performed activities. Committee or faction are entitled to summon an official. The final decision is made by the majority of the attending MPs at the plenary sitting, but no less than the one third of total number of MPs.

In case of summoning, an official is obligated to appear at the plenary sitting and in addition to the presentation of the report, to answer the questions of MPs, which will be followed by the debates.

Within the reporting period, the Parliament of Georgia has not used this oversight instrument; the parliamentary committees and factions have not requested summoning and presentation of a report by an accountable official.

4.5 Minister’s Hour

Minister’s hour, as an instrument of parliamentary oversight, which was introduced by the new, 2018 edition of the Rules of Procedure of Parliament. This mechanism is being used by the Parliament of Georgia since the 2019 spring session. Minister’s hour is fully linked to the Government program and involves delivering report by a member of the Government on the implementation of the respective parts of the Government program on a plenary sitting once a year. It is the Bureau of the Parliament, which makes the schedule of Minister’s hours during the spring session with the consent of the respective members of the Government and in view of the initiatives of the committees. The schedule should be drawn in a manner, that ensures that at least one Minister’s hour will be held each plenary week. The Bureau of the Parliament is empowered, to make amendments to the schedule if needed.

The Bureau of Parliament has approved the schedule of minister’s hour on 1 February 2021, when the Prime Minister was still Giorgi Gakharia. Later, after approval of the new composition of the Government, the schedule has been amended twice – on 7 September, 2021 and 8 November, 2021.

In 2021, the Parliament heard each member of the Government in the format of Minister’s hour. The members of Cabinet appeared in the legislative body according to the schedule adopted by the Bureau of Parliament and presented their reports (See Table #4).
### Table #4

<table>
<thead>
<tr>
<th>Date</th>
<th>Member of the Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.02.2021</td>
<td>Maia Tskitishvili – Minister of Regional Development and Infrastructure</td>
</tr>
<tr>
<td>05.03.2021</td>
<td>Vakhtang Gomelauri – Minister of Internal Affairs</td>
</tr>
<tr>
<td>18.03.2021</td>
<td>Levan Davitashvili – Minister of Environment Protection and Agriculture</td>
</tr>
<tr>
<td>28.04.2021</td>
<td>Ekaterine Tikaradze – Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs</td>
</tr>
<tr>
<td>13.05.2021</td>
<td>Juansher Burchuladze – Minister of Defense</td>
</tr>
<tr>
<td>11.06.2021</td>
<td>Lasha Khutsishvili – Minister of Finance</td>
</tr>
<tr>
<td>18.11.2021</td>
<td>Tea Akhvlediani – State Minister of Georgia for Reconciliation and Civic Equality</td>
</tr>
<tr>
<td>19.11.2021</td>
<td>David Zalkaliani – Minister of Foreign Affairs</td>
</tr>
<tr>
<td>01.12.2021</td>
<td>Mikheil Chkhenkeli – Minister of Education and Science</td>
</tr>
<tr>
<td>03.12.2021</td>
<td>Thea Tsulukiani – Minister of Culture, Sport and Youth</td>
</tr>
<tr>
<td>16.12.2021</td>
<td>Natia Turnava – Minister of Economy and Sustainable Development</td>
</tr>
<tr>
<td>17.12.2021</td>
<td>Rati Bregadze – Minister of Justice</td>
</tr>
</tbody>
</table>

The presentations of the members of Government, often dealt also with the measures carried out in response to the problems related to COVID-19 pandemic (Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs, Minister of Education and Science, Minister of Economy and Sustainable Development, Minister of Protection of Environment and Agriculture). Information available at the website of Parliament of Georgia is scarce to evaluate, how the MPs used the format of minister’s hour in order to assess the measures undertaken with regards to COVID-19 pandemic by individual agencies. The Parliament has not published the information on the questions asked by the members of the Parliament, expressed views or provided recommendations.

### 4.6 Interpellation

Interpellation is the only instrument of the parliamentary oversight, which allows the small group of MPs to require the official, accountable to the Parliament, including the Prime Minister, to appear at the parliamentary sitting.

According to the Rules of Procedure, no less than 7-person group of MPs or faction are entitled to refer a question to the Government, another body accountable to the Parliament and to require clarification on any currently problematic and important issue. The addressee is obligated to appear at the session and to answer in person the question asked. The part of interpellation is holding debates on the issue, where the political groups express their differing positions. The Parliament may include its opinions, remarks and recommendations in the resolution.

Violation of rules of interpellation (failure to appear at the parliamentary sitting) may be considered as the violation of the Constitution and may serve as ground for impeaching of that official. The issue may be raised

---

28 Organizational Department of the Parliament of Georgia, Letter N11612/2-7/21, 24.11.2021
29 Hour of Minister, Speech of the Minister of Education and Science at the Plenary Sitting
30 Hour of Minister, Review of the Speech of the Minister of Economy and Sustainable Development at the Plenary Sitting
31 Hour of Minister, Speech of the Minister of Environment Protection and Agriculture
32 Rules of Procedure of Parliament, Article 149
The interpellation mechanism is particularly important for opposition factions/MPs, as it can be used independently, without the consent of the majority. The representatives of opposition are entitled to summon the accountable officials to the plenary session and to ask for clarifications on the issues of public concern, to identify political deficiencies and if needed, to raise the issue of liability of an official within the reasonable time and in line with the pre-established procedure. Applying the tool of interpellation, the opposition has leverage to strengthen its control over the activities of executive agencies and to improve the level of accountability of the Government.

Within the reporting period, 7 MPs sent 4 letters to the accountable agencies using the mechanism of interpellation (See Table 1). The letters were sent to the Prime Minister of Georgia (5 questions), to the Minister of Foreign Affairs (5 questions), to the Minister of Finance (4 questions) and to the Minister of Education and Science. In each of these cases, all the questions provided in one interpellation letter involved essentially different issues. Out of 16 questions asked, only 3 dealt with COVID-19 pandemic crisis and management of its ramifications (See Table #5).

<table>
<thead>
<tr>
<th>Author of Question</th>
<th>Addressee of Question</th>
<th>Subject of Question</th>
<th>Response</th>
</tr>
</thead>
</table>
| MPs: Teona Akubardia, Grigol Vashadze, Gior- gi Vashadze, Khatuna Samnidze, Paata Man- jgaladze, Zura (Gir- chi) Japaridze, David Bakradze | Prime Minister | Inflation issues  
Stimulation of small and medium-sized businesses in view of the challenges posed by COVID-19  
Methodology for calculation of subsistence minimum  
Exclusive privileges granted to the Liberty Bank | The questions were sent on 14 May 2021  
The Prime Minister failed to appear at the plenary sitting |
| MPs: Teona Akubardia, Grigol Vashadze, Gior- gi Vashadze, Khatuna Samnidze, Paata Man- jgaladze, Zura (Gir- chi) Japaridze, David Bakradze | Minister of Finance | Monetary Policy  
Review of the excise tax rates  
Stimulation of tourism sector in view of the challenges posed by the COVID-19  
Expediency of taking and spending of foreign debt; Directing the acquired debts for the eradication of ramifications of the pandemic | The questions were sent on 14 May 2021  
The Minister failed to appear at the plenary sitting |
Table #5

<table>
<thead>
<tr>
<th>Author of Question</th>
<th>Addressee of Question</th>
<th>Subject of Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPs: Teona Akubardia, Grigol Vashadze, Gior-</td>
<td>Minister of Education and Science</td>
<td>Wasting the Budgetary funds for futile experiments</td>
<td>The questions were sent on 14 May 2021</td>
</tr>
<tr>
<td>gi Vashadze, Khatuna Šannidze, Paata Man-</td>
<td>Financial and managerial</td>
<td>Remedying the educational damages caused by the COVID-19 pandemic</td>
<td>The Minister failed to appear at the plenary sitting</td>
</tr>
<tr>
<td>jgaladze, Zura (Gir-chi) Japaridze, David Bakradze</td>
<td>decentralization of schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State strategy for de-occup-</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State strategy for NATO membership</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Application for EU Member-</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ship</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Georgia – US Free Trade</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Increasing the supporters in the UN for the resolution supporting Georgia</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

According to the Rules of Procedure, interpellation takes place at every, following session twice: at the spring session – from March to May and at the fall session – from September to November. An official is obligated to appear at the plenary sitting and answer the posed questions, which were transferred to him 10 days earlier.

Within the reporting period, the above-mentioned, interpellation letters were sent to the executive agencies on 14 May. The addressee agencies were obligated to appear for answering these questions already at the spring session and to present their answers to the Parliament both in person and in writing.34 Within the reporting period, the Parliament has not heard the heads of the executive agencies under the interpellation procedure. Failure of the members of Government to appear before the Parliament has not become the subject of discussion in the Parliament until now. Even opposition parties have not initiated the discussions on the issue of neglect of the MPs requests by the accountable agencies and hence of the possible violation of the Constitution of Georgia and Rules of Procedure of Parliament.

Reviewing the parliamentary experience with carrying out interpellation in the recent years (2019-2020), this was the first time in the work of the Parliament that the executive agencies refused to appear at the plenary session and to answer the questions within the interpellation procedure.35 Ignoring such incidents by the Parliament will have negative impact on the development of this crucial instrument of parliamentary oversight and its efficient application in practice by the Parliament. Moreover, it substantially weakens the ability of the political groups, and particularly that of opposition parties to influence the setting of political agenda in the country.

To ensure the efficient control by the Parliament, it is important to inform the public in a timely and thorough manner on the application of oversight instruments by the Parliament and its outcomes. The Rules of Procedure of Parliament does not provide for the obligation to post the questions sent under the interpellation procedure at the website of the Parliament. Neither does the Parliament publish proactively interpellation questions sent

34 Rules of Procedure of Parliament of Georgia, Article 149, Paragraph 5
35 Transparency International (TI) Georgia, Parliamentary Control – Assessment of 2019-2020, at 8
to the accountable agencies, information on their authors and responses provided by the respective agencies. Therefore, the public is deprived of the opportunity to follow the process of application of this oversight instrument by the Parliament and to familiarize itself with its outcomes.
5. OVERSIGHT WORK IN THE COMMITTEES

5.1 Committee Action Plan

Parliamentary committees approve the annual action plan of their activities before the opening of the spring session.36 The action plans consist of the legislative, oversight and other activities that the respective committee should carry out throughout the year. The timeline of implementation and responsible member/members of the committee should be determined for each activity.37 According to the Rules of Procedure, the responsible persons are automatically considered to be the thematic rapporteurs of the committee.

Drafting of the action plans serves the goals of transparent conduct of the committee activities and predictability of future activities, which should foster informing the public about the parliamentary work and greater involvement in the work of legislative body. Moreover, the goal of determination of the action plan is to ensure that the committee works in an organized manner and the labor and spheres/issues of responsibility is divided among the committee members. Therefore, it is important, that all the members of the committee are involved in the preparation of action plan, including the representatives of the opposition parties and that each committee member monitors the activities that should be implemented.

In 2021, in the 10th Parliament, all the 16 committees have approved the actions plans and determined the persons responsible for the respective activities. In view of the fact, that at the time of preparation of action plans the representatives of opposition parties were still boycotting and were not present in the Parliament, the actions plans were drafted without their participation. After the opposition took its place in the Parliament, the committees have not revised the action plans and despite the addition of representatives of opposition parties to the compositions of committees, no amendments were adopted. It is noteworthy that the representatives of the opposition parties, themselves have not asked for the amendment of action plans.38 As a result, the activities of committees in 2021 were determined in line with only the ruling party, and the responsibility is assigned mostly to the members of the majority.

The significant part of Actions Plans of 2021 deals with the issues of the oversight activities of committees. In view of the fact that the crisis caused by the COVID-19 has affected all the areas of life in the country, it was expected that the committees would pay particular attention to the oversight of the management of crisis caused by the COVID-19 and its ramifications. This is particularly true in view of the fact that the last year of working of the 9th Parliament coincided with the start of pandemic and due to the state of emergency, the monitoring of legislative body over Government activities was limited.39

According to the committee action plans, the control of executive agencies with regards to their work on the issues of COVID-19 pandemic appear among the priorities of only 6 committees: Healthcare and Social Issues Committee,40 Education and Science Committee,41 Agrarian Issues Committee,42 Sector Economy and Economic Policy Committee,43 Human Rights and Civil Integration Committee of,44 Diaspora and Caucasus Issues Committee.45 (See Table #6)

36 Rules of Procedure of Parliament of Georgia, Article 43
37 Id, Paragraph 3
38 Organizational Department of the Parliament of Georgia, Letter N1-15626/21
39 Transparency International (TI) Georgia, Parliamentary Control - Assessment of 2019-2020, at 8
40 Healthcare and Social Issues Committee, Action Plan for 2021
41 Education and Science Committee, Action Plan for 2021
42 Agrarian Issues Committee, Action Plan for 2021
43 Sector Economy and Economic Policy Committee, Action Plan for 2021
44 Human Rights and Civil Integration Committee, Action Plan for 2021
45 Action plan of the Diaspora and Caucasus Issues Committee cannot be found at the Parliament’s website.
It would be logical for the Parliament to dedicate the significant part of its actions plans to the implementation of the Government program; at the same time, it should plan the application of oversight instruments in the manner, that would ensure the in-depth and comprehensive control of the Government activities. It is not clear from the working documents of the committees, how the committees determined the priority character of issues and the need of application of given oversight instruments. If it is assumed that the oversight activities provided in the action plans correspond to the priorities of the Government program for 2021-2024, that it is not clear, why control of Government activities on the issues of COVID-19 pandemic is not represented more intensely among the committee priorities.46

According to the Government Program 2021-2024 “Toward Building a European State”, the main goals of the Program is to overcome the pandemic-caused crisis, speedy recovery of the economy and development, ensuring stable and safe environment of every citizen, responding to the crisis caused by the COVID-19 pandemic.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Issue</th>
<th>Oversight Instrument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthcare and Social Issues Committee</td>
<td>Oversight of Implementation of the National Plan of Introduction of COVID-19 Vaccination in Georgia</td>
<td>Committee hearing</td>
</tr>
<tr>
<td></td>
<td>Evaluation of the Efficiency of governmental information campaign/strategy on the issue of vaccination</td>
<td>Drafting of recommendations</td>
</tr>
<tr>
<td>Healthcare and Social Issues Committee</td>
<td>Oversight of the implementation of the national plan of management of COVID-19</td>
<td>Committee hearing</td>
</tr>
<tr>
<td></td>
<td>Evaluation of readiness of hospitals to address the COVID-19</td>
<td>Development of recommendations</td>
</tr>
<tr>
<td>Healthcare and Social Issues Committee</td>
<td>Study of the efficiency of social protection system in Georgia in view of the impact of COVID-19 pandemic</td>
<td>Thematic inquiry</td>
</tr>
<tr>
<td>Committee of Education and Science</td>
<td>Impact of the COVID-19 pandemic on the sector of general education</td>
<td>Thematic inquiry</td>
</tr>
<tr>
<td>Committee of Agrarian Issues</td>
<td>Assessment of the impact of pandemic on the field</td>
<td>Thematic inquiry</td>
</tr>
<tr>
<td>Human Rights and Civil Integration Committee</td>
<td>Impact of the epidemic caused by the new coronavirus on human rights</td>
<td>Formation of working group</td>
</tr>
<tr>
<td>Sector Economy and Economic Issues Committee</td>
<td>The revised strategy of the tourism sector in the post-pandemic period and its economic outcomes</td>
<td>Thematic inquiry</td>
</tr>
<tr>
<td>Sector Economy and Economic Policy Committee</td>
<td>The main challenges of small and medium-sized businesses and stimulation mechanisms in the periods of crisis and post-crisis</td>
<td>Thematic inquiry</td>
</tr>
<tr>
<td>Diaspora and Caucasus Issues Committee</td>
<td>Support of ethnical minorities during COVID-19 pandemic</td>
<td>Committee hearing</td>
</tr>
</tbody>
</table>
Furthermore, it would be appropriate if the process of drafting of the action plan is preceded by the comprehensive assessment of the implementation of the committee action plan of the previous year.\(^{47}\) It would lead to the coherency in the work of committees from year to year and help to provide continuity to the working process. There is no information available at the Parliament’s website whether this is the practice in committees.

The process of drafting of committee action plans lacked transparency. The Parliament has not published the information on involvement of civil society organizations and field experts in this process. Involvement of stakeholders would lend transparency to the process, on one hand and would allow the committee to view the issues from varying perspectives, on the other. Involvement of the civil society organizations was even more important in the context of boycott of opposition parties, when they did not participate in the work of the Parliament.

5.2 Mandatory Attendance of the Committee Sitting by Officials

The official accountable to the Parliament is obligated to attend the committee sitting, respond to the questions asked and present the report on the work done.\(^{48}\) Decision to summon the official is made by the committee, or faction, if it has members in the respective committee by the majority of attendees.\(^{49}\)

The list of officials that the faction may summon to the committee sitting is limited to the Prime Minister, Prosecutor General and the Head of State Security Service. This list also includes those officials, who have attended the committee sitting under the mandatory attendance rule not more than two months earlier.

Summoning the official accountable to the Parliament at the committee sitting is one of the most important instruments for the exercise of control by committees. Using this power, the committees study the work of accountable agencies by their fields of work and assess their efficiency; they issue recommendations for eradication of exposed deficiencies and monitor their implementation. The problems exposed during the committee sitting may lead to the need of application of other mechanisms of parliamentary oversight, including carrying out the thematic inquiry, formation of the investigative commission, etc. Study of the actual work of accountable persons, may also provide ground for initiation of legal proceedings or raising the issue of political liability.\(^{50}\) Therefore practice of application of this instrument is directly linked to the degree of accountability of the executive agencies before the Parliament and to the actual involvement of the legislative body in the improvement of state policy.

Within the reporting period, one committee has summoned three officials only once using this instrument.\(^{51}\) Four committees heard 1 Minister at the request of the Minister himself. Out of committee hearings held, none of them dealt with the COVID-19 pandemic and management of its outcomes.

As to the parliamentary factions, this power was exercised 9 times by the opposition factions. They have summoned the Minister of the IDPs from the Occupied Territories, Labor, Health and Social Affairs twice in order to obtain information on the COVID-19 pandemic and management of its outcomes.\(^{52}\) However, none of the summoned officials have appeared at the sitting due to the various reasons (See Table #7).

\(^{47}\) The activity reports published by the committees at the end of each year cannot be considered as the comprehensive assessment of the implementation of action plans.

\(^{48}\) Rules of Procedure of Parliament, Article 40, Paragraph 1

\(^{49}\) Rules of Procedure of Parliament, Article 40, Paragraph 2

\(^{50}\) Parliamentary Control after the Reform of Constitution and Rules of Procedure, the Georgian Young Lawyers’ Association, 2020, at 48

\(^{51}\) Organizational Department of the Parliament of Georgia, Letter N12325/2-7/21 17-12-2021.

\(^{52}\) Organizational Department of the Parliament of Georgia, Letter N12325/2-7/21 17-12-2021.
<table>
<thead>
<tr>
<th>Initiator</th>
<th>Summoned Official</th>
<th>Committee of the Parliament</th>
<th>Heard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister of Justice of Georgia</td>
<td>Minister of Justice</td>
<td>Human Rights and Civil Integration Committee</td>
<td>√</td>
</tr>
<tr>
<td>Minister of Justice of Georgia</td>
<td>Minister of Justice of Georgia</td>
<td>Defence and Security Committee</td>
<td>√</td>
</tr>
<tr>
<td>Minister of Justice of Georgia</td>
<td>Minister of Justice of Georgia</td>
<td>Legal Issues Committee</td>
<td>√</td>
</tr>
<tr>
<td>Minister of Justice of Georgia</td>
<td>Minister of Justice of Georgia</td>
<td>Foreign Relations Committee</td>
<td>√</td>
</tr>
<tr>
<td>Faction “Lelo – Partnership for Georgia”</td>
<td>Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia</td>
<td>Human Rights and Civil Integration Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Charlles Michel Reforms Group”</td>
<td>Minister of Internal Affairs of Georgia</td>
<td>Human Rights and Civil Integration Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Charlles Michel Reforms Group”</td>
<td>Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia</td>
<td>Human Rights and Civil Integration Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Charlles Michel Reforms Group”</td>
<td>Minister of Internal Affairs of Georgia</td>
<td>Human Rights and Civil Integration Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Lelo – Partnership for Georgia”</td>
<td>Minister of Economy and Sustainable Development of Georgia</td>
<td>Sector Economy and Economic Policy Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Charlles Michel Reforms Group”</td>
<td>Minister of Economy and Sustainable Development of Georgia</td>
<td>Sector Economy and Economic Policy Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Lelo – Partnership for Georgia”</td>
<td>Minister of Foreign Affairs</td>
<td>Foreign Relations Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Lelo – Partnership for Georgia”</td>
<td>Minister of Foreign Affairs</td>
<td>Foreign Relations Committee</td>
<td>-</td>
</tr>
<tr>
<td>Faction “Lelo – Partnership for Georgia”</td>
<td>Minister of Culture, Sport and Youth</td>
<td>Culture Committee</td>
<td>-</td>
</tr>
</tbody>
</table>
### Table #7

<table>
<thead>
<tr>
<th>Initiator</th>
<th>Summoned Official</th>
<th>Committee of the Parliament</th>
<th>Heard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the letters of the MPs, Leval Ioseliani and Alexandre Elisashvili and at the request of the majority of the Committee</td>
<td>The President of the National Bank</td>
<td>Budget and Finance Committee</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Minister of Finance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minister of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The reason of failure of appearance of the Minister of Internal Affairs, who was summoned by the Faction “Lelo – Partnership for Georgia” in both cases has been the appearance of the Minister at the plenary sitting.\(^{53}\) Actually, these two mechanisms are not linked. According to the Rules of Procedure of Parliament, summoning of the official to the committee sitting by a faction is the power of the faction and it is mandatory, if the faction has a member in the committee.\(^{54}\) Appearance of accountable officials at the plenary sitting is a different process, which is regulated by a different rules and procedures in the Rules of Procedure. Rules of Procedure of Parliament state nothing about the interdependency in the process of application of these two instruments. Therefore, it is important, that the Parliament establishes the appropriate practice and does not ignore the failure of appearance of accountable agencies at the committee sittings for such reasons.

In 2021, the committees practically did not avail themselves of the instrument of hearing of officials at the committee sitting. Despite the fact, that the rate of summoning of officials to the committee sittings was also low in 2019-2020,\(^{55}\) the number has drastically decreased within the reporting period. If in the previous year of 2019, the committees have summoned the officials 6 times and heard them at the committee sittings,\(^{56}\) within the reporting period this number decreased to 1. It is also noteworthy, that the application of this oversight mechanism and summoning of the respective official on the issues of crisis caused by the COVID-19 pandemic and management of its outcomes was included in the actions plans of the Healthcare and Social Issues Committee, Diaspora and Caucasus Issues Committee, Sector Economy and Economic Policy Committee.\(^{57}\) However, none of these committees has carried out this activity prescribed by the action plan. Failure to implement the activities provided in the action plan reduces meaning of this document and partially transforms its drafting and approval into a formality.

In addition to the members of Government, within the reporting period, 11 committees of the Parliament have heard 34 officials and have discussed 45 issues pertaining to the competences of the summoned officials. The accountable officials were summoned to the committee hearings solely under the committee decision. Out of these, hearing of only one official held by the Sector Economy and Economic Policy Committee dealt with the management of COVID-19 pandemic. To present the report on the issue of revised strategy of tourism sector in the post-crisis period and its economic outcomes, the Committee has summoned the Deputy Minister of Economy and Sustainable Development of Georgia, Mariam Kvirisvili.\(^{58}\)

The summoning of officials to the committee meeting and holding the hearing is an important instrument for informing the public on the issues of current importance. Therefore, information obtained at the committee hearings, the opinions expressed by the committee members and other persons at the committee sittings should be processed in the manner, that would allow for provision of complete information to all the stakeholders.

---

53 Organizational Department of the Parliament of Georgia, Letter N12325/2-7/21 17-12-2021
54 Rules of Procedure of Parliament Article 40, Paragraph 2
55 Parliamentary Control after the Reform of Constitution and Rules of Procedure, the Georgian Young Lawyers’ Association, 2020
56 Ibid.
58 Organizational Department of the Parliament of Georgia, Letter 11778/2-7/21 and its Annexes, 01.12.2021
In this respect, there is no uniform practice among the committees. The information obtained through the committee hearings is included in the sitting minutes and most often, it is scarce and incomplete. There is no uniform system of processing the information for committees, and hence the minutes prepared and volume and quality of information included therein significantly differ from one to another committee. The following deficiencies were exposed:

- the incomplete processing and inclusion into the minutes of a sitting of the questions asked to the officials by the committee members and other persons and the answers provided;
- the opinions articulated at the sitting were not fully included in the minutes;
- omission of the content of recommendations issued to the official/agency (if there is such) in the minutes.

The lack of information delays the monitoring over the implementation of recommendations issued by the Parliament and complicates the public scrutiny of the parliamentary oversight.

The part of application of instrument of summoning an official to the sitting is assessment of the work performed by this official/agency and political and legal response to the exposed deficiencies. The committee practices demonstrate, that the committees applying this instrument mostly limit themselves to receiving of information provided by the accountable persons and it happens in exceptional cases, that the committees assess the reports, exposes the deficiencies and provides recommendations for improvement of the policy.

Information on the committee hearings held during the reporting period is gathered in the committee minutes and mostly cover the information about the participants of the sitting, sequence of events of the process, the summary of the report of officials and in some cases, information about the questions asked.

After the committee hearing, the committees do not mostly draw the summarizing conclusion. Due to the formal application of this oversight mechanism by committees, the society is deprived of the opportunity to follow the issues studied by the Parliament, what deficiencies it exposed, how it assessed the work of executive agency in a specific field and what deadlines it determined for the executive agency to implement the recommendations.

### 5.3 Thematic Inquiry

The thematic inquiry instrument has entered into force in 2019.\(^59\) Thematic inquiry is an important oversight mechanism of a committee, which can be used to study a problematic issue and to prepare respective decision.\(^60\) The group of thematic inquiry is formed under the decision of a committee.\(^61\) It is empowered to receive needed information/clarifications from the administrative bodies to study the issue. It also studies the information and opinions provided by the stakeholders.\(^62\) The conclusive document of the work of the inquiry group is the conclusion, based on which a committee or the Parliament develops recommendations and/or assignments, which are sent to the administrative bodies for implementation.\(^63\)

Since 2019, thematic inquiry has been the most actively used oversight instrument at the committee level. In 2019-2010, there have been formed 15 thematic inquiry groups in the Parliament, 13 out of which has finalized their work and published their reports.\(^64\)

Within the reporting period, the use of thematic inquiry instrument by the committees has been increased further and according to the 2021 action plans, 10 committees of the Parliament have planned to form 22

---

\(^{59}\) Rules of Procedure of Parliament of Georgia, Article 155

\(^{60}\) Id, Article 155, Paragraph 1

\(^{61}\) Ibid

\(^{62}\) Id, Article 155, Paragraph 6

\(^{63}\) Id, Article 155, Paragraph 8

\(^{64}\) Transparency International (TI) Georgia, Parliamentary Control – Assessment of 2019-2020, at 35
thematic inquiry groups in total. Out of this, there have been formed 16 thematic inquiry groups. Out of the total number of planned and launched thematic inquiries, 5 is related to the management of the COVID-19 pandemic and its outcomes (See Table #8).

<table>
<thead>
<tr>
<th>Committee</th>
<th>Subject of Thematic Inquiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthcare and Social Issues Committee</td>
<td>Study of the efficiency of the social protection system of Georgia in view of the impact of the COVID-19 Pandemic</td>
</tr>
<tr>
<td>Education and Science Committee</td>
<td>Influence of the COVID-19 pandemic on general education sector</td>
</tr>
<tr>
<td>Agrarian Issues Committee</td>
<td>Pandemic impact assessment on the field</td>
</tr>
<tr>
<td>Sector Economy and Economic Policy Committee</td>
<td>Revised strategy for tourism sector in post-crisis period and its economic outcomes</td>
</tr>
<tr>
<td>Sector Economy and Economic Policy Committee</td>
<td>The main challenges of the small and medium-sized businesses and stimulation mechanisms during the crisis and in the post-crisis period</td>
</tr>
</tbody>
</table>

The active use of thematic inquiry instrument by the committees is a positive trend. However, it is important, that the committees establish the good practice and that the process of inquiry ensures exercise of an actual oversight. Observation on the thematic inquiry process within the reporting period exposed several trends.

**Weak involvement of the committee members in the inquiry process**

The thematic inquiry process is mostly lead by the head of the inquiry group. Members of the group, particularly representatives of the opposition parties, practically do not participate in the development of documents needed for exercise of inquiry (technical rules of procedure, development of the inquiry questionnaire). Their attendance at the meetings with the stakeholders is sporadic and if they are present, they rarely participate in oral interviews. Such conduct of the process, lends formal character to application of this instrument. The inquiry report, which should set forth the stance of the entire committee, is actually drafted with the minimal participation of its members.

**Practice of weak monitoring of implementation of recommendations**

Recommendations issued to the respective administrative bodies, which are formulated by the committee or the Parliament based on the conclusion, is part of the thematic inquiry process. Development of recommendations serves to eradication of the flaws exposed in the process of thematic inquiry and improvement of the policy of executive agencies on the topic of inquiry. In spite of the fact that since 2019 until the reporting period, committees have carried out at least one thematic inquiry and issued recommendations for improvement of policy in different fields, the Parliament is not informed about the impact of these recommendations on the improvement of policies. The Parliament is deprived of the opportunity to assess degree of accountability of administrative agencies, as well as participation of the legislative body in the exercise of state policy.

At present there is no uniform practice in the Parliament for exercise of monitoring of implementation of recommendations. To establish good practice it is important, that the committee includes the monitoring of the implementation of thematic inquiry recommendations of the previous year in the action plan of the next year.

**Scarcity of resources to exercise inquiry**

---

65 Organizational Department of the Parliament of Georgia, Letter N11774/2-7/21, 01-12-2021
66 Rules of Procedure of Parliament of Georgia, Article 155, Paragraph 8
In spite of the fact that since 2019 the committees started to actively use thematic inquiry instrument and there has accumulated certain experience in the Parliament in this regard, capacity of the committee staffs to independently and completely carry out the process is still limited. Majority of the thematic inquiries that have been carried out until now were supported by international donor organizations financially and with technical assistance. In spite of the fact, that in cooperation with the experts of the respective areas hired by the international organizations, the committees have carried out number of thematic inquiries and hence acquired certain experience with the process management and preparation and processing of documents, committees are still reluctant to launch inquiry independently.

In view of this, it can be inferred, that application of thematic inquiry, as a control mechanism, is still in the formation stage and it cannot ensure exercise of an actual oversight.

5.4. Thematic Rapporteur

Under the new, 2018 edition of the Rules of Procedure of Parliament, “to improve the conduct of law-making, oversight and other activities of the Parliament, also to assure the quality of work and to improve the division of labour among the MPs, a committee member will be a thematic rapporteur within the competence of committee, as prescribed by this Article.”

According to the Rules of Procedure, there should be one thematic rapporteur for each area of work/direction provided in the committee action plan from the MPs of the parliamentary majority and one thematic rapporteur from the members of the faction or MPs, who are not members of any faction, who form parliamentary opposition, if they want so. A thematic rapporteur is obligated to analyze the issues pertaining to their area of work and falling within the committee competences and to prepare a speech, that will be presented to the Committee during discussion of the issue.

In 2021, each parliamentary committee has assigned thematic rapporteurs responsible for the directions provided in actions plans, however, there is practically no information available on their work. Despite the requirement stipulated by the Rules of Procedure, there is no joint list of thematic rapporteurs, which would indicate the respective field of work for each of them by the committees on the parliament’s website. It should also be noted, that some committees have indicated several or all members of the committee as thematic rapporteurs for a given direction in their action plans.

As it is a new instrument and the Parliament has no practical experience of use of thematic rapporteurs, in 2021, there was prepared a thematic rapporteur guide with the support of USAID and GGI; 9 thematic rapporteurs from several committees were also provided with consultation.

Within the reporting period, 6 parliamentary committees have assigned the thematic rapporteurs responsible for exercise of parliamentary control on the issues related to the COVID-19 pandemic. There are: Healthcare and Social Issues Committee (3 members), Agrarian Issues Committee (1 member), Sector Economy and Economic Policy Committee (2 members), Human Rights and Civil Integration Committee (5 members), Education and Science Committee (2 members), Diaspora and Caucasus Issues Committee (2 members). According to the information provided by the Parliament, thematic rapporteur, Shalva Papuashvili presented the report on the thematic inquiry “Impact of COVID-19 Pandemic on the General Education System in Georgia” to the Education and Science Committee; another assigned thematic rapporteur, Khatia Tsilosani presented the report on the thematic inquiry “Impact of COVID-19 Pandemic on Production and Sale of Agricultural Products” to the Agrarian Issues Committee.

It should be noted, that the instrument of thematic rapporteur, as it works now, is more formal, than effective and cannot meet its goal of division of labour among the committee members. Therefore, it is advisable to be

67 Rule of Procedure of Parliament of Georgia, Article 45
68 Ibid.
69 Ibid.
5.5 Control on Implementation of Normative Acts (PLS)

Control on the enforcement of normative acts is a totally new instrument falling within the competence of a committee. Through it, committee controls the implementation of the acts adopted by the Parliament pertaining to its field and evaluates how well the law works in practice. Committee analyzes whether the law met its goals and if not, what the reason was, what can be improved. Committee also studies the case law and if the legislative flaw is exposed, addresses it through relevant measures.

The Parliament of Georgia has a little experience of exercising control over the enforcement of its normative acts. Under the new edition of the Rules of Procedure, since the introduction of this mechanism (in 2019), there were only five instances of application of this instrument by the following committees: Healthcare and Social Issues Committee (twice in 2019), Environmental Protection and Natural Resources Committee (in 2019 and 2020) and Agrarian Issues Committee (in 2021). In all of these instances, this instrument has been applied with the financial and technical assistance support of the international donor organizations. The support covered the stages of planning of the process, collection of written and oral information, as well as preparation of conclusions and recommendations. With the assistance of international organizations, the control over the enforcement of normative acts carried out by the committees, helped development of correct practices of application of this instrument in the Parliament. However, in order to evaluate whether the Parliament had any influence on improvement of enforcement of law, it is important that the committees carry out the monitoring of implementation of issued recommendations. Within the reporting period, the committees did not carry out control on implementation of recommendations.

In 2021, 8 committees planned to carry out monitoring of the enforcement of normative acts. Out of this, only 6 have indicated, enforcement of which normative acts would be monitored by it (See Table #9). In 2021, this instrument has been applied only by the Agrarian Issues Committee and it presented its conclusion to the Parliament that same year. Moreover, at the referral of the Healthcare and Social Issues Committee, the Parliament of Georgia adopted the Resolution on the State of Enforcement of the Law of Georgia on Tobacco Control (which was carried out in 2019).

<table>
<thead>
<tr>
<th>Committee</th>
<th>Law of Georgia</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sector Economy and Economic Policy Committee</td>
<td>Code of Georgia of Spatial Planning, Architectural and Construction Activities</td>
<td>Not implemented</td>
</tr>
<tr>
<td>Regional Development and Self-Government Committee</td>
<td>On Development of High Mountainous Regions</td>
<td>Not implemented</td>
</tr>
<tr>
<td>Healthcare and Social Issues Committee</td>
<td>On Tobacco Control</td>
<td>Finalized</td>
</tr>
<tr>
<td></td>
<td>On Tuberculosis Control</td>
<td>Not implemented</td>
</tr>
<tr>
<td></td>
<td>On Adoption and Foster Care</td>
<td>Not implemented</td>
</tr>
<tr>
<td>Agrarian Issues Committee</td>
<td>On Agricultural Cooperative</td>
<td>Finalized</td>
</tr>
<tr>
<td>Procedural Issues and Rules Committee</td>
<td>The Action Plan does not specify a normative act</td>
<td>Not implemented</td>
</tr>
</tbody>
</table>

---

70 Rules of Procedure of Parliament of Georgia, Article 38, Paragraph 1
71 Id, Article 38, Paragraph 4
72 Control of Enforcement of Normative Acts, the website of Parliament of Georgia
73 Agrarian Issues Committee, Conclusion
74 Resolution of the Parliament of Georgia on the State of Enforcement of the Law of Georgia on Tobacco Control, (N455-I/IVb-XIIa) 13.04.2021
<table>
<thead>
<tr>
<th>Committee</th>
<th>Law of Georgia</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence and Security Committee</td>
<td>The Action Plan does not specify a normative act</td>
<td>Not implemented</td>
</tr>
<tr>
<td>Human Rights and Civil Integration Committee</td>
<td>On Amnesty Code on the Rights of the Child</td>
<td>Not implemented Finalized</td>
</tr>
<tr>
<td>Foreign Relations Committee</td>
<td>Control on enforcement of the Agreement concluded by the exchange of letters between Georgia and European Public Law Organization (EPLO) on the Status of the Regional South Caucasus Office of EPLO</td>
<td>Finalized</td>
</tr>
</tbody>
</table>

It falls within the competence of the committee to review the compliance of the normative acts issued by the Government, Minister, heads of executive agencies with the legislation of Georgia and to study the state of their implementation.\(^{75}\)

The parliamentary committees actively use this power. Within the reporting period, 6 committees carried out control of assignments stipulated by the 26 laws. Among other things, state of adoption of secondary legislation within the terms prescribed by laws was reviewed.\(^{76}\) Terms of adoption of the secondary legislation, which has been adopted or should have been adopted by the executive agencies on the basis of legislative amendments carried out in the context of COVID-19 pandemic and their compliance with requirements of law has not been reviewed.

\(^{75}\) Rules of Procedure of Parliament of Georgia, Article 39

\(^{76}\) Administrative Department of the Parliament of Georgia, Letter N11776/2-7/21; 01.12.2021, Annex No. 2
6. ANNUAL REPORT ON BUDGET EXECUTION

The Parliament of Georgia controls execution of state budget through its Budget and Finance Committee.77 Other committees control the execution of budget in their fields.78 The annual report on budget execution is approved by the Parliament with a resolution after consideration of conclusions of the committees, factions, majority and minority, as well as of the report of the State Audit Office about the annual report.79 The Parliament controls public funds through the State Audit Office.80

The report on the 2020 budget execution was presented by the Government to the Parliament on 28 May 2021.81 The committees have discussed the presented report together with the report of the State Audit Office on Execution of the 2020 Budget82 and supported it.83 On the plenary sitting of 26 July 2021, the Parliament of Georgia approved with a resolution the state budget report.84

Within the reporting period, each parliamentary committee has discussed the quarterly report of execution of state budget and adopted positive evaluation.85

Execution of the state budget is the crucial benchmark for evaluation of government’s work. Exercising oversight of this process, the Parliament should study in detail the reports presented by the Government, as well as reports of the State Audit Office. Then it should prepare conclusions and recommendations on the basis of discussions and speeches and should take every measure to control the implementation of recommendations. In spite of the fact that each member of the Parliament should be fully involved in the budget oversight, as a rule, representatives of the majority have little interest to control the Government, they have approved. Therefore, participation of opposition factions and independent MPs in discussion of the budget report is crucial. Their opinions and remarks, as well as proposed recommendations, may be the only source to inform the public about the deficiencies in budgetary process.

Special importance of the parliamentary oversight of budgetary spending has increased further due to the crisis caused by the COVID-19 pandemic. Since 2020, the Government of Georgia had to adopt speedy fiscal decisions. The pandemic posed the necessity to acquire additional resources to support businesses and citizens. The volume of expenses related to the urgent necessity has seen an unprecedented growth. Through the amendments to the 2020 Budget Law, it was planned to assign additional 3.533 million of GEL for healthcare and for social, business and economic support. As of first 6 months of 2021, the costs of pandemic response measures amounted to 1,986 million of GEL and constitutes 58% of the annual plan.

As to the financial resources acquired by the Government, the sum of loans and grants amounted to 6317 million of GEL. Against the backdrop of pandemic, the volume of state debt has increased and it amounted to 30.8 billion of GEL in 2020.

In view of the above mentioned, it would have been logical, if the committees would focus on the control of implementation of the budgetary policy by the Government during the COVID pandemic.

The minutes of the committee sittings provide scarce information on the extent to which the committee members have emphasized the issues related to the COVID-19 pandemic during discussions of quarterly and annual reports. According to the sitting minutes, the MPs expressed the interest in these issues in only 4 committees. There were exceptional cases, when the committees have summarized the outcomes of hearing in the committee conclusion. There is also fragmented information on participation of the representatives of parliamentary opposition in consideration of the reports. There were no conclusions on budget report of opposition factions

77 Rules of Procedure of Parliament of Georgia, Article 141
78 Ibid.
79 Id, Article 141, Article 142
80 Rules of Procedure of Parliament of Georgia, Article 144
81 2020 Report of the Government of Georgia on Budget Execution
82 2020 Report of the State Audit Office on Budget Execution
83 Letter of the Organizational Department of the Parliament of Georgia N117792-7/21, 01.12.2021
85 Letter of the Organizational Department of the Parliament of Georgia N117792-7/21, 01.12.2021, Annex N1
The Audit Office of Georgia presents report on its work and execution of state budget to the Budget and Finance Committee. Through its audit group, the Committee discusses the presented reports and drafts the recommendations.

Within the reporting period, the Committee has heard the 2020 report of the State Audit Office on its work, Statement on the Annual Report of Execution of the 2020 State Budget of Georgia and Statement on the Course of Execution of the 2021 State Budget of Georgia.

During the discussion by the Committee of the report of the State Audit Office on its activities in 2020, the MPs have asked questions about the management of the COVID-19 pandemic, as well as financial support received in relation with pandemic. However, it was only possible to access this information, after application for public information to the Parliament. Information on the questions asked cannot be acquired from the minutes of the sittings. It is also noteworthy that the Committee has not issued any recommendations related to the issues of COVID-19 pandemic after consideration of the activity report of the Audit Office.
7. PARLIAMENTARY CONTROL EXERCISED BY THE STANDING PARLIAMENTARY COUNCILS

The new edition of the Rules of Procedure allows the standing parliamentary councils to exercise oversight of the executive power. There are three standing parliamentary councils in the Parliament of Georgia: gender equality, open governance and protection of children’s rights. In the beginning of 2021, all the three councils approved their action plans.

The Action Plan of the Standing Council of Children’s Rights does not provide for the oversight activities with regards to the COVID-19 pandemic.

The Action Plan of the Open Governance Standing Council provides for two oversight activities with regards to the COVID-19 pandemic: strengthening of the Parliament with regards to the state (public) debt and awareness raising and growth of the role of parliament during states of emergency. To meet these obligations, the Council has formed the working groups, which have done certain work throughout the year. The draft guide with regards to the processes related to state debt has been prepared and the webinar on the topic of “Strengthening the Role of Parliament during Emergencies: Challenges and Opportunities for Georgia” has been held.

Restrictions that became effective in 2020 and 2021 in response to the COVID-19 pandemic and the vaccination program led to the need of broad awareness raising and better parliamentary control and public scrutiny. In view of this it would be a good practice, if the Council would hold the hearing/hearings on the topic of informing the public on the measures implemented by the executive power to counter the COVID-19 pandemic.
8. TEMPORARY INVESTIGATIVE COMMISSION

Temporary investigative commission is the most powerful oversight instrument provided by the Constitution. The ground for application of this mechanism can be: 1. information on illegal act, corruption offence of a state body, official, which endangers state security, sovereignty, territorial unity, political, economic or other interests; 2. information on inappropriate spending of the state budget or local self-governing unit’s budget.86

Within the reporting period, the Parliament has established the temporary investigative commission to study the parliamentary elections of 31 October, 2020.87 The commission was composed of 4 MPs, 2 - from the majority and 2 independent MPs.88 The Commission finalized its work in July and submitted its opinion and recommendations to the Bureau of Parliament of Georgia.89 Based on its conclusion, the Parliament adopted the Resolution on the Results of the Work of the Temporary Investigative Commission of Parliament of Georgia to Study the Parliamentary Elections of 31 October, 2020.90 Based on the recommendations of the temporary investigative commission, amendments were made to the Election Code of Georgia.

The investigative commission established by the Parliament in 2021 was not representative. According to the Rules of Procedure, composition of the investigative commission should reflect proportionally the political groups represented in the Parliament – representatives of the political factions, as well as MPs, who are not members of any faction.91

In spite of the fact, that the temporary investigative commission had to study the issue of particular importance for the entire political specter, the commission was composed of only majority members and independent MPs elected through the list of one political party, as the representatives of other parties refused to participate in the temporary commission.

During the reporting period, the opposition did not raise the issue of formation of investigative commission.

86 Rules of Procedure of Parliament of Georgia, Article 61, Paragraph 2
87 Resolution of the Parliament of Georgia, N11779/2-7/21, 01.12.2021
88 Composition of the Temporary Investigative Commission of the Parliament of Georgia
89 Conclusion and Recommendations of the Temporary Investigative Commission of the Parliament of Georgia, Letter N2-10244/21, 26.07.2021
90 Resolution of the Parliament of Georgia, N832-V, 26.07.2021
91 Rules of Procedure of Parliament of Georgia, Article 62, Paragraph 2-3
9. HEARING OF THE REPORT OF AGENCIES ACCOUNTABLE TO THE PARLIAMENT

The Rules of Procedure of Parliament provides for hearing of the activity reports of the following accountable agencies: the National Bank, the Pension Agency, the National Communications Commission and the National Regulatory Commission of Electricity and Water Supply, State Inspector, Main Labour Inspector, Legal Aid Office, State Security Service and the Prosecutor’s Office.\footnote{Rules of Procedure of Parliament of Georgia, Articles 166, 167, 168, 169, 1691, 170, 171, 172} Rules of Procedure also provide for oversight of implementation of recommendations of the UN Universal Periodic Review (UPR), oversight of the implementation of recommendations provided to Georgia in the respective reports of the UN monitoring bodies, oversight of the enforcement of judgments of the European Court of Human rights, oversight of the planning and implementation of the employment policy and oversight of the enjoyment of basic rights and freedoms of persons with disability.\footnote{Rules of Procedure of Parliament of Georgia, Articles 173, 174, 175, 1751, 1752} The Government of Georgia should present the annual report on these issues to the Parliament.

According to the information provided by the Parliament, within the reporting period, 2020 report of the State Security Service was discussed at the plenary sitting of the Parliament and it adopted the respective resolution. The Parliament has also heard and discussed the 2020 report of the National Bank of Georgia. Discussion of the 2020 report of the Pensions Agency is on the agenda of the plenary sittings of Parliament. The Parliament has not heard the reports of other accountable agencies in 2021.

During the discussion of the report of the State Security Service, the major part of the sitting was closed; hence, there is no information on whether there were questions with regards to the management of the COVID-19 pandemic. No pandemic-related questions were asked during the hearing of the report of the National Bank. After hearing the reports, the Parliament has not issued recommendations to any of these agencies.
10. OVERSIGHT OF THE SITUATION OF PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN THE COUNTRY

The Rules of Procedure of Parliament provide for annual hearing of the report of the Public Defender of Georgia on the situation of protection of human rights and freedoms in the country. Based on discussion of this report, the Parliament adopts resolution or decree. Resolution of Parliament should contain the assessment of the report of the Public Defender on the situation of protection of human rights and freedoms in the country, assignments of parliament and terms of monitoring of their implementation.

2020 Report on the Situation of Protection of Human Rights and Freedoms in Georgia was discussed on 2021 spring session of the Parliament. According to the information provided by the Parliament, during the discussion of the report at the Human Rights and Civil Integration Committee sitting the questions asked mostly dealt with the issues of situation of human rights protection in the times of management of the COVID-19 pandemic. During the Public Defender’s presentation of the report at the plenary session, there were 5 questions asked with regards to the COVID-19 pandemic.

In the Resolution of Parliament with regards to the Public Defender’s Report on the Situation of Protection of Human Rights and Freedoms in Georgia in 2020, there were 33 assignments provided on the issues of human rights protection during the management of COVID-19 pandemic. However, it is noteworthy, that in 2021, the Human Rights and Civil Integration Committee has not presented to the Parliament information on monitoring of implementation of the assignments set forth in 2020 Resolution. Under the Resolution of the Parliament monitoring over the implementation of recommendations issued in 2021, should take place at the 2022 spring session.

94 Rules of Procedure of Parliament, Article 163
11. MONITORING OF THE IMPLEMENTATION OF RECOMMENDATIONS ISSUED BY THE PARLIAMENT

The Parliament of Georgia, as well as parliamentary committees and councils issue hundreds of recommendations to the accountable agencies every year. The major part of recommendations is addressed at the executive branch, however there are also recommendations issued to the local self-government bodies and other state agencies.

Recommendations may be issued as a result of various parliamentary procedures or oversight activities. The examples include reports of thematic inquiry or control of implementation of normative acts, hearing of officials in the committees, discussion of reports of accountable agencies, etc.

Implementation of recommendations has significant political meaning. The more coherent Parliament is with regards to control of implementation of its recommendations, the stronger its institutional influence will be on the work of executive power. With some exceptions, the Parliament has not paid much attention to the process of implementation of its recommendations for years (the exception being the control of enforcement of resolution adopted in the aftermath of hearing of the Public Defender’s report). In 2021, there emerged certain elements of oversight of implementation of recommendations issued by the Parliament. However, this process still faces various difficulties. In particular:

- Finding the recommendations issued by the Parliament or its committees is quite complicated, as they are not gathered at one place, such as Parliament’s website. Often, even committee members have no information on the recommendations issued by the Parliament and in certain cases, even committee staff cannot perceive them together. Thus, the recommendations of Parliament is not available in any organized, transparent and easily accessible manner;

- The committees rarely issue the recommendations under the rule prescribed by the Rules of Procedure. Namely, Article 42 of the Rules of Procedure states, that the committee issues three types of acts: conclusion, decision and recommendation. When a recommendation is adopted as an act of the committee, the recipient agency has an obligation to report to the Parliament within one month or other time, determined by the committee on the outcomes of consideration of recommendation. As committees adopt recommendations not as a respective act, but in the form of conclusion or decision, it often generates confusion with regards to the obligation of enforcement of these recommendations within specific time;

- Practically, there has not been established a coherent mechanism for enforcement of recommendations adopted in plenary sitting in the Parliament. The resolution adopted in the aftermath of hearing of the Public Defender’s report is an exception in this regard. The enforcement of this resolution is overseen by the Human Rights and Civil Integration Committee of the Parliament;

- Monitoring the implementation of recommendations issued by the Parliament does not form an important part of the Parliament’s work and it happens rarely, that the Parliament carries out monitoring of implementation of its recommendations in an open and transparent process.
12. REVIEW OF INTERNATIONAL STANDARDS AND GOOD PRACTICES

The Coronavirus pandemic-induced crisis substantially changed the relations between legislative and executive branches of power throughout the globe: the executives took dominant position in the policy-making process and their authorities significantly increased, while the role of the parliaments was diminished and the pandemic became the ground for limiting their oversight functions.95 The role of the parliaments in decision-making process was restricted and many measures were taken bypassing the legislative authorities. The governments were passing the laws aimed towards not only strengthening the health systems, slowing down the spread, and reducing mortality levels (such laws, often, served as the restrictors of particular human rights), but also to ensuring economic revival, which included the initiatives like financial aid packages and funding of various services.

Amidst such domination of the executive branch, it is especially important to ensure the efficient fulfilment of parliamentary oversight function, in order to ensure compliance of the pandemic management measures taken by governments with the recognised human rights standards and the transparency principles. This, in its turn, is the significant pre-requisite for corruption risk avoidance.96 Besides, the legislative control performed in the pandemic conditions is one of the necessary preconditions for legitimisation of the governmental policies.

Despite the fact that discussion on the role of legislature in pandemic context started not so long ago, one can find some standards thereof in documents elaborated on both, the international and regional levels. The ‘Sendai Framework for Disaster Risk Reduction, 2015-2030’ stands out among them. This is the voluntary global agreement that sets out the unified standards for disaster risk management. Initially, the Framework was developed for the natural disaster risk management and it did not have a strong focus on epidemiological aspects. However, within the recent years, the United Nations Office for Disaster Risk Reduction pays more attention to the pandemics, including the Coronavirus pandemic.

According to the Sendai agreement, the parliaments play significant role in ensuring efficient disaster management. According to this document, the parliament shall:

- be responsible for development of disaster management legislation, introduction amendments into the laws and their adoption;
- ensure allocation of budget for planning disaster management and implementing disaster response measures;
- control the disaster management planning by the government and ensure public discussion of these matters;
- coordinate international efforts through the inter-parliamentary unions, in order to support the introduction of good practices in parliamentary oversight activities with regard to the disaster management planning.

UNDP-developed ‘Accountability and COVID-19, a guidance note on inclusive processes and institutions’97, describes the role of the parliament in the pandemic situation and sets the particular standards of its performance.

The guidance note indicates towards the following functions to be fulfilled by the parliament in the pandemic context:

- Scrutiny of the immediate responses by the government, which includes controlling the measures taken

---

95 Elena Griglio, Parliamentary oversight under the Covid-19 emergency: striving against executive dominance, The Theory and Practice of Legislation, VOL. 8, NOS. 1–2, pp. 49-70, 2020
96 ParlAmericas, The Importance of Parliamentary Oversight During the Covid-19 Pandemic, Regional Experiences and Guiding Questions, February 2021
97 UNDP, Accountability and COVID-19, a guidance note on inclusive processes and institutions, 2020
with the view of public health protection and assistance to the persons affected by pandemic; leaving no one behind, especially those vulnerable to the health and economic impacts of COVID-19 and who for various reasons may be excluded from healthcare services, information campaigns, economic support packages, or other social safety nets; preventing disproportionate impact of government measures on women and children; ensuring respect for human rights and rule of law.

- Promoting freedom of information and transparency of COVID-19 response and recovery, which implies: scrutinising the transparency of government reporting; mobilising parliamentary communication infrastructure to reach various groups of the public; creating platform for expert information sharing; upholding the public parliamentary debate; ensuring institutional transparency through media and other channels; maintaining regular communications with government; developing regulatory framework and ensuring public access to it.

- Accountable planning and financing of crisis response and recovery, which implies scrutiny, authorisation and monitoring of emergency spending, procurement, and appointments; calling upon government to create mechanisms for recording, tracking, and reporting COVID-19 expenditures; public debt monitoring; supporting international and inter-state coordination; communicating user-friendly COVID-19 spending information to the citizens.

- Recording lessons and establishing accountability, which includes post-legislative scrutiny and retrospective review of legislation invoked by the government to respond to the pandemic. The latter will allow countries analysing digital approaches and respective investments made by the governments. Financial and performance audits of COVID-19 measures will also be useful in understanding the impact of policies, establishing accountability, and drawing lessons for the future.

Based on the regional experience, ParlAmericas (the independent network uniting legislatures of 35 Central and South American and Caribbean countries) presented in its document on the results of parliamentary oversight during COVID-19 pandemic the list of institutional mechanisms applied for strengthening parliamentary oversight function in the context of combating the pandemic-induced problems.

The list of ParlAmericas includes the following mechanisms:

a) establishing a special committee in charge of monitoring the health and fiscal situation during the pandemic or assigning this function to a permanent multiparty committee. This function can also be shared by multiple committees;

b) Budgetary oversight for pandemic response and recovery actions;

c) Conducting interpellations to ensure government accountability;

d) Requesting reports on public data as a mechanism to strengthen transparency and access to information;

e) Holding public hearing with civil society representatives and technical specialists, including experts on gender issues and populations in vulnerable situations, with the aim of gathering diverse perspectives on the impact and needs created by the pandemic;

3) Conducting studies to deepen analysis of the policies enacted in response to the pandemic;

8) Creating communication campaigns to draw attention to overlooked problems created by the pandemic, in order to demand a response from the executive branch.

See above, footnote 2, pp. 8-9
Experiences of the Other Countries

Functions of the legislative authorities in the course of pandemic, and especially parliamentary oversight function, play the key role. Legislatures have a crucial role in checking the executive and ensuring that countries will not lose their constitutional and democratic values in the process of managing the Coronavirus crisis. Hence, despite all the obstacles, the parliaments of the various countries developed good practices of budget scrutiny in pandemic context, monitoring of compliance of the measures aimed towards prevention of spread of the disease with the human rights standards, as well as oversight of the government measures taken in the various sectors.

Budget Oversight

The COVID-19 crisis threatened to disrupt legislative oversight of national budgets, especially at the initial stages of the pandemic, by forcing the shut-down of parliaments out of concern for the safety of their members and the public. The pressure to respond quickly to support households and the economy also led governments to ask legislatures to shorten and amend long-established budget routines, potentially eliminating opportunities to exercise oversight and influence.

Despite the limited capabilities, the parliaments of the various countries were still able to use the existing mechanisms or introduce the special mechanisms, in order to perform the budget oversight. Some parliaments introduced the amendments to the legislation that aimed towards ensuring transparency of budgetary expenses and government accountability on these issues.

Parliaments of the multiple countries established the ad hoc COVID-19 committees or multiparty working groups to scrutinise the pandemic response measures taken by the governments. For instance, the Parliament of New Zealand, in response to pandemic, established the ad hoc committee, which included 11 MPs from all 5 political parties represented in the legislature. The committee was chaired by the opposition leader and it had broad oversight authorities. The committee actively listened to the ministers and field experts, and the meetings were broadcasted through media and internet. The Parliament of Austria established special subcommittee responsible for parliamentary oversight and control of the COVID-19 response measures under the Budget Committee. The subcommittee was established following the protests of certain MPs on lack of the transparency in emergency response of the government. The Congress of Spain created temporary ad hoc committee that was conducting discussions on measures taken for ‘social and economic recovery’, receiving the suggestions and developing recommendations. The committee was very active and conducted hundreds of hearings on social and economic issues with participation of politicians, experts, and academia.

In order to increase the accountability of the governments, the parliaments introduced additional monitoring and reporting requirements. In the circumstances of lack of the parliamentary oversight in process of governmental decision-making, it is essential to ensure control of execution of the regulatory acts. For instance, the Parliament of Canada passed the legislative act on compliance with certain measures in process of responding to COVID-19, which obliged the Minister of Finance to report biweekly on implementation of the emergency financial measures to the Parliament. The Parliament of Austria passed the resolution aiming towards increase of the transparency of expenses during pandemic and introducing new reporting requirements.

Some of the countries also involved the national audit authorities into the process of budget oversight during the pandemic. For instance, in May 2020, the Federal Audit Service of Germany presented to the Bundestag analysis and evaluation of government activities in response to the pandemic and made a commitment to further monitor governmental assistance and stimulus packages. In 2020, the National Audit Service of Czech

---

99 Ittai Bar-Siman-Tov, Parliamentary Activity and Legislative Oversight during the Coronavirus, Pandemic - A Comparative Overview, March 2020
101 New Zealand Parliament, COVID-19: What is the Epidemic Response Committee?
102 Ibid
103 Ibid
104 An Act respecting certain measures in response to COVID-19
105 See above, footnote 6
Republic conducted audit of expenditures for procurement of personal protection means and presented the respective report to Parliamentary Committee for Budget Control in November.106

Control of Restrictions of Constitutional Rights

The broad-scale and comprehensive restrictions applied by the governments as a response to the health crisis have substantial impact on daily lives of the citizens and, often, might cause the disproportionate intervention in some areas. In order to ensure the compliance of the government-invoked restrictions with the national legislations, equality and non-discrimination principles and their proportionality to the goals of public health, the parliaments, as the supreme legislative bodies, shall efficiently implement their oversight functions. During the pandemic, the parliaments of various countries tried to ensure oversight of the government-initiated restrictions through the mechanisms, like establishing ad hoc government oversight committees, inviting the authorised persons to the committee hearings and consulting with the stakeholders, fulfilling the law-making function, initiating thematic inquiries, etc.

One of the good examples of parliamentary oversight and control is the inquiry of outcomes of the restrictions applied by the government as a response to COVID-19 crisis initiated by the Joint Committee on Human Rights of the House of Lords and House of Commons of the United Kingdom.107 Under the inquiry, the Committee checked the compliance of government-applied measures with the human rights standards, what was the impact of those restrictions on the human rights status in the UK in general and on the specific groups of the population in particular. The inquiry group also assessed the Coronavirus Act submitted by the government to the House of Commons.108

Good precedent of prevention of government interference in the private life was created by the Israeli legislature. Initially, with the view of privacy protection, the Parliament of Israel suspended decree on surveillance of the COVID-infected persons through their mobile data. Later on, the decision of the Supreme Court restricted the right of security service in performing the emergency surveillance of COVID-19-infected individuals through mobile location, credit card activity or other digital data without parliamentary oversight.

Another good example of control of compliance of the restrictions imposed as a response to COVID-19 with the human rights standards is the work of the Constitutional Law Committee of parliament of Finland. The Committee actively controlled constitutionality of emergency decrees issued by the government and their compliance with the fundamental human rights. While considering the decrees, the Committee highlighted the gaps existing in some of them.109 taking into consideration the general nature of the decrees, the Committee indicated towards necessity of setting out more specific terms. The Committee also required from the government to provide more information on necessity and impacts of the decrees, as well as on the alternative measures. The Committee called upon the government to observe the respective procedures in process of issuing various emergency decrees.

The experience of Swiss Federal Assembly on introduction of electronic application for identification of contacts of the coronavirus-infected persons shall also be mentioned. The Federal Assembly considered insufficient basing introduction of the electronic application only on the Law on Infectious Diseases of 2016 and stated that it was necessary to set out the clear rules for processing personal data and use of the application.110 At the same time, the use of the application should have been based upon the voluntariness principle. Accordingly, the Federal Assembly rejected the mediation of the government and stated that the submitted regulation did not comply with the proportionality and commensurability principles.

106 Ibid
108 Coronavirus Act 2020
110 Swissinfo, Legal basis demanded for coronavirus tracing app, May 2020.
**Sectorial Oversight**

Considering that COVID-19 pandemic affected virtually all areas of social life, it is important for the supreme political authorities of the countries to oversee the response measures taken by the governments in various sectors. It should be mentioned that, despite multiple challenges, some parliaments were able to quickly evaluate the impact of COVID-19 and measures taken by the governments as a response to the pandemic on various sectors.

The Science and Technology Committee and Health and Social Care Committee of the United Kingdom’s House of Commons conducted the joint thematic inquiry, under which they studied the efficiency of government response measures to COVID-19 pandemic and their impact on various sectors.\(^{111}\) The final report of the inquiry covered 6 main issues: pandemic preparedness; border controls, social distancing and lockdowns for the pandemic management; use of testing, contact tracing and isolation; impact of the pandemic on social care; impact of pandemic on the at risk communities; procurement and administration of COVID-19 vaccines. It should be mentioned that the inquiry report heavily criticised government decisions, including delaying lockdown and not prioritising social care.

After March 2020, when the United Kingdom schools and colleges switched to the remote learning and national exams were cancelled, within the very short period (on March 25, 2020), the Education Committee of House of Commons initiated the thematic inquiry on impact of COVID-19 on education and child-related services.\(^{112}\) Since the cancellation of national exams was the matter of concern for pupils, as well as for their parents and teachers, the special emphasis in the inquiry was made exactly on this issue. The inquiry group found that alternative assessment system developed by the Ofqual and exam regulations used for replacement of the earlier national exams might be unfair for the groups including disadvantaged pupils, BAME pupils, children looked after, and pupils with SEND. In consideration of the potential bias, inaccuracy and point inflation risks, the inquiry group called upon the Ofqual to ensure better transparency and immediately publish the details of the standardisation model.

Good practices of sectorial oversight of COVID-19 response measures were introduced by the Parliament of Scotland.\(^{113}\) Already in March 2020, the parliamentary Economy, Energy and Fair Work Committee initiated inquiry of COVID-19 impact on businesses, workers, and economy. The inquiry focused on 4 min areas: impact of COVID-19 on young people; role of enterprise agencies and the Scottish National Investment Bank; impact of COVID-19 on businesses and workers; plans for economic recovery. As the part of the same inquiry, the research on international comparisons of business support has been performed.

In spring 2020, the parliamentary Rural Economy and Connectivity Committee issued a call for the written evidence on impact of COVID-19 on the rural economy and connectivity.\(^{114}\) The Committee took evidence from the Cabinet Secretary for Transport, Infrastructure and Connectivity and the Cabinet Secretary for Rural Economy and Tourism.

Therefore, the review of international experiences and practices demonstrates that the oversight role of the legislature in crisis management is vital. In such periods, the risks of disproportionate restriction of human rights, corruption or inappropriate governance significantly increase. In the course of the COVID-19-induced crisis management, the parliaments shall not only fulfil their law-making functions but shall also perform the thorough scrutiny of the governments’ activities, in order to ensure the open and public process, which will persuade the entire society that governments use the powers and resources at their disposal in an efficient, fair, and transparent manner.

---

114 Ibid
13. RECOMMENDATIONS

General Recommendations

- The Parliament shall timely react to the issues of public concern and shall discuss them in relevant parliamentary formats. The emphasis shall be made on application of mechanisms that ensure timely debate of issues of public interest, such as political debate, summoning of officials to committee hearings, interpellation, etc.

- The Parliament shall reinforce its oversight actions over proportionality of restrictions of constitutional rights and effectiveness of crisis response measures during pandemic.

- The Parliament shall dedicate special attention to budget oversight of the efficiency and legality of costs related to the crisis management, including the obtained financial assistance (grants, loans).

- During crisis, when access to information gains even greater importance and public engagement in policy-making is inevitably weakened, the Parliament shall actively encourage communication with the public and its engagement in decision-making.

- The Parliament shall define its priorities in a way that its oversight actions take full account of the most pressing public concerns and that they ensure efficient use of parliamentary resources.

- For effective coordination of oversight activities of the Covid-19 response and for ensuring cross-party engagement in the oversight process, it is recommended to set up a special parliamentary format, such as an ad-hoc commission or an inter-party group. Operationalizing such a format would assist the Parliament in analyzing its crisis management experience and implementing measures to improve crisis response in the future.

Action Plans and Reports

- At the beginning of each year, the Parliament shall dedicate sufficient attention to drawing up its Action Plan, defining its main legislative and oversight actions. The AP shall reflect major priorities of the Parliament and shall respond to the public needs.

- Considering that the Covid-19 pandemic will still be relevant during 2022, the respective parliamentary AP shall sufficiently emphasize on oversight of the Government’s Covid-19 response measures and their consequences, with a special focus on the legality and the efficiency of public spending during the crisis.

- The members of committee, including members representing the opposition, shall be engaged in the drafting of the committee Action Plans. Joint effort in designing the Action Plan will support and promote the participation of the committee members, including those, representing opposition parties, in the work of the committee. In addition, jointly developed Action Plan will reflect priorities of the entire committee, not just of the majority.

- The committees shall ensure engagement of the civil society in developing committee Action Plans. On the one hand, this would provide committees with additional information on priorities and concerns, while on the other hand, it would promote a culture of open cooperation between the committee and the civil society.

- The established practice of developing committees’ Annual Reports shall be revised. The preparation of the annual report is a formalistic exercise. Its content is largely technical and comprises of quantitative data on committee hearings and other parliamentary events. Committee reports have to emphasize
more on politically relevant issues and shall contain the evaluation of the committee’s performance. The reports shall also reflect recommendations issued by the committee and the assessment of their implementation.

- It is vital that the deputy chairpersons of committees elected on opposition quota, make use of their right to serve as the co-rapporteurs when presenting the committee report in the plenary, as per article 44 of the Rules of Procedure.

### Enforcing Rules of Procedure and the Role of the Opposition

- It is recommended that the parliamentary leadership, leaders of the political groups and the rules and procedure committee discuss in a working setting the possible breach of Constitution and the Rules of Procedure by persons accountable to the Parliament and find effective ways of upholding the parliament’s institutional interest.

- The Parliamentary Committee on Rules and Procedure shall periodically analyze the cases of breach of duty defined by the Constitution and the Parliamentary Rules of Procedure by bodies accountable to the Parliament, present its findings to the Parliament and publish them on the parliament’s webpage.

- In the event of breach of duty, established by the Constitution and the Rules of Procedure by a public official, the issue shall become a subject of a public political debate in the plenary.

- The MPs, especially those elected for their first term, shall be fully aware of their rights and obligations as defined by the Constitution and laws. It is therefore advisable to hold working meetings, trainings and other capacity building events, as well as to develop information materials for the MPs, where special attention should be devoted to the role and the rights of the opposition.

### Oversight Instruments

- The topics for thematic inquiry and the PLS shall be selected with greater attention. Considering the complexity of these instruments, it is advisable to launch the process when the interest towards the topic is shared among committee members from different political groups.

- The effective system of monitoring implementation of the recommendations issued as a result of the thematic inquiry and/or PLS shall be established. The committees shall be advised to plan actions to monitor the implementation of recommendations issued in the course of thematic inquiries and PLS carried out throughout previous year/s in their Action Plans for the following year.

- The committees shall indicate the specific normative acts on which they plan to carry out PLS in their Action Plans;

- The regulations concerning the thematic rapporteurs need to be considerably revised. The Rules of Procedure of the Parliament shall only allow to elect a thematic rapporteur on voluntary basis. There shall be a clear distinction between responsible persons, identified in the Committee APs, and the thematic rapporteurs. Additionally, the thematic rapporteur shall be mandated to introduce the point on discussing his/her thematic report into the committee meeting agenda;

- In order to ensure that the Parliamentary hearing of the reports submitted by the bodies accountable before the parliament provide for genuine parliamentary oversight, instead of current practice of “taking a note of”, the Parliament shall adopt a resolution issuing tasks and recommendations to specific accountable bodies. It shall be noted that the Parliament has established a good practice of reviewing reports submitted by the Public Defender, which could serve as a good model for replication.
The Control over Implementation of the Parliament’s Recommendations

• The recommendations issued by the Parliament or its committees shall be easily accessible for all interested on the parliament’s website;

• In order to ensure proper oversight over implementation of the committee’s recommendations, the committees are advised to establish a practice of adopting a Recommendation, as a separate legal acts under article 42 of the Rules of Procedure;

• It is recommended to introduce a consistent monitoring practice of the implementation of the Parliament’s recommendations, replicating the model established for reviewing the reports by the Public Defender.

Access to Information on Parliamentary Oversight

• It is vital that the information on the parliament’s oversight activities is proactively published timely and in full on the parliament’s website and that it is easily accessible. Streamlining the operation of the parliament’s new website shall be a priority.

• Parliamentary factions shall publish full information on their parliamentary activities, especially on those concerning oversight actions, on the parliament’s website.

• The committee hearing records shall reflect information on the hearing in full, including the questions posed by the committee members and other persons to the public officials, their responses, the opinions expressed and the recommendations issued to the official/accountable body (when applicable).

Strengthening Capacities of the Parliamentary Staff

• The parliament shall ensure professional training and development of its staff, especially in connection with supporting oversight activities. It is essential that the support provided by international partners is properly applied and institutionally sustained.

• The parliament shall promote evidence-based oversight actions. Additional efforts need to ensure that the resources of a Research Centre are better utilized; this should include measures to familiarize MPs with the potential of the Research Centre, as a non-partisan analytical support service of the parliament.