

AUTUMN SESSION 2019 OF PARLIAMENT OF GEORGIA

Members of the Parliament, Committees and Parliament

Democracy Index – Georgia

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Author of the Report: Eka Khutsishvili

Responsible for the Publication: Ekaterine Tsimakuridze

Monitoring was conducted by: Tamila Gabaidze Giorgi Melikidze

Cover and Design of the Report: Natalia Avaliani

Editor: Mariam Iashvili

www.democracyindex.ge

info@democracyindex.ge

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INTRODUCTION

The degree of democracy in a country largely depends on the effectiveness of activities carried out by Parliament. “Democracy Index - Georgia” has observed and assessed the performance of the Parliament of Georgia since the autumn session 2019. The organization has presented specific recommendations for further improvements and intends to regularly inform the public about the results of activities performed by the Parliament.

Apart from the legislative work, the organization monitors the quality of supervision that the Parliament exercises over the government of Georgia and the state agencies accountable to it, individual performance of members of the Parliament and the final outcomes of the involvement of civil society in the decision-making process of the Parliament.

The organization also assesses how proactively the Parliament fulfils its functions, apart from the quality of its activities. In particular, it analyzes the role of the Parliament in important events taking place in the country and the possibilities that the Parliament could have employed to resolve a range of acute issues.

The performance of the Parliament has been mainly assessed based on the results of direct observation of sittings, retrieved information, data obtained from the Internet resources or published

on the official website of the Parliament, estimated statistical data, and the results of the written interview.

The pivotal point for analyzing each of the above components was the Constitution of Georgia, international commitments and recommendations that Georgia has undertaken for promoting democracy and strengthening the rule of law in the country. The opinions presented in the paper do not represent the views of any political group and their principles and are completely free from left-wing, right-wing, or centrist ideas.

SUMMARY

The Parliament passed several important laws during the fall session, which contributed to the approximation to the European Union.

However, in parallel with the above positive trend, significant shortcomings were also noted at the autumn session of the Parliament:

The day-to-day parliamentary activities of individual MPs are vague and difficult to track. The Parliament does not prepare individual profiles of parliamentary activities of the MPs, which substantially prevents the public from monitoring certain MPs and hinders the

possibility to increase their individual responsibility.

Based on letters and complaints sent by citizens to members of Parliament (does not include the report on the retrieved public information), the common trends are not identified, number of applications is not recorded and overall sensitivity of parliamentarians regarding them is therefore unknown.

The participation of civil society, private individuals and the opposition in the decision-making process of the Parliament is either minimal or virtually ruled out: the objection of the civil society concerning substantially important issues, namely, the process of election of Supreme Court judges, the electoral system and government reshuffle was not taken into consideration by the Parliament; The involvement of private individuals in legislative processes is substantially hampered, as the Parliament often violates the established Rules of Procedure. Furthermore, the parliamentary majority does not even review a large number of issues put forward by the parliamentary opposition.

The Parliament failed to use effectively the session time to discuss issues comprehensively and in a timely manner.

Generally speaking, the Ministerial Hour at the disposal of the Parliament fails to touch upon challenges and problems, which is further facilitated by the gap in the Rules of Procedure. The interpellation, another important leverage to control the government,

was not utilized during the fall session either.

Most of the committees remained inactive. Certain committees did not even hold the minimum number of sessions as prescribed by the Rules and breached the Rules of Procedure during the fall session. The Human Rights Committee was extremely passive regarding the ongoing events. The committees actually fail to use the mechanisms at their disposal to effectively control the performance of governmental agencies and do not keep an eye on the daily execution of the law.

CHAPTER 1

INDIVIDUAL MPs

Transparency and accountability of the Parliament can be achieved at two levels - institutional and individual. The Parliament of Georgia provides a certain degree of transparency at the institutional level (publicity of parliamentary sittings, availability of reports of parliamentary activities for the public, etc.), whereas the level of transparency and accountability of parliamentary activities at the individual level (individual MP communication with the voters, availability of the information about their activities) is very low.

The performance of individual MPs has a significant impact on the work of the Parliament as a whole. The individual commitment of each Member of Parliament in the decision-making and voting process is of crucial importance for the development of vital events in the country. It is, therefore, necessary to make the activities of specific MPs, beyond their political parties and political groups, the subject of public scrutiny in order to increase their individual accountability within the highest representative body of the country.

In the light of a very low parliamentary culture in the country, a large number of parliamentarians remain utterly passive, the public is unaware of parliamentary activities and even identities of certain MPs. Hence, it is of immediate necessity that all MPs individually and separately be publicly exposed - the society should have a

chance to track and monitor the performance of every MP, as this is one of the most important preconditions for the development of Georgian democracy.

The research questions we selected enable us to observe individually the general worldview and values of Members of Parliament, their individual communication and attitude to voters (e.g. personal online communication through correspondences with voters was also the subject of interest of the organization as it is one of the criteria for measuring the attitude and relationship of MPs with the electorate and citizens), their performance in the Parliament and participation in the law-making process.¹

The organization addressed all parliamentarians with the questions but received answers from only 23 of them. Based on the small number and content of the answers provided, the following key problems have been identified:

1.1. THE DEGREE OF TRANSPARENCY OF INDIVIDUAL ACTIVITIES OF PARLIAMENTARIANS WAS VERY LOW

The majority of MPs did not answer the questions regarding their activities in the Parliament.² This clearly shows that the transparency of their individual activities is rather low, which makes it impossible to assess the degree of accountability of

¹ See the list of the question on the webpage of our organization: <https://democracyindex.ge/uploads/mimartva-deputatebs-pasuxebis-gasacemad-17.12.19.pdf>

individual MPs. Only the following parliamentarians responded to the questions: Teimuraz Kokhredze, Dimitri Khundadze, Dimitri Mkheidze, Simon Nozadze, Shota Khabareli, Kakhaber Kuchava, Nino Tsilosani, Guram Macharashvili, Eka Beselia, Shalva Kikrnavelidze, Giorgi Begadze, Zaza Gabunia, Guguli Maghradze, Mikheil Kavelashvili, Genadi Margvelashvili, Sul Khan Makhatadze, Irakli Sesiashvili, Vladimer Kakhadze, Elene Khoshtaria, Ilia Nakashidze, Merabi Kvaraia, David Songulashvili, and Otar Danelia.

Interestingly enough, of those MPs who answered the questions, several provided partial answers, namely, Nino Tsilosani and Genadi Margvelashvili did not reply to the following questions, arguing that they lacked in more clarity: a) the results of periodic analysis of submitted complaints, the place of their publication and relevant documents; c) information on the response to the analysis of citizens' complaints. No other MPs requested the clarification into the questions.

² Irakli Abesadze; Irakli Abuseridze; Revaz Arveladze; Badri Basishvili; David Baqradze; Gia Benashvili; Levan Bezhanidze; Irakli Beraia; Irakli (Dachi) Beraia; Akaki Bobokhidze; Giorgi Bokeria; Tinatin Bokuchava; Anzor Bolkvadze; Giga Bukia; Giorgi Gachechiladze; Ruslan Gajiev; Bidzina Gegidze; Levan Gogichaishvili; Khatuna Gogorishvili; Paata Gogokhia; Nino Goguadze; Elguja Gotsiridze; Temur Gotsiridze; Roman Gotsiridze; Goga Gulordava; Tengiz Gunava; Lasha Dameraia; Makhir Darziev; Isco Daseni; Gocha Erukidze; Alexandr Erkania; Mukhran Vakhtangadze; Giorgi Volsky; Tsotne Zurabiani; Archil Talakvadze; Giorgi Totladze; Edisher Toloraia; Jumber Izoria; Irma Inashvili; Rati Ionatamishvili; Roman Kakulia; Giorgi Kandelaki; Sergi Kapanadze; Giorgi Kakhiani; Otari Kakhidze; Zaza Kedelashvili; Zviad Kvachantiradze; Paata Kvijnadze; Emzar Kvitsiani; Sophio Kiladze; Koba Kobaladze; Irakli Kobakhidze; Levani Koberidze; Levan Kobiasvili; Irakli Kovzanadze; Giorgi Kopadze; Svetlana Kudba; Giorgi Lomia; Koba Lursmanashvili; David Matikashvili; Ioseb Makrakhidze; Samvel Manukian; Ada Marshania; Endzela Machavariani; Levan Mgaloblishvili; Mamuka Mdinardze; Irakli Mezurnishvili; Gogi Meshveliani; Savalan Mirzoev; Gela Mikadze; Grigol Mikeladze; Enzel Mkoian; Giorgi Mosidze; Roman Muchiasvili; Paata Mkheidze; Irma Nadirashvili; Tamaz Naveriani; Koba Nakaidze; Koba Narchemashvili; Koba Nakopia; Beka Natsvlisvili; Ramaz Nikolaishvili; Beka Odisharia; Kakha Okriashvili; Anri Okhanashvili; Zaza Papuashvili; Ruslan Poghosian; Gia Jorzholiani; Sergo Ratiani; Salome Samadashvili; Gela Samkharauli; Dimitri Samkharadze; Azer Suleymanov; Erekle Tripolski; Giorgi Tughushi; Gedevan Popkhadze; Irine Fruidze; Alexandre Kantaria; Lela Keburia; Giorgi Ghviniashvili; Irakli Shiolashvili; Goderdzi Chankseliani; Mamuka Chikovani; Otar Chrdileli; Tamar Chugoshvili; Nato Chkheidze; Dimitri Tskitishvili; Zviadi Dzidziguri; Giorgi Tsereteli; Miriani Tsiklauri; Ivlane Tsulaia; Zurab Chiaberashvili; Givi Chichinadze; Davit Chichinadze; Teimuraz Chkuaseli; Leri Khabelov; Fati Khalvashi; Giorgi Khatidze; Irakli Khakhubia; Tengizi Khubuluri; Tamar Khulordava; Zaza Khutsishvili; Victor Japaridze; Mariam Jashi.

1.2. PERIODIC PROCESSING OF CITIZENS' COMPLAINTS SENT TO MPS, IDENTIFICATION OF TRENDS AND PROVIDING AN EFFECTIVE PARLIAMENTARY RESPONSE IS NOT IMPLEMENTED

The answers received revealed that hardly any of the parliamentarians develop a general analysis of citizen complaints and identify trends by prioritizing problems in order to plan a strategic response to them. Generally, complaints submitted by citizens should serve as one of the important sources for the identification and provision of an effective parliamentary response to issues in the country. The common trends revealed through citizen complaints should become the ground determining the agenda of the overall work of the Parliament and result in an adequate parliamentary response expressed in either developing and reviewing draft bills or preparing recommendations for the government, or other measures, which the Parliament is entitled to take within the scope of its mandate.

Citizen complaints, irrespective of the number of such applications, are an excellent way to identify common trends. Based on 23 answers received to our questions, we can conclude that hundreds of applications were submitted to the Parliament during the fall 2019 session electronically or physically to those MPs who responded to us. Therefore, it is easy to perceive to what extent this number may increase if the amount of complaints sent to the remaining 124 parliamentarians is added to the figure.

The individual response of MPs to complaints is mainly expressed in forwarding the complaints to relevant agencies and explaining to citizens the scope of their authority. Sometimes, individual parliamentarians request information about the measures taken by those specific agencies. It is also interesting to note that none of the MPs, with several exceptions, answered the question about responding to letters received electronically. The exceptions were Elene Khoshtaria, Merab Kvaraia, Otar Danelia, and Eka Beselia.

At any rate, an individual action unless it is followed by a general parliamentary response to identified pressing issues cannot be certainly considered an effective response of the Parliament. For this, first of all, it is necessary to process citizen complaints to detect general trends, so that the Parliament could start taking care of issues in the future.

1.3. INDIVIDUAL PROFILES OF MPS ARE NOT PROCESSED AND PUBLISHED ON THE PARLIAMENT WEBPAGE, WHICH, ON THE ONE HAND, PREVENTS THE PUBLIC FROM MONITORING MPS INDIVIDUALLY AND HINDERS THE POSSIBILITY TO INCREASE THEIR ACCOUNTABILITY, ON THE OTHER

The information about MPs posted on the website of the Parliament does not represent the genuine profile of a Member of Parliament, as far as the data merely offers the reader a short biography, parliamentary e-mail, political affiliation

and the position maintained by an MP in a voting process. However, parliamentary activities of an MP are not limited only to participation in voting. The activities of each Member of the Parliament shall mean a lot more than merely taking part in the polls (although it is very important in its sense), such as highlighting common problems and advocating a strategic response in that direction based on citizens' complaints.

In order to stir up parliament members, it is necessary to develop full-fledged profiles of MPs and publish about their daily parliamentary activities. This is essential to increase their individual accountability. Constant monitoring of MPs by the public will substantially help to enhance the commitment of Parliament members and the quality of their performance. To this end, it is necessary to create the profiles of parliamentarians to inform the public about their activities and performance in an online mode, on the official website.

CHAPTER 2

THE KEY ACHIEVEMENTS AND SHORTCOMINGS OF THE AUTUMN SESSION 2019 OF THE PARLIAMENT

2.1. PARLIAMENT PASSED SEVERAL IMPORTANT LAWS WITH THE VIEW TO ENSURING HUMAN RIGHTS AND DEVELOPING DEMOCRACY IN THE COUNTRY

2.1.1. The procedure for registering land ownership has become simplified based on the amendments the Parliament introduced to the law.³ This serves to ensure that many individuals can enjoy the legal benefit smoothly and without any delay. The Parliament has simplified land registration procedures, specified the amount of arbitrarily recognized land plots in both lowlands as well as mountains, since the uncertainty of the number of land plots had been allowing the room for dishonest land appropriation, giving rise to property disputes and private property protection concerns in practice. Furthermore, the validity term of the law has been abolished (the law had been extended three times since its adoption) and the law will remain in force for good, meaning that interested parties can apply to the registration agency any time and request the registration of ownership rights through the simplified procedure. All that is required from an interested party

³ The draft law on introducing amendments to the Law of Georgia “On the Improvement of Cadastral Data and the Procedure for Systematic and Sporadic Registration of Rights to Plots of Land within the Framework of the State Project,” shorturl.at/akKRX [03.06.2020 17:45].

is to submit an application and all other procedures necessary for the registration of the right are performed by the registration authority (retrieval of documentation from various agencies, verification of the authenticity of submitted documents, measuring a land plot, etc.). Moreover, the service will be free for those interested until 1 January 2022, which is conditioned by the circumstance that the procedures required for the registration are rather costly. As provided in the explanatory note, the benefit of the law has already been evidenced by the following numbers: more than 730,000 land plots were registered up until 1 October 2019, with a total area of about 515,382 hectares, and the total amount of cash saved by citizens thanks to the free and simplified services since the launch of the land registration reform prior to 1 October 2019 has amounted to a total of 40 million GEL.⁴

2.1.2. The Code on the Rights of the Child,⁵ despite containing declarative provisions and not providing for specific enforcement mechanisms as assessed by certain organizations, has still been perceived as a progressive and ground-breaking step, since it regulates the legal ground for protecting and supporting the rights of the child.⁶ The Code recognizes the key principle that the best interests of the child shall be taken into account when making any decisions concerning the child. The Code has

⁴ The detailed information is provided in the explanatory note to the draft bill, shorturl.at/druY3, [03.02.2020 17:46].

⁵ The Code on the Rights of the Child, shorturl.at/DJ0Q5[03.02.2020 17:50].

equally distributed this obligation to all branches and levels of the government. Prior to the adoption of the Code, the current provisions could have been found scattered in various legislative acts and bylaws. It is noteworthy that the State has undertaken the obligation under the Code to develop and provide family support services since the Code recognizes the family as the only environment that best suits the interests of the child. Another novelty into the Code on the Rights of the Child has also earned positive assessment, in particular, the obligation of the State to take care of young people in the transition period after they reach adulthood if they need any support. Until now, the State had been completely exempt from any responsibility for young people after they reached the age of 18. It is also significant that the Code prohibits the punishment of the child as a disciplinary measure in schools, and that schools are instructed to appoint a person responsible for monitoring violence. The Code also instructs the Ministry of Education to take appropriate measures to prevent child abuse, bullying, etc. Besides, the Code ensures for the protection of the child against other dangers implying high risk, such as domestic violence, violence in educational or penitentiary institutions, harmful forms of labour, economic

⁶ For example, according to NGO Transparency International Georgia, the code, along with the achievements, is declarative in some terms and complicates the implementation of the objectives set by the code. – “What Novelty in the Draft Code of the Child’s Rights offer” - NGO Transparency International Georgia, shorturl.at/qITUX[03.02.2020 17:57]; The NGO Partnership for Human Rights also considers that there are challenges in certain declarative provisions – “the Child Rights Code - the purpose, anticipated outcomes and assessment,” Liberali, 04.02.2019, shorturl.at/cLW48[03.02.2020 18:01].

exploitation, sexual exploitation, child trafficking, harmful influences (alcohol, tobacco, and narcotic drugs).

2.1.3. The so-called Fourth Wave of judicial reform as a whole, despite the shortcomings, should be assessed as a progressive legislative activity of the Parliament during the autumn session.⁷

The package of amendments has clearly defined the grounds for disciplinary prosecution against judges; the limitation period of disciplinary proceedings has been reduced; the High Council of Justice has become obliged to substantiate and publish the decisions on the appointment of judges of the courts of the first instance and appellate courts for life; the scholarships for high school students has increased; the evidentiary standard of disciplinary proceedings has been defined. The fact that the Parliament ignored opinions⁸ indicates the flaw in its legislative activities, however, unlike other specific issues where the views of the public were not taken into consideration at all, in this case, the opinions were considered and public participation was ensured to a certain degree.

⁷ Generally, the joint study prepared by the organizations, the International Society for Fair Elections and Democracy (ISFED) and the Institute for Development of Freedom of Information (IDFI) concerning the institutional arrangement of the High School of Justice of Georgia and key challenges related to its activities were taken into consideration. The study touches upon the issue of distribution of powers between the High School of Justice and the High Council of Justice, as well as a range of other issues relating to activities of the High School of Justice, including the training of students of justice school, retraining of judges and school programs. Kuchava, K, Orjonia M. et al., "Judges' Professional Training System in Georgia," 2019, pp.5-6, shorturl.at/cGNSZ [03.02.2020 18:01].

⁸ N. Chichua, "NGOs Coalition Assesses the Fourth Wave of Judicial Reform," Netgazeti, 11.11.2019, shorturl.at/dgtR7, [03.02.2020 15:20]; Also, see. N. Janezashvili, "What is the fourth wave of judicial reform and how effective can it be?," Netgazeti, 11.06.2019, shorturl.at/brzBY [03.02.2020 15:35].

2.2. PARLIAMENT RESPONDED ADEQUATELY TO PETITIONS PRESENTED AT THE AUTUMN SESSION

A total of three petitions were submitted during the fall session of 2019. The Bureau of the Parliament and relevant sectoral committees reviewed all of them in accordance with the procedure established by law.

2.2.1. The petition was submitted by the non-governmental organization “Nation and State” on 18 December 2019 requesting to set up the Council for Demographic Affairs.⁹ Pursuant to the decision of the Bureau of the Parliament of 19 December 2019, the Committee on Health and Social Affairs was requested to review the petition and prepare a conclusion thereof. As per the decision of 09 March 2020, the Committee considered it inexpedient to examine and review the issue brought up in the petition on the grounds that the Parliament had already approved the “Concept of Demographic Security of Georgia” in 2016, on the basis of which the Population Development Council was established. As far as the council governing the issue already exists, the Committee considered it irrelevant to set up another council for the same issue. It should be noted that the Committee followed the procedures provided for in Article 203 of the Rules of Procedure of the Parliament for responding to a petition and substantiated the decision on the inexpediency of reviewing the petition.

⁹ See the link: <https://info.parliament.ge/#law-drafting/19517>, Last accessed: 18.03.2020.

2.2.2. On 2 December 2019, as part of the information campaign “People for People,” patients with multiple sclerosis petitioned the parliament to increase access to medical treatment opportunities for patients with disseminated sclerosis.¹⁰ As per the decision of the Bureau of the Parliament of 2 December 2019, the Committee on Health and Social Affairs was assigned to review the petition and prepare a conclusion. Based on the decision of the Committee of 10 December 2019, the petition was sent to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and instructed to notify the Committee and the author of the petition of the final decision within a month period.¹¹ The Ministry’s response has not been published on the Parliament’s website yet. Thus, it is unknown so far the response the Ministry has given to the petition.

2.2.3. On 23 October 2019, the non-governmental organization “Elkana -Association of Biological Sciences” filed a petition to the Parliament requesting to recognize the necessity for developing bio-organic production in the country as a priority of the government. As per the decision of the Bureau of the Parliament of 28 October 2019, the Agrarian Issues Committee was instructed to review the petition and prepare a conclusion.

¹⁰ See the link: <https://info.parliament.ge/#law-drafting/19272>, Last accessed: 18.03.2020.

¹¹ See the link: <https://info.parliament.ge/file/1/BillReviewContent/238594?>, Last accessed: 18.03.2020.

According to the decision of the Agrarian Issues Committee of 5 November 2019, the petition was forwarded to the Ministry of Environmental Protection and Agriculture of Georgia for consideration. At the same time, the Ministry was instructed to notify the Committee and the author of the petition within a month period of the decision rendered regarding the petition.¹² Following the instruction of the Committee, the Ministry of Environmental Protection and Agriculture added “Promoting Environment-Adapted Climate-Smart Agricultural Practice and Development of Bio-Organic Production” to the “Agriculture and Rural Development Strategy of Georgia 2012-27” and the “Action Plan 2021-23” of the same strategy.¹³

2.3. THE PARLIAMENT DID NOT ACCEPT OBJECTIONS OF THE CIVIL SOCIETY REGARDING PRESSING ISSUES

2.3.1. A substantively important constitutional draft bill intended to amend the electoral system was not adopted by the Parliament despite a pledge given to the public and constant appeals made by the opposition and the civil sector. The point is that after the protest demonstration following the Gavrilov Night of 20 June 2019,¹⁴ the chairperson of the Georgian Dream political party

¹² See the link: <https://info.parliament.ge/#law-drafting/19082>, Last accessed: 18.03.2020.

¹³ See the Letter №98/4-1/20 of 09 January 2020 of the Agrarian Issues Committee, accompanied by the reply №11628/01 of 27 November 2019 of the Ministry of Environment and Agriculture of Georgia.

¹⁴ M. Kveliashvili, “What Happened on 20 June - Everything about the Protest Rally,” Batumelebi, 21.06.2019 shorturl.at/gjzF3 [3.2.2020 13:00].

promised¹⁵ the public that the proportional elections would be held in 2020 with a zero threshold. As a result, a Constitutional law initiative of the Georgian Dream was registered in the Parliament of Georgia. Later, the initiative accompanied by the signatures of 200 000 citizens of Georgia that envisaged holding the proportional elections with a 3% barrier and the possibility of creating election blocs was registered as a Constitutional draft bill. However, none of the draft bills were supported by the Parliament.¹⁶ It is noteworthy that the decision of the Parliament was followed by a public outcry in front of the Parliament building.¹⁷

2.3.2. Despite the strenuous objections, the Parliament still elected those candidates for the position of the Supreme Court judges who not only lacked public confidence but also received harsh criticism and in some cases, ridicule. It was their names that the public linked to a number of unfair decisions. Furthermore, the candidates failed to meet the requirements of professionalism and good faith. It is alarming that the Parliament, by appointing the individuals as judges, undermined the democratic development of the country, and

¹⁵ "Proportional elections 2020 with zero threshold," Radio Liberty, 24.06.2019, <https://bit.ly/39MV9Lh> [3.2.2020 13:45].

¹⁶ The Voting Report, Plenary Session, 12.11.2019, shorturl.at/ehkS9[30.12.2019 12:35]; Also, see. "The Parliament again postpones the voting on the proportional rule," On.ge, 13.11.2019, <https://bit.ly/2SC-GOLN> [30.12.2019 13:45].

¹⁷ "Dispersal of the protest rally of November 18 - chronology," Adjara Broadcaster, 19.11.2019, shorturl.at/ryK5X [03.02.2020 14:45]; Also, see. T. Kupreishvili, "Special Forces again disperse the protest rally near the Parliament," Netgazeti, 26.11.2019, shorturl.at/zAHOW [03.02.2020 14:58].

potentially violated the constitutional right to a fair trial and the principle of the rule of law. The point is that the judges of the Supreme Court were appointed for life in the absence of a broad consensus, merely with the support of the parliamentary majority. The process of electing judges in the Legal Cases Committee and at the plenary sitting was conducted against the background of a boycott of the parliamentary opposition and some independent MPs. Neither the sharply negative opinions of the parliamentary or non-parliamentary opposition, public and international organizations regarding the violations preceding¹⁸ the nomination and presentation of the candidates to the Parliament nor the past distrust and civil protest against certain candidates taking place in the vicinity of the Parliament in parallel with the consideration of the matter were taken into account during the election process.

2.3.3. Notwithstanding the fierce protests and the demand of the civil sector to remove the Interior Minister who was politically liable for the events of 20-21 June, Parliament backed and supported his candidature as Prime Minister.¹⁹ The situation is particularly

¹⁸ The Public Defender of Georgia, Special Report "Monitoring Report on Selection of Supreme Court Judicial Candidates by the High Council of Justice of Georgia," 2019, pp.8-12, [shorturl.at/dizGW](#) [03.02.2020 16:57]; See also Venice Commission, Georgia, "Opinions on the Selection and Appointment of Judges of the Supreme Court," No.949/2019, Strasbourg, 2019, [shorturl.at/jBDSU](#) [03.02.2020 17:00]; OSCE, ODIHR, "Opinion on the Draft Amendments to the Appointment of Supreme Court Judges," Warsaw, 2019, [shorturl.at/qvPW3](#) [03.02.2020 17:06]; Georgian Young Lawyers' Association and International Transparency - Georgia, Monitoring of the High Council of Justice Report №7, Tbilisi, 2019, pp.7-12, [shorturl.at/ioC27](#) [03.02.2020 17:15]; "The Coalition assesses the process of selection Supreme Court judicial candidates at the High Council of Justice," Human Rights Training and Monitoring Center (EMC), 12.09.2019 [shorturl.at/dzACU](#) [03.02.2020 17:25].

alarming since in the light of the obligations undertaken by Georgia as per several international treaties - the Open Governance Action Plan 2018-19, the Association Agreement 2017-20, Sustainable Development Goal 16, etc. - envisaging the commitment to ensure civic participation, Georgia has earned zero points in the Public Consultation Assessment Component for the Public Policy Development Process according to the assessment 2018²⁰ of the Public Administration Development and Co-Ordination Initiative (SIGMA) of the competent international organization OECD (Economic Cooperation and Development Organization). This indicates that the Parliament has only seemingly declared its intention to “govern the country in cooperation with the civil society.”

2.3.4 A large part of legislative proposals submitted by private individuals have earned a negative assessment of the Parliament. Generally speaking, both private individuals and legal entities present legislative proposals to the Parliament. The Parliament usually reviews proposals, yet renders negative conclusions thereof. In some cases, the content of the conclusions is unknown as they are not published. During the fall session 2019, a total of

¹⁹ “*The Parliament of Georgia expresses confidence to the renewed composition of the Government*,” the Parliament of Georgia, 08.09.2019 shorturl.at/bcEK9; [03.02.2020 18:00]; Also, see L. Mikadze, “*Non-governmental organizations call on the members of the Parliament not to express confidence in Gakharia’s candidacy*,” The First Channel, 06.09.2019, shorturl.at/mvx04 [03.02.2020 18:08].

²⁰ *The Principles of Administration*, SIGMA, shorturl.at/aozAY [03.02.2020 18:12].

²¹ The information obtained from the official website of the Parliament, info.parliament.ge, was analyzed.

21 legislative proposals were submitted to the Parliament.²¹ Two of them were initiated by legal entities of public law (LEPLs): the Central Election Commission (CEC) and the Georgian Academy of Sciences and the rest by private individuals. In ten cases, the committees prepared negative conclusions. In six cases, even though the timeframes for drafting the final report has already expired, the conclusions have not been published on the official website of the Parliament so far, therefore, it is unknown whether the above-mentioned six proposals were considered by the committees in accordance with or in violation of the law; In two cases, positive conclusions were provided, in particular, the proposal of the CEC was accepted as a draft law, and with regards to three others, the term for their consideration has not been expired yet.²²

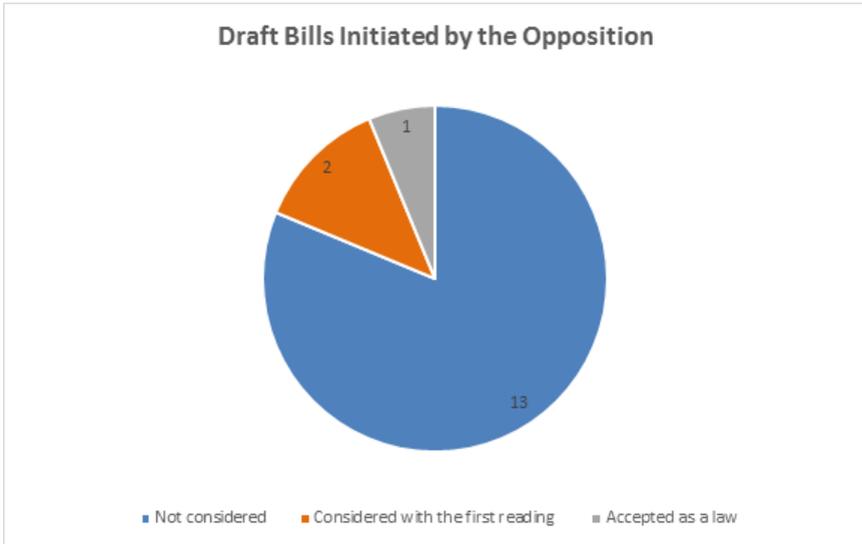
2.3.5. The issues raised by the opposition, with a few exceptions, were left unconsidered by the Parliament. The issues constantly occupied the final position on the agenda of the Bureau and the Plenary Session for the entire autumn session and were, therefore, not reviewed.²³ Moreover, the issues could not manage to get into the agenda of extraordinary plenary sessions as

²² The data were processed as of 5 March 2020.

²³ The data have been processed based on the official website of the Parliament, where the agendas of the Bureau of the Parliament and the plenary session are published, shorturl.at/ICR13.

²⁴ The draft law on the amendments passed by the Parliament envisaged a change in the term of the termination of the IDP allowance if an IDP leaves the country. In particular, according to the law formerly in use, the term was two months, and according to the draft amendment, the IDP allowance shall be terminated if an IDP leaves the territory of Georgia for more than three months. The draft law was initiated by Ada Marshania, a Member of Parliament.

well. In particular, only one of the 16 draft bills presented by the opposition was passed by the Parliament.²⁴ The remaining 15



bills were not supported by the leading committee; only three of them were considered during the first reading of draft bills.

Other issues concerned the initiatives related to setting up temporary commissions of inquiry, and other matters, which were not reviewed:

- The issue of setting up a temporary commission of inquiry into a possible pressure on TBC Bank and the Anaklia Development Consortium retained the lowest position on the agenda of the Bureau and the plenary session during the

period from 3 September to 20 December.

- The issue of setting up a temporary commission of inquiry into a possible corruption scheme used by President of Georgia Salome Zourabichvili to pardon convicts ranked low from 3 September to 20 December.
- The issue of setting up a temporary commission of inquiry into a possible anti-constitutional conspiracy against high-ranking officials of the Georgian Patriarchate and the violation of the constitutional agreement between the Georgian State and the Apostolic Autocephalous Orthodox Church of Georgia retained the lowest position on the agenda from 3 September to 20 December.
- The issue of setting up a temporary commission of inquiry into the murder of Temirlan Machalikashvili as a result of the special operation carried out in Pankisi Gorge on 26 December 2017 maintained the last place on the agenda from 3 September to 20 December.
- The issue of setting up an ad hoc commission of inquiry concerning the “Financial Corporation Georgia” maintained the last position on the agenda from 3 September to 20 December.
- The issue of setting up a temporary commission of inquiry

into the removal of former Georgian Prime Minister Ivane Merabishvili from his prison cell ranked low on the agenda from 3 September to 20 December.

- The issue into the expediency of the temporary commission of inquiry into the “Destruction of Cultural Heritage and the Impact of Damage to the Environment by the RMG” maintained the last place on the agenda from 3 September to 20 December.
- The issue of early termination of the term of office of Levan Gzirishvili, a member of the High Council of Justice of Georgia, ranked low from 3 September to 20 December.
- The issue of early termination of the term of office of Zaza Kharebava, a member of the High Council of Justice of Georgia, was ranked last from 3 September to 20 December.
- The issue of early termination of the term of office of Shota Kadagidze, a member of the High Council of Justice of Georgia, ranked low from 3 September to 20 December.
- Additionally, the opposition submitted other applications that the Parliament did not consider. These issues were not

²⁵ The draft decrees: “On the Activation of the Issue on the Occupation of Georgian Territories on the International Agenda”; “On Approval of Teacher Induction and Professional Development” and “On Approval of the Rules for Issuing Supplements for Teachers with Relevant Status as defined by the Teaching Career Advancement Scheme”.

supported by the leading committee either and they ranked low on the agenda of the plenary sessions.²⁵

2.3.6. The Parliament failed to manage the session time adequately to discuss the above issues effectively and in a timely manner. The monitoring of the plenary sessions of the autumn session 2019 revealed²⁶ that the chairperson of the sitting extended (three times) the speaking time for several MPs to let them ask questions; MPs made commentaries within the time allocated for asking questions and almost never managed to fit into the two-minute deadline set by the procedure; Members of Parliament, despite enjoying the extended time limit on several occasions, were unable to fit within the deadline and continued to speak even with their microphones switched off; according to the Rules of Procedure, during the Ministerial Hour, once MPs finish asking their questions, a Minister shall be allowed 30-45 minutes to respond, yet in one case (the Ministerial Hour of the Minister of Economy and Sustainable Development), the Minister had only 15 minutes left to answer the questions because of the flawed time management; the Rules and Regulations were violated due to the defective time management in the autumn session 2019 when it was not possible to conduct one of the Ministerial Hours (with the Minister of Internally Displaced

²⁶ The audio recordings of the plenary sessions of the autumn session 2019 are available on the official website of the Parliament, <http://parliament.ge/ge/> [07.02.2020 10:09].

Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia);

2.3.7. During the Ministerial Hours, the Parliament paid inadequate attention to issues and challenges facing specific ministries. The total of five Ministerial Hours was held during the fall session, and six scheduled Ministerial Hours were postponed for the spring session due to the lack of time, by which the Parliament breached the Rules and Procedure.²⁷ In all cases, the hearings were one-sided, as the ministers' reports mainly concentrated on achievements and did not touch upon pressing issues. The questions posed by parliamentarians were less focused on challenges either:

- The Minister of Foreign Affairs did not mention in his report that the event of the Council of Europe, planned to be held in Georgia, might be attended by Sergei Lavrov, Minister of Foreign Affairs of the Russian Federation;²⁸
- The Minister of Reconciliation and Civic Integration did not

²⁷ The Ministerial Hour for the Minister of Health was supposed to be held at an extraordinary plenary session on 20 December 2019. The Minister was present at the session but the Parliament failed to hear her as the plenary session was scheduled for 9 p.m. but the hearing of the Minister of Economy lasted up until 9 p.m., so the time was not left for the Minister of Healthcare. Thus, the Parliament violated Article 153 of the Rules of Procedure of the Parliament of Georgia, which obliges the Parliament to hold a Ministerial Hour once per year (the Ministerial Hour of the Health Minister was not held in either the spring or autumn sessions 2019).

²⁸ It was back in May 2019 when the Minister of Foreign Affairs announced that the European Council Ministerial would be held in Georgia in the spring of 2020. So it means that during his Ministerial speech, the event had already been one of the challenges facing the Ministry - S. Kokiashvili, "Georgia to host the Ministerial of Foreign Affairs of the Council of Europe next spring," The First Channel, 17.05.2019. shorturl.at/oR15Z [12.03.202015:21].

mention in her report a possible prospect of opening the so-called “Ergneti market” and any possible accompanying risks;²⁹

- The Minister of Education did not assess critically the fact of the suicide of minor L.S. a few days earlier and the underlying problems.³⁰ With a few sentences, he mentioned that psychologists of the Service of Resource Officers of the Ministry of Education were working with pupils of the “Green School” (the school for the damage of which the late juvenile L.S. was summoned to the police department). The Minister did not look at the issue from the perspective of a systemic problem, although the existing situation in schools had been the subject of the debates in the Parliament and the public for years. It was three years ago (1 December 2017), after the murder of two minors on Khorava Street, when the Temporary Commission of Inquiry into the incident issued a number of recommendations for the Ministry of Education for the enhancement of safety measures in the school and management of pupils’ behavioral/emotional difficulties.³¹

²⁹ She had focused on the issue as a ministerial candidate at the parliamentary session, however, she failed to review it as one of the important issues directly in her speech - L. Pertaia, “Closing the Ergneti market was a mistake” - Tsikhelashvili, Netgazeti, 05.09.2019, shorturl.at/knBXZ [12.03.2020 15:24].

³⁰ The audio-recording of the Ministerial Hour of the Ministry of Education, Science, Culture and Sports of Georgia is available on the official website of the Parliament, <https://info.parliament.ge/#law-drafting/19484> [12.03.2020 15:30].

³¹ The Conclusion and Recommendations of the Temporary Commission of Inquiry of the Parliament of Georgia on the Murder of Two Youth in the Crime of Khorava Street in Tbilisi on 1 December 2017, Tbilisi, 2018 shorturl.at/huDEI [12.03.2020 15:33].

- The report presented by the Minister of Economy provided information mostly on positive dynamics and little on acute problems.³² This was particularly apparent within the context of the Credit-Guarantee Fund set up by the Ministry of Economy as per the “Produce in Georgia” program. The minister only mentioned that the Credit-Guarantee Fund failed to adopt the 20-million-dollar budget in 2019, yet he did not explain the reason for the failure. The superficial approach to the failure of the project to stimulate economic activity given the country’s economic situation is not an ordinary problem and it was necessary to provide information to the Parliament regarding the investigation of the causes;
- The Minister of Finance in his report referred to international ratings³³ to confirm the improvement in a range of problematic issues but did not mention at all the assessment of the International Budget Partnership (IBP) concerning the civil participation in the process of budget development. In particular, according to the assessment of IBP, Georgia demonstrated a very bad result - 3 points out of a maximum of 100.³⁴ The questions of whether the situation changed after

³² The audio recording of the Ministerial Hour of the Minister of Economy and Sustainable Development of Georgia is available on the official website of the [Parliament](https://info.parliament.ge/#law-drafting/19333), <https://info.parliament.ge/#law-drafting/19333> [12.03.2020 15:35].

³³ The audio recording of the Ministerial Hour of Minister of Finance of Georgia is available on the official website of the Parliament, <https://info.parliament.ge/#law-drafting/19197> [12.03.2020 15:38].

³⁴ Open Budget Survey 2017 – Georgia, International Budget Partnership, shorturl.at/nsAIY [12.03.2020 15:39].

2017 or what actions the Ministry of Finance conducted to ensure the involvement of citizens in the budget development process were not answered by the Minister.

The one-sidedness of the reports proposed by the ministers, in turn, was facilitated by shortcomings within the legislation governing the Ministerial Hours, namely:

- A Minister is not required to submit his/her report to Members of Parliament in writing in advance. In particular, according to Article 153 of the Rules of Procedure, during a Minister's Hour, a minister shall present a report orally to the Parliament, and the article does not envisage the obligation to submit the report in writing. Therefore, MPs can only hear the Minister, which renders the "Ministerial Hour," a parliamentary control mechanism over the government, ineffective. The reports presented by ministers are generally informative and complex. Therefore, it may be impossible to bring up qualified questions and discuss issues in depth without a prior thorough examination of such reports.³⁵
- The Ministerial Hour is not followed by a binding act or a

³⁵ Interestingly enough, for example, the written text of an oral report to the United Kingdom Parliament shall be submitted to the opposition shortly after the elaboration of the report. To this end, 45 minutes prior, 15 copies of the statement and attached documents shall be submitted to those in charge of the government party who are responsible for party discipline and support for initiatives. At the same time, the final written copy of the oral report shall be submitted in advance to the Speaker of Parliament: Ministerial Code, Cabinet Office, August, 2019, Article 9.5, <https://bit.ly/2SpG0lv> [12.03.2020 15:40].

decree that would determine measures to resolve identified problems. In particular, Article 153 of the Rules of Procedure of the Parliament only indicates that the Ministerial Hour shall be conducted in accordance with the rules determined for the first hearing of a draft law. This provision does not oblige the Parliament to issue a decree, unlike the requirement imposed on the Prime Minister to present an annual report or authorities to attend a plenary session, which implies the possibility of adopting a decree.

CHAPTER 3

ACTIVITIES OF PARLIAMENTARY COMMITTEES

3.1. MOST OF THE COMMITTEES, ACCORDING TO THE SESSIONS HELD, WERE NOT ACTIVE

Several committees failed to hold even the minimum number of sittings prescribed by the regulations and neglected the Rules of Procedure during the fall session. Some committees only held a minimal number of sittings. Despite the ongoing pressing issues, the Human Rights and Civil Integration Committee conducted only the minimum number of sessions. Merely a third of the committees actively held sittings - more than the minimum number.

The committees breaching the Rules of Procedure at different times during the fall session were as follows: the Environmental Protection and Natural Resources Committee (in November),³⁶ Defence and Security Committee (in December),³⁷ and the Committee on European Integration (in November and December).³⁸ The above committees held sessions only once, thus contradicting the requirements of the Procedure, according to which at least two sessions shall be held by the committee per month.

³⁶ The reply of the Parliament of Georgia № 2-23711/19

³⁷ The reply of the Parliament of Georgia №2-23027/19

³⁸ The reply of the Parliament of Georgia №2-236/20

The minimum number of committee sessions, two sessions per month, was held by the majority of the committees, in particular, eight out of fifteen committees: Human Rights Protection and Civil Integration Committee; Agrarian issues Committee; Diaspora and the Caucasus Issues Committee; Defence and Security Committee; Regional Policy and Self-government

Committees that Violated the Rules of Procedure	Committees that Held the Minimum Number of Sessions	Active Committees
<ul style="list-style-type: none"> • Environmental and Natural Resources Committee • Defence and Security Committee • Committee on European Integration 	<ul style="list-style-type: none"> • Human Rights Protection and Civil Integration Committee • Agrarian issues Committee • Diaspora Committee • Caucasus Issues Committee • Defence and Security Committee • Regional Policy and Self-government Committee • Procedural Issues and Rules Committee • Sports and Youth Affairs Committee • Health and Social Affairs Committee 	<ul style="list-style-type: none"> • Legal Issues Committee • Education, Science and Culture Committee • Sector Economy and Economic Policy Committee • Foreign Relations Committee • Budget and Finance Committee

Committee; Procedural Issues and Rules Committee; Sports and Youth Affairs Committee; Committee on Health and Social Affairs.

It should be noted that the Human Rights Committee held a minimum number of sittings against the background of ongoing events involving human rights violations:³⁹ a number

³⁹ Democracy Index – Georgia Assesses Activities of the Parliamentary Human Rights Committee in Connection with the International Human Rights Day, 2019.12.09. <https://democracyindex.ge/en/news/read/27/adamianis-uflebata-dacvis-saertashoriso-dgestan-dakavshirebit-demokratiis-indeqsi-saqartve-lo-afasebs-parlamentis-adamianis-uflebata-dacvis-komitetis-saqmianobas> [12.03.2020 15:40]

of individuals sustained injuries as a result of the dispersal of the protest rally on 20-21 June, giving rise to a range of gross violations of human rights. The Human Rights Committee should have held sessions on the following issues:

- The Committee ought to have summoned the Minister of Internal Affairs to ask him specific questions about the weapons used and the number of individuals injured during the dispersal;
- The Committee should have invited professionals with special expertise to determine the degree of risks to the life that the weapons entailed and potential threats of the weapons used;
- In the light of the fact that the delay in granting the status of the victim to the survivors was considered a legal problem by the Prosecutor General of Georgia, the Human Rights Committee should have summoned the Prosecutor General of Georgia to obtain detailed information regarding the practice of the Prosecutor's Office (at what stage and under what conditions the status of the victim is granted), certainly without mentioning any specific criminal case, and the shortcoming in the law that hampers the possibility to recognize injured individuals as victims;
- The Committee should have invited representatives of non-

governmental organizations advocating for the protection of the rights of the victims of the protest manifestation to receive information directly from them about the current situation with respect to the protection of victims rights;

- After examining the issues, the Committee ought to have prepared a conclusion, recommendation or decision or elaborated legislative amendments regarding the procedure for granting the victim status and the rules for the use of weapons.
- The Committee should have discussed the issue and submitted a draft decree to the plenary session for approval, by doing which the Parliament would have responded to ongoing events in the country and defined in the decree a clear boundary between picketing and blocking. In doing so, the Committee would have adhered to the principle of accountability to the public and ensured the high standard of freedom of expression. Shedding the light on the above issues was of particular importance as far as conflicting political groups were classifying the facts differently and disseminating controversial opinions through media.
- The Committee should have summoned the Minister of Internal Affairs of Georgia to receive detailed information on the challenges the agency is encountering in the process of

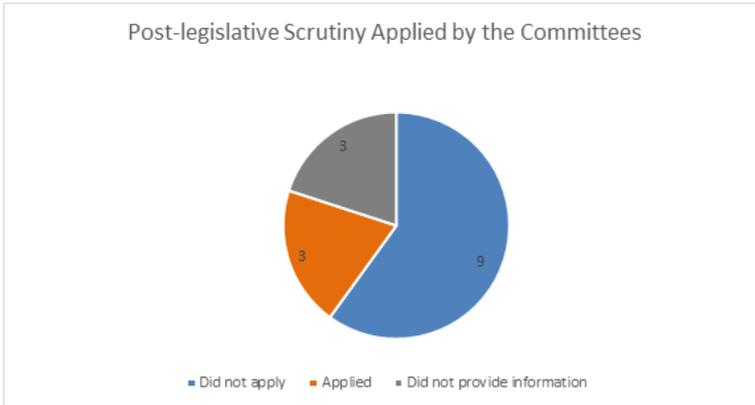
ensuring freedom of assembly and expression and protecting protesters from violence on the one hand, and holding perpetrators accountable on the other; to find out about the reason why the police are unable to ensure the protection of human rights in counter-protest demonstrations, which creates the impression of politicization of events;

Only five out of 15 committees managed to hold more than the required number of sittings: the Committee on Education, Science and Culture; Sector Economy and Economic Policy Committee; Legal Issues Committee; Foreign Relations Committees and Budget and Finance Committee.

3.2. MOST OF THE COMMITTEES DO NOT CARRY OUT POST-LEGISLATIVE SCRUTINY⁴⁰

Based on the information provided by 12 committees, it was revealed that nine committees did not apply the procedure to monitor and evaluate implementation of laws during the autumn session; three committees used the leverage in seven cases; the other three committees did not disclose information at all. The latter committees are as follows: Agrarian Issues Committee; Committee on Education, Science and Culture and European Integration Committee.

⁴⁰ The Rules of Procedure of the Parliament of Georgia envisage a control mechanism over the implementation of a normative act, which means the mechanism supervising the execution not only of a law but also any normative act adopted by the Parliament, for example, a decree. We analyzed only the data concerning the control over the enforcement of laws by the Parliament.



It should be noted that the Committee on Procedural Issues and Rules applies the post-legislative scrutiny as its core function. Therefore, during the fall session 2019, the number of applications of the procedure was the highest - the Committee monitored a total of 95 tasks determined in accordance with the transitional provisions of 56 laws.

Despite the annual parliamentary and special reports presented by the Public Defender of Georgia, the Human Rights Committee failed to initiate the procedure for post-legislative scrutiny.

3.3. THE COMMITTEES HEAR REPORTS/STATEMENTS PRESENTED BY OFFICIALS AS REQUIRED UNDER THE PROCEDURE BUT DO NOT ALWAYS PREPARE OR SUBSTANTIATE THEIR CONCLUSIONS

During the autumn session 2019, seven committees heard the reports/statements presented by 12 responsible persons. Four committees failed to exercise this authority and four

committees did not provide us with the information at all. These were: the Agrarian Issues Committee; Education, Science and Culture Committee; Committees on European Integration and Legal Issues (the answer provided did not contain the requested information).⁴¹

With respect to the above-mentioned 12 reports/statements, the Committees prepared the conclusions concerning five reports only and heard the remaining seven. Out of the five conclusions prepared, three were substantiated and two unsubstantiated (the conclusions merely indicated that "... the committee positively evaluates (...) the activities carried out by the person").

The committees do not use a uniform conclusion form and uniform standards for the evaluation of issues presented in a report - some conclusions offer a detailed overview of an issue and the position of the committee is well-substantiated (the conclusions prepared by the Human Rights and Civil Integration Committee, Sports and Youth Affairs Committee, Sector Economy and Economic Policy Committee), whereas other conclusions do not provide the grounds based on which a committee offers a positive assessment (the conclusions prepared by Health and Social Issues Committee, the Budget and Finance Committee, the Legal Issues Committee).

⁴¹ The reply №2652/4-10-1/20 of the Legal Issues Committee of 2 March 2020;

According to the Rules of Procedure of the Parliament, the Chairperson of the Parliament ought to have approved the template form of a committee conclusion within three months of the enactment of the Regulations. However, as the Parliament informed us, the form has not been approved so far and the elaboration of the template is still underway.⁴²

The importance of substantiating a committee conclusion has been clearly demonstrated by the report prepared by the Legal Issues Committee after the completion of the interviews with the Supreme Court judicial candidates,⁴³ which does not contain any substantiation concerning the candidates. The Committee held a public hearing of the candidates, and the public could see all the shortcomings that the candidates revealed in terms of professionalism or good faith, but the Committee failed to analyze each candidate in the report and did not indicate why they evaluated the candidates either positively or negatively. It is noteworthy that ill-reasoned conclusions prepared by the Legal Issues Committee were highlighted by the OSCE in its second report on the nomination and appointment of Supreme Court judges in Georgia.⁴⁴

⁴² In response to our letter №1-2829/20, an authorized person of the Organizational Department sent us the e-mail with the above content on 20 February 2020;

⁴³ The Conclusion №1-16602/19 of the Legal Cases Committee of 6 September 2019, shorturl.at/dlqR9 [12.03.2020 15:45].

⁴⁴ OSCE, ODIHR, Second Report on the Selection and Appointment of Judicial Candidates for the Supreme Court, June-December, Warsaw, 2019, p.18, shorturl.at/lvQU2 [12.03.2020 15:47].

3.4. THE COMMITTEES DO NOT EXERCISE THE AUTHORITY TO EXAMINE THE ACTIVITIES OF ADMINISTRATIVE BODIES

The data provided by eleven committees clearly showed⁴⁵ that in merely one case it was planned to study the activities of administrative bodies by the Sports and Youth Affairs Committee. In particular, the Committee retrieved information from the Government of the Autonomous Republic of Adjara, Kareli, Kutaisi, Kazbegi, Mestia, Akhalkalaki city councils concerning the activities carried out in 2019 and those planned for 2020.⁴⁶ The Committee is planning to hold committee hearings for the spring session 2020.

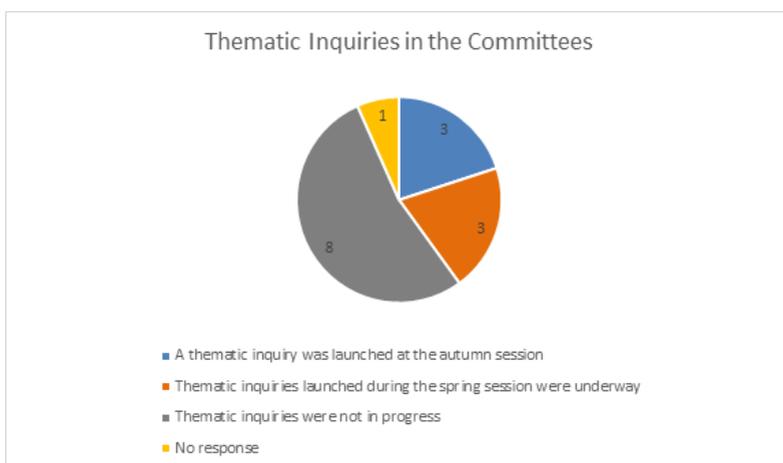
3.5. THE COMMITTEES RARELY APPLY THEMATIC INQUIRY MECHANISM AND BREACH THE TIMEFRAMES SET FORTH FOR CONDUCTING SUCH INQUIRIES

Merely three committees began a thematic inquiry during the autumn session: the Human Rights and Civil Integration Committee focused on the issue of access to health care

⁴⁵ The reply №14403 / 4-2 /19 of the Human Rights and Civil Integration Committee of 25 December 2019; the reply №14274/4-9/19 of the Regional Policy and Self-Government Committee of 23 December 2019; the reply №14424 / 4-13/19 of the Health and Social Affairs Committee of 26 December 2019; the reply №14520/4-12/19 of the Procedural Issues and Rules Committee of 27 December 2019; the reply №2652/4-10-1/20 of the Legal Cases Committee of 2 March 2020; the reply №14531/4-11/19 of the Foreign Relations Committee of 27 December 2019; the reply №421/4-14/20 of the Diaspora and Caucasus Affairs Committee of 16 January 2020.

⁴⁶ The reply №14319/4-15/19 of the Sports and Youth Affairs Committee of 2019; It should be noted here that the Environment and Natural Resources Committee in response to our question: "Did the Committee exercise the authority to study the activities of an administrative body as envisaged under Article 37.3 of the Rules of Procedure of the Parliament of Georgia?", sent us the information about other authorities and noted: "147 parliamentary questions were sent during the autumn session ... "Seven pieces of the provided information did not correspond to the question, as Article 37 of the Rules of Procedure describes the powers of the Committee, among which is the right to examine committee activities and Article 148 - the right of a Member of Parliament to submit a question to the Government or another body accountable to the Parliament.

services for women with disabilities, yet the Committee has not provided the conclusions yet;⁴⁷ the Committee on Regional Issues and Self-Government Policy started to study the situation concerning the provision of adequate housing for people in Georgia, yet the Committee has not prepared a conclusion so far;⁴⁸ the Sector Economy and Economic Policy Committee in cooperation with the European Integration Committee started to study the challenges and issues identified during the periodic technical inspection of vehicles but have not provided the conclusion yet.⁴⁹ The thematic inquiries launched by three committees during the spring session 2019 were conducted in violation of the timeframes set forth by the Rules of Procedure of the Parliament of Georgia. The committees were as follows: Sector Economy,⁵⁰ Defence and Security and Foreign Relations Committees.⁵¹



3.6. THE COMMITTEES RARELY EXERCISE THE AUTHORITY TO SUBMIT LEGISLATIVE INITIATIVES

Seven out of fifteen committees did not provide us with the above information. According to the remaining eight committees, it was revealed that five of them did not submit legislative initiatives.⁵² Only three committees presented the following legislative initiatives: the legislative initiative of the Environment and Natural Resources Committee proposed the amendments to the transitional and final provisions of the Waste Management Code. As requested by the Committee, the Parliament considered the proposal through a simplified procedure and adopted it within three weeks after the initiation;⁵³ the legislative initiative of the Health and Social Affairs Committee envisaged an amendment

⁴⁷ The reply №14403/4-2/19 of the Parliament of Georgia;

⁴⁸ The reply №14266/4-9/19 of the Parliament of Georgia;

⁴⁹ The reply №2-23523/19 of the Parliament of Georgia;

⁵⁰ Thematic inquiry on the effectiveness of public enterprise management was completed at the autumn session – the reply №14505/4- 8/19 of the Parliament of Georgia

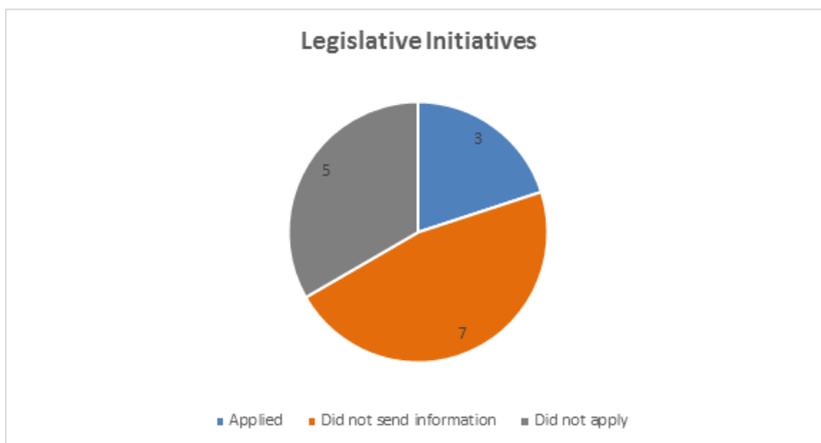
⁵¹ The thematic inquiry on the European experience in the field of disinformation and propaganda was conducted during the autumn session of these two committees, the conclusion of which has not been presented so far - the reply №14505/4- 8/19 of the Parliament of Georgia.

⁵² In response to the question of the organization “Did the committee propose a legislative initiative at the autumn session 2019? If so, how many and regarding what issues?” the committee replied as follows: “At the initiative of the committee chairperson Beka Odisharia and the members of the committee, an amendment was introduced to the Organic Law “On Citizenship of Georgia,” according to which “the Georgian citizens, in relation to whom it had not been decided until 15 August 2018 to grant citizenship of Georgia because of the loss of the citizenship of other foreign countries, were granted an additional timeframe until 31 December 2020 to request the citizenship” - the reply № 421/4-14/20 of the Diaspora and Caucasian Affairs Committee of 16 January 2020. The reference provided in the letter does not answer the question posed, as our question concerned a legislative initiative of the Committee and not an individual initiative of committee members.

⁵³ According to the draft amendments, the enactment of provisions envisaged by the government decree for the activities envisaged in the Waste Management Code that obligated private individuals and legal entities to develop a waste management plan, determine the environment protection officer and record the environmental waste and submit the information to the Ministry of Environment Protection and Natural Resources was postponed until 01 January 2025. With the same draft amendments, the adoption by the Georgian government of a resolution defining the activities on which the above-mentioned obligations of the Waste Management Code will not apply until 1 January 2025 was postponed until 1 January 2020 - the draft law “On amendments to the Waste Management Code,” shorturl.at/qt15 [12.03.2020 15:50].

to state compensation and state academic scholarships.⁵⁴ The first hearing of the draft bill was first extended for three weeks, and then in December, for a further one month.⁵⁵

The committees that did not supply us with the requested information were as follows: the Agrarian Issues Committee, Education, Science and Culture Committee, European Integration Committee, Legal Issues Committee⁵⁶ (the information provided did not contain the requested information), Defence and Security Committee, Sector Economy and Economic Policy Committee, and Budget and Finance Committees.



⁵⁴ The draft amendment alters the method of calculating years of service of persons who served in the civil aviation system, thus increasing the amount of compensation - the draft law of Georgia "On Amendments to the Law of Georgia on State Compensation and State Academic Scholarship," shorturl.at/teFKM, [12.03.2020 15 : 55].

⁵⁵ The draft bill was initiated on 01 October 2019, but based on the committee's statement made on 19 November 2019, as per the decision of the Parliamentary Bureau of 25 November, the term for the first reading of the bill of the committee was extended first for three weeks and based on the decision of 11 December, the term was extended further for a month – The statement N2-20440/19 of the Health and Social Affairs Committee of 19 November 2019 to the Bureau, shorturl.at/gCJTX; The Decision N°307/12 of the Parliamentary Bureau of 25 November 2019, shorturl.at/kKQUY; The Decision N°315/3 of the Bureau of the Parliament of 11 December 2019, shorturl.at/fisO5 [12.03.2020 16:00].

⁵⁶ The reply N°2652/4-10-1/20 of the Legal Cases Committee of 2 March 2020;

3.7. NONE OF THE COMMITTEES REQUIRED THE MANDATORY ATTENDANCE OF RESPONSIBLE OFFICIALS AT THE PARLIAMENT SESSION

Summoning officials to a committee sitting is an important tool vested on the committees for implementing the supervision over the executive government. However, in none of the cases did any of the committees use the power granted to oversee the executive government.

3.8. DOCUMENTING ANY PLANNED AND COMPLETED ACTIVITIES OF THE COMMITTEES AND TIMELY NOTIFICATION OF THE PUBLIC SHOULD BE IMPROVED

Primarily, it is noteworthy that all of the committees published action plans 2019 and ten committees published action plans 2020 on their websites.⁵⁷ The activity reports 2018 have been published on the website by ten committees.⁵⁸ Of note that the Human Rights and Civil Integration Committee has not published even a single report on its webpage so far.⁵⁹

⁵⁷ Five Committees have not submitted their Action Plans 2020: Human Rights and Civil Integration Committee; Committee on education, science and culture; Sector Economy and Economic Policy Committee; Diaspora and Caucasus Issues and Procedural Issues and Rules Committee. The data have been processed according to the information published on the website as of 17 February 2020.

⁵⁸ Five Committees have not submitted their activity reports: Agrarian Issues Committee; Human Rights Protection and Civil Integration Committee; Diaspora and the Caucasus Issues Committee; Budget and Finance Committee Sports and Youth Affairs Committee. The data have been processed according to the information published on the website as of 17 February 2020.

⁵⁹ The data have been processed according to the information published on the website as of 17 February 2020.

RECOMMENDATIONS

1. FOR ENSURING EFFECTIVE FEEDBACK AND SENSITIVITY OF PARLIAMENTARIANS TO PROBLEMS OF CITIZENS

1.1 The Chairperson of the Parliament should issue a decree determining the rule under which Members of Parliament will be required to process letters/complaints submitted by citizens;

1.2 The above decree should envisage:

1.2.1 The frequency of processing citizens letters/complaints,

1.2.2 The methodology of identification of trends,

1.3.3 Statistical data to be handled.

2. FOR THE PURPOSE OF RAISING THE ACCOUNTABILITY OF MEMBERS OF THE PARLIAMENT AND IMPROVING THEIR PERFORMANCE, THE WEBSITE OF THE PARLIAMENT SHOULD OFFER INDIVIDUAL PROFILES OF MPS PROVIDING INFORMATION ONLINE ON ACTIVITIES PERFORMED BY MPS.

3. IN THE PERIOD BETWEEN SITTINGS AND FOR CONSTANT MONITORING OF THE DEGREE OF CIVIL SOCIETY PARTICIPATION, THE FOLLOWING SHOULD BE PUBLISHED ON THE WEBSITES AND SOCIAL NETWORKS:

3.1 The index of civil society involvement with visually easy-to-understand info graphs - an analysis of civil society needs and final decisions of the Parliament.

3.2 An online register to reflect the opinion of the civil society regarding issues to be considered by the Parliament and the extent of those views taken into account.

4. IN THE PERIOD BETWEEN SESSIONS AND FOR CONSTANT MONITORING OF THE DEGREE OF CIVIL SOCIETY PARTICIPATION IN THE LAW-MAKING PROCESS, THE FOLLOWING SHOULD BE PUBLISHED ON THE WEBSITES AND SOCIAL NETWORKS:

4.1 The index of participation of private individuals with visually easy-to-understand info graphs – the final outcome of legislative proposals submitted by citizens and legal entities;

4.2 The online registry to record legislative proposals and final results.

5. IN THE PERIOD BETWEEN SITTINGS AND FOR CONSTANT MONITORING OF THE DEGREE OF PARTICIPATION OF THE OPPOSITION, THE FOLLOWING SHOULD BE PUBLISHED ON THE WEBSITES AND SOCIAL NETWORKS:

5.1 The index of involvement of the opposition with visually easy-to-understand info graphs – the analysis of their requirements and final decisions of the Parliament;

5.2 The online registry to reflect legislative proposals and relevant outcomes.

6. IN ORDER TO MANAGE TIME RESOURCES EFFECTIVELY, THE PARLIAMENT SHOULD:

- 6.1 In case of delays, determine relevant sanctions against violator MPs;
- 6.2 Determine relevant penalties if the Speaker of Parliament extends repeatedly the time allocated for an MP to ask questions.
- 6.3 If a Member of Parliament repeatedly breaches the time limits at a sitting, he/she should be deprived of the possibility to make a speech at the same sitting.

7. FOR THE EFFECTIVE MANAGEMENT OF THE MINISTERIAL HOUR, THE PARLIAMENT SHOULD:

- 7.1 Introduce amendments to the Rules of Procedure of the Parliament of Georgia to require a member of the Georgian Government to submit a report in writing within reasonable timeframes before a plenary session, at least two days in advance;
- 7.2

Introduce amendments to the Rules of Procedure of the Parliament of Georgia, allowing the possibility for the Parliament to adopt a decree after holding a Ministerial Hour.

8. FOR CONSTANT MONITORING OF THE PERFORMANCE OF THE COMMITTEES, EACH COMMITTEE SHOULD PUBLISH ON THEIR WEBSITES AND SOCIAL NETWORKS:

- 8.1 The number of committee sittings with visually easy-to-understand info graphs at the end of each month;
- 8.2 The number of control mechanisms used for the monitoring of enforcement of the law with the reference of respective laws at the end of each sitting.
- 8.3 Information about the examination of the activities of an administrative body with the reference of a respective administrative body at the end of each sitting.
- 8.4 The data regarding the launch of a thematic inquiry with the indication of an issue to be examined at the end of a sitting;
- 8.5 The number of submitted legislative proposals with the reference of an issue to be resolved at the end of a sitting;
- 8.6 The number of officials mandatorily summoned to the sitting, indicating the identity of such officials and the grounds for such a requirement.
- 8.7 The Office of the Parliament and the Chairperson should:
 - 8.7.1 develop a standard and preconditions for substantiating conclusions of the committees;
 - 8.7.2 determine specific timeframes and a uniform format for submitting the conclusion on the activities and action plans of the committees.

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