

FALL AND EXTRAORDINARY SESSIONS 2020 OF GEORGIAN PARLIAMENT



Democracy Index-Georgia
Tbilisi 2021

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TABLE OF CONTENTS

Introduction	5
Findings	5
1. Individual MPs	8
2. Committees.....	10
3. Parliament	18
4. The Parliamentary Opposition.....	32
5. Recommendations to the Parliament	34

INTRODUCTION

“Democracy Index – Georgia” continuously monitors the performance of the Parliament of Georgia, and since the incorporation – from 2019 until today, the organization has already presented the third report on the activities of the parliamentary sessions.

The organization aims to determine the quality of democracy in the country by observing the activities of the Parliament: legislative activities; government oversight; performance of individual MPs; quality of involvement of the civil society, and decisions delivered by the Parliament.

The results of the observations are regularly presented to the public through weekly TV broadcasts, public statements, and social media. Apart from informing the public, the organization proactively submits its opinions to the Parliament of Georgia concerning the reasonableness of specific legislative decisions.

The results and assessments of the spring and special sessions 2020 are reflected in a relevant report available on the organization’s website.¹

FINDINGS

Unlike the previous session, the situation has deteriorated by almost all criteria in this reporting period. Certain positive trends have been identified only in terms of the law-making process, consideration of the opinions of the civil society, and more active use by the committee of its functions. With regard to the legislative performance, noteworthy are as follows:

- The amendments to the “Labor Code” adopted in the third reading increase the guarantees for the protection of employee rights;
- A resolution of the Parliament of Georgia “On Foreign Policy of Georgia” can be named among the achievements of the Parliament of the tenth convocation, as it announces the goal of the government – to make an application for the EU membership in 2024;
- A harmful practice of reviewing bills in an unreasonably accelerated manner has statistically decreased.

With respect to considering the opinions of the civil society, the positions were accepted by the Parliament in several cases, in contrast to the previous session.

On the positive side, the power to oversee the execution of tasks defined by the transitional provisions of normative acts rendered by the Parliament for the executive bodies within the established timeframes was exercised by the committees more actively in contrast to the previous session – this time it was used by 9 committees instead of 6.

1 “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020. Available on the organization’s website: https://democracyindex.ge/uploads/tsinadadebebi/saqart.parl._2020_w.sagaz.da_sagan._sesiebis_mushaoba-2.pdf

Apart from the above, the situation in other areas, unlike the previous session, either has not changed or worsened.

The parliamentary activities of individual MPs still remain unknown to the public. In order to fill this gap, the organization began processing the profiles of MPs and publishing important information about their performance on the website of the organization.

As in the previous sessions, complaints of citizens were not analyzed or provided a systematic examination of persistent problems by members of Parliament during the autumn and extraordinary sessions.

The number of holding sessions as well as the implementation of other functions by the committees has further decreased:

- The committees failed to exercise oversight over the enforcement of laws;
- The committees, similar to the previous sessions, did not examine the activities of any administrative bodies during the autumn and extraordinary sessions 2020;
- Only a single committee exercised the power conferred on it by the Constitution and presented a legislative initiative;
- None of the accountable officials were required to attend committee sittings;
- The initiation of thematic inquiries declined;
- Judicial practice was not studied;
- The compliance of normative acts with the legislation was not scrutinized either.

The law-making activity of the Parliament was accompanied by significant shortcomings. In a number of cases, the legislative process was unreasonably accelerated. Besides, the Parliament failed to take into account recommendations/opinions of major international or local organizations in the process of adopting the laws:

- The amendments to the Organic Law “On Common Courts” do not comply with the standards of substantiation and appealing of decisions rendered by the High Council of Justice at the stage of selection of judges and recommendations of local and international organizations, and they are largely flawed.
- The pending draft law on reducing funding and abolishing free airtime allocated to political parties during an election campaign substantially undermines the principles of democratic governance and is seen as a step backward.
- The involvement in the elaboration of the law “On Amnesty” was not ensured, and the grounds for the approval of the law were vague – why adopting right after the election.
- The amendments to the Law of Georgia “On the Rules and Procedures for Georgian Citizens Exiting and Entering Georgia” do not offer a sufficient and effective remedy for the restoration of the violated right to free movement.
- With the amendments to the Law “On Public Healthcare,” the Parliament has extended the power of the government to impose restrictions independently by evading the Parliament. In doing so, the Parliament refused to perform its function and entrusted the government with the entire management of the pandemic.

- The Parliament skipped the stage of sectoral consideration of the draft law concerning the state budget and considered it in violation of the prescribed timeframes. The factors causing the substantial shortcomings are specific gaps in the legislation.

Non-publication of a number of draft laws to be considered in an expedited manner hindered the engagement of the civil society in the legislative process. Moreover, the need for acceleration in each particular case was not substantiated.

The Parliament shows the tendency to deliberating important issues behind closed doors with members of the executive branch. This contradicts the principles of openness and transparency of the parliamentary activities.

The Parliament, like in previous sessions, does not allow the civil society to be involved in the legislative process, as it does not even review any legislative proposals offered by the public, which, in turn, has led to a reduction in the number of proposals.

The Parliament has proved to be weak to supervise the government and the situation in this respect has even further deteriorated compared to the previous session. Against the background of the fact that the opposition is not practically present in the current session, the need for open and critical debates on the performance of the executive branch is growing as per the requirements to inform the public and the principles of democratic, open and transparent governance.

The procedures for reviewing the composition of a single-party government by a single-party Parliament have clearly shown how incapable the newly-convened Parliament is to oversee the executive.

By unjustifiably amending the Law “On Public Healthcare” and extending the validity of the provisions of the law for another six months giving the government broad powers to regulate and restrict a number of fundamental rights without parliamentary oversight, the Georgian Parliament refused to supervise the lawmaking process and the government.

The Parliament failed to invite ministers to the autumn and special sessions. This practice is even more vicious in a situation where the power to summon ministers has been replaced by ongoing meetings behind closed doors, which undermines the development of democracy and contradicts the most important principle of publicity.

During the reporting period, unlike the previous session, no Ministerial Hours were held.

The only interpellation conducted during the session under question was initiated by the opposition.

The use of government oversight mechanisms by the opposition has become even rarer in this reporting period. Along with the boycott, the reason for the same is the alarming lack of opposition in the Parliament, making it impossible to control the government due to the existing Rules of Procedure of the Parliament.

The number of draft laws submitted by the opposition has dramatically decreased compared to previous sessions. If 10 bills were submitted during the previous session, the number has dropped to 7 in this reporting period. Furthermore, while during the previous session at least 1 draft law presented by the opposition was deliberated by the Parliament, none of the opposition bills has been reviewed at the current session.

1. Individual MPs

1.1. Parliamentary activities of individual MPs – The situation has not changed compared to previous sessions – parliamentary activities of individual MPs remain unknown to the public, despite the fact that over the years more and more information is posted on the official website of Parliament. In order to fill this gap, the organization started processing the profiles of the MPs and publishing information on their activities on its website.²

Documenting and posting daily activities of MPs regularly will enable the voter to learn about the performance of each MP during their term of office, from week to week, from month to month. Such information is not dynamically processed or published on the profiles of MPs, unlike in the parliaments of almost all developed democracies. The information is scattered in different sections of the webpage, which is rather difficult to locate.

Presently, information placed on the personal pages of Members of Parliament on the parliamentary website is scarce and does not provide much insight into their activities; merely the biographical and contact details of MPs are posted on the website of the Parliament, indicating which faction, committee or working group they were or are the members of. A Member of Parliament is a state political official. The interest of the public towards his or her activities is legitimate and high. The Parliament is obliged to ensure transparency and to publish in a consolidated manner all necessary information and data on every single Member of Parliament. The database will help the public to have a complete picture as to what a specific Member of Parliament is doing in particular. The voter, based on the full information on the performance of MPs, should be able to independently assess a specific Member of Parliament, committees and the Parliament, to determine whether the elected persons in their activities remain faithful to those political principles and promises thanks to which they were voted for and, consequently, whether they represent the interests of their electorate in the Parliament.

The organization submitted to the Parliament a recommendation³ last year, which has not been implemented yet. In the recommendation, we explored the websites of the Parliaments of countries with the best practices of democratic development. On the official parliamentary websites of all the democracies studied by the organization, at least the following information is posted on the profile of each Member of Parliament: legislative or any other acts initiated by an MP; video recordings of MP speeches at a plenary committee and commission sittings; written questions and answers received by an MP; reports of the meetings held by an MP; the questions asked and answers received through the interpellation; financial data related to an MP (including any gifts received), etc.

With the view to informing the public, the organization has started monitoring the daily parliamentary activities of each MP and posting the obtained results individually, under the profile tab of each MP on the organization's website. An individual profile of the MP offers the following information:

- Audio-video recordings of oral statements given before any plenary, committee, working group, commission sittings;
- Any draft laws, resolutions, decisions initiated by an MP;

² See the organization's website: <https://democracyindex.ge/ge/parties>

³ See the organization's website for the recommendation to Parliament: https://democracyindex.ge/uploads/rekomendacia_deputatebis_profilebis_sheqmnaze.pdf

- Questions sent by an MP and answers received;
- Questions sent and answers received through the interpellation;
- Opinions of an MP expressed about initiatives of other MPs – whether he or she supported or rejected them;
- Financial information about an MP (property declaration, expenses incurred by the Parliament, expenses incurred for the office of an MP; business trips and other expenses, including office-related expenditure);
- Complaints and letters of citizens received by an MP throughout a month;
- A brief account of important meetings held by an MP (excluding meetings with the population) – the matters discussed and the results achieved.

1.2. MPs’ response to complaints of citizens – The situation has not changed in this regard.⁴ As in previous sessions of the legislature, MPs did not analyze comprehensively and study systematic problems during either the fall or special sessions. The difference is only in the reduction of the number of submitted complaints.

According to the information received from the Parliament⁵ as of today, it has been revealed that in the previous reporting period a total of 8768 citizens sent complaints to MPs, and the number dropped to 5631 during the fall and extraordinary sessions 2020. Of these, the MPs of the ninth convocation received 4585 and the Parliament of the tenth convocation – 1046 letters. The main reason for the decrease is probably the boycott of the opposition, as no letter was sent to members of the opposition in the tenth convocation Parliament.

The letters sent by citizens to the MPs mainly concerned the following issues:

Issues	Total number of complaints/ letters	Percentage
Healthcare and social issues	1611	28.60%
Human rights protection	596	10.58%
Legal issues	963	17.10%
Requesting public information	40	0.71%
Education, science, culture, sports	64	1.14%
Environment, economics and infrastructure issues	113	2.00%
Requesting a meeting	61	1.08%
Replies to the letters sent by MPs *	1517	26.94%
Other issues	666	11.83%

* This figure includes both the letters sent by MPs to agencies concerning the complaints received from citizens as well as the letters sent on the personal initiative of MPs

4 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” “Democracy Index – Georgia”, Tbilisi, 2020, p. 12.

5 Letter №835/2-7/21 of February 3, 2021, by Eter Svianidze, the Head of the Organizational Department of the Parliament of Georgia

Like the results of the previous convocation, this time as well the Organizational Department of the Parliament, responsible for receiving and processing letters, does not have a software program that would separate the number of citizens' complaints sent by MPs to other agencies (when an MP transfers a statement to another agency) from those letters that are sent by MPs to other bodies at their own initiative (when, in response to a problem stated in a citizen's complaint, a parliamentary member independently requests information from another agency). Therefore, it is impossible to determine how many complaints submitted by citizens were forwarded to other bodies.⁶ Despite our efforts at the moment of elaborating this report, we were not able to learn about the above matter as the Parliament did not provide us with any specific answer.⁷

On a positive side, it must be noted that complaints of citizens are thematically categorized providing the following information – the main reason as to why citizens address to their representatives in the Parliament. In this regard, the statistics show that the most problematic matters for the population are healthcare, social and legal issues.

2. Committees

2.1. Committee sittings – The number of sittings held by the committees during the fall session 2020 further decreased. In October, during the pre-election month, only the Agrarian Issues Committee and Regional Policy and Self-Government Committee held the mandatory number of meetings as prescribed by the Rules of Procedure – at least 2 sittings per month.

In the month prior to the parliamentary elections 2020, when, plenary sessions of the Parliament are usually not held, the committees held a minimum or less than a minimum number of sittings.

Up until the new Parliament was convened in November, virtually no committee meetings had been held.⁸

The committees shown in the table below either did not hold at all or held fewer than two meetings as defined by the Rules of Procedure in the respective months():

6 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” “Democracy Index – Georgia”, Tbilisi, 2020, p. 14.

7 Letters N835/2-7/21 of February 3, 2021, and N1245/2/-7/21 of February 16, 2021, received from the Parliament of Georgia, also, the oral communication with the Organizational Department of the Parliament and the Chancellery.

8 According to Article 88(6) of the Rules of Procedure of the Parliament, no regular sessions of the Parliament of the previous convocation are held after the day of the new Parliamentary elections, and any special session, extraordinary session or extraordinary sitting is held only for the extraordinary session of the Constitution of Georgia, or in cases related to the issue of immunity of a Member of Parliament.

The number of sittings held by all committees by months can be distributed as follows:

Committees	September	October	November	December	January*
Agrarian Issues	4	2	0	3	0
Human Rights and Civil Integration	2	1	0	2	0
Education, Science and Culture	4	1	0	3	0
Environmental Protection and Natural Resources	5	1	0	2	1
Sector Economics and Economic Policy	2	1	0	5	2
Diaspora and Caucasus Issues	2	1	0	2	0
European integration	1	1	0	3	0
Defence and Security	2	1	0	3	0
Regional Policy and Self-Government	1	2	0	4	2
Foreign Relations	2	1	0	4	1
Procedural Issues and Rules	2	1	0	6	3
Budget and Finance	5	1	0	5	2
Sports and Youth Issues	2	1	0	2	2
Healthcare and Social Affairs	1	1	0	2	5
Legal issues	7	1	0	3	4

2.2. Overseeing the execution of laws – Unlike the previous sessions, where 5 committees exercised this power, in the given reporting period, according to the information provided, the committees failed to use the post-legislative oversight mechanism at all. However, compared to the previous session, the number of committees that did not forward information to us was reduced from 6 to 4: Education, Science and Culture Committee, Environmental Issue and Natural Resources Committee, Foreign Relations Committee, and Legal Issues Committee.

Of the remaining 11 committees, none of them exercised the oversight powers over the execution of laws: Agricultural Issues Committee, Human Rights and Civil Integration Committee, Sector Economics and Economic Policy Committee, Diaspora and Caucasus Issues Committee, European Integration Committee, Defence and Security Committee, Regional Policy and Self-Government Committee, Procedure and Rules Committee, Budget and Finance Committee, Sports and Youth Issues Committee, Healthcare and Social Affairs Committee.

Quite noteworthy is the reply of the Budget and Finance Committee, in which another power of the

* The period up until January 11, 2021, is meant.

Committee was named as the oversight over the implementation of the laws. In particular, the letter states that within the framework of supervising the implementation of normative acts, the Committee heard a “six-month report of the implementation of the state budget of Georgia 2020” and a report of the Government of Georgia “On implementing the state budget of Georgia 2020.” Furthermore, the Permanent Audit Service at the Budget and Finance Committee reviewed ten reports submitted by the State Audit Office.⁹ The above-named procedures according to the Rules of Procedure of the Parliament fall within the routine activities of the Budget and Finance Committee, which it can use to supervise the management of public funds.¹⁰ As for overseeing the implementation of laws – it is a separate procedure defined by the Rules of Procedure, pursuant to which the committees, on their own initiative, shall study the situation concerning the enforcement of various normative acts.¹¹ Consequently, the above hearings cannot be considered a part of the post-legislature scrutiny procedure.

Within the context of the acute issues, it is noteworthy to mention that the post-legislature oversight initiated in 2019 to examine how the procedure regarding access to medicines is implemented has not been carried out so far.¹²

More specifically, the Parliament of the Ninth Convocation in March 2019 launched a procedure entitled “The access to quality medicines in Georgia” to monitor the implementation of the law. The Healthcare and Social Affairs Committee intended to review the execution of the Law on Medicines and Pharmaceutical Activities.

A working group set up at the Healthcare Issues Committee was supposed to develop an approach that would strike a fair balance between the availability of medicines on the one hand and entrepreneurial freedom of the pharmaceutical business on the other. According to industry experts, European countries impose certain regulations on pharmaceutical activities in order to enable the states to fulfill their social obligations.

The last meeting of the working group was held in October 2019. Since then, at the moment of elaborating this report, more than a year has passed and only a draft version of the key findings and recommendations has been published on the Parliament’s website. The Parliament of the ninth convocation failed to develop a relevant policy document or legislative amendments that would address the problem relating to the availability of medicines.

2.3. Hearing the reports of accountable officials at committee sittings – None of the officials accountable submitted any activity reports to the committees in the reporting period.

9 Letter N994/2-7/21 of February 9, 2021, sent by Eter Svanidze, the Head of the Organizational Department of the Parliament of Georgia.

10 Pursuant to Article 141(2) of the Rules of Procedure of the Parliament, the Ministry of Finance shall submit a budget execution report to the Committee after each quarter, and as per Article 165(6), the permanent function of the standing audit team shall be reviewing the accounts of the Audit Office.

11 Article 38 of the Rules of Procedure of the Parliament

12 See also “The Parliament of the Ninth Convocation Failed to Solve the Problem of Access to Medicines, “Democracy Index – Georgia”, <https://bit.ly/3diFnfW> [13:59 16.02.2021]

2.4. Inspecting the activities of administrative bodies – The situation has not changed in this respect either. As in previous sessions, the committees have again failed to use the leverage. Consequently, the practice of employing the above-mentioned mechanism does not exist in the Parliament. The committees, like in the previous sessions, did not scrutinize the activities of any administrative body during the fall and extraordinary sessions 2020.

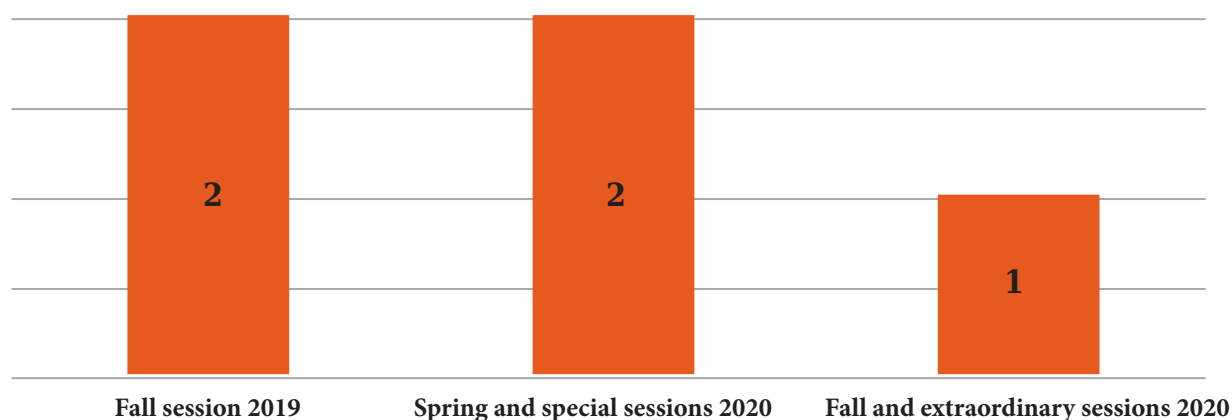
Unlike the previous session, the number of committees failing to provide us with information on the practice of inspecting the activities of administrative bodies decreased from 8 to 4. These are the Education, Science and Culture Committee, Environmental and Natural Resources Committee, Foreign Relations Committee, and Legal Issues Committee. It should be noted that the named committees (except for the Foreign Relations Committee) did not provide us with the information we requested for the purposes of the report of spring session 2020.¹³

The Sports and Youth Affairs Committee again failed to conduct the procedure for inspecting the activities of administrative bodies,¹⁴ which had been planned during the fall session 2019.¹⁵

2.5. Legislative initiatives proposed by committees – The situation has deteriorated in terms of presenting legislative initiatives by the committees. During the fall and extraordinary session 2020, only 1 committee did exercise the constitutional authority and presented a legislative initiative.

Out of 15 committees, 3 did not provide us with the information, namely: Education, Science and Culture Committee, Environmental and Natural Resources Committee, Sector Economics and Economic Policy Committee. It should be noted that among the named committees, the Education, Science and Culture Committee did not send to us the requested information needed for the report of the spring session 2020.¹⁶

Number of committees, according to the sessions, which have exercised the power to submit a draft law through a legislative initiative



13 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.56.

14 Letter N994/2-7/2 of February 9, 2021, sent by Eter Svanidze, the Head of the Organizational Department of the Parliament of Georgia.

15 For more details, see the Democracy Index Report of the Autumn Session of Georgia 2019, p. 54.

16 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.57.

The only committee proposing a legislative initiative was the Agrarian Issues Committee, the initiator of the draft law of Georgia “On Agro-tourism.”

11 of the 15 committees, as they informed us, did not present legislative initiatives, namely: Human Rights and Civil Integration Committee, Diaspora and Caucasus Issues Committee, European Integration Committee, Defence and Security Committee, Regional Policy and Self-Government Committee, Foreign Affairs and Self-Government Committee, Foreign Relations Committee, Procedural Issues and Rules Committee, Budget and Finance Committee, Sports and Youth Issues Committee, Healthcare and Social Affairs Committee, and Legal Issues Committee.

Noteworthy is the response provided by the Human Rights Issues Committee, noting that the chairperson of the Committee actively exercised his or her authority to propose a legislative initiative, while the Foreign Relations Committee referred to the draft resolution of the Parliament – “On Defining Foreign Policy,” declaring that it was initiated by the Committee, although according to the explanatory note, a Member of Parliament was the initiator.¹⁷ Georgian legislation envisages two independent bodies authorized to propose a legislative initiative – a Member of Parliament and a Parliamentary Committee.¹⁸ Consequently, the initiatives submitted by MPs cannot be deemed as exercising the mentioned power by the Committees.

2.6. Inviting accountable officials to committee sessions – Unlike the spring session 2020, the Committees did not exercise the authority during the fall session.

Out of 15 committees, 4 failed to provide us with the information, namely: Environmental and Natural Resources Committee, Sector Economics and Economic Policy Committee, Procedural Issues and Rules Committee, and Sports and Youth Issues Committee.

Of the remaining 11 committees, none of them summoned officials to the committee sittings on a mandatory basis: Agrarian Issues Committee, Human Rights and Civil Integration Committee, Education, Science and Culture Committee, Diaspora and Caucasus Issues Committee, European Integration Committee, Defence and Security Committee, Regional Policy and Self-Government Committee, Foreign Relations Committee, Budget and Finance Committee, Healthcare and Social Affairs Committee, and Legal Issues Committee.

It should be noted that the Foreign Relations Committee in its reply noted that Giorgi Kakauridze, Deputy Minister of Finance, attended the sittings on September 29, October 1, December 22, 2020, Giorgi Khaniashvili, Deputy Minister of Environment and Agriculture, was present at the December 22, 2020 sitting, and Davit Zalkaliani, Minister of Foreign Affairs, appeared before sitting of December 21.¹⁹

The sessions attended by the mentioned individuals discussed loan agreements, expressing confidence in the budget and government cabinet, while the compulsory attendance of officials at a com-

17 Letter N994/2-7/21 of February 9, 2021, sent by Eter Svianidze, the Head of the Organizational Department of the Parliament of Georgia and the explanatory note to the Draft Resolution of the Parliament of Georgia “On Foreign Policy of Georgia,” p.4. <https://bit.ly/384dQLw> [15:22 02.03.2021]

18 See Article 45(1) of the Constitution of Georgia and Article 99(2) of the Rules of Procedure of the Parliament.

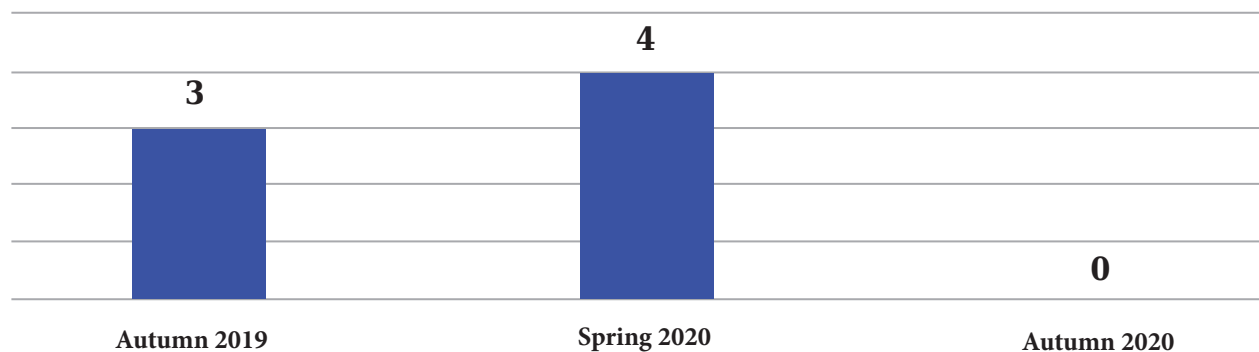
19 Letter N1019/2-7/21 of February 9, 2021, sent by Eter Svianidze, the Head of the Organizational Department of the Parliament of Georgia

mittee session is a completely different procedure – a parliamentary majority, faction or committee may invite accountable officials on their own initiative, yet this is not stipulated in the Rules of Procedure.²⁰ Accordingly, the sittings referred to by the Committee cannot be deemed as a part of the mandatory procedure for summoning officials to committee meetings.

2.7. Action plans and reports of the committees – The committees are required to approve an action plan prior to the launch of each spring session and present a report of their activities to the public. As far as the committees currently do not have the obligation to submit the information,²¹ we cannot assess the progress of their activities in this respect. As to the previous sessions, in 2020 the situation improved compared to 2019.²²

2.8. Thematic inquiries – Comparing to the previous sessions, the statistics concerning the commencement by committees of thematic inquiries have significantly deteriorated. During the 2020 fall and extraordinary session of the Parliament of Georgia, none of the 13 committees that provided us with information initiated a thematic inquiry.

**The number committees that initiated thematic research,
according to sessions**



The two committees that did not forward the information we requested are the Sector Economics and Economic Policy Committee and Procedural Issues and Rules Committee.

It is noteworthy that out of 6 thematic inquiries launched by 4 committees during the spring session 2020, the 3 were initiated by the Education, Science and Culture Committee, which completed most of the work during the fall session: examining the situation concerning the art education outside the school and in general education institutions; access to quality vocational education tailored to the needs of regions; equal access to quality pre-school education for all children.

During the period in between the sessions (spring and fall sessions 2020), 3 committees completed

20 Article 40 of the Rules of Procedure of the Parliament

21 The data have been processed based on the information provided on the website – as of January 12, 2021,

22 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.59.

their work on thematic inquiries: Environmental and Natural Resources Committee – on assessing lead pollution in Georgia; Sports and Youth Issues Committee – on increasing the level of physical and sports activity of the population of Georgia, and European Integration Committee – on the challenges that small and medium-sized businesses are facing in the EU market.

Hereby it should be noted that the thematic investigation into the periodic technical inspections of vehicles, which was started during the autumn session 2019, has not yet been completed -by the European Integration Committee and the Sector Economics and Economic Policy Committee – and is therefore delayed in violation of the timeframes.

In addition to the statistics, the organization has also analyzed 5 completed thematic research²³ based on the following criteria:²⁴ a) whether the inquiry plan and schedule were defined; b) the involvement of stakeholders and the opposition in the research process; c) how effective the parliamentary oversight of the executive was concerning the implementation of the recommendations issued by the Parliament in response to the problems identified by the inquiries. The aim of examining thematic inquiries was not to investigate the contextual side of problems.

- a) The plan and schedule for conducting the thematic inquiry in accordance with the established procedure were provided in 2 cases.²⁵ In the remaining 3 cases, the plan was developed, but the work schedule was not.²⁶

In 3 cases, the thematic inquiries were conducted in violation of the timeframes set by the Rules of Procedure, and in 2 cases – in full compliance with the deadlines, in particular, the thematic investigations conducted by the Human Rights and Civil Integration Committee and the Permanent Parliamentary Council on Open Governance were conducted within the timeframes. The rest of the above-mentioned inquiries were conducted in violation of the timeframes.

It is also worth mentioning that the breach of timeframes is encouraged by the legislation itself, as for the moment when the mentioned inquiries were being conducted, the Rules of Procedure envisaged an unrealistically short period for the completion of research, which has been evidenced by the practice, namely – 2 months, with merely a one-month extension possible and in exceptional cases with a total of 3 months. The shortcoming has been rectified for the time being and the term has been increased to 3 months that can be extended for 1 month 3 times, i.e. in total – for 6 months.

23 The Sector Economics and Economic Policy Committee – A thematic inquiry into the effectiveness of the management of state-owned enterprises; Human Rights and Civil Integration Issues Committee – A thematic inquiry into the provision of health services to women with disabilities; Environmental and Natural Resources Issues Committee – A thematic inquiry into the air condition in Tbilisi; Foreign Relations Committee – A thematic inquiry into disinformation and propaganda; Permanent Parliamentary Council on Open Governance – A thematic inquiry into the tools and practices of civic engagement in state agencies.

24 The observations were made based on the information posted on the official website of the Parliament and the materials requested in the form of public information.

25 By the Foreign Relations Committee on disinformation and propaganda issues and Permanent Parliamentary Council on Open Governance concerning tools and practices of civic engagement in state agencies.

26 The Sector Economics and Economic Policy Committee – A thematic inquiry into the effectiveness of the management of state-owned enterprises; Human Rights and Civil Integration Issues Committee – A thematic inquiry into the provision of health services to women with disabilities; Environmental and Natural Resources Issue Committee – A thematic inquiry into the air condition in Tbilisi;

- b) The given study has revealed that the participation of the civil society and field experts was ensured in all investigations as they had specific timeframes within which they could present their opinions and specific information in writing, which was available to everyone. The above actors did also have the opportunity to fully participate in oral discussions. As for representatives of the opposition, they were involved in all thematic inquiries.
- c) The control of the executive over the implementation of the issued recommendations was not effective, as the following shortcomings were identified:
 - The output indicators showing the implementation of the recommendations were not clearly indicated in any of the cases, in particular, the parliamentary bodies – the committees and the Standing Council – did not specify in their recommendations what output ought to have been achieved by a target agency upon the implementation of a specific recommendation so that the committee or Council could deem the recommendation fulfilled for the purposes of the thematic inquiry.
 - It has been identified that the implementation of the recommendations is not monitored by the Parliament, which is directly encouraged by the legislation; in particular, according to the Rules of Procedure of the Parliament, recommendations developed upon the completion of a thematic inquiry shall be submitted to respective agencies and published on the website of the Parliament. However, the periodicity of the submission of reports on the implementation of recommendations to the committees, and subsequently, delivering a resolution or ordinance by Parliament confirming the implementation thereof is not envisaged. The absence of the summarizing mechanism deprives the thematic inquiry of its practical significance, of an oversight function.
 - During the elaboration of the recommendations, there were also cases when, despite the identification of a problem, no recommendation was developed directly for its elimination. In particular, a thematic investigation conducted by the Sector Economics and Economic Policy Committee regarding the effectiveness of the management of state-owned enterprises revealed a legislative gap, however, the Committee did not prepare any recommendations for the elaboration of any legislative initiatives.
 - **A body responsible for the implementation of recommendations was not identified, for example, the thematic investigation conducted by the Sector Economics and Economic Policy Committee regarding the effectiveness of the management of state-owned enterprises provided a recommendation** – to reform state-owned enterprises and to submit a report on the implementation of the recommendation prepared by the research team until the end of 2020–yet it did not determine a person responsible for doing this.
 - A number of the recommendations note that the information on the progress of the implementation of the recommendation should be submitted to the committee, however, the same information cannot be found on the Parliament website, and on the other hand – despite requesting the public information, Parliament did not forward to us the information on whether the committees requested or received reports about the progress of this and other recommendations.²⁷

2.9. Examining the judicial caselaw – The committees, like in the previous sessions, do not study the judicial caselaw in practice. Therefore, they do not have information as to how the court

²⁷ Letter N03-006-2020 to the Parliament of Georgia

interprets the norms deliberated and approved as laws by the Parliament and what is the impact of the legal norms on social relations.

Unlike the previous session, the number of committees that did not provide us with the requested information on the scrutiny of the judicial practice has decreased from 8 to 4. These are the Education, Science and Culture Committee, the Environment and Natural Resources Committee, the Foreign Relations Committee, and the Legal Issues Committee.

It should be noted that the named committees (other than the Foreign Relations Committee) did not provide us with the information we requested for the report of the spring session 2020 concerning the above matter.²⁸

2.10. Inspecting the compliance of normative acts with the legislation – Like the previous sessions, the committees do not pursue the practice. Consequently, this important lever of oversight conferred upon the committees by the Rules of Procedure is not exploited at all in practice.

Unlike the previous session, the number of committees that did not provide us with information on whether they conducted any studies on the compliance of normative acts with the legislation has decreased from 8 to 4. These are the Education, Science and Culture Committee, the Environment and Natural Resources Committee, Foreign Relations Committee, and Legal Issues Committee.

It should be noted that the named committees (other than the Foreign Relations Committee) did not provide us with the information we requested for the report of the spring session 2020 concerning the above matter.²⁹

2.11. Exercising the oversight powers over the execution of tasks defined by the transitional provisions of the normative acts of the Parliament for the institutions of the executive branch within the established timeframes – A positive trend has been observed in terms of exercising the mentioned power by the committees. Unlike the previous session, the named mechanism was used by 9 committees instead of 6.³⁰

The inspection of the timely implementation of the obligations envisaged by transitional provisions of the normative acts approved by the Parliament for the executive branch is important in order for a normative act or law adopted by the Parliament to acquire validity and to be able to smoothly govern the relations which the normative act or law of the Parliament intends to regulate.

The information was not provided by 3 committees out of 15, namely: The Legal Issues Committee, Foreign Relations Committee, and Education, Science and Culture Committee. The Education, Science and Culture Committee and Legal Issues Committee did not provide the information for the spring session 2020 report either.³¹

Out of the remaining 12 committees, 9 inspected the implementation of the tasks defined by the transitional provisions of normative acts adopted by the Parliament for the executive branch within the established period, namely: Agrarian Issues Committee, Human Rights and Civil Integration

28 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.60.

29 Ibid.

30 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.62.

31 Ibid.

Committee, Environment and Natural Resources Committee, Sector Economics and Economy Policy Committee, Defence and Security Committee, Regional Policy and Self-Government Committee, Procedural Issues and Rules Committee, Budget and Finance Committee, Healthcare and Social Issues Committee.

From the above 9 committees:

- One of the key roles of 1 committee – the Committee on Procedural Issues and Rules – is to control the fulfillment of the tasks defined for the executive authorities by the transitional provisions of the Parliamentary normative acts within the established timeframes.³²
- The other 8 committees used the above powers on their own initiative in a number of cases, which should be highly appreciated.

3. Parliament

3.1. Legislative achievements of the Parliament – The **adoption** of two normative acts during the **autumn and extraordinary sessions 2020** and the reduction in the number of considerations of bills in an unreasonably accelerated manner can be deemed the **achievements of the Parliament**.

*3.1.1. The amendments to the Labor Code in the third reading increase guarantees for the protection of employee rights.*³³

The amendments aim at the approximation to the EU Directives set out in the Association Agenda and in the standards of the International Labor Organization conventions, and effectively respond to challenges existent in the Georgian labor market to improve the protection of labor rights in the country. The amendments have regulated the break time and rest periods; improved the legal framework for the protection of employees against labor discrimination; defined the notion of reasonable accommodation for employees with disabilities; introduced new provisions on the fixed working hours; guaranteed the overtime remuneration; regulated internships; and most importantly – increased the authority of the Labor Inspector by granting the latter the power to comprehensively monitor the labor rights.³⁴

The process of discussing the bill clearly showed that the MPs were not able to reach the consensus, the harmonization with the EU legislation was threatened, and the adoption of the law was delayed.³⁵ Nevertheless, the Parliament of the ninth convocation, due to the pressure from NGOs and the public, approved by 86 votes during the autumn session the draft law aimed at improving the fundamental rights of workers. Although the important provisions were removed from the original version, the approved changes can be viewed as a significant achievement of the Parliament and a fundamental step towards harmonization with the EU legislation.

32 Article 2, paragraph 2, subparagraph “c” of the Statute of the Procedural Issues and Rules Committee.

33 A legislative package of amendments to the “Labor Code,” N7177-Ib, 29/09/2020, – <https://bit.ly/2WP4I83> [14.01.2021 19:12]

34 For more details on the process and content of the legislative changes that took place during the first and second hearings, see “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, P. 18

35 “NGOs Indicate Labor Reform being under Threat,” <https://emc.org.ge/ka/products/shromis-reforma-safrtkhesia> [14.01.2021 19:23]

3.1.2. *The resolution of the Parliament of Georgia “On Foreign Policy of Georgia” can be named among the achievements of the Parliament of the tenth convocation, as it states the goal of the government – to apply for the EU membership in 2024, yet the announcement of the goal alone cannot be seen as a practical and tangible achievement but merely declaratory if not followed by specific steps, which can be assessed only in the future.*³⁶

The resolution covers the issues that cannot be deemed a novelty. All points are based on the issues agreed upon over the years in Georgia. The resolution declares about the strategic readiness for NATO membership, communication with Russia for de-occupation; however, it is important that in the latter case, the government has announced its goal – to apply for the EU membership in 2024.

The ambitious goals indicated in the document, specifically to apply for the EU membership within the set time period, are the genuine aspiration of the Georgian people. It will be certainly difficult to achieve the goals unless the opposition is actually and sufficiently represented in the Parliament to discuss the challenges and to urge the government to tackle them, yet the content of the document itself is the success of the higher representative body since it is a clear-cut message regarding the foreign orientation and aspirations of the nation.

3.1.3. *Unreasonably expedited consideration of bills considerably decreased in contrast to the previous session.*

During the autumn and extraordinary sessions (from September to the first half of January), 50 draft laws were submitted to the Parliament. In 15 of them, an expedited review was requested, 13 of which were granted. Of these, 10 were initiated by Members of Parliament and 3 by the government. The data in this regard have proportionally decreased compared to the previous session, as a total of 25 bills were registered in the previous session, and in almost half of them – 12 cases – an expedited review was requested, which was upheld in all cases.

At the session under question, out of 13 satisfied cases, only 2 requests for the expedited consideration were unsubstantiated, where the significance and scale of the issue to be regulated by the draft law were referred to as the ground. This cannot be deemed an adequate basis for the acceleration as it serves as a precondition for the approval of any normative act. The data in this respect have improved in contrast to the previous period, where 8 out of 12 granted requests were unsubstantiated.

In comparison to the previous reporting period, the practice has improved significantly in this connection. If the initiators requested speedy consideration of almost half of the bills submitted during the spring and special sessions 2020, the number has decreased in the current reporting period.³⁷ Furthermore, the number of bills whose initiators inadequately substantiated the need for the hasty review has also decreased.³⁸

36 Resolution of the Parliament of Georgia “On the Foreign Policy of Georgia,” 32-იერს-ჯგ, 25/12/2020 – <https://info.parliament.ge/#law-drafting/21104> [18.01.2021 18:01]

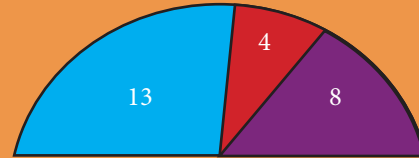
37 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.22-23.

38 The deficiencies that accompanied the expedited review of bills are analyzed in the chapter “Shortcomings of the Parliament” of this report.

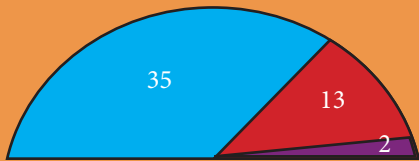
TREND TO REQUESTING ACCELERATED CONSIDERATIONS

From May 22 to June 30, 2020

Without accelerated procedure	13
Substantiated acceleration	4
Unsubstantiated acceleration	8



From September 1, 2020 to January 11, 2021



Without accelerated procedure	35
Substantiated acceleration	13
Unsubstantiated acceleration	2

3.2. Shortcomings in the law-making process – The legislative activity of the Parliament was accompanied by certain deficiencies that in many cases were expressed in groundlessly expedited legislative procedures. Besides, the important recommendations/opinions of major international or local organizations were largely ignored by the Parliament.

3.2.1. The amendments to the Organic Law “On Common Courts” concerning the standards of substantiation and appealing of decisions rendered by the High Council of Justice at the stage of selecting judiciary do not comply with the recommendations provided by local and international organizations and are largely flawed.

On September 4, 2020, a draft law on amendments to the Organic Law of Georgia “On Common Courts” was initiated, introducing the same standards of substantiation and appealing of decisions rendered by the Council at the stage of selection of judges for the Supreme Court as those already existing for other instances.³⁹

The presented initiative was negatively assessed by public organizations,⁴⁰ indicating that it did not comply with the recommendations of international and non-governmental organizations and failed

³⁹ A package of amendments to the Organic Law of Georgia on Common Courts, 7205-Ilb, 30/09/2020 – - <https://info.parliament.ge/#law-drafting/20825> [19.01.2021 17:47]

⁴⁰ Assessment of the Independent Lawyers Group on Amendments to the Organic Law on Common Courts – - https://democracyindex.ge/ge/news/read/55/damoukidebeli-iuristebis-jgufis-mosazreba-saerto-sasamartloebis-shesaxe-b-kanonshi-shesatan-cvlilebebze?fbclid=IwAR27iFTmLgGa2_8Nlfzx1NBksyYvgY2w3LJwuugG4PI-aw4Cjb2-veRGtWE [19.01.2021 19:01]

to meet the goals for which it was initiated. It is well known that substantiating a decision means explaining the grounds behind the decision.

Although the adopted amendments have introduced the requirement to deliver a reasoned decision, the latter is still limited to the general description of candidates and procedure, which renders the whole process a mere formality. Even if the Secretary of the High Council of Justice had an obligation to fully justify decisions, it is obscure how he or she could substantiate a decision delivered through a secret ballot when it remains unknown who supports the decision and for what reason.

3.2.2. The current draft law on reducing funding and abolishing free airtime allocated to political parties during an election campaign substantially undermines the principles of democratic governance, and its adoption will be a step backward.

As per the package of amendments,⁴¹ a political party shall no longer be awarded funding from the state budget unless it exercises its parliamentary mandates or at least half of the parliamentary seats allotted to it; moreover, a party that will be cut off from budget funding will not be able to enjoy free airtime during an election campaign.⁴²

However, according to the provisions of the current law, funds are allocated annually from the state budget of Georgia to financially support the activities of political parties and to promote a pluralistic political environment. In order for financially weak political parties to be competitive, capable, and maintain intra-party democracy, the state must finance them. According to the applicable law, allocation of funds is not related to parliamentary activities but rather is aimed at financially assisting the activities of parties and therefore, the development of the party diversity. This explains why political parties enjoying voter support are budget-funded, regardless of whether or not they win parliamentary seats.

Free airtime allocated during an election campaign can be exercised under the current legislation by those political parties that enjoy the trust of voters (4%) according to the results of public opinion polls. Thus, the legislation in this part as well does not restrict political competition merely based on the extent of representation in the parliament. It relies solely on the will of the voters.

A representative of a certain political party in the Parliament may not hold substantial political power, yet the party should be able to carry out active political activities outside the Parliament to protect the interests of its voters instead of trying to protect the interests of the voters in the representative body through parliamentary mechanisms.

It is the broad understanding of the political party's constitutional-legal function that underlies the existing rule of funding and allocating free airtime in the election campaigns, which depends

41 With the bill, the amendments are introduced to the Law of Georgia “On Political Union of Citizens,” the “Election Code” and the Rules of Procedure of the Parliament: The amendments package to the Organic Law of Georgia “On Political Union of Citizens,” 23/12/2020, 07-3/5/10 – <https://info.parliament.ge/#law-drafting/21127> ; The amendments package to the Election Code, 23/12/2020, 07-3/5/10 – <https://info.parliament.ge/#law-drafting/21130>; The amendments package to the Rules of Procedure of the Parliament, 23/12/2020, 07-3/5/10 - <https://info.parliament.ge/#law-drafting/21131>

42 The amendments to the Election Code concerning the airtime allocation rule, 23/12/2020, 07-3/5/10 – <https://info.parliament.ge/#law-drafting/21129>

not on the individual parliamentary activities and merits of MPs, but on the number of votes the parties can win.

A widely employed criterion for the allocation of state funds to political parties in EU countries is based on the number of votes received by parties in the elections and not on the activities of specific MPs nominated by the parties.⁴³

In this context, it is also noteworthy that according to the Constitution of Georgia, “a member of the Parliament of Georgia is a representative of all Georgia, enjoys a free mandate and may not be recalled.” Accordingly, the Constitution of Georgia does not allow a political party to recall a member of parliament nominated by itself or replace him or her with another member of the party. Consequently, as long as the party does not have any mechanism of influence over its parliamentary representatives, the political value of the party cannot be determined by the activities carried out by a member of the party. In this sense, the initiated amendment can be viewed as the punishment of the political party for any decisions made by a member that the party has nominated into the Parliament, does not facilitate the party pluralism, and unconstitutionally narrows the constitutional-legal role of the political party merely to the parliamentary framework.

*3.2.3. The involvement of the public in the adoption of the Amnesty Law was not ensured, and the grounds for the adoption were vague – why delivering right after the election.*⁴⁴

Initially, NGOs and the public were given the opportunity to participate in the discussion of the bill, yet to do the same became impossible during the third reading. It was necessary to allow the civil society to participate, especially that the Parliament passed the law without the participation of the opposition.

The public developed some doubts as to why the amnesty was placed on the agenda after the elections. In particular, politicians expressed suspicions that it may have served to gain votes in the elections by fulfilling a promise given in advance to the families and relatives of prisoners.⁴⁵

*3.2.4. The amendments to the Law of Georgia “On the Rules for Georgian Citizens Exiting and Entering Georgia” do not offer a sufficient and effective remedy for the restoration of the violated right to free movement.*⁴⁶

According to the amendments, it is at the discretion of the Minister of Internal Affairs to determine the terms and conditions of crossing the state border of Georgia by a citizen of Georgia wishing to travel to the EU/Schengen zone, as well as it is the Minister of Internal Affairs of Georgia who can

43 The political party funding rules in EU countries – [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519217/IPOL_STU\(2015\)519217_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/519217/IPOL_STU(2015)519217_EN.pdf) [19.01.2021 18:59]

44 Law of Georgia on Amnesty, 88-იI66-X83, 11/01/2021 -<https://info.parliament.ge/#law-drafting/21107> [14.01.2021 19:45]

45 “The Parliament passed the law on amnesty,” 11/01/2021 – https://netgazeti.ge/news/511557/?fbclid=IwAR2wOXrPkmdI_FT20qh5AaNZy7ahGAoZRfwgtpVEbSIjtFDWbyLr4h2xteM; “Tribute paid to criminals – opposition on the amnesty bill” – https://mtavari.tv/news/28482-kriminaliebistvis-gadakhdili-kharki-opozitsia?fbclid=IwAR2x8ivTQzMkOABvfXX_ws9iXJ4r_PKQwDyEcfC0U34orIq7TgMH3Ejl4

46 Amendments to the Law of Georgia on the Rules of Georgian Citizens Exiting and Entering Georgia, 07-2/531/9 <https://info.parliament.ge/#law-drafting/21011>

determine the terms and procedure for appealing and reviewing any complaints by a superior administrative body/official concerning any refusal to cross the country's border.

The adopted law, despite its legitimate goals, contradicts the principles of law, insofar as it does not offer the citizen sufficient and effective remedies to restore the violated right to free movement, therefore, it carries the risk of disproportionate restriction of the rights of Georgian citizens.

The regulation goes beyond the scope of delegation authority of the Parliament, allowing the Minister of Internal Affairs the discretion to introduce a provision in the form of a normative act for the consideration of an administrative complaint, which differs from the General Administrative Code. According to Article 8 of the Law "On Normative Acts," an administrative law may be determined only by a legislative act.

A wide discretion of this magnitude in the hands of the executive government poses a threat that if citizens of Georgia wishing to leave the country are refused to do so, they will not be able to protect their infringed rights in a timely and effective manner.⁴⁷

3.2.5. As per the amendments to the Law "On Public Healthcare," the Parliament has extended the power of the government to impose restrictions independently by evading the Parliament. The Parliament thus refused to perform its functions and conferred the management of the pandemic entirely upon the government.⁴⁸

The Parliament of Georgia has extended for a further six months the validity of the part of the Law "On Public Healthcare" that delegates broad powers of regulating and restricting a number of major human rights to the government without parliamentary oversight. The regulation diminishes the role of Parliament in terms of managing the pandemic.

It is indisputable that immediate decisions are needed to combat the pandemic and adequate time management is crucial; therefore, the Parliament is entitled to pass a bill in an expedited manner, if required; furthermore, through a simplified procedure, in one reading, the government, according to the Law "On Normative Acts," can urgently approve a regulation that will then pass through the parliamentary discussions in the form of a legislative act.

Under the current law, the government has been granted the power to restrict fundamental human rights on a large scale,⁴⁹ yet the Constitution allows the possibility to restrict the rights based on a decision of the Parliament and not the Government.

The imposition of restrictions by the government, rather than through the legislative procedure, is obscure and raises many unanswered questions in the public about the necessity and effectiveness of such restrictions. Delegating broad and uncontrolled powers increases the risks of arbitrariness and abuse of power by the executive.

47 "Democracy Index – Georgia assesses the planned amendments to the Law on the Rules of Georgian Citizens Exiting and Entering Georgia" – https://democracyindex.ge/ge/news/read/52/-sakanonmdeblo-iniciativa-araproporciulad-zgudavs-saqartvelos-moqalaqis-saqartvelodan-gasvlis-uflebas?fbclid=IwAR1VVhLj8aPk3clCtkQ_cw9Q3G30uoPpzLDRy4HxPlvc5GBrRf-2VeWyPc

48 Amendments to the Law on Public Health, N37-II66-X83, 29/12/2020 – https://info.parliament.ge/file/1/BillReviewContent/266426?fbclid=IwAR28qQ0E-KQUAMUeYPKypDt8C46qZsg1vVBra-636pmOS7ueVbfTlY_eyhM

49 Freedom of movement, ownership, freedom of labor, professional or economic activity

Similar to the Parliament of the ninth convocation, the newly-elected Parliament refused to perform its functions and entrusted the government with the entire management of the pandemic. This approach gives us the ground to assess the activities of the Parliament as flawed.

3.2.6. *The Parliament skipped the stage of sectoral consideration of the draft law “On the state budget” and considered it in violation of the timeframes. This substantial shortcoming is caused by disorderly legislation.*

The procedures of the first stage of the budget discussion were launched by the Parliament of the ninth convocation in the pre-election period. Due to the elections, the timeframes allocated for the reviews were violated. Besides, the Parliament of the tenth convocation skipped the second stage of deliberating the draft budget and started it from the third stage.

In the current deadlock situation, in order for the discussion of the draft budget to have been comprehensive, the government ought to have presented a revised version of the draft budget, after which the Parliament should have resumed the discussion of the revised draft budget not from the final stage, but from the second stage. This was important as the newly-convened Parliament would have an opportunity to conduct a sectoral review of the bill. Achieving this however was impossible by holding only the remaining third stage, as it envisages a single discussion by the Budget and Finance Committee and then the approval at a plenary session.

“Democracy Index – Georgia” had been urging the Parliament to rectify the above deficiency before the authority of the Parliament was recognized.⁵⁰ Nevertheless, the budget review was held with significant flaws.

It should be noted that the above shortcoming is promoted by the legislation itself. In particular, the parliamentary elections in Georgia are held once every four years, on the last Saturday of October. This period coincides exactly with the timeframes determined for reviewing the state budget.⁵¹ Every four years, the Parliament starts discussing the budget, then elections are held and the work of the fall session is hindered, which impedes the procedure of reviewing the budget in accordance with the law. Moreover, after the election of the new Parliament, no regular sessions of the previous Parliament are held. The legislation does not provide for the possibility of adjusting the existing general rule to discuss a budget, in other words, every four years the budget review confronts a crisis. On the one hand, the existing Parliament cannot convene and on the other hand, the recognition of the newly-elected Parliament is a lengthy process, which inevitably leads to the violation of the norms

50 “Democracy Index – Georgia” releases statement regarding the discussion of the draft budget”- <https://democracyindex.ge/ge/news/read/66/parlamenti-unda-daubrundes-2021-wlis-saxelmwifo-biujetis-proeqtis-meore-etapis-ganxilvas> [21.01.2021 14:56]

51 The Government of Georgia shall submit the draft state budget law to the Parliament no later than October 1. The Parliamentary Budget and Finance Committee shall submit the final report to the Speaker of the Parliament no later than October 20. The Government of Georgia shall submit the revised versions of the document of state budget law with basic data and directions of the country to the Parliament for consideration no later than November 5. Once the conclusion by the Budget and Finance Committee is submitted to the Speaker of the Parliament and the Bureau of the Parliament, the Parliament shall review the draft state budget law at the plenary session, but no later than 18 November. If the Parliament fails to adopt the state budget law no later than the third Friday of December, the same version of the draft state budget law or the revised draft with the participation of the Georgian Government and the Parliamentary Committee on Budget and Finance can be re-voted within 10 days, but no later than December 31.

established under the Rules of Procedure for the budget review. Interestingly, despite the recurrence of the “legislative impasse,” none of the convocation Parliament has ever attempted to fix the above-mentioned legislative loopholes.

A solution to the problem can be moving the beginning of the budget year to spring. If the financial year is shifted to April 1 – March 31 period, the effective consideration of the budget will not be hindered, regardless of the election year. This practice exists in many developed countries (Canada, Japan, New Zealand, UK, and India⁵²)

It is important that the election period must not interfere with the effective implementation of parliamentary activities. This necessitates certain legislative amendments to minimize risks. Changing the date of elections is a relatively difficult task, as it requires constitutional amendments, whereas shifting the financial year to the beginning of spring regardless of the election year can ensure that the budget will be reviewed adequately.

3.2.7. The engagement of stakeholders in the legislative process in a number of cases was hindered as the bills to be reviewed in an accelerated manner were not published. In none of the cases, the need for acceleration was substantiated.

A draft law “On Amendments to the Code on Local Self-Governance”⁵³ was submitted to the committee for consideration without its publication.⁵⁴ It is clear that such shortcomings make it impossible for civil society and stakeholders to be involved in the legislative process and are even more problematic when the opposition is virtually unrepresented in the Parliament. This leaves literally no room for public debates and disputes, which violates the principle of publicity and threatens democracy in the country.

Although the consideration of groundlessly accelerated draft laws has statistically decreased, the Bureau of the Parliament does not still substantiate the reasonableness of each accelerated deliberation, as in the previous session.⁵⁵

For example, the Parliament did not explain the necessity to speed up the consideration of such an important bill as the package of legislative amendments on the reduction of funding and the abolition of free airtime to political parties during an election campaign.⁵⁶ Moreover, the fact that there was no reason to hurry up the process was confirmed by the following actions of the Parliament: the discussion in the second reading was postponed. The Bureau was requested by the leading committee to adjourn the procedure as they needed time for thorough preparation, while the Speaker of the Parliament declared that the Parliament asked the Venice Commission to evaluate the bill and once

52 The countries where the financial year starts in the spring <https://www.goodreturns.in/classroom/2017/04/which-countries-follow-april-march-as-financial-year/articlecontent-pf8062-565916.html> [09.03.2021 13:24]

53 The draft Law on Amendments to the Organic Law of Georgia on the Local Self-Government,” 07-3/9/10, 23/12/2020 – <https://info.parliament.ge/#law-drafting/21175>

54 For the video confirming the above, please see – <https://www.youtube.com/watch?fbclid=IwAR2TjyUgR53Wy5y5wsbrUW86XeQFSUtLfd9b6TMus9I06hkrYHKOmedGaFM&v=kESzBPE5ZfY&feature=youtu.be>

55 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, 2020, p.23

56 Supra, 41.

the position of the Commission was available, the second reading would be resumed.⁵⁷ It is clear that there was no real ground for the haste, otherwise, the opinion of the Venice Commission would not have been sought and waited for by the Parliament if any emergency genuinely existed.

Accelerated consideration of a bill in a democratic country is usually a limited opportunity and can be used as a last resort mechanism for urgent necessities, without which a specific delay in the area to be regulated may cause specific harm.⁵⁸ Insofar as the accelerated procedure means forcing the consideration of a legislative bill, this can surely impede the full involvement of both Members of Parliament and other stakeholders in the process and certainly affect the quality of the bill. This has been confirmed by the Venice Commission in its opinion on the relationship between the Parliamentary Majority and the Opposition.⁵⁹ Thus, the accelerated procedure must be used only in emergencies, and the Rules of Procedure of the Parliament must define clear criteria and, consequently, an obligation to substantiate any decision approving the accelerated procedure.⁶⁰

From the aforesaid, it is apparent that the vicious practice is promoted by both the unregulated legislative basis and non-uniform approach of the Bureau. The Rules of Procedure do not provide the grounds in the existence of which it would be permissible to review a draft law in an accelerated manner, nor do they set any criteria for decision-makers to adequately assess the matter.

3.3. The role of the civil society in the work of the Parliament – Unlike the previous session, the Parliament took into consideration the views of the civil society in its legislative activity during the session under question. However, a new flawed trend has emerged – a closed-door format of committee activities that excludes the participation of the civil society. Furthermore, the situation regarding the involvement of the public in the legislative activity has not changed – the Parliament practically does not allow the stakeholders to participate in the law-making process, which is expressed in the Parliament completely neglecting the submitted legislative proposals.

3.3.1. The situation in terms of taking into account the opinions of civil society in the legislative process has improved, as there have been cases where the Parliament considered their views. However, there are still occasions where the civil position remains unaccounted for.

During the discussion of the package of amendments to the above-mentioned Labor Code, the lack of consensus among the MPs was apparent, which necessitated the significant involvement and pressure from NGOs and the public so that the country could take a fundamental step towards the harmonization with the EU legislation. The Human Rights Education and Monitoring Center, the Georgian Young Lawyers' Association, the Open Society Georgia Foundation and Green Alternative sent a joint letter to the Parliament expressing extreme concern over the possible removal of fundamental provisions from the labor reform and appealed to the international community.⁶¹ Ultimately, in the

57 The statement posted on the Twitter account of the Venice Commission, 18/01/2021- <https://twitter.com/VeniceComm/status/1351202070716674055>

58 Supra, 55

59 Venice Commission, Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist, paras. 74-76. 24 June, 2019.

60 The assessment of the legislative process in Georgia, OSCE/ODIHR and Human Rights Bureau, 2015, p.14;

61 A joint letter of non-governmental organizations, <https://emc.org.ge/ka/products/shromis-reforma-safrtkhesia> [07.03.2021 22:05]

fall session, the Parliament supported the amendment to the Labor Code, which can be deemed a welcoming step.

The Georgian Young Lawyers' Association submitted a report to the Parliament on the amendment to the Law "On Political Associations of Citizens." Depriving political parties of state funding as per the initiated bill was perceived by the GYLA as an arbitrary punishment imposed by the government on the opposition.⁶² The bill was sent to the Venice Commission for consideration; therefore, the approval process was suspended, which is a positive fact.

According to the NGOs, the Parliament, by extending the powers conferred on the Government as per the law "On Public Healthcare," refused to perform its duties.⁶³ Despite many calls, the Parliament ignored them and prolonged the operation of the law for another six months in December 2020.

3.3.2. The Parliament is establishing a trend to discussing important issues with members of the executive power behind closed doors. This contradicts the principles of openness and transparency of the Parliament.

By following the above practice, the parliamentary majority avoids disclosing during public hearings the shortcomings and challenges that various branches of the executive power are facing. The four important issues were discussed with the executive branch at a closed meeting in Parliament, which certainly ruled out the public involvement.⁶⁴

According to the Venice Commission, the Parliament must not create any special procedures or temporary committees in order to avoid the standard legislative process and the consideration of bills by existing standing committees. The same norms apply to the oversight power of the Parliament and its committees.

Therefore, the impression is created that the committees are avoiding public discussion of the issues on the agenda and public hearings of state officials. The monitoring of the parliamentary activities has shown that reviewing the issues on the agenda of the committees in closed meetings is detrimental to the discussions of the same issues in the public sittings of relevant committees. On several occasions, a committee did not enter into an in-depth discussion of a specific issue, failed to answer the questions posed indicating that the same issues had already been discussed at a closed-door working meeting of the committee.

62 GYLA on the financing of political parties, <https://gyla.ge/ge/post/saia-azrit-politikuri-protetis-gamo-partiebist-vis-sakhelmtsifo-dafinansebis-shetsyvetis-mizani-opoziciis-dasjaa#sthash.xZRz53aD.dpbs> [07.03.2021 22:19]

63 Statement of "Democracy Index- Georgia," <https://democracyindex.ge/ge/news/read/70/saqartvelos-parlamentikvlav-uars-ambobs-sakutari-funqciebis-shesrulebaze>; EMC's statement <https://emc.org.ge/ka/products/emc-dagegmili-sakanonmdeblo-tsvlilebebi-adamianis-uflebebis-darghvevis-riskebs-sheitsavs> , GYLA's statement – <https://gyla.ge/ge/post/saia-sazogadoebrivi-janmrtebobis-shesakheb-kanonshi-shetanil-cvlilebebs-sakonstitucio-sasamartloshi-kidev-ertkhel-asachivrebs#sthash.QXsX9X8r.dpbs> [07.03.2021 22:22]

64 To Levan Davitashvili, Minister of Environment Protection and Agriculture; The issue: 2021 Committee Action Plan; To Maya Tskitishvili, Minister of Regional Development and Infrastructure; The issue: Current and future plans of the Ministry; Representatives of the Government of Georgia, ministries and various agencies; the issue: Report on the implementation of recommendations developed within the framework of a thematic inquiry "Women's Participation in State Economic Programs."

Reviewing the issues on the committee's agenda behind closed doors reduces the possibility of holding consultations with the civil society and the opposition. This approach is particularly damaging in a situation where the opposition is only nominally represented in the Parliament of Georgia, and reviewing issues in closed meetings makes it impossible for stakeholders and non-parliamentary opposition to participate efficiently in the process.⁶⁵

3.3.3. The Parliament, like in previous sessions, practically eliminates the public engagement in the law-making process inasmuch as it does not even consider the legislative proposals submitted by the civil society, which has caused a decrease in the number of proposals.

In contrast to the spring session 2020,⁶⁶ much fewer legislative proposals were registered during the fall session – 22 instead of 54.

Like in the previous sessions, the legislative proposals have not yielded any real results, nor have they become laws, or even turned into bills. The committees also failed to publish their opinions concerning any of the 22 legislative proposals.

As for the content of the legislative proposals, civil organizations requested specific amendments to the following laws: Labor Code, Enforcement Procedures, Amnesty, Common Courts, Debtors' Protection, Legal Entity under Public Law, Legalizing Property Rights on Lands in the Ownership (Use) of Natural and Private Legal Entities and Traffic Rules, as well as Detention, Administrative Offenses, Criminal, Electoral, General Administrative, and Civil Procedure Codes. The entities also addressed the Parliament with a proposal to change the procedure for selecting a member of the High Council of Justice of Georgia and the issues related to the vindication of privatized properties.

The initiators of the legislative proposals were NGOs in 3 out of 22 cases, a political association in 1 case, and natural persons in 18 cases. As per the decision of the Parliamentary Bureau, the Legal Issues Committee was determined as the leading committee in the absolute majority of 20 cases, the Sector Economics and Economic Policy Committee in 1 case, and the Healthcare and Social Affairs Committee into 1 case.

The problem of assigning a large number of the legislative proposals to the Legal Issues Committee was mentioned by us in our previous report where we called on the Parliament to allocate the proposals to the Human Rights and Civil Integration Committee as well in order to prevent the committee overload.⁶⁷ Nevertheless, the matter further worsened during the last session, which hindered the effective consideration of the legislative proposals.

The tendency shows that the right of individuals to participate in the law-making process by submitting proposals is in fact a formality and does not actually produce any tangible results. It should be also noted that the halved number of legislative proposals compared to the previous session may be linked to the practice of the Parliament, tending to leave the proposals unconsidered.

65 For more details please see the statement of “Democracy Index- Georgia,” – <https://democracyindex.ge/ge/news/read/77/parlamentshi-sheinishneba-sakitxebis-daxurul-formatshi-ganxilvis-tendencia>

66 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, P. 33, https://democracyindex.ge/uploads/tsinadadebebi/saqart.parl._2020_w.sagaz.da_sagan._sesiebis_mushaoba-2.pdf

67 Ibid. 34

3.3.4. *No alternative reports prepared by the civil society were submitted to the Parliament, unlike in the previous session.*

3.4. Parliamentary oversight of the Government – The Parliament proves to be weak in overseeing the government and the situation in this regard has even worsened compared to the previous session. Against the background that the opposition is practically unrepresented in the current session, the need for open and critical debates on the performance of the executive power is particularly increasing as per the obligations of informing the public and the principles of democratic, open and transparent governance. Nevertheless, the Parliament reviewed the submitted government program in a blanket manner; again entrusted the management of the pandemic to the government despite the lack of such necessity; failed to invite the ministers, nor did it conduct any Ministerial Hour, and the only interpellation was superficial.

3.4.1. *The procedure for reviewing the composition of a one-party government by a one-party Parliament has clearly demonstrated how incapable the newly-convened Parliament is to control the executive.*⁶⁸

As a sign of boycott, none of the representatives of the opposition was present during the session expressing confidence in the government. The questions asked by MPs during the discussion of the government program were merely a formality,⁶⁹ containing practically no clarifying questions. The answers provided by the ministerial candidates did not provoke any discussions in the Parliament either. Most of the candidates would start their speech by praising the performance of the previous government; some questions were absolutely irrelevant;⁷⁰ the MPs literally ignored a range of issues important to the country.⁷¹

The participation of civil society was not transparent. It is true that several non-governmental organizations were invited to the committee sitting, yet they did not discuss the issues critically. It is unclear based on what principles the representatives of the NGOs were selected by the chairpersons of the committees.⁷²

68 Deliberation and Expressing Confidence in the Government and the Governmental Program of 2021-2024 “for Building European State” Proposed by the Candidate of Prime Minister, Giorgi Gakharia, 07-2/7/10, 18/12/2020 – <https://info.parliament.ge/#law-drafting/21153>

69 There were frequent cases where MPs posing the questions were not present at the sittings when the rapporteur was answering their questions. Moreover, the answers given by the candidate for the Minister were satisfactory for the members of Parliament in all cases.

70 For example: “Our opponents point out that none of our friend countries congratulated us on our winning of the election. I would like you to make a small comment on this. Now the whole country and our voters are watching us. I want them to know that this is not the case” – Irakli Medzmariashvili; “Political opponents are supporting desertion when granting the so-called priesthood status. ... Is anything planned in this direction?” – Irma Zavrashvili (the MP does not know that the above is defined by the Constitution, which the government cannot change); “Name at least one child who died of hunger” – Vladimer Kakhadze (the question was addressed to reporters); “Is it planned to adopt a law on Philanthropy” – Ketevan Dumbadze (the MP missed the fact that the law she is referring to has already been initiated and its adoption shall be decided by the Parliament and not the Government).

71 For example the independence of the judiciary and the strengthening of individual justices; independence of the prosecutor’s office; liberalization of sentences; prevention of criminal subculture in the penitentiary system; improving internal control mechanisms in the law enforcement system.

72 In detail: “Democracy Index – Georgia” assesses the process of declaring confidence in the government”

3.4.2. *The Parliament of Georgia relinquished its right to oversee the legislature and the government when it unjustifiably amended the Law “On Public Healthcare” and extended the validity of some provisions of the law for another six months, thus giving the government broad powers to regulate and restrict a number of key human rights without the parliamentary oversight.*⁷³

A pandemic must not become a reason for the Parliament to refuse to legislate and exercise oversight over the government. Parliament must do everything in its power to maintain law-producing and supervision function in the fight against the new Corona virus. The same is indicated by authoritative international organizations in their appeals to the parliaments of the member states.⁷⁴ The Democracy Index has repeatedly released statements with the same content.⁷⁵

Nevertheless, the Georgian Parliament has actually ruled out itself from the process of pandemic management, which definitely contradicts the principles of democratic governance.

The obligation of the state to protect public health does not imply and cannot justify any breach of the constitutional and democratic order or any violation of the guarantees for the protection of human rights, as well as diminishing the legislative and oversight role of the Parliament. Furthermore, unlike the previous period, it is no longer a pre-election period now, which prevented the previous Parliament from fully exercising its powers.

3.4.3. *The Parliament did not invite ministers to the autumn and extraordinary sessions. This practice seems even more vicious in a situation where the power to summon a minister has been substituted by meetings behind closed doors, which hinders the development of democracy and contradicts the essential principle of publicity.*

The monitoring has revealed that in the reporting period, the parliamentary majority practically does not invite the ministers to the committee sittings. Consequently, the situation has worsened in this respect compared to the previous session.⁷⁶

The parliamentary oversight allows a Member of Parliament to be informed about decisions made by the executive and to oversee the activities of bodies accountable to the Parliament. The use of control mechanisms is an essential factor in the development of democracy.

The importance of supervision over the executive becomes more fundamental when the government acts within the delegated powers, makes the most important decisions to manage the pandemic

<https://democracyindex.ge/ge/news/read/74/demokratiis-indeqsi-saqartvelo-afasebs-mtavrobis-mimart-ndobis-gamocxadebis-process>

73 The draft law “On the amendments to the Law on Public Healthcare”, 07-3/2/10, 16/12/2020 – <https://info.parliament.ge/#law-drafting/21105>

74 A statement by the Organization for Economic Co-operation and Development (OECD), 25/09/2020 – https://read.oecd-ilibrary.org/view/?ref=137_137068-ud1174u5hs&title=Legislative-budget-oversight-of-emergency-responses

75 “Parliament does not have an action plan and special working format in the fight against COVID-19” – <https://democracyindex.ge/ge/news/read/37/covid-19-tan-brdzolashi-parlaments-ar-aqvs-tavisi-samoqmedo-gegma-da-specialuri-samushao-formati>; “The Parliament of Georgia still refuses to perform its functions” – <https://democracyindex.ge/ge/news/read/70/saqartvelos-parlamenti-kvlav-uars-ambobs-sakutari-funqciebis-shesrulebaze>;

76 See “Spring and Special Sessions 2020 of the Parliament of Georgia,” Democracy Index – Georgia, Tbilisi, P.40, https://democracyindex.ge/uploads/tsinadadebebi/saqart.parl._2020_w.sagaz.da_sagan._sesiebis_mushaoba-2.pdf

behind closed doors, does not ensure public involvement, and imposes restrictions on the constitutional rights without any control.

3.4.4. During the reporting period, unlike the previous session, no Ministerial Hour was held, and the situation has deteriorated in this regard.

Presenting a report on the implementation of the government program at a plenary session is of great importance for government oversight. It also incorporates an opportunity to debate and provide information to the public on matters of high interest.

According to the 2020 Ministerial Hour Schedule,⁷⁷ the Parliament was supposed to hold two Ministerial Hours during the reporting period, namely, with Natela Turnava, the Minister of Economy and Sustainable Development of Georgia, and Ketevan Tsikhelashvili, the State Minister of Georgia for Reconciliation and Civic Equality. As per the schedule, the ministers were supposed to be heard in the period of September 1 to September 4, yet none of them appeared in the Parliament within the procedure. Through the oral communication,⁷⁸ an official of the Parliament noted that the pre-election period occurred to be the reason for not conducting the procedure as far as the plenary sessions of the Parliament, as a rule, are not held one month prior to the elections. The fact that the Ministerial Hours were not held during the reporting period has been also confirmed by official correspondence. However, it should be noted that the plenary sessions had been held up until September 30, 2020. Hence, when determining a schedule for the Ministerial Hours, the Parliament should take into account such matters as the pre-election period, as the elections are not usually an unforeseen event but rather prescribed by law in a way that allows the date of the elections to be predicted.

It is noteworthy that in September Natela Turnava was summoned to the Parliament through the interpellation. The interpellation was initiated by representatives of the opposition. It should be noted that the interpellation and the Ministerial Hour are fundamentally different mechanisms and are not interchangeable.

The Ministerial Hour is an important mechanism for the exercise of parliamentary oversight, so determining the schedule as well as the implementation thereof shall be carried out in the prescribed manner and without any barriers.

3.4.5. The interpellation was held only once in the current session (two were held during the previous session), initiated by the opposition.

At the plenary session of the interpellation, the parliamentary factions “European Georgia,” “European Georgia – Regions” and “European Georgia – Movement for Freedom” prepared questions for the Minister of Economy and Sustainable Development of Georgia, who presented a report concerning the questions at the plenary session on September 18, 2020.

The fact that the interpellation was held only once in the reporting period and at the initiative of the opposition proves that the parliamentary oversight mechanisms are barely exploited. This trend

⁷⁷ The schedule of the Ministerial Hours 2020 (Reports by individual members of the Government of Georgia on the implementation of relevant directions of the government program) (<https://info.parliament.ge/file/1/BillReview-Content/242924?>)

⁷⁸ Telephone communication on March 9, 17:12, Tel: 0322 28 26 30

contains an even greater risk for democratic processes in a situation where the opposition is not effectively represented in the Parliament.

Speaking of the interpellation itself, it should be noted that one of the questions sent by the opposition was altered in the reply letter⁷⁹. In particular, the first question was presented with different wording in the reply letter. This is not an example of good practice and may change the content of the question. The reply letter must provide the answer exactly to the questions asked by initiators of the interpellation.

During the interpellation, like those during the previous session, non-substantive debates occurred resulting in a confrontation between MPs representing the opposition and the majority, which certainly had a negative impact on the quality of the parliamentary deliberations.

4. The Parliamentary Opposition

4.1. Overseeing the government by the opposition – The use of parliamentary oversight mechanisms by the opposition was much rarer in the reporting period. The reason along with the boycott of the opposition is its alarming lack in the Parliament, virtually making it impossible to control the government due to the existing provisions of the Rules of Procedure of the Parliament. To illustrate this, 55 out of 147 members were the representatives of the opposition in the last session of the ninth convocation Parliament, while as of the first half of January, only 4 out of 94 MPs represented the opposition in the tenth convocation.

The implementation of interpellation in the Parliament of the tenth convocation is virtually impossible, as the number of the opposition members in the representative body is not sufficient to summon ministers and other officials to plenary sessions through the interpellation procedure. Only a faction or a group of at least seven non-faction members of the Parliament is entitled to exercise the power to the interpellation;

In a gradational hierarchy of the parliamentary control, where expressing non-confidence can be considered the most severe leverage against the government, the parliamentary question of MPs can be seen as the tool available for each Member of Parliament. The parliamentary opposition used it most often in the ninth convocation Parliament,⁸⁰ and in the Parliament of the tenth convocation, the opposition never utilized the mechanism during the reporting period. For example, the MP question was used by 22 MPs during the spring session of the ninth convocation, of which only 2 were posed by representatives of the majority. As for the period from the autumn session 2020 to the first half of January, which included both the last session of the Parliament of the ninth convocation and the session of the tenth convocation, a total of 103 parliamentary questions were sent. Of these, only 1 MP question was sent by a member of the majority from the parliamentary session of the tenth convocation. The remaining 102 questions were sent by the opposition during the last session of the ninth convocation.

79 See the letter N8068/3-110/20 to the Minister of Economy and Sustainable Development, <https://info.parliament.ge/file/1/BillReviewContent/262954?>; and the Reply of Her N14/6280, <https://info.parliament.ge/file/1/BillReviewContent/263588?>

80 An MP question in the last session of the 9th convocation, for example, 22 MPs used the parliamentary question, of which only 2 were representatives of the majority.

In total, representatives of the parliamentary opposition used the mechanism 102 times during the fall session 2020 and asked the MP questions to both the central and local authorities.

The MP questions frequently concerned the following matters: statistics on one-time social (cash) assistance issued in the municipalities; funds spent on disinfectant cleaning of streets in different municipalities to prevent the spread of Coronavirus throughout 2020; funds spent and remaining out of the 130 million GEL in the COVID-19 fund and other specific issues. Although the number of the questions was large, letters sent by the same MPs to different agencies basically were of identical content.

The majority of the questions were sent by representatives of the “European Georgia” factions, which is logical because the “European Georgia” had the largest representation. The written questions were prepared by: Irakli Abesadze (1 written question), Eka Beselia (2 written questions), Bidzina Gegidze (1 written question), Levan Gogichaishvili (1 written question), Roman Gotsiridze (3 written questions), Lasha Damenia (2 written questions), Giorgi Kandelaki (13 written questions), Sergi Kapanadze (65 written questions), Levan Koberidze (2 written questions), Koba Nakopia (7 written questions), Sergo Ratiani (1 written question), Salome Samadashvili (2 written questions) and Zurab Chiaberashvili (2 written questions).

In the Parliament of the tenth convocation, as we have already mentioned above, the MP question was not used by representatives of the opposition. Due to the small representation, the opposition does not have the opportunity to utilize other important mechanisms of parliamentary oversight, therefore, only the MP question remains an effective tool in their hands.

4.2. Draft laws proposed by the opposition – The number of bills submitted by the opposition has decreased compared to the previous sessions. If 10 bills were proposed during the previous session, the number dropped to 7 in the given reporting period, and all of them were presented by the opposition of the ninth convocation Parliament. Moreover, while at least 1 bill submitted by the opposition was considered by the Parliament during the previous session, none of the opposition draft laws have been reviewed in the current session.

The UNM faction registered a legislative initiative “On the special status of the city of Kutaisi” on September 17, 2020,⁸¹ which has not been deliberated yet.

Independent MPs Beka Natsvlishvili, Gedevan Popkhadze, Zviad Kvachantiradze, and Levan Gogichaishvili, who left the Georgian Dream, presented a bill “On banning unfair commercial practices between retailers.” The Bureau of the Parliament forwarded the issue to the Sector Economics Committee but the discussion was halted.⁸²

Regarding the legislative initiative “On amending the Organic Law of Georgia on the Election Code of Georgia” prepared by Levan Koberidze and registered on September 28, 2020, the committees submitted a positive conclusion, yet the discussion of the draft was not resumed in this case either.⁸³

81 Draft Law on Special Status of Kutaisi City, N07-3 / 493/9 – <https://info.parliament.ge/#law-drafting/20943>

82 Draft Law on Prohibition of Unfair Commercial Practices between Retailers, N07-3/487/9; 02/09/2020 – <https://info.parliament.ge/#law-drafting/20846>

83 Draft Law on Amendments to the Organic Law of Georgia “Election Code of Georgia”, N07-3/498/9 – <https://info.parliament.ge/#law-drafting/20972>

On October 21, 2020, the Parliamentary Faction “Alliance of Patriots and Social Democrats” presented a legislative initiative “On Amendments to the Organic Law of Georgia “Election Code of Georgia” and requested it to be considered in an accelerated manner. The Legal Issues Committee was determined as the leading committee, which submitted a positive conclusion, yet the bill was not discussed at the committee and plenary session.⁸⁴

Eka Beselia, an independent MP who left the parliamentary majority, presented a package of alternative bills – “On Amendments to the Draft Organic Law of Georgia on Common Courts.”⁸⁵ For the first time, the discussion of the alternative package was automatically suspended due to the support of the bill.

In the reporting period, Dimitri Tskitishvili, a member of the Parliament of Georgia, presented a package of bills amending the Organic Law of Georgia “On the Labor Code of Georgia,” yet the Parliament has not launched the discussion of the bill so far.⁸⁶

Beka Natsvlishvili, Gedevan Popkhadze, Zurab Kvachantiradze, and Levan Gogichaishvili, the opposition MPs, also presented a draft resolution of the Parliament (a draft resolution of the Parliament of Georgia “Let’s call everything by its name”), yet the resolution has not been considered by the Georgian Parliament like other draft laws.⁸⁷

5. Recommendations to the Parliament

1. For the purpose of raising accountability of MPs and improving their performance, the website of the Parliament should offer an individual profile of the parliamentary activities of each MP, detailing the following information of their activities in online mode:

- a) Initiated draft laws; other acts;
- b) MP questions and answers received;
- c) Video recordings of parliamentary and other public speeches;
- d) Transcripts depicting their participation in the sessions;
- e) Video recordings of questions and answers received during the Ministerial Hour;
- f) Questions asked and answers received during an interpellation session;
- g) Reports of the meetings held;
- h) Financial information, including any gifts received;
- i) Received parliamentary funding, other than the salary;

84 Draft Law on Amendments to the Organic Law of Georgia “Election Code of Georgia”, N07-3/499/9 <https://info.parliament.ge/#law-drafting/20998>

85 Draft Law on Amendments to the Organic Law of Georgia on Common Courts, N07-3/486/9, 01/09/2020 – <https://info.parliament.ge/#law-drafting/20925>

86 Draft Law on Amendments to the Organic Law of Georgia “Labor Code of Georgia”, N07-3/ 500/9; 29/10/2020 <https://info.parliament.ge/#law-drafting/21003>

87 Draft Resolution of the Parliament of Georgia “Let’s call everything by its name”, N07-3/488/9, 02/09/2020, <https://info.parliament.ge/#law-drafting/20854>

2. For the purpose of promoting the MPs to provide effective feedback and demonstrate sensitivity to problems of citizens:
 - a) The Speaker of the Parliament should issue an act to regulate the matter of processing citizens' complaints/letters by an MP;
 - b) The above act must determine:
 - i) Periodicity of processing complaints/letters of citizens;
 - ii) Methodology for the identification of trends;
 - iii) Statistical data to be processed.
3. For the purpose of ensuring the public involvement in the law-making process, the Rules of Procedure of the Parliament must mandatorily obligate the Bureau to substantiate any decision allowing the accelerated consideration of a draft law;
4. With the view to continuously monitoring the quality of civil society engagement, the Parliament should publish the following on the website and social networks in between the sessions:
 - a) The index of civil society involvement through visually easy-to-understand info graphs – providing the cross-cutting analysis of civil society demands and final decisions delivered by the Parliament;
 - b) Online registry of the opinions of the civil society on the issues to be decided by the Parliament and the extent to which they have been ultimately taken into account.
5. For the purpose of permanent monitoring of the degree of public involvement in the legislative process, the Parliament should publish the following on the website and social networks in between the sessions:
 - a) The index of involvement of private individuals through visually easy-to-understand info graphs – providing the final outcomes of legislative proposals submitted by citizens and private legal persons;
 - b) Online registry of the legislative proposals and achieved outcomes.
6. For the purpose of ensuring the mandatory involvement of stakeholders in the elaboration stage of draft laws, the Parliament must determine specific regulations in the Rules of Procedure and the Law “On Normative Acts.”
7. With the view to improving the quality of the alternative, so-called “shadow reports” of civil society, the Parliament should provide a mandatory provision in the Rules of Procedure as follows: If a committee prepares a conclusion/recommendation, it shall be obligated to assess and reflect its position on the government's reports and “shadow reports” cumulatively.
8. For the purpose of ensuring the smooth deliberation of draft laws submitted by the opposition, the Rules of Procedure should be amended to define the prerequisites in the existence of which a committee shall be entitled to apply to the Bureau with the request to extend the time period for reviewing the bill first for one month, and if this term is not sufficient, then for a maximum two months. With the amendment to the same article, the Bureau must be required to substantiate any decision allowing the extension of the term for the consideration of a draft law.

9. *For the effective use of the Ministerial Hour, the Parliament should:*
- a) amend the Rules of Procedure of the Parliament of Georgia to require a member of the Government of Georgia to submit a written report in the format of the Ministerial Hour within a reasonable period, at least two days prior to a plenary sitting;
 - b) introduce an amendment to the Rules of Procedure of the Parliament of Georgia to enable the Parliament to adopt a parliamentary decree after the Ministerial hour.
10. For the purpose of continuously monitoring the degree of the opposition involvement, the Parliament should publish on its website and social networks in-between the sessions:
- a) The index of the opposition engagement through visually easy-to-understand info graphs – providing the analysis of the opposition’s requests and decisions delivered by the Parliament;
 - b) Online registry of their legislative initiatives and respective results.
11. For the purpose of improving the use of the mechanism for inviting accountable officials to the Parliament, the Parliament should shorten the time interval between the repeated summons.
12. For constant monitoring of the performance of committees, each of them must publish on their websites and social networks at the end of each month visually easy-to-understand info graphs containing the following information:
- a) The number of committee sittings held;
 - b) By the end of each session – the number of using post-legislature scrutiny, specifying the laws to be scrutinized;
 - c) By the end of each session – the number of using the mechanism of inspecting the compliance of normative acts with the legislation, specifying the normative acts to be inspected;
 - d) By the end of each session – the number of using oversight over the execution of the tasks defined by the transitional provisions of the normative acts of the Parliament for the institutions of executive power within the established timeframes, indicating the specific tasks to be inspected;
 - e) By the end of each session – the number of inspecting the performance of an administrative body, specifying an administrative body to be inspected;
 - f) By the end of each session – the number of hearing the reports presented by accountable persons, specifying the accountable persons heard;
 - g) By the end of each session – the number of thematic inquiries launched and completed, specifying the issue to be studied;
 - h) By the end of each session – the number of submitted legislative proposals, specifying the issues to be governed;
 - i) By the end of each session – the number of studying the judicial practice, specifying the issue to be scrutinized;
 - j) The number of legislative initiatives proposed by the committees;
 - k) By the end of each session – the number of officials that the committees requested to

invite to the sittings, specifying the identity of the officials and the grounds for such requests.

13. For improving the situation in terms of thematic inquiries:
 - a) The Rules of Procedure of the Parliament should require the reporting of the implementation of recommendations developed as a result of thematic inquiries;
 - b) The reporting mechanism should be defined as it is provided with regard to reports submitted to the Parliament by accountable officials – the Parliament adopts a resolution outlining the results of the implementation and any specific problems that need to be followed up;
 - c) Develop a unified format for formulating recommendations to provide the indicators of the implementation of recommendations.

14. In order to ensure the smooth and substantive discussion of the draft state budget in the year of any parliamentary elections, the Rules of Procedure should be amended to shift the fiscal year to any other period.

