



ASSESSMENT OF THE PERFORMANCE OF THE AUTUMN AND EXTRAORDINARY SESSIONS OF THE PARLIAMENT OF GEORGIA IN 2021

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TABLE OF CONTENTS

| | |
|--|----|
| INTRODUCTION | 5 |
| KEY FINDINGS, TRENDS, CONCLUSIONS..... | 8 |
| CHAPTER 1. MEMBERS OF PARLIAMENT | 9 |
| 1.1. MAJORITY AND OPPOSITION | 9 |
| 1.2. POLITICAL DEBATES | 10 |
| 1.3. DEPUTY QUESTIONS | 11 |
| 1.4. STATEMENTS OF CITIZENS | 14 |
| CHAPTER 2. COMMITTEES | 15 |
| 2.1. LEGISLATIVE PROPOSALS | 15 |
| 2.2. PETITIONS..... | 18 |
| 2.3. LOBBYING | 19 |
| 2.4. COOPERATION WITH CIVIL SOCIETY (INCLUDING TRENDS IDENTIFIED DURING THE REVIEW OF SHADOW REPORTS) | 19 |
| 2.5. PARLIAMENTARY OVERSIGHT EXERCISED BY COMMITTEES..... | 22 |
| 2.5.1. SUPERVISION OVER THE IMPLEMENTATION OF NORMATIVE ACTS | 22 |
| 2.5.2. COMPLIANCE OF NORMATIVE ACTS WITH THE LEGISLATION OF GEORGIA | 24 |
| 2.5.3. MANDATORY ATTENDANCE OF OFFICIALS AT COMMITTEE SITTINGS | 24 |
| 2.5.4. OBLIGATION TO PROVIDE INFORMATION | 26 |
| 2.5.5. THEMATIC INQUIRY GROUPS..... | 26 |
| 2.5.6. ASSESSMENT OF THE PERFORMANCE OF ADMINISTRATIVE BODIES | 30 |
| 2.5.7. OVERSEEING THE IMPLEMENTATION OF TASKS ASSIGNED TO THE EXECU- TIVE INSTITUTIONS UNDER THE TRANSITIONAL PROVISIONS WITHIN THE ESTABLISHED TIMEFRAMES | 31 |
| CHAPTER 3. PLENARY SESSIONS | 32 |
| 3.1. LEGISLATIVE PROCESS AND LAW-MAKING POLICY | 33 |
| 3.1.1. BILLS SUBMITTED/SUPPORTED/REJECTED DURING THE AUTUMN SESSION..... | 33 |

| | |
|--|-----------|
| 3.1.2. TREND IN CONSIDERING BILLS IN AN EXPEDITED MANNER | 35 |
| 3.1.3. SUPPORTED LEGISLATIVE INITIATIVES ACCORDING TO ENTITIES..... | 36 |
| 3.1.4. REGULATORY IMPACT ASSESSMENT (RIA) | 37 |
| 3.1.5. APPROXIMATION TO THE EU | 38 |
| 3.1.6. RESEARCH-BASED SUBSTANTIATION OF LEGISLATIVE INITIATIVES..... | 38 |
| 3.2. LEGISLATIVE INITIATIVES APPROVED AT THE EXTRAORDINARY SESSION | 40 |
| 3.2.1. THE INITIATORS OF BILLS AT THE EXTRAORDINARY SESSION | 40 |
| 3.2.2. ACCELERATED/SIMPLIFIED DISCUSSIONS | 41 |
| 3.2.3. APPROXIMATION WITH THE EU/REGULATORY IMPACT ASSESSMENT | 42 |
| 3.2.4. CITATION OF STUDIES IN LEGISLATIVE INITIATIVES | 42 |
| 3.2.5. LEGISLATIVE INITIATIVES SUBMITTED AT THE EXTRAORDINARY SESSION | 43 |
| 3.3. THE CONTEXTUAL SIDE OF THE LEGISLATIVE ACTIVITY OF PARLIAMENT | 44 |
| 3.3.1 POSITIVE TRENDS: | 44 |
| 3.3.2. NEGATIVE TRENDS: | 44 |
| 3.3.3. SUSPENDED REFORMS | 48 |
| 3.4. VOTE OF CONFIDENCE IN THE GOVERNMENT, ACCOUNTABILITY OF PRIME MINISTER AND MINISTERS TO PARLIAMENT | 48 |
| 3.4.1. VOTE OF CONFIDENCE IN THE GOVERNMENT | 48 |
| 3.4.2. ANNUAL REPORT OF THE PRIME MINISTER | 49 |
| 3.4.3. THE LAW ON STATE BUDGET 2022 | 49 |
| 3.4.4. APPEARANCE OF AN OFFICIAL AT A PLENARY SESSION..... | 50 |
| 3.4.5. MINISTERIAL HOUR..... | 51 |
| 3.4.6. INTERPELLATION | 58 |
| 3.4.7. HEARING OF A GOVERNMENT MEMBER AND OTHER OFFICIALS | 59 |
| CHAPTER 4. OTHER THEMATIC ISSUES | 60 |
| 4.1. TEMPORARY INVESTIGATIVE COMMISSIONS | 60 |
| 4.2. ELECTION/APPOINTMENT OF OFFICIALS | 60 |
| 4.2.1. THE PROCEDURE FOR SELECTING JUDICIARY CANDIDATES OF THE SU- PREME COURT | 62 |
| RECOMMENDATIONS | 62 |

INTRODUCTION

METHODOLOGY

Democracy Index - Georgia monitors:

- I. The legislative process carried out by the Parliament - one of the primary forms of policy-making;
- II. Parliamentary oversight of various bodies/officials accountable to the Government and Parliament in order to check the effectiveness of the implementation of the determined policy;
- III. Individual activities of MPs;
- IV. Participation of civil society in the decision-making process of the Parliament.

As a result of monitoring, the organization assesses the democratic performance of the legislative and supervisory functions of the Parliament based on the following criteria:

- Transparency of the activities of each member of Parliament;
- Adequate inclusion of current issues and citizens' concerns in the parliamentary agenda; Compliance of the activities of the Parliament with the requirements of the civil society, as well as with the declared European values;
- The extent to which civil society is involved in the Parliament's oversight function of both the legislature and the government, as well as the process of selection of senior officials; participation of the opposition in parliamentary activities;
- The compliance of the procedural part of reviewing legislative initiatives with the legislation of Georgia, also, the conformity of legislative initiatives with the Constitution of Georgia, international commitments, and standards, which have a significant impact on the democratic processes;
- The degree of activity and pro-activity of the committees.

The report is based on the principle of impartiality. The cornerstone in assessing each issue now, as in the previous four reports, is the Constitution of Georgia, the obligations assumed under international treaties and agreements, and the recommendations made to Georgia by international organizations, governmental programs, and action plans of parliamentary entities. Therefore, the assessments presented in this report are universal and free from the visions, ideologies, and goals of any political group.

The report presents the results of observations of the autumn and extraordinary sessions. The end of the reporting period of the previous spring session - August 8, 2021 - was chosen as the beginning of the reporting period. The reporting period finishes on the day of the completion of the next extraordinary session of the autumn session on December 31, 2021.

BACKGROUND

The autumn session opened on September 7, 2021. At the beginning of the autumn session, 84 out of 150 members of Parliament represented the parliamentary majority - faction Georgian Dream, and 66 were members of the parliamentary opposition. There were 3 opposition factions and 3 parliamentary groups in the Parliament at that moment. During the session, the largest opposition faction

– “United National Movement - United Opposition - Strength is in Unity” boycotted the Parliament. In addition, several other MPs refused to participate in parliamentary activities.¹

The beginning of the session coincided with the pre-election period. Local self-government elections were scheduled for October 2, 2021.² By the commencement of the session, political parties had been actively involved in the election campaign. The parliamentary mandate of the chairperson of the largest opposition party was terminated on October 5 on the basis of a personal statement. The decision to quit was explained by the necessity to focus on the self-government elections.³ A few days prior to the elections, the third president of Georgia, Mr. Mikheil Saakashvili, returned to Georgia, against whom a final court verdict had already been delivered.⁴ Law enforcers arrested Mikheil Saakashvili on October 1st, the day before the elections. Later, the third president of Georgia declared a hunger strike.⁵ The third president’s health condition and the way he was treated in prison generated considerable public interest in parallel with the session.

Mr. Mamuka Khazaradze, the leader of the opposition party Lelo, left the Parliament during the reporting period.⁶ As a result, the “Lelo - Partnership for Georgia” faction was dissolved.

The period of the parliamentary session coincided with the leakage of secret files from the Special Security Service of Georgia. The materials contain information obtained as a result of alleged surveillance of various public figures, including clergymen.⁷ An initiative of a part of the opposition to summon the head of the Security Service to the Parliament concerning the above issue ended in failure. The demand was not backed by the United National Movement, without which the sufficient number of votes for convening an extraordinary session was not collected, and the majority refused to convene a session due to the pre-election period.⁸

During the reporting period, the constitutional amendments were discussed.⁹ The constitutional changes were initiated in the summer of 2021. They envisaged the fully-proportional conduct of the

-
- 1 Shalva Natelashvili and Elene Khoshtaria were on boycott during the whole session; Tamar Charkviani is periodically boycotting.
 - 2 InterpressNews, “Government Administration Releases Information on Presidential Decree and Prime Minister’s Signature on Setting the Date of Self-Government Elections, 02.08.2021. See: <https://www.interpressnews.ge/ka/article/668324-mtavrobis-administracia-tvitmmartvelobis-archevnebis-tarigtan-dakavshirebit-prezidentis-gankargulebis-da-premieris-tanaxelmoceris-shesaxe-b-inpormacias-avrcelebs> [01.03.2022.]
 - 3 Civil.ge, “UNM’s Nika Melia leaves Parliament,” 29.07.2022. See: <https://civil.ge/archives/434602> [28.03.2022.]
 - 4 PROSECUTION SERVICE OF GEORGIA ISSUES INDICTMENT AGAINST CONVICT MIKHEIL SAAKASHVILI FOR ILLEGAL CROSSING OF STATE BORDER OF GEORGIA, October 20, 2021. See: <https://pog.gov.ge/en/news/saqarTvelos-prokuraturam-msjavrdebul-mixeil-saakashvilis-mimarT-saqarTvelos-saxelmwifo-sazRvris-ukanl> [01.03.2022.]
 - 5 Report.ge, “Mikheil Saakashvili has declared a hunger strike,” 01.10.2021. See: <https://report.ge/en/politics/mikheil-saakashvili-declares-hunger-strike/> [01.03.2022.]
 - 6 Agenda.ge, Lelo leader Khazaradze leaving parliament 1.11.2021. See: <https://agenda.ge/en/news/2021/3372> [28.03.2022.]
 - 7 “Alleged Security Service Files on Clergy Leaked,” 13.09.2021. See: <https://civil.ge/archives/440008> [01.03.2022.]
 - 8 “No official proceedings were held on the issue, the information became known through the media.” See <https://netgazeti.ge/news/564263/>
 - 9 IPN, “Public Discussion Commission on Draft Constitutional Amendments to hold meetings in 10 cities across Georgia,” 04.09.2021. See: <https://www.interpressnews.ge/en/article/103696-public-discussion-commission-on-draft-constitutional-amendments-to-hold-meetings-in-10-cities-across-georgia> [01.03.2022.]

next two parliamentary elections and the lowering of the electoral threshold to 2 percent. A number of changes also concerned the rules for electing the Prosecutor General by consensus, yet at the very first hearing, the issue was not put to a vote, and the amendment was adopted without the debates in the first reading. Despite being one of the authors of the bill, the chairman of the political party Georgian Dream publicly declared in November that the adoption of the amendments would depend on the behavior of various actors and that the opposition was obliged to confirm that the 2 percent barrier would not be damaging to the country.¹⁰

Later, Mr. Kakha Kuchava, the Speaker of the Parliament, gave up the mandate of the MP.¹¹ He was replaced by Mr. Shalva Papuashvili as the Speaker of the Parliament.¹²

At the end of the reporting period, Parliament adopted amendments for the two most important and independent institutions, yet with significant shortcomings and in an accelerated manner. On the one hand, by abolishing the State Inspector's Service, the Parliament terminated the office of the independent official, and on the other hand, weakened the degree of independence of individual judges.¹³

The day after the second round of self-government elections, on October 31, a Conference of Judges was held, at which two members of the Council of Justice resigned before the expiration of their term without giving any explanation, and new members were elected in their place. The country's strategic partners assessed the event as another step backward.¹⁴ At the same time, since July 2021, the positions of five non-judicial members of the High Council of Justice have remained vacant. Despite the requirement of the law, the Parliament has not launched the selection procedure yet.

During the reporting period, the Parliament completed the filling of the vacant positions of members of the Supreme Court. The issue has been sharply criticized by both our strategic partners and by domestic actors.¹⁵

10 Netgazeti, "The chance of passing constitutional changes is 50/50 – Kobakhidze", 8.12.2021. <https://netgazeti.ge/news/580599/> [08.03.2022]

11 Civil.ge, "Kuchava Steps Down, MP Papuashvili Tapped New Parliament Speaker," 24.12.2021. <https://civil.ge/archives/464151> [01.03.2022.]

12 "Nomination by the Parliamentary Faction "Georgian Dream" of Shalva Papuashvili for the position of the Speaker of the Parliament of Georgia," see: <https://info.parliament.ge/#law-drafting/23359> [28.03.2022.]

13 See in detail a statement of the organization: "Weakening of independent institutions hinders the democratic development of the country," 29.12.2021. https://democracyindex.ge/index.php?m=261&news_id=10 [01.03.2022.]

14 "Karl Hartzel on the appointment of two members of the High Council of Justice – the appointments were hasty, opaque and non-competitive - This is the fifth step back in the judiciary system and rule of law in Georgia," 02.11.2021. See: <https://www.interpressnews.ge/ka/article/681826-karl-harceli-iusticiis-umaglesi-sabchos-2-cevris-danishvnaze-danishvnebi-iqo-nachkarevi-gaumchvirvale-da-arakonkurentuli-sakartveloshi-sasamartlo-sistemisa-da-kanonis-uzenaesobis-speroshi-es-rigit-mexute-ukan-gadadgmuli-nabijia> [01.03.2022.]

15 EU Delegation to Georgia: "The appointments run counter to the key provisions of the April 19 Agreement, according to which all ongoing appointments should be paused, all recommendations made by the Venice Commission must be fully implemented, and overall the independence, accountability and quality of the justice should be increased within a broad, inclusive cross-party reform process." Statement by the Spokesperson of the European Commission on the Appointment of Supreme Court Judges, 14.07.2021., https://www.eeas.europa.eu/eeas/georgia-statement-spokesperson-appointments-supreme-court-judges_en [08.02.2022.]; Statement by the US Embassy on the Appointment of Supreme Court Judges, 26.11.2021., see: <https://ge.usembassy.gov/u-s-embassy-statement-on-supreme-court-appointments/> [28.03.2022]; "The Public Defender calls on Parliament of Georgia to pause the process of electing Supreme Court judges," 25.11.2021. <https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsve->

KEY FINDINGS, TRENDS, CONCLUSIONS

Positive Findings:

- During the reporting period, the activities of the Parliament were mostly open and transparent: it was possible to observe it, obtain public information, attend committee hearings, review video and audio recordings of sittings, performance of the website improved despite maintaining test mode; Problems remain in terms of proactive use of public information.
- Based on the law “On Amnesty,” the obligation of amnesty under the Charles Michel Agreement has been implemented;
- With the amendments to the “Imprisonment Code,” the Parliament has accepted the opinion of the Public Defender and established a high standard for the protection of human rights;
- If the case-law of the court was not studied during the previous sessions, this mechanism was utilized on one of the issues in the given reporting period.

Negative Findings:

- Amendments to the Election Code and the Rules of Procedure of Parliament canceled the ambitious electoral reform under the so-called Charles Michel Agreement, which envisaged the consensus-based selection process of the Chairperson and other members of the Central Election Commission;
- Parliament practically does not utilize the instrument of summoning and hearing public officials, except for the mandatory mechanisms that must be routinely used in accordance with the Rules of Procedure;
- With the dissolution of the State Inspector’s Service and by weakening legislative guarantees of judge independence the parliamentary majority actually attacked the independent institutions and lowered the standard of human rights protection in the country;
- The extraordinary session was used to enforce one-party decisions made by the parliamentary majority, aimed mainly at weakening independent state institutions;
- Parliament used the amnesty of sanctions imposed for violating COVID-19 regulations for pre-election purposes. Signs of Political corruption was also revealed in the process of determining taxation policy;
- The unjustified practice of expedited review of draft laws was still retained;
- The unjustified practice of transfer to the executive branch of the power of imposing the COVID-19 regulations was still retained;
- Bills aimed at restricting human rights and tightening sanctions have been adopted by the Parliament spontaneously and inconsistently, without proper research and adequate involvement of civil society;
- Parliament has suspended the process of reforming the electoral system and the judiciary.
- The mechanisms provided for in the Rules of Procedure do not allow for a flexible and effective

li-moutsodebs-sakartvelos-parlaments-sheacheros-uzenaesi-sasamartlos-mosamartleebis-archevis-protsesi [28.03.2022.]; “The Coalition is critical of the appointment of Supreme Court judges, 02.12.2022. http://coalition.ge/index.php?article_id=264&clang=1 [28.01.2022.] “Democracy Index - Georgia” - “Parliament should refuse to elect Supreme Court judges”, 01.12.2021. https://democracyindex.ge/index.php?m=261&news_id=15 [09.03.2022.]

tive summoning of officials to the sessions.

- Despite significant initiatives proposed by opposition during the reporting period - to set up fact-finding commissions, it was failed to unite around the issue and set up commissions.
- Officials are appointed based on one-party decisions;
- Involvement of the public, openness, and transparency of processes are predominantly a formality - there is no meaningful cooperation or any response to feedback on transparent performance.

Trends and Conclusions

- The performance of the Parliament does not contribute to the strengthening of democratic institutions;
- The activities of the Parliament are mainly aimed not at the division of power and encouraging the participation of the opposition, but rather at the maximum concentration of power in the hands of the incumbent political party and/or the bodies controlled by it;
- The Parliament is not a body that controls and/or oversees the processes. The Parliament demonstrates its vulnerability to the government, which is manifested in an ineffective and/or only formal use of oversight mechanisms;
- The activities of the parliamentary majority in the formation of the judiciary and legislative regulations are aimed at strengthening the so-called clan;
- A non-consensual one-party personnel policy dominates in the Parliament; the lack of consensus has been observed not only between the majority and the opposition but also within the opposition itself.
- The position of civil society has been taken into consideration by the Parliament in only one case. None of the legislative proposals have acquired the form of law during the given session.

CHAPTER 1. MEMBERS OF PARLIAMENT

1.1. MAJORITY AND OPPOSITION

“The balance of power in the parliamentary system is achieved not between the executive and the legislature, but rather between the ruling majority and the opposition. This means that the opposition must have the leverage to strike the right balance in order to prevent a concentration of power.”¹⁶ The function of the opposition is not to govern. However, there are other important powers that it may have.

The Venice Commission enumerates the prerogatives to exist in a democratic state for the parliamentary opposition, namely: offering political alternatives; expressing and promoting the interests of voters; holding debates and resisting to ensure the best decision-making process; examining government legislative initiatives and budget; monitoring the executive bodies; participating in the political processes to ensure stability, accountability, and transparency.¹⁷

16 Vakhusti Menabde, “State institutions in Georgia and their role in the process of democratic development of the country,” 4. <https://www.academia.edu/37182258> (01.07.2021), verified: 09.09.2021

17 Venice Commission, Draft report on the role of the opposition in a democratic parliament, (Strasbourg: 2010), 4.

The opposition must constantly monitor and evaluate the government, as this helps to improve the quality of governance for the benefit of society. The extent to which parliamentary mechanisms are used by the opposition significantly determines the maturity of democracy in the country.

As a result of observing the work of the Parliament of Georgia, we can say that the opposition rarely uses the legislative tools at its disposal. For their part, the parliamentary majority blocks any attempt of the opposition to exercise its mandate, both in terms of oversight and legislative processes:

- The opposition involved in parliamentary activities demanded the mandatory attendance of officials at committee sittings only twice during the reporting period.¹⁸
- The opposition did not use the mechanism of interpellation.
- The opposition did not raise the issue of setting up a temporary commission of inquiry or other commissions.
- The opposition was relatively active in using the written question mechanism as provided in Article 148 of the Rules of Procedure of the Parliament. A total of 21 MPs exercised the authority.
- Opposition deputies initiated 17 bills, including 2 alternative draft laws. None of them has been turned by the Parliament into law.

1.2. POLITICAL DEBATES

Upon the request of at least one-fifth of the full composition of the Parliament, a political debate shall be scheduled on a pre-determined issue once a month.¹⁹ The purpose of the debate is to enable deputies to make an informed decision on the issue. This is an opportunity for MPs to discuss in depth the policies pursued by the government, newly-proposed laws and pressing issues, to voice concerns or interests of their voters. This opportunity has not been used by deputies in any of the reporting periods.²⁰ The mechanism practically remains non-functional and is not utilized.

Problems with the non-application of the political debate procedure are manifested in different formats. For example, the procedure of political statements,²¹ for which, according to the Rules of Procedure, a total of one hour must be devoted, practically always exceeds the prescribed time, often for several hours. Political statements from time to time acquire the form of debates and transform into a question-and-answer mode between the opposition and the majority. In its turn, unlike the procedure of debate, the political statements procedure does not provide for the possibility of an in-depth discussion of a specific issue, thus failing to ensure a meaningful and effective exchange of views around the matter. These are individual speeches rather than problem-oriented debates on a specific issue. Therefore, the rejection of one procedure affects both the course of the other procedure as well as the interest of the public - to see the debates on pressing matters and to be informed on the views that a particular political party has concerning a specific issue.

verified: 09.09.2021

18 See Chapter 2.5.3. of this report.

19 Article 93 of Rules of Procedure of Parliament.

20 Democracy Index - Georgia has been monitoring the work of the Parliament since October 2019.

21 Article 94 of the Rules of Procedure of the Parliament.

1.3. DEPUTY QUESTIONS

In the reporting period,²² 33 members of the Georgian Parliament submitted 1,024 written questions. Of these, 836 questions were answered within the prescribed timeframe. Overdue answers were provided to 69 questions, and 119 have not yet been answered.²³

As in the previous session, members of the opposition were more active than the majority in using the written question mechanism. This was manifested both in the number of MPs who submitted written questions as well as the number of letters sent. Of the 33 deputies who took advantage of the leverage, 21 were members of the opposition and 12 of the majority. In total, the representatives of the majority sent 256 questions, while the opposition submitted 768 questions to various bodies or officials. 116 deputies did not exercise their authority to ask written questions.²⁴

22 In the period from August 3 to December 31, 2022.

23 Letter 905/2-7 / 22 of the Parliament of Georgia of February 2, 2022. The letter includes an arithmetic mistake according to which the number of replies given within the time period defined by the Rules of Procedure does not correspond to other data provided by them. Accordingly, 836 should be indicated instead of 838.

24 1. Amilakhvari Giorgi 2. Akhvlediani Armaz 3. Bakradze Davit 4. Benashvili Gia 5. Bezhashvili Levan 6. Beraia Irakli 7. Beraia Irakli (Dachi) 8. Beradze Ramina 9. Bitadze Maia 10. Bolkvadze Anzor 11. Bolkvadze Eliso 12. Botkoveli Giorgi 13. Bochorishvili Maka 14. Godabrelidze Giorgi 15. Gotsiridze Elguja 16. Davituliani Beka 17. Dalakishvili Alexander 18. Dargali Zaur 19. Daseni Isko 20. Dugladze Zaal 21. Dumbadze Ketevan 22. Enukidze Avtandil 23. Enukidze Gocha 24. Varshalomidze Levan 25. Vashadze Giorgi 26. Vashadze Grigol 27. Volski Giorgi 28. Zavrashvili Irma 29. Zarkua Irakli 30. Zilfimiani David 31. Talakvadze Archil 32. Toloraia Edisher 33. Injia Fridon 34. Iobashvili Nino 35. Ismailov Abdulla 37. Kacharava Davit 36. Kakhadze Vladimer 38. Kakhiani Giorgi 39. Kakhishvili Kakha 40. Kereselidze Shalva 41. Kvizhinadze Paata 42. Kvirkvelia Manuchar 43. Kvitsiani Khatuna 44. Kikabidze Vakhtang 45. Kiureghiani Sumbat 46. Kobakhidze Irakli 47. Kobiashvili Kakhbashvili 48. Kobiashvili Levan 49. Kovzanadze Irakli 49. Kuchava Kakhaver 50. Lashkhi Mariam 51. Luluashvili Beka 52. Lominadze Zaza 53. Matikashvili Davit 54. Mamulashvili Nona 55. Manukyan Samvel 56. Macharashvili Guram 57. Machutadze Nika 58. Mgaloblishvili Levan 59. Mdinaradze Mamuka 60. Mezurnishvili Irakli 61. Menagarishvili Maia 62. Meshveliani Gogi 63. Medzmarishvili Irakli 64. Minashvili Akaki 65. Mirzoev Savalan 66. Mikadze Gela 67. Mikeladze Zaal 68. Motserelia Alexander 69. Natelashvili Shalva 70. Nakopia Koba 71. Nikolaishvili Ramaz 72. Odisharia Beka 73. Okriashvili Kakhaver 74. Okhanashvili Anri 75. Sabo Herman 76. Samadashvili Salome 77. Samkharauli Gela 78. Samkharadze Dimitri 79. Sanikidze Gubaz 80. Sanikidze Victor 81. Sergeenko David 82. Sepashvili Eka 83. Sibashvili Sulkhan 84. Songhulashvili Davit 85. Subari Sozar 86. Tabatadze Alexander 87. Taliashvili Tamar 88. Turdzeladze Nodar 89. Udumashvili Zaal 90. Kadagishvili Irakli 91. Kardava Bachuki 92. Shavgulidze Shalva 93. Chankseliani Goderdzi 94. Charkviani Tamar 95. Chachibaia Vladimer 96. Chigogidze Vasil 97. Chikovani Irakli 98. Chocheli Tsezar 99. Chkheidze Nato 99. Chkheidze Rostom 101. Tsakadze Bezhan 102. Tsitlidze Anna 103. Tsilosani Khatia 104. Chankotadze Devi 105. Chichinadze Givi 106. Khabareli Shota 107. Khabeishvili Levan 108. Khabuliani Dilar 109. Khakhubia Irakli 110. Khelashvili Giorgi 111. Kherkheulidze Ekaterine 112. Khoshtaria Elene 113. Khojevanishvili Giorgi 114. Khundadze Dimitri 115. Janashia Teimuraz 116. Japaridze Victor.

Diagram №1

Number of Majority and Opposition MPs who used the Deputy Question Mechanism

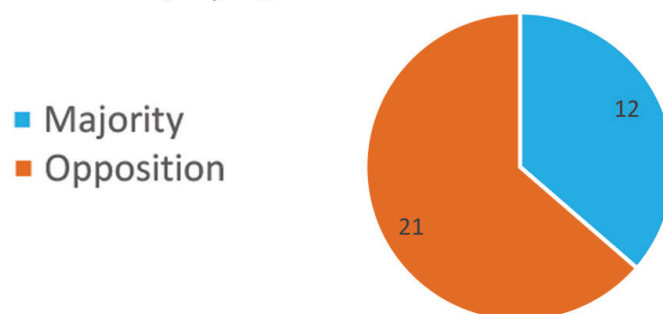
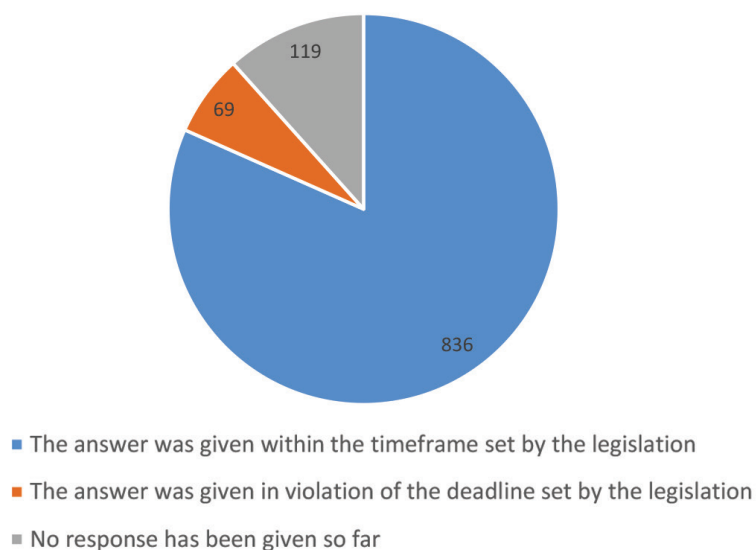


Diagram №2

Rate of Answering Deputy Written Questions



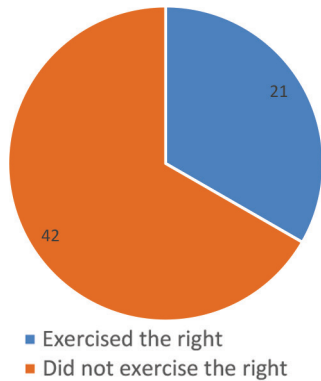
The number of questions submitted by members of the opposition is as follows:

Table №1

| N | Full name | Number of Questions | N | Full name | Number of Questions |
|---|-------------------|---------------------|----|------------------------|---------------------|
| 1 | Akubardia Teona | 138 | 12 | Megrelishvili Vakhtang | 2 |
| 2 | Bokuchava Tinatin | 1 | 13 | Nakaidze Tariel | 2 |
| 3 | Buchukuri Anna | 3 | 14 | Natsvlishvili Anna | 26 |
| 4 | Gotsiridze Roman | 123 | 15 | Rakviashvili Alexander | 6 |
| 5 | Daushvili Mikheil | 1 | 16 | Samnidze Khatuna | 94 |
| 6 | Dekanoidze Khatia | 14 | 17 | Usupashvili Davit | 4 |

| | | | | | |
|----|-----------------------|-----|----|-------------------|----|
| 7 | Elisashvili Alexander | 6 | 18 | Khazaradze Mamuka | 3 |
| 8 | Ioseliani Levan | 225 | 19 | Khvichia Iago | 17 |
| 9 | Kirkitadze Davit | 3 | 20 | Japaridze Badri | 2 |
| 10 | Kordzaia Tamar | 81 | 21 | Khajishvili David | 16 |
| 11 | Manjgaladze Paata | 1 | | | |

Diagram №3



The number of questions submitted by members of the majority is as follows:

Table №2

| № | Full name | Number of Questions | N | Full name | Number of Questions |
|---|---------------------|---------------------|----|----------------------|---------------------|
| 1 | Ionatamishvili Rati | 1 | 7 | Samkharadze Nikoloz | 10 |
| 2 | Kontselidze Resan | 14 | 8 | Sarjveladze Mikheil | 215 |
| 3 | Latsabidze Nino | 1 | 9 | Karumidze Levan | 3 |
| 4 | Mikanadze Givi | 5 | 10 | Ghudushauri Aluda | 1 |
| 5 | Obolashvili Anton | 1 | 11 | Kavelashvili Mikheil | 1 |
| 6 | Papuashvili Shalva | 1 | 12 | Tsilosani Nino | 3 |

Diagram №4

The Activity of the Majority in Employing the Deputy Question Mechanism

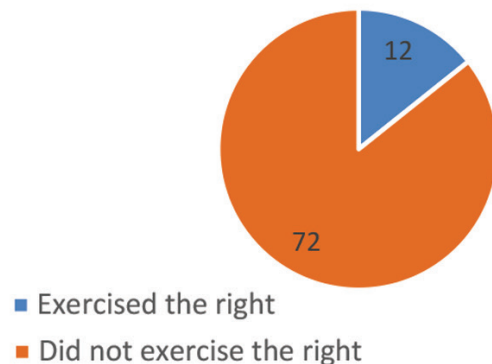
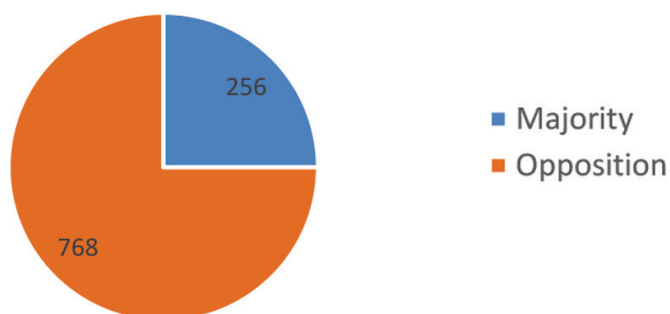


Diagram №5

The Ratio between the Majority and Opposition MPs Questions

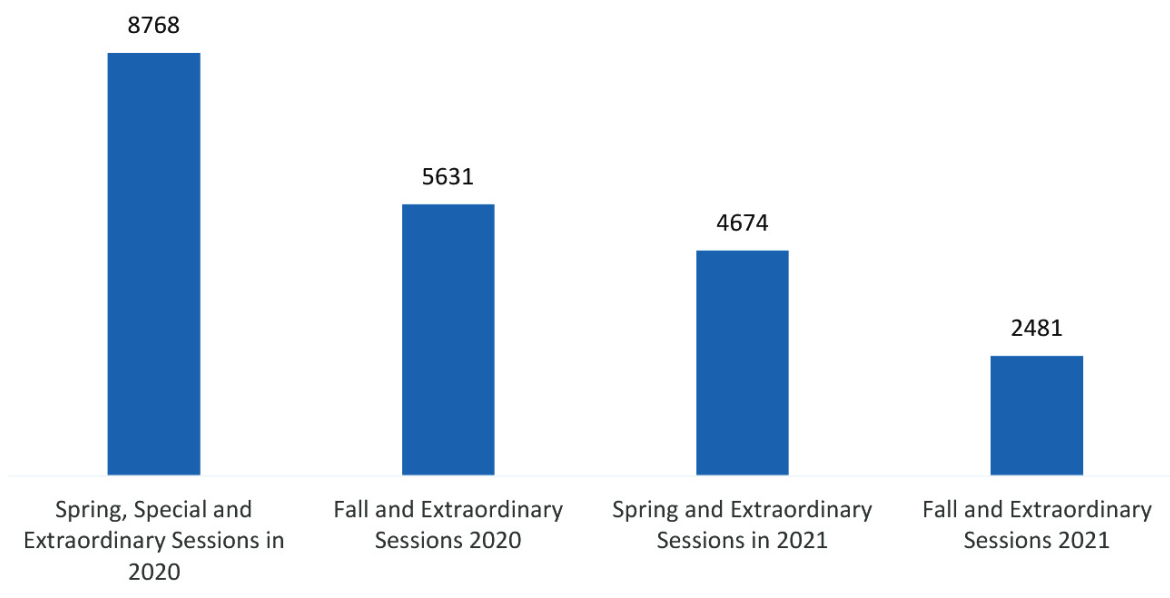


1.4. STATEMENTS OF CITIZENS

In the reporting period,²⁵ 2481 statements were submitted to deputies for consideration.²⁶ The Parliament has maintained a trend towards decreasing the number of citizens' statements compared to previous years.

Diagram №6

Number of Citizen Statements According to the Sessions



The letters submitted by citizens mainly addressed the following issues:

²⁵ The period from August 8, 2021, to December 31, 2021.

²⁶ Annex N1 to the letter N653/2-7/22 of January 25, 2022, of the Parliament of Georgia

| Issue | Total Statements/Letters | Percentage |
|--|--------------------------|------------|
| Healthcare and social issues | 742 | 9,31% |
| Human rights protection | 597 | 7,49% |
| Legal issues | 2427 | 30,45% |
| Requesting public information | 15 | 0,19% |
| Education, science, culture, sports | 105 | 1,31% |
| Environmental, economy and infrastructure issues | 117 | 1,47% |
| Meeting requests | 106 | 1,33% |
| Replies to letters sent by MPs | 84 | 1,05% |
| Information and online answers | 3148 | 39,5% |
| Other issues | 630 | 7,9% |

The Organizational Department of the Parliament does not have any software that would separate citizen letters forwarded by deputies to other bodies from those correspondences that MPs handle on their own initiative. Therefore, it is impossible to assess the response of deputies to citizens' statements, including how many statements were forwarded to other agencies.²⁷

CHAPTER 2. COMMITTEES

2.1. LEGISLATIVE PROPOSALS

In the given reporting period, 39 legislative proposals were registered in the Parliament of Georgia. If we compare the statistics with the previous sessions, 22 legislative proposals were presented to the Parliament of Georgia at the autumn session in 2020, and the biggest number of proposals, 54, was submitted at the spring and extraordinary sessions in 2021.

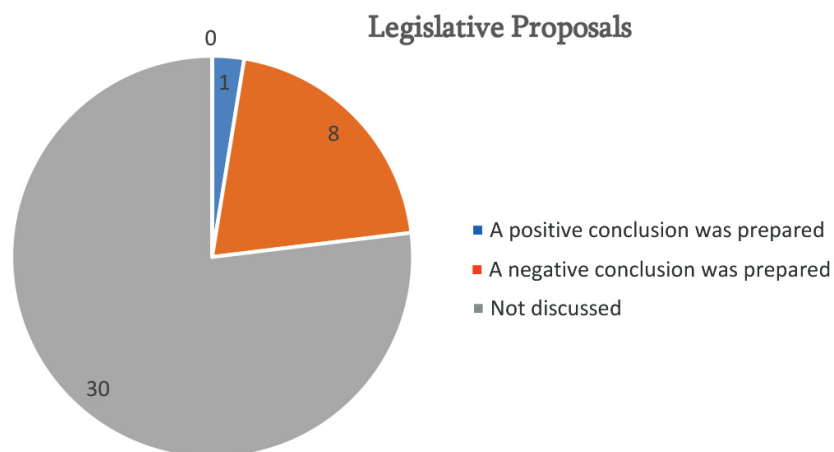
As in previous sessions, the legislative proposals did not yield any tangible results, nor did they become laws. Of the 39 legislative proposals, 30 were not considered at all. In one case, the entity requested to leave his/her proposal unconsidered, while the consideration of 29 legislative proposals was postponed by the leading committees and/or has not been considered yet. Out of 9 proposals considered, the leading committees prepared a positive conclusion in only 1 case and a negative conclusion with respect to 8 proposals.

The Legal Issues Committee presented a positive opinion on the legislative proposal submitted by Alma LLC. The proposal suggested preventing the placement in the municipalities of unethical and offensive political advertising banners that promote hate speech in the electoral field and cause polarization and aggression in society. The legislative initiative of such content was registered in the Parliament of Georgia by deputies; the initiation of the bill was followed by an objection from the

²⁷ See "Democracy Index - Georgia", "Performance of the Autumn and Extraordinary Sessions of the Parliament of Georgia in 2020, 2020, 9. https://democracyindex.ge/uploads_script/studies/tmp/phpDtwgam.pdf [03.02.2022]

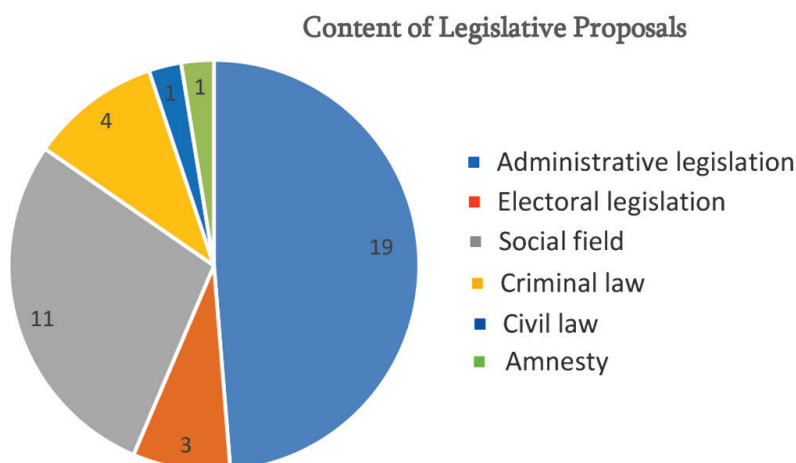
civil organizations and the opposition, who assessed it as non-homogeneous and vague.²⁸ The bill did not become a law.

Diagram №7



As for the contextual side of the legislative proposals, the entities requested changes in the following issues: the largest number of proposals, 19, was related to administrative legislation, 11 - social, 4 – criminal, 3 - electoral, 1 - civil laws. In one legislative proposal, the subjects demanded an amnesty.

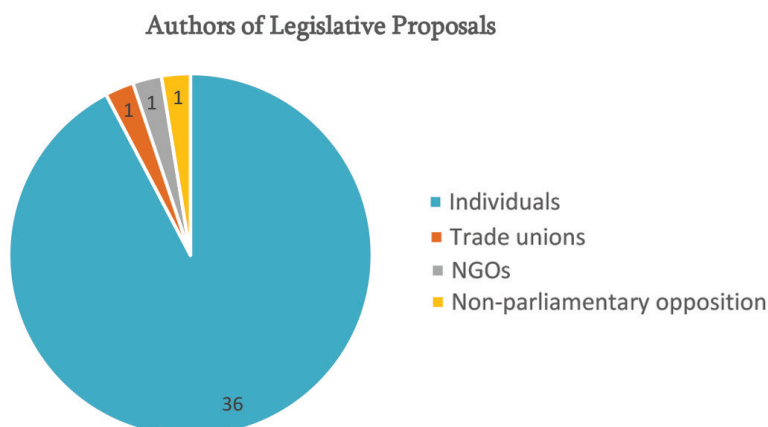
Diagram №8



The initiators of legislative proposals in 36 out of 39 cases were natural persons. One proposal was presented by representatives of a trade union, 1 - by a non-governmental organization, and 1 belonged to the non-parliamentary opposition.

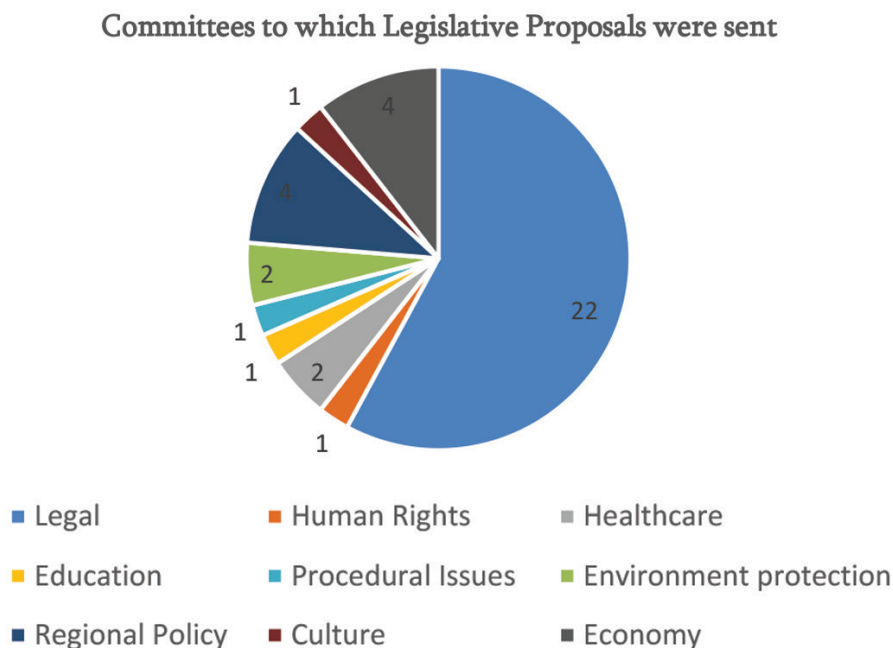
²⁸ A statement by the Coalition for Media Advocacy of October 20, 2021 - <https://bit.ly/3CtzwPg> [10.03.2022]

Diagram №9



Of the 38 proposals considered, in most cases - 22, by the decision of the Parliamentary Bureau, the Legal Issues Committee was determined to be the leading committee, the Regional Policy and Self-Government Committee in 4 cases, Health and Social Issues Committee in 2 cases, the Environment Issues Committee in 2 cases, the Sector Economy and Economic Policy Committee in 4, and Culture, Education and Science, Human Rights and Civic Integration, Procedural Issues and Rules Committees were designated for individual cases, respectively.

Diagram №10



The referral of a large portion of legislative proposals to the Legal Issues Committee has also been noted in previous reports. Out of 22 legislative proposals submitted in the 2020 autumn session, 20 were referred to the Legal Issues Committee, and 34 out of 54 legislative proposals were submitted to the Legal Issues Committee at the spring and extraordinary sessions in 2021. The organization

called on the Parliament to transfer the proposals to other committees as well in order to prevent the overloading of the committee.²⁹

The trend shows that the right of individuals to participate in the legislative process by presenting their proposals is actually a formality and does not bring real results.

2.2. PETITIONS

A petition is a form of the joint appeal of citizens to the Parliament on issues of state or public importance. In the given reporting period, 6 petitions were submitted to the Parliament. In 5 cases, the petitions were discussed by the committees, in 1 case, the request was not accepted by the committee, and in 4 others, the issue was forwarded to respective ministries for consideration.

The study of the petition review procedure has proved that committees often delay the consideration of petitions, which ultimately leads to the loss of their relevance. In the reporting period, 2 out of 5 petitions were considered by the committees with delays, when the issue ceased to be a problem. In addition, committees do not play a significant role in resolving the problems brought up in the petitions and merely send them to the executive for consideration.

The petitions concerned the introduction of a healthcare program, the abolition of the so-called green passports, the transfer of ex-president Mikheil Saakashvili to a civilian clinic, the promotion of the Georgian literary language, and some pressing issues related to specific museums.

The authors of petitions in 5 out of 6 cases during the spring and extraordinary sessions in 2021 were public organizations and initiative groups, and in 1 case - individual citizens.

The petitions were forwarded by the Bureau of the Parliament to the following committees: Culture, Healthcare and Social Affairs, Human Rights, and Education.

Based on the information provided by the Parliament,³⁰ the petitions received by the Human Rights and Civil Integration Committee have been discussed, and with respect to several others, the Committee has prepared an opinion. The Committee on Human Rights and Civil Integration deemed it appropriate to study the petition against green passports,³¹ but the imprisonment of ex-president Saakashvili did not.³² Due to non-consideration, the issues requested through the petitions lost their relevance in both cases.

The Healthcare Committee discussed the introduction of a specific healthcare program. According to the decision of the Committee, the petition was referred to the Ministry of Internally Displaced Persons from the Occupied Territories of Georgia, Labour, Health and Social Affairs.

The Committee on Culture considered a request relating to Shalva Amiranashvili Georgian Museum of Art, in which the petitioners were requesting the Parliament to take an interest and use its oversight function, as well as the executive branch to implement specific measures. In their appeal, the

29 See “Democracy Index - Georgia”, Performance of the Autumn and Extraordinary Sessions of the Parliament of Georgia in 2020, <https://bit.ly/3J3gxpP>, p. 34, 2020. [10.03.2022]

30 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

31 Minutes of a meeting of the Human Rights Committee <https://info.parliament.ge/file/1/BillReviewContent/294112> [10.03.2022]

32 Minutes of a meeting of the Human Rights Committee <https://info.parliament.ge/file/1/BillReviewContent/294080> [10.03.2022]

authors relied upon the feasibility study of the decision aiming to dismantle the National Museum, as a unified national treasure.³³ As a result of the discussion, the Culture Committee referred the petition to the Ministry of Culture and instructed the body to present information on the matter.³⁴ Another petition of the same content, in which the authors were requesting the creation of a thematic inquiry group to study the issue and to make a relevant decision, was not considered by the Committee in the reporting period.

The petition “On the Georgian Literary Language - Let’s Speak Georgian” was forwarded to the Education Committee. The Committee, not even having familiarized itself with the contents of the petition at the sitting, referred it to the executive branch for consideration.

2.3. LOBBYING

Lobbying has long become a part of the political life of almost every democratic country. Over time, its relevance has grown even more. Different interests of members of the public result in the emergence of different interest groups that try to ensure that decisions are made in a way that is advantageous to them. The transparency of lobbying in the law-making process is an important mechanism for preventing political corruption.

Lobbying is less developed in Georgia, with merely a few entities showing their interest in lobbying in parliamentary life. In contrast to the period of the spring and extraordinary sessions of 2021, when only 3 lobbyists were registered, in the given reporting period, this number further decreased to one lobbyist registered under the draft law of Georgia on amending the Law of Georgia “On Road Traffic” during the session.

2.4. COOPERATION WITH CIVIL SOCIETY (INCLUDING TRENDS IDENTIFIED DURING THE REVIEW OF SHADOW REPORTS)

The observations over the work of the Parliament have revealed very clear examples of the participation of civil society, both in the discussion of legislative initiatives as well as in relation to improving the effectiveness of parliamentary oversight. Against this background, Parliament often chooses to ignore fierce protests over problematic issues.

The Rules of Procedure of Parliament provide for the possibility for stakeholders to present alternative opinions/assessments or so-called “shadow reports” in relation to certain types of reports of the executive branch.³⁵

Unlike the spring and extraordinary sessions 2021, shadow reports were not submitted by the non-governmental sector during the given reporting period. Only the Public Defender of Georgia presented an alternative report to the Human Rights and Civil Integration Committees concerning the 2020 report prepared by the Ministry of Justice of Georgia “On the state of implementation of the decisions/rulings of the European Court of Human Rights against Georgia.” Neither the alternative report nor the Minister of Justice’s account has been considered by the Committee.

33 Petition - <https://info.parliament.ge/file/1/BillReviewContent/282622?> [10.03.2022]

34 Minutes of a meeting of the Culture Committee <https://info.parliament.ge/file/1/BillReviewContent/285614> [10.03.2022]

35 Article 175, Paragraph 3 of the Rules of Procedure of Parliament of Georgia

The shadow reports in the committees were last heard at the spring session of 2020, which was attended by a minimal number of MPs. The discussions were largely formal and non-essential. In the reporting period, the committees did not hold hearings on shadow reports, nor did they consider the two shadow reports submitted to the Human Rights Committee in the spring session in 2021.³⁶

The protests of the civil society regarding the election of specific individuals to senior positions have been ignored by the Parliament.

Amendment to the Law on Broadcasting³⁷

In the given reporting period, members of the parliamentary majority initiated a bill suggesting the prohibition of the distribution of propaganda and advertising materials that create a negative attitude towards political actors during the election campaign. In the opinion of the civil society organizations, the draft law was contrary to the high standard of freedom of expression established by Georgian legislation, was not foreseeable, and did not contribute to improving the electoral environment.³⁸ The discussion of the bill in the Parliament of Georgia was halted, which can be regarded as the result of resistance from the civil society.

Amendment to the CEC staffing rule

During the spring session of 2021, a more progressive and democratic way of electing the chairperson and members of the CEC was introduced in the framework of the Charles Michel Agreement “A Way Ahead for Georgia,” which envisaged the election of the chairperson and members of the CEC by consensus through consultations between political parties.³⁹ In the given reporting period, in the last week of the autumn session, the Parliament amended the rule in an expedited manner. As a result of the change, chairpersons and members of the CEC will be again elected based on one-party decisions, without consultations between the political parties.⁴⁰

The content of the initiated bill was assessed by the civil society organizations as a deterioration of the existing rule.⁴¹ Despite critical feedback, the Georgian Parliament hastily passed the bill without multi-party involvement, to which the US embassy later responded, calling the changes an “unnecessary step.”⁴²

36 See “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 28. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [03.02.2022]

37 Draft Law on Amendments to the Law of Georgia on Broadcasting - <https://info.parliament.ge/#law-drafting/22919> [10.03.2022]

38 A statement by Coalition for Media Advocacy of October 20, 2021 - <https://www.transparency.ge/ge/post/koalicia-mediis-advokatirebisatvis-kanonmdeblobashi-axali-cnebis-ec-uargopiti-damokidebulebis> [10.03.2022]

39 Legislative initiative: “On amending the Organic Law of Georgia “On Election Code of Georgia” See: <https://info.parliament.ge/?fbclid=IwAR3l5yaxsaPzRje0VoI7cGdxqXtNd9rggfSnjyI8ErA9nOg1qXX8Yrv8HQ0#law-drafting/21736> [28.03.2022.]

40 For details on the change, see Chapter 3.3 of this report.

41 A statement of Democracy Index - Georgia on the changes in the staffing of the CEC <https://bit.ly/33KhdbP> [10.03.2022]

A statement of Transparency International – Georgia on changes to the CEC staffing rules <https://transparency.ge/en/post/ruling-party-worsens-regulation-electing-chairperson-and-professional-members-cec-which> [10.03.2022]

42 A statement by the US Embassy of December 17, 2021, on the changes in the staffing of the CEC <https://ge.usembassy.gov/u-s-embassy-statement-on-central-election-commission-rule-revisions/> [10.03.2022]

Increasing official positions in Sakrebulo

The Parliament of Georgia hastily considered a legislative initiative to introduce amendments to the Local Self-Government Code, pursuant to which the number of officials in Sakrebulo (city councils) has increased, namely: as a result of the amendments, the chairperson of the Sakrebulo in all municipalities will have three deputies instead of one. The chairperson of a Sakrebulo faction, who previously had one deputy, will now be entitled to have one additional deputy for every 3 members of the faction. Besides, members of the Sakrebulo elected on the basis of the nomination of a political party will not have the right to set up more than one faction.⁴³

The content of the initiated draft law was negatively assessed by the non-governmental sector. It was noted that the increase in positions in the city councils is vague and unsubstantiated. Even the explanatory note cannot confirm the need for the changes. The Parliament was urged to refrain from increasing artificially the number of positions in city councils.⁴⁴ Despite the protest, Parliament ignored the recommendations of the civil society organizations.

Abolition of the State Inspector's Service

At the end of the reporting period, without prior consultations and a thorough investigation of the issue, the Parliament of Georgia, in an expedited manner, considered a bill, according to which the State Inspector's Service was abolished to be replaced by two bodies: the Special Investigation Service and the Personal Data Protection Service.⁴⁵

Representatives of the non-governmental organizations and the State Inspector actively participated in the accelerated discussions in the Parliament and strongly protested against the amendments. It was pointed out that the legislative package was initiated without studying the issue, the accelerated process was unjustified, and the procedure did not comply with the principles of transparency and openness of the Parliament.⁴⁶

Despite fierce public opposition and protest, Parliament did not take into account their positions and adopted the reform based on one-party support.

The changes were criticized by the US embassy, calling the ruling party's actions an undermining assault on the government's accountability.⁴⁷

43 A draft Law on Amendments to the Organic Law of Georgia on the Local Self-Government Code, <https://info.parliament.ge/#law-drafting/22966> [10.03.2022]

44 A statement by Transparency International – Georgia of November 18, 2021, on Increasing the number of city council officials - <https://transparency.ge/en/post/number-officials-city-councils-should-not-be-increased> [10.03.2022]

GYLA's Assessment of November 18, 2021, regarding the increase of the number of officials in city councils <https://www.gyla.ge/ge/post/saia-sakrebuloebshi-tanamdebobis-pirta-raodenobis-khelovnurad-gazrdas-ar-etankhmeba#sthash.NttYyeRG.ptPbN28g.dpbs> [10.03.2022]

45 For changes, see Chapter 3.3.2. of this report.

46 A joint statement issued by 16 non-governmental organizations on the abolition of the State Inspector's Office on December 26, 2021 <https://transparency.ge/en/post/statement-ngos-possible-abolition-state-inspectors-service> [10.03.2022]

A statement by Democracy Index - Georgia of December 29, 2021, on weakening the independent institutions - https://democracyindex.ge/index.php?m=261&news_id=10 [10.03.2022]

47 A statement by the US Embassy on the State Inspector issued on January 3, 2022 - <https://ge.usembassy.gov/u-s-embassy-statement-on-the-ruling-partys-rushed-end-of-year-legislation/> [10.03.2022]

Amendments to the Law on Gambling and Winning Games

Parliament, in the last week of the session, hastily considered significant changes to the law on Gambling and Prize Games,⁴⁸ substantially toughening the state's approach to the sector.⁴⁹ In addition to restricting players, the changes may have a significant financial impact on media outlets, because the advertising of gambling and winning games will become limited. The discussion of the amendments met with strong opposition from the gambling and winning games industry as well as the media, who presented their arguments, however, the initiator of the bill, in most of the cases, did not respond to the questions and criticism.

Despite resistance, the Parliament carried out the systemic reform hastily, without comprehensive deliberations. Discussing bills through this procedure renders the process undemocratic and hinders in-depth consideration of issues.

Amendments to the Organic Law on Common Courts

In the last week of the reporting period, the Parliament of Georgia hastily initiated amendments to the Organic Law of Georgia “On Common Courts,”⁵⁰ which notably reduced the legal guarantees for the independence of the individual judge and increased the risks of making arbitrary decisions in relation to the judiciary by the influential group in the court.⁵¹

Civil society organizations were actively involved in the expedited reviews of the changes and the bill was negatively assessed by incumbent judges,⁵² some of whom published an open letter and urged the Parliament to refrain from passing the intended changes.

Despite severe protests and resistance, Parliament did not suspend the expedited procedure and adopted the amendments based on one-party support. This step of the ruling party has been criticized by both civil society and the US embassy.⁵³

2.5. PARLIAMENTARY OVERSIGHT EXERCISED BY COMMITTEES

2.5.1. SUPERVISION OVER THE IMPLEMENTATION OF NORMATIVE ACTS

The mechanism for overseeing the enforcement of normative acts is used to assess the efficiency of

48 Draft Law on Amendments to the Law of Georgia “On Gambling Business Fee” <https://info.parliament.ge/#law-drafting/23205> [10.03.2022]

49 Draft Law on Amendments to the Law of Georgia “On Gambling Business Fee” <https://info.parliament.ge/#law-drafting/23205> [10.03.2022]

50 Draft Law on Amendments to the Organic Law of Georgia on Common Courts, <https://info.parliament.ge/#law-drafting/23324> [10.03.2022]

51 For changes, see also Chapter 3.3.2. of this report.

52 An open letter of several judges to the Parliament of Georgia - https://www.interpressnews.ge/ka/article/690264-mosamartleta-nacili-sakartvelos-parlaments-gia-cerilit-mimartavs-da-saerto-sasamartloebis-shesaxe-b-kanonshi-incipirebuli-cvilebebis-shesaxe-b-ganmartebes-itxovs/?fbclid=IwAR1794AXeAd7xvshnSzGJW83mdI9KW6smfP_oKYQGf3kiCoD9Iv2yLfr6Dc

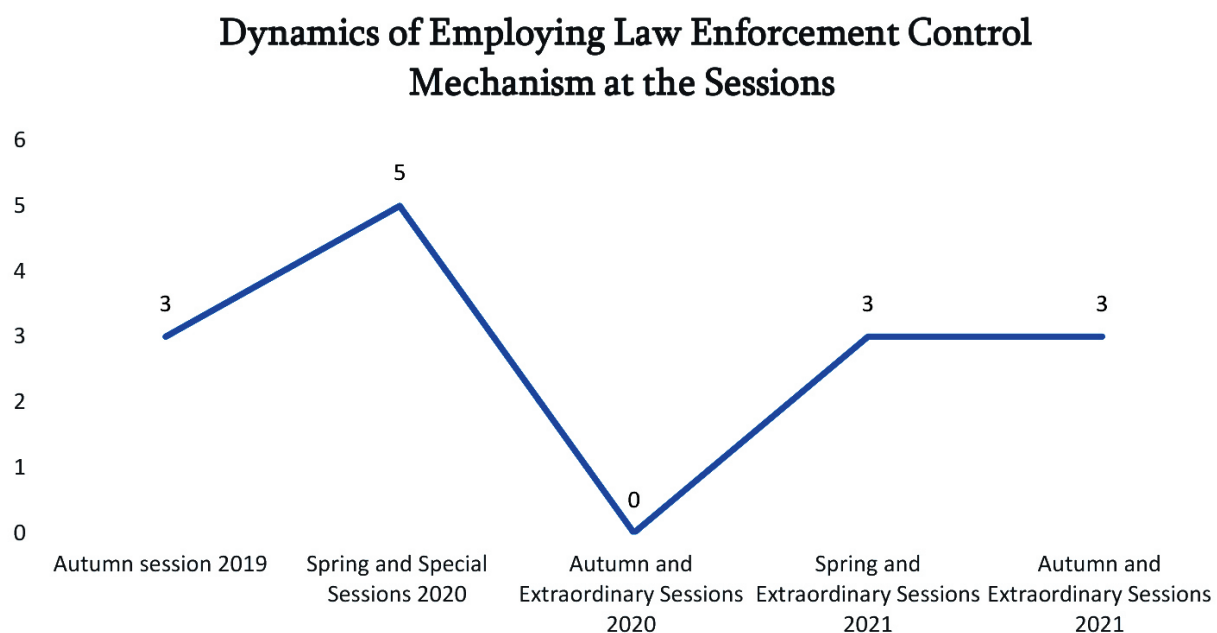
53 US Embassy Statement of January 3, 2022, on Amendments to the Organic Law on Common Courts - <https://ge.usembassy.gov/u-s-embassy-statement-on-the-ruling-partys-rushed-end-of-year-legislation/> [10.03.2022]

A statement by “Democracy Index - Georgia” on the changes to the Organic Law on Common Courts 30.12.2021 - https://democracyindex.ge/index.php?m=261&news_id=9 [10.03.2022]

the legislative performance of the Parliament. The committees study and analyze the implementation of the laws governing relevant areas and the reasons for any non-compliance, discuss the measures needed to eliminate the identified problems and various obstacles to the effective operation of normative acts in everyday life.⁵⁴

Committees rarely use the mechanism of supervision over the implementation of the legislation. The mechanism was used by 3 committees in the autumn session in 2019, by 5 committees in the spring and special sessions in 2020, and in the autumn and extraordinary sessions of the same year, the committees did not control at all the implementation of normative acts. During spring and extraordinary sessions 2021, as well as in the given reporting period, the above instrument was used by 3 out of 16 committees on a total of four different issues.

Diagram №11



The **Committee on Agrarian Issues** has begun monitoring the implementation of the Law of Georgia “On Agricultural Cooperatives.”

The **Human Rights and Civil Integration Committee** reviewed the process of implementing the relevant norms of the Law of Georgia “On Social Work” and the Code on the Rights of the Child in relation to the social work carried out in municipalities. The Committee examined the state of enforcement of the Law of Georgia “On the Rights of Persons with Disabilities.”

The **Healthcare and Social Affairs Committee** has begun to monitor the implementation of the normative act on the following matter – “Protection and promotion of breastfeeding and artificial food consumption.”

According to the information provided by the Parliament,⁵⁵ the Procedural Issues and Rules Com-

⁵⁴ Article 38, Paragraph 1 of the Rules of Procedure of Parliament

⁵⁵ Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

mittee assessed the state of implementation of the Rules of Procedure of the Parliament, analyzed the shortcomings identified, and responded to them accordingly.

In addition, as in the previous session, the current response of the Budget and Finance Committee⁵⁶ to our question has confirmed that within the framework of the oversight mechanism for the implementation of normative acts, the Committee has heard and reviewed the annual reports on the implementation of the state budget and the activities of accountable bodies. These procedures, per the Rules of Procedure, are the routine oversight activities of the committees. With respect to control over the implementation of laws, there is a separate procedure defined by the Rules of Procedure, in accordance with which the committees, on their own initiative, shall study the state of execution of various normative acts.⁵⁷ The answer received from the Parliament creates the impression that the essence of the mechanism i.e. of the instrument for measuring the effectiveness of the lawmaking activity is not well understood.

An important tool for analyzing the effectiveness of legislative activity is to study the judiciary practice by the committees.⁵⁸ Familiarity with such practices can greatly facilitate the committees' oversight over the implementation of normative acts.⁵⁹

Committees rarely use this tool to oversee the judiciary practice. The mechanism was never used during the spring and extraordinary session 2021 and only once in the given reporting period, when the Human Rights and Civil Integration Committee began to monitor the implementation of the regulations on the management of the child's property, which has not yet been finalized.⁶⁰

2.5.2. COMPLIANCE OF NORMATIVE ACTS WITH THE LEGISLATION OF GEORGIA

The committee is authorized to examine the compliance of the normative acts prepared by the Government of Georgia, ministers, and the heads of other state agencies with the legislation of Georgia, as well as the state of their implementation. The committee shall study and analyze any shortcomings identified in these normative acts during their implementation, develop recommendations, and send them to corresponding bodies.⁶¹

Similar to the previous sessions, the mechanism to study the compliance of the normative acts with the legislation of Georgia was not used by the committees in the given reporting period.⁶²

2.5.3. MANDATORY ATTENDANCE OF OFFICIALS AT COMMITTEE SITTINGS

One of the important instruments of parliamentary control is the obligatory attendance of officials at committee sittings.⁶³ The initiator of summoning an official to a sitting of the committee can be either a committee or a faction. However, it is rarely used in the practice of parliamentary work. In

56 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

57 Article 38, Paragraph 1 of the Rules of Procedure of Parliament

58 Article 38, Paragraph 4 of the Rules of Procedure of Parliament

59 Kakhaber Uriadmkopeli, Oversight over the Enforcement of Normative Acts. Guide for Parliament, 2019. 29. [22.09.2021]

60 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

61 Article 39, Paragraph 1 of the Rules of Procedure of Parliament

62 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

63 Article 40, Paragraph 1 of the Rules of Procedure of the Parliament of Georgia

the reporting period, the procedure of mandatory attendance of an official at the committee meeting was requested in 3 cases, 2 of them by the opposition and 1 by the majority. The officials appeared at the committee sittings only at the initiative of the majority though. Despite the demands of the opposition, the committee hearings of officials were not held. The practice of officials refusing to appear at committee sittings despite the request of opposition factions continued throughout the reporting period. Based on the information provided by the Parliament, the reasons for the non-appearance of accountable persons are insufficiently substantiated.⁶⁴

Unlike the previous session, where none of the committees requested the mandatory presence of accountable persons at committee sittings on their own initiative, in the reporting period, the mechanism was used only by one - the Committee on Foreign Affairs.⁶⁵

Compared to the previous session, the number of summons of officials by the opposition factions to the committee sittings has decreased from 5 to 2.⁶⁶

As in previous sessions, the hearings of the ministers invited by the opposition factions “Lelo - Partnership for Georgia” and “Charles Michel Reform Group” did not take place in the given reporting period.

In the reporting period, the “Lelo - Partnership for Georgia” faction requested to summon the Minister of Culture, Sports and Youth Affairs of Georgia to a sitting of the Culture Committee. According to the information provided by the Parliament,⁶⁷ the Minister’s hearing at the committee session was not held, as the Minister had already spoken within the Ministerial Hour format at the plenary session of the Parliament on the issues concerning which the information was requested. The format of the Ministerial Hour is a completely different type of oversight mechanism,⁶⁸ which aims not at an in-depth discussion of a specific issue, but at a hearing of the Minister’s annual report. The parliamentary faction has the right to summon an official to the sitting of the committee, and the invited person is obliged to attend the committee sitting in accordance with the Rules of Procedure, answer the questions asked at the sitting, and present the report on the activities implemented.⁶⁹

During the reporting period, the Charles Michel Reform Group requested that the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs be summoned to a sitting of the Human Rights and Civil Integration Committee. Despite the request of the opposition faction, the official did not appear before the committee. Based on the information provided by the Parliament,⁷⁰ the reason is not sufficiently substantiated, and it is simply indicated that consultations were in progress concerning the date, but due to the abolition of the faction, the issue remained open.

It is problematic that the Rules of Procedure do not specify the terms for sending an invitation in case

64 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

65 Within the powers under Article 40 of the Rules of Procedure, the Foreign Relations Committee, on its own initiative, summoned Mr. Lasha Darsalia, First Deputy Foreign Minister, and Mr. Zurab Abashidze, Special Representative of the Prime Minister of Georgia in Relations with Russia. The session was held behind closed doors.

66 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

67 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

68 See Chapter 3.4 of this report.

69 Article 40, Paragraph 1 of the Rules of Procedure of Parliament.

70 Letter 148/2/-7/22 of the Parliament of Georgia dated February 17, 2022

of summoning an official, which allows the chairperson of the committee the opportunity to send an invitation to an official at any time at his/her discretion after the initiation of the issue.⁷¹ Unspecified deadlines deprive the mechanism of parliamentary oversight of its effectiveness since the issue under consideration may lose its urgency if the procedure is delayed.

2.5.4. OBLIGATION TO PROVIDE INFORMATION

According to the Rules of Procedure,⁷² a member of the Government, an official accountable to the Parliament, the head of a body accountable to the Parliament, if requested by a committee, is obliged to submit relevant documents, reports, and other necessary materials.

Based on the information provided by the Parliament,⁷³ during the spring and extraordinary sessions of 2021, the right to request information by the committees was exercised only by one - the Budget and Finance Committee. In the given reporting period, this mechanism of parliamentary control has been used by far more, namely, 5 committees. These were as follows:

- The Agrarian Issues Committee requested various documents from the Department of Environment Monitoring, the Ministry of Environment and Agriculture, and the Rural Development Agency.
- The Human Rights and Civil Integration Committee inquired about problems existing in the penitentiary system and requested the Ministry of Justice to provide information.
- The Education and Science Committee addressed its corresponding ministry on specific issues.
- The Sector Economy and Economic Policy Committee requested the Ministry of Economy as well as the Government to provide documents on industry issues.
- The Budget and Finance Committee twenty-five times requested various bodies to submit information on the implementation of the recommendations approved by the Committee and to present the opinions of various agencies on the legislative proposals and statements submitted to the Committee.

2.5.5. THEMATIC INQUIRY GROUPS

A thematic inquiry group may be established based on a decision of a committee or the Permanent Parliamentary Council for the purpose of studying any pressing issues and preparing a relevant decision.⁷⁴

The analysis of thematic inquiries shows that there is no efficient mechanism that could allow the Parliament to oversee the implementation of the recommendations issued as a result of thematic research. Against this background, thematic inquiries remain to be only a research tool and are practically devoid of policy-making or supervisory functions. In addition, it remains a problem that the names of bodies that have been requested to provide the view of stakeholders within the thematic inquiry are not made public. Only those persons who have presented their opinion to thematic inquiry groups become known. This makes it impossible to assess the adequacy of selecting the stakeholders

71 Article 40, Paragraph 4 of the Rules of Procedure of Parliament.

72 Article 41 of the Rules of Procedure of Parliament.

73 Letter 177/6/2-7/22 of the Parliament of Georgia dated February 24, 2022

74 Article 155 of the Rules of Procedure of the Parliament.

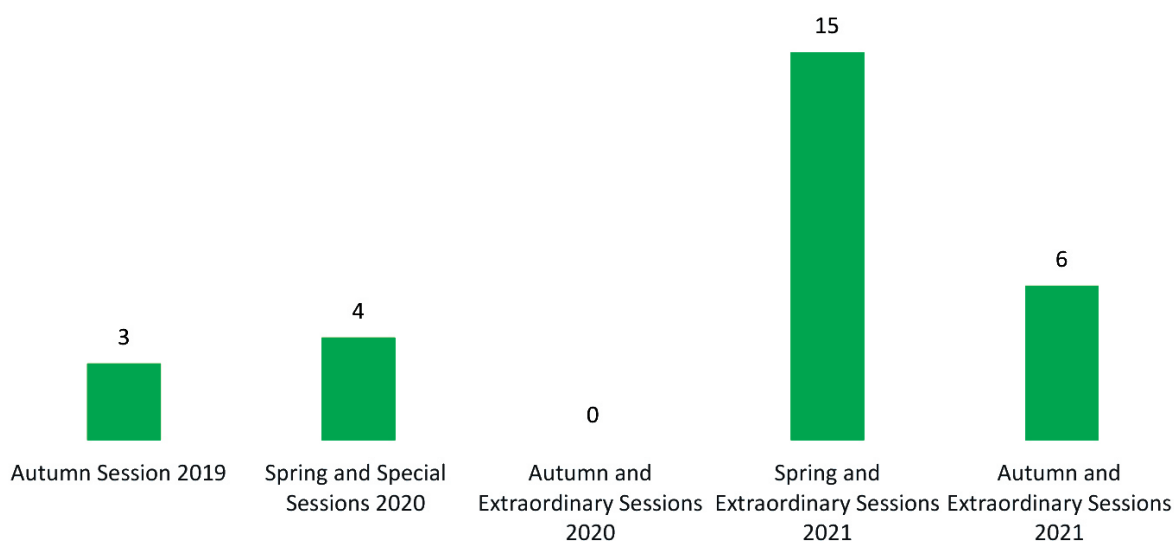
who were given the opportunity to present their opinion to the thematic research group. Information on thematic inquiries is not published on the Parliament's website in full. In addition, it is necessary for the parliamentary opposition to participate in all thematic inquiry groups and be represented in greater numbers in the work of these groups.

Unlike other parliamentary mechanisms, the performance of thematic inquiry groups has been comparatively active.

In the reporting period, compared to the spring and extraordinary session of 2021, the frequency of using the thematic inquiry instrument decreased. If 15 thematic research groups began their work in the spring and extraordinary sessions in 2021, in the given reporting period, this number was reduced to 6 and almost equaled the number of thematic investigative groups created in 2019 and 2020.

Diagram №12

Thematic Inquiries Launched according to the Sessions



In the given reporting period, thematic investigations were launched in 4 committees, and 1 in the Standing Council of the Parliament.⁷⁵

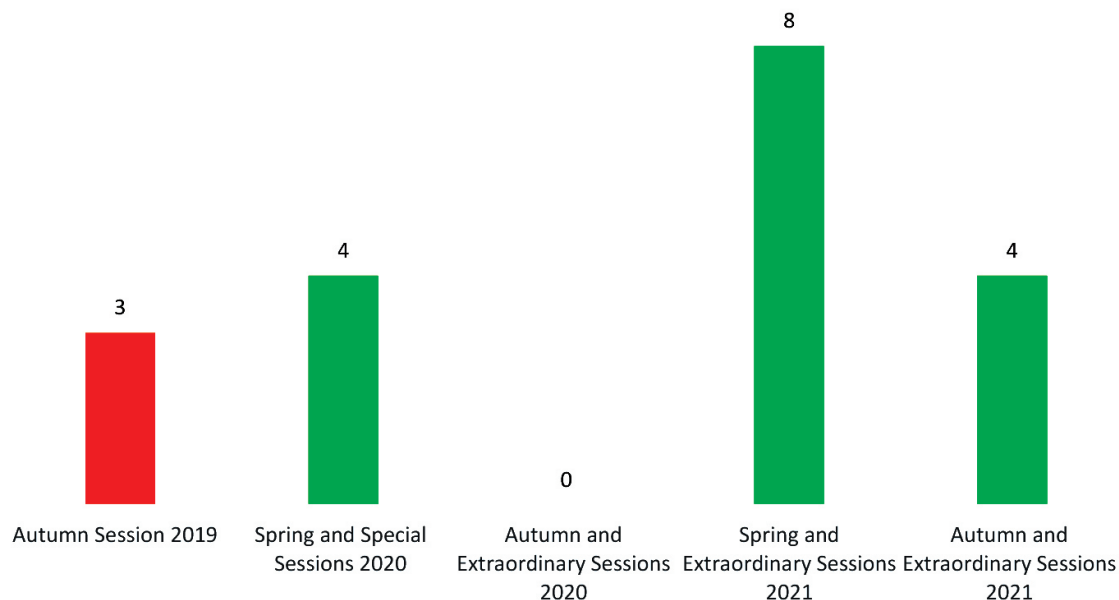
⁷⁵ Letter 907/2-7/22 of the Parliament of Georgia dated February 2, 2022. The thematic inquiries established in the committees during the reporting period addressed the following issues:

- The Committee on Sector Economy and Economic Policy has established two thematic inquiry groups: 1. “Updated strategy of the tourism sector in the crisis and post-crisis period and its economic consequences.” 2. “On the effectiveness of “Produce in Georgia” programs regarding the availability and effectiveness of state programs supporting entrepreneurship.” In both cases, the technical terms and the opinions received from the stakeholders are available on the Parliament’s website.
- The Committee on Health and Social Affairs has established a group “To respond to the challenges of COVID-19, the impact of the measures taken by the executive authorities on the efficiency of the country’s social protection system.”
- The Committee on Human Rights and Civil Integration has set up a thematic inquiry group - “The effectiveness of parliamentary control over the submission of reports on access to public information provided by public institutions.”

A thematic research group has been set up in the Committee on Environment Protection and Natural Resources - “Sustainable Inert Waste Management in Georgia”.

Diagram №13

Number of Committees that Launched Thematic Inquiry according to the Sessions



The thematic inquiry initiated by the Permanent Parliamentary Council for Gender Equality addressed the following issue: “Gender equality mainstreaming in the government policy.”

Detailed information on the thematic inquiries created during the reporting period is not fully published on the Parliament’s website. In all cases, opinions submitted and technical conditions are available. The Human Rights Committee has published the date of establishment and the schedule of the thematic inquiry. A written work plan for the inquiry set up by the Environment Protection Committee is provided on the website. In relation to the effectiveness and availability of governmental programs developed by the Sector Economy and Economic Policy Committee, the date of creation and schedule are available for the thematic inquiry on the efficiency of the program “Produce in Georgia.” Very little information is available on the inquiry group set up by the Healthcare and the Economics Committees concerning the “Updated Tourism Sector Strategy and its Economic Consequences in Crisis and Post-Crisis Period”, namely, the schedule and date of setting up the group are not provided.

The thematic inquiry group established by the Human Rights Committee in the reporting period consists only of members of the Georgian Dream. There is only one representative of the opposition in the six-member group created by the Permanent Council, a group formed by the Environment Committee is composed of 11 members, the groups established by the Committee on Economy have 8 and 9 members, respectively, and a group created by the Healthcare Committee consists of 4 members, all of the groups have only one opposition deputy.

In the reporting period, 5 different committees and the Parliamentary Council completed the work on 6 thematic inquiries created during the spring and extraordinary sessions in 2021.⁷⁶

The minutes of committee sessions on launching the thematic research by the Agrarian Issues Committee that were completed during the reporting period, as well as corresponding inquiry reports and technical specifications are available on Parliament's website, yet the schedule of the thematic studies is not provided.⁷⁷ The date of setting up the inquiry group is not available for the thematic research conducted by the Education and Sports Committee. The uploaded documentation includes the inquiry report, obtained documents, and technical terms.⁷⁸ Very little information can be found about the thematic inquiry organized by the Sector Economy and Economic Policy Committee. The website does not offer relevant reports of thematic inquiry groups, the date of setting up of groups, and respective schedules.⁷⁹

Among the completed thematic inquiries, the group created by the Education Committee was staffed without representatives of the opposition, in all other cases, opposition members of the Parliament also participated in the activities of the groups.

In total, 5 thematic inquiry groups set up during the spring and extraordinary session 2021 has continued their work through the given reporting period. Among them, 4 inquiry groups were set up by the committees, and 1 - by the Parliamentary Council.⁸⁰

The documents published on the Parliament's website do not contain information on the date of for-

76 According to the letter 907/2/-7/22 of the Parliament of Georgia dated February 2, 2022, the thematic inquiries completed during the reporting period concerned the following issues:

- In the Agrarian Issues Committee: 1. "Challenges and Opportunities for the Export of Agricultural Products to the European Market". 2. "Impact of the COVID-19 pandemic on the production and sale of agricultural produce";
- In the Education and Science Committee - "Impact of the COVID-19 pandemic on the general education system in Georgia";
- In the Sector Economy and Economic Policy Committee: 1. "Main Challenges to Small and Medium Businesses and Mechanisms of Support in the Crisis and Post-Crisis Period". 2. "Concerning the problems of renewable energy development";
- In the Sports and Youth Affairs Committee - "Promoting Youth Employment".

During the reporting period, the thematic research group "Women's Rights in the Informal Economy and the Impact of COVID-19" established by the Standing Parliamentary Council on Gender Equality completed its work.

77 Documentation on thematic research <https://parliament.ge/supervision/thematic-inquiry> [10.03.2022]

78 Documentation on thematic research <https://parliament.ge/supervision/thematic-inquiry> [10.03.2022]

79 Documentation on thematic research <https://parliament.ge/supervision/thematic-inquiry> [10.03.2022]

80 According to the letter 907/2/-7/22 of the Parliament of Georgia dated February 02, 2022, the thematic inquiry groups established during the spring and extraordinary sessions in 2021, and extended through the reporting period, addressed the following issues:

- In the Regional Policy and Self-Government Committee - The group to "Study the State of Citizen Involvement in the Activities of Municipalities";
- In the European Integration Committee - "Opportunities and Challenges to Integration into the EU Labor Market"
- In the Sector Economy and Economic Policy Committee 1. "Foreign Direct Investment - Existing Challenges and Development Perspectives". 2. "The benefits received from the free trade agreements, the current situation and prospects for future development."

The Standing Parliamentary Council for Gender Equality is still conducting the inquiry into the effectiveness of the implementation of the Council of Europe Convention on the Prevention and Elimination of Violence against Women and Domestic Violence (Istanbul Convention), launched at the spring session 2021.

mation of the groups and their work schedules. Therefore, we cannot determine whether the deadlines set for the thematic research groups have been met.

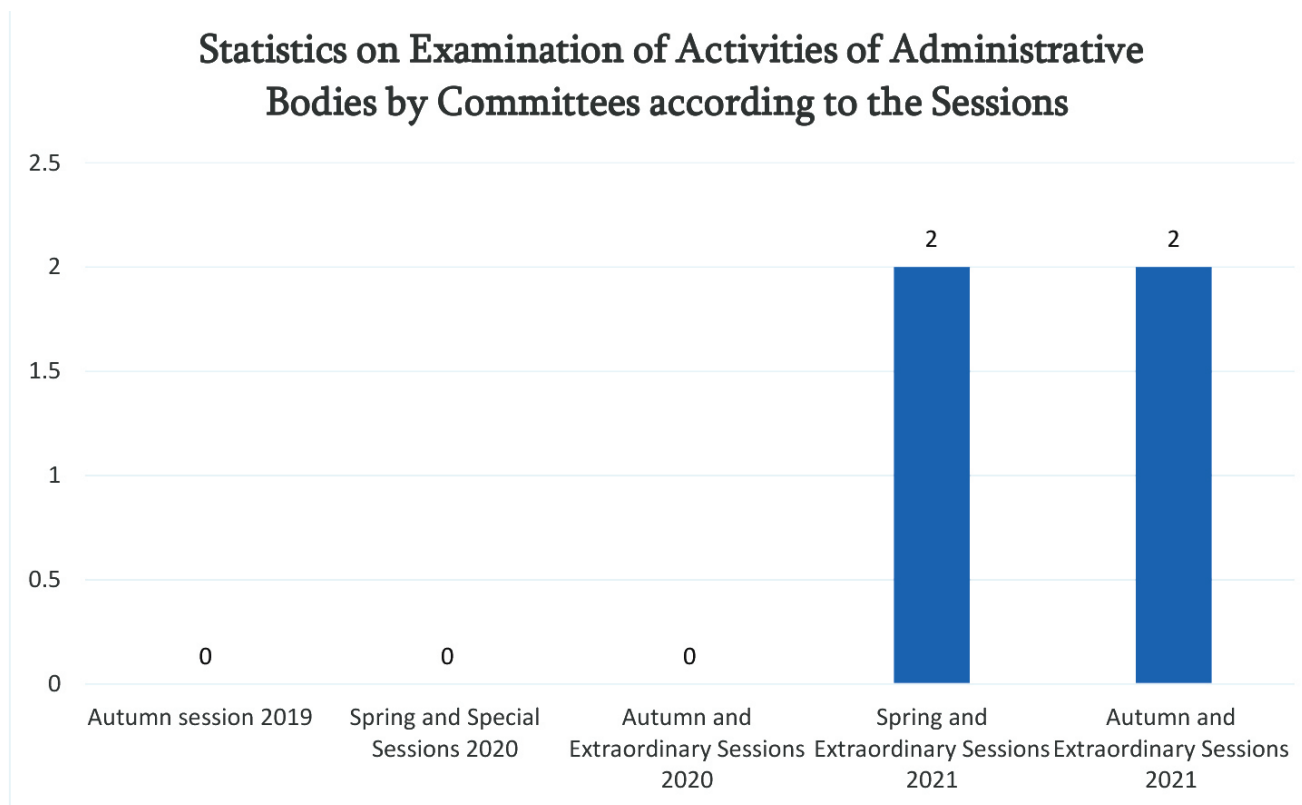
Those committee inquiry groups that continued to work through the reporting period include representatives of both the majority and the opposition.

2.5.6. ASSESSMENT OF THE PERFORMANCE OF ADMINISTRATIVE BODIES

A Committee, on its own initiative or on the basis of a relevant application, a request, or a petition, shall, within its competence, examine the activities of the administrative bodies, and where necessary, request relevant materials and submit its opinion to the Parliament for consideration.⁸¹ This is one of the important mechanisms of parliamentary oversight over the executive branch.

The right to examine the activities of administrative bodies is rarely used by committees. As in the previous spring and extraordinary sessions of 2021, only two committees exercised this power during the reporting period. In the current reporting period, the right was enjoyed by the Sector Economy and Economic Policy Committee and the Environmental Protection and Natural Resources Committee.⁸²

Diagram №14



⁸¹ Article 37, Paragraph 3 of the Rules of Procedure of Parliament.

⁸² Letter 948/2-7/22 of the Parliament of Georgia dated February 03, 2022

The Sector Economy and Economic Policy Committee studied the activities of administrative bodies with respect to 7 different issues, namely, the parliamentary control mechanism was used by the Committee to examine the activities of the Georgian National Communications Commission and the Georgian National Energy and Water Supply Regulatory Commission.⁸³ In addition, at the initiative of the Committee, the following issues have been studied using the mechanism: the measures implemented to ensure water supply for the population living in the regions (municipalities) of Georgia in 2020-2021 and future plans; the activities and future plans for the improvement of the country's road infrastructure in 2020-2021, and the Public Defender's report 2020 on the legal state of consumers in the energy and water supply sector.⁸⁴

The Environment Protection and Natural Resources Committee used the above supervisory instrument with respect to the Ministry of Environment and Agriculture. The following issues have been studied: the report of the Ministry of Environment Protection and Agriculture on the National Action Plan for the Implementation of the Association Agenda between Georgia and the European Union 2020 and the UN Framework Convention on Climate Change, the Paris Agreement, the updated Nationally Determined Contribution Document (NDC), Georgia's National Climate Change Strategy 2030 and its Action Plan 2021- 2023.

2.5.7. OVERSEEING THE IMPLEMENTATION OF TASKS ASSIGNED TO THE EXECUTIVE INSTITUTIONS UNDER THE TRANSITIONAL PROVISIONS WITHIN THE ESTABLISHED TIMEFRAMES

The committees, in the fields within their scope of competence, are entitled to check the fulfillment within the established timeframes of the tasks assigned to the institutions of the executive authority under the transitional provisions of the normative acts of the Parliament.⁸⁵

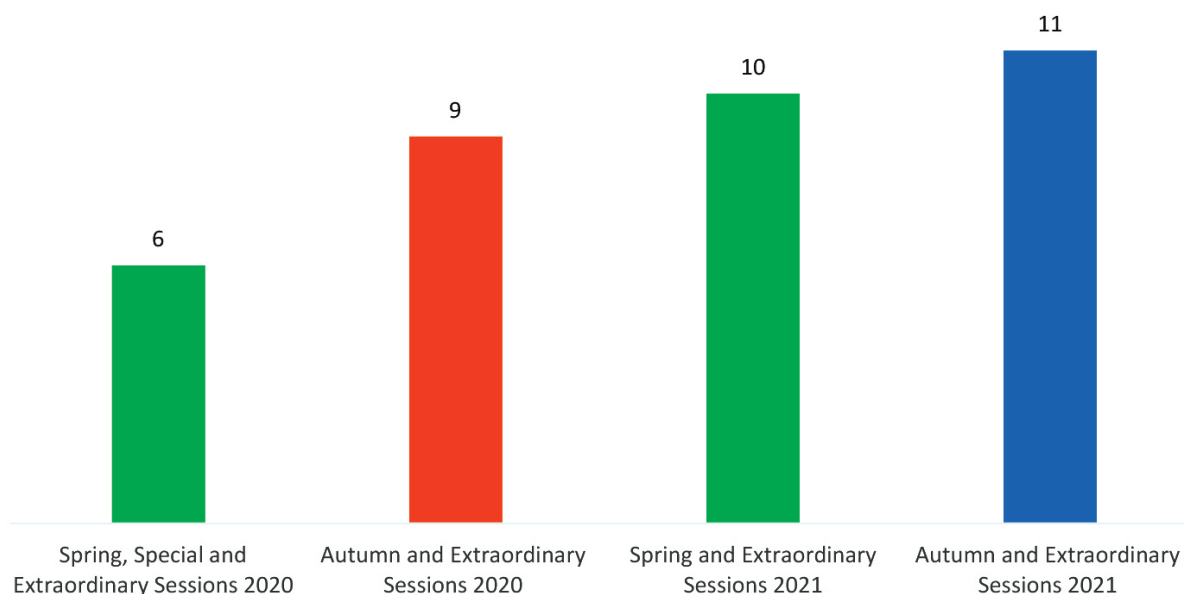
83 The committee reviewed the 2020 Annual Report on the Activities of the National Energy and Water Supply Regulatory Commission and the independent editor's report on the financial statements; Performance reports 2019 and 2020 on the activities of the Georgian National Communications Commission and the overview of the agro-insurance market.

84 Letter 948/2-7/22 of the Parliament of Georgia dated February 03, 2022

85 Article 39, Paragraph 2 of the Rules of Procedure of Parliament.

Diagram №15

**Number of Committees Overseeing the Implementation of
the Tasks Determined for the Executive Bodies by the
Transitional Provisions, according to the Sessions**



Compared to the previous sessions, a maximum of 11 committees used the mechanism during the reporting period. These were:

- Agrarian Issues Committee;
- Human Rights and Civil Integration Committee;
- Environment Protection and Natural Resources Committee;
- Sector Economy and Economic Policy Committee;
- Culture Committee;
- Legal Issues Committee;
- Procedural Issues and Rules Committee;
- Regional Policy and Self-Government Committee;
- Budget and Finance Committee;
- Sports and Youth Affairs Committee;
- Social Issues and Healthcare Committee.

CHAPTER 3. PLENARY SESSIONS

This chapter assesses how effectively plenary sessions of the Parliament perform their legislative and oversight functions.

With respect to law-making activity, we focused on trends, provided statistics, and analyzed the adherence to procedures. A separate section of the chapter offers a substantive assessment of the draft laws that have received special public attention due to their content or review procedures. The emphasis has been placed on those bills the constitutionality of which, in the organization's opinion, is questionable, the goals are unfounded, and which worsen the democratic environment.

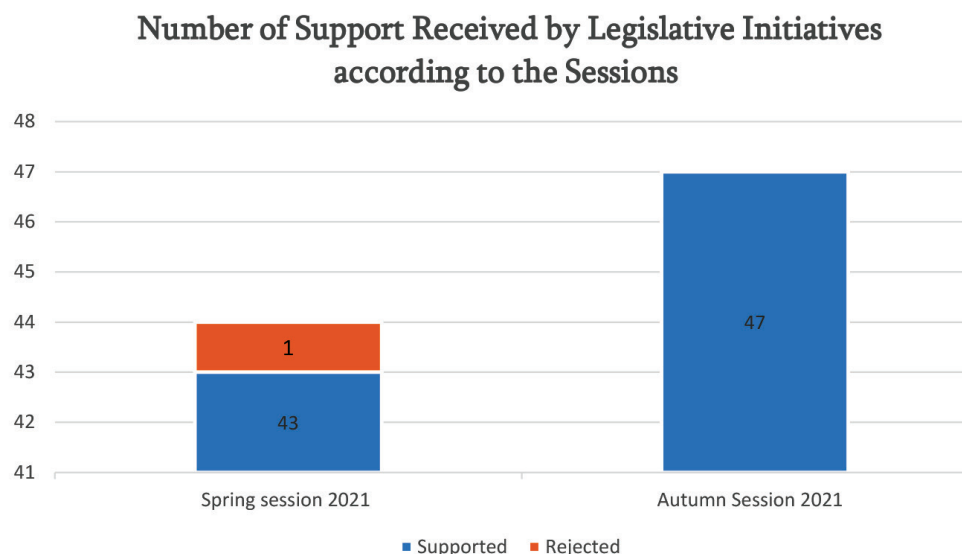
In terms of supervisory activities, the paper discusses the mechanisms and trends in their usage that enable the plenary sessions to exercise efficient control over the government and other accountable bodies.

3.1. LEGISLATIVE PROCESS AND LAW-MAKING POLICY

3.1.1. BILLS SUBMITTED/SUPPORTED/REJECTED DURING THE AUTUMN SESSION

In the reporting period, the Parliament supported a total of 47 legislative initiatives,⁸⁶ which amended 81 laws. Among them, the legislative initiatives included 13 legislative packages⁸⁷ and 34 draft laws. Parliament supported all legislative initiatives presented to the plenary session.⁸⁸

Diagram №16



During the autumn session, in total, 74 legislative initiatives were registered in the Parliament, among them, 2 by the Supreme Council of the Autonomous Republic of Adjara, 34 by the government, and 38 by parliamentary entities. The number of submitted bills was distributed among the parliamentary subjects as follows:

- Members of the majority - 26;
- Members of the opposition - 11;
- Committee - 1.

⁸⁶ An initiative is a bill or a package of bills containing a draft law (s) attached to the major bill.

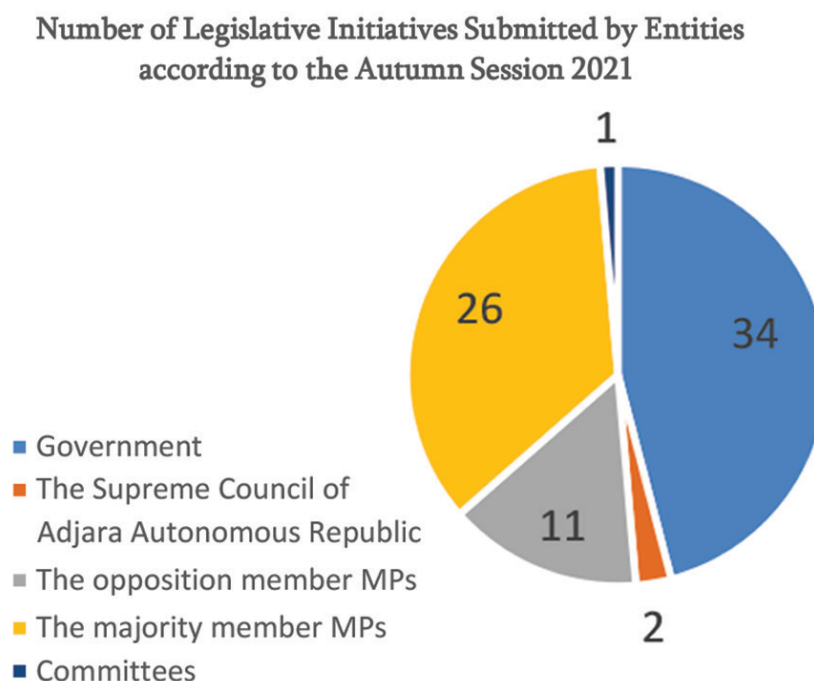
⁸⁷ Which included more than one bill.

⁸⁸ Letter N645/2-7/22 of January 25, 2022, of the Parliament of Georgia.

In the reporting period, the factions did not submit any legislative initiatives.

In contrast to the previous session, when 2 legislative initiatives with a high impact on democratic processes, such as the amendments to the Electoral Code and the Constitution,⁸⁹ were registered as a result of coordinated work between the political parties, in the autumn session, the opposition and the majority did not exercise their right to present a joint legislative initiative.⁹⁰ The withdrawal of joint initiatives of majority and opposition MPs from the agenda further highlights the lack of coordination and consensus among political forces in Parliament.

Diagram №17



The number of legislative initiatives submitted by committees and factions has significantly decreased compared to the spring session. During the previous session, the factions presented 9 legislative initiatives, and the committees submitted 4,⁹¹ in the autumn/extraordinary session, this figure was reduced to 1 in the case of committees and to zero with respect to factions. In the existence of 16 committees and 3 factions, the initiation of law only once is rather a low rate. We can conclude that the legislative activity is not coordinated between deputies. As a result, the role of committees and factions as collegial bodies of the Parliament is diminished and initiatives presented by the government or individual MPs are preferred.

89 “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 36 https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0L.pdf [26.01.2022].

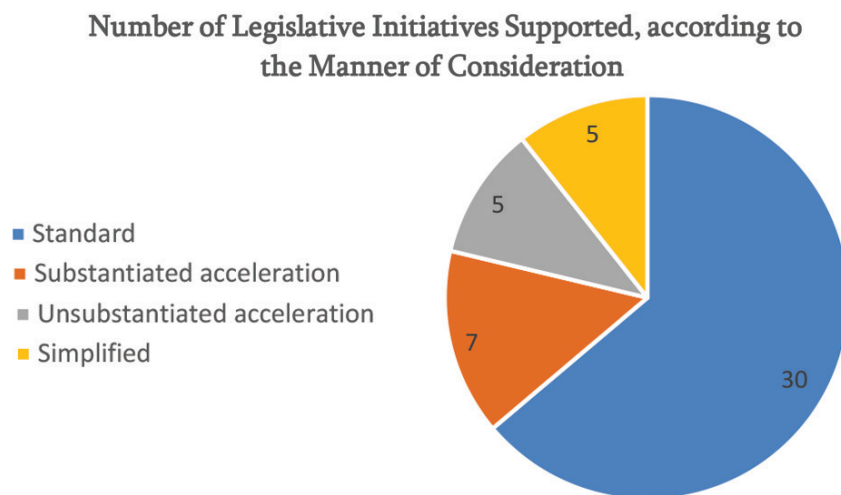
90 Letter N645/2-7/22 of January 25, 2022, of the Parliament of Georgia.

91 “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 36 https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0L.pdf [26.01.2022]

3.1.2. TREND IN CONSIDERING BILLS IN AN EXPEDITED MANNER

Of the 47 initiatives supported at the autumn session, 12 were considered in an expedited and 5 in a simplified manner.⁹² Of the hastily discussed bills, as in the spring session, only 1 was initiated by the opposition.⁹³ In the remaining 11 cases, the trend observed in the previous sessions continued and the requesters of the expedited reviews were members of the majority or the government.

Diagram №18



An expedited review of a bill in a democratic state is usually a limited option and is a mechanism only intended for urgent cases, without which a specific temporary delay in a regulated area may cause specific harm. Since the accelerated procedure involves intensified discussion of a legislative package, it is clear that the procedure can impede the full involvement of deputies, as well as stakeholders in the process, and, obviously, may affect the quality of the legislative package. This has been confirmed by the Venice Commission in its opinion on the parameters of the relationship between the parliamentary majority and the opposition.⁹⁴

The analysis of relevant explanatory notes has shown that in 5 out of 12 cases, the decision of the Bureau to speed up the consideration of the bills was unsubstantiated. The initiators do not specify the reason - why it is necessary to consider the initiative within tight timeframes. They only emphasize the expediency of making the change.⁹⁵

⁹² Information posted on the Parliament's website: info.parliament.ge [26.01.2022]

⁹³ An initiative by the Members of Parliament of Georgia Ms. Teona Akubardia, Ms. Salome Samadashvili and Mr. Paata Manjgaladze "On Amendments to the Rules of Procedure of Parliament of Georgia" (07-3/129/10) <https://info.parliament.ge/#law-drafting/23148> [10.03.2022]

⁹⁴ Venice Commission, Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist, CDL-AD(2019)015, 2019, 74-76, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)015-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)015-e) [26.01.2021]

⁹⁵ The mentioned legislative initiatives are as follows: 1. On Amendments to the Organic Law of Georgia "Code of Local Self-Government" 1031-VI⁰⁶-X⁰³; "On Amendments to the Law of Georgia on Lottery, Gambling and Winning Games" 1083-VI⁰⁶-X⁰³; 3. "On Amendments to the Rules of Procedure of the Parliament of Georgia" 1153-VI⁰⁶-X⁰³; 4. On Amendments to the Law of Georgia "On State Awards and Bonuses in Georgia" 1167-VI⁰⁶-X⁰³; 5. "On Amendments to the Rules of Procedure of the Parliament of Georgia" 1170-VI⁰⁶-X⁰³.

For example, we can cite a few initiatives that have been included in the statistics mentioned above. In an unreasonably hasty manner, the Parliament has considered:

- Amendments to the Law “On Lotteries, Gambling and Winning Games” (1083-VI^{თბ}-X^{მზ}). The initiators did not indicate in the explanatory note what specific problem the standard review of the draft initiated by them would cause,⁹⁶ in the light of the fact that the business had been operating under the existing regulations for many years before the changes were made;
- Amendments to the Law of Georgia “On State Awards and Bonuses in Georgia” (1167-VI^{თბ}-X^{მზ}). The decision of the Bureau was based on the initiator’s letter,⁹⁷ according to which the reasonableness of making the changes in an expedited manner was based on its high importance, without mentioning any other specific circumstances.

In a justifiably accelerated manner, the Parliament has considered:

- Amendments to the Law of Georgia “On Improvement of Cadastral Data and Procedure for Systematic and Sporadic Registration of Rights to Land Plots” (1168-VI^{თბ}-X^{მზ}). According to the initiator, if the draft was discussed in the standard way, citizens would be deprived of the existing benefits, which would ultimately hinder the reform of land registration;⁹⁸
- Amendments to the Local Self-Government Code (1163-VI^{თბ}-X^{მზ}). The initiator deemed it necessary to discuss the bill in an expedited manner in order to make it possible to determine the powers of chairpersons of the municipal Sakrebulo and to staff the commissions after the 2021 municipal elections, as well as to form the majority and the opposition in municipal city councils.⁹⁹

3.1.3. SUPPORTED LEGISLATIVE INITIATIVES ACCORDING TO ENTITIES

As in the previous session, the majority of the supported initiatives were presented by members of the parliamentary majority or their factions. The share of opposition initiatives that took the form of the law was 6%, while the initiatives by the majority (including of the government) were 85%.

96 The explanatory note on the Draft Law of Georgia on Amendments to the Law of Georgia on Lotteries, Gambling and Winning Games, p.4, <https://info.parliament.ge/file/1/BillReviewContent/277224> [09.03.2022]

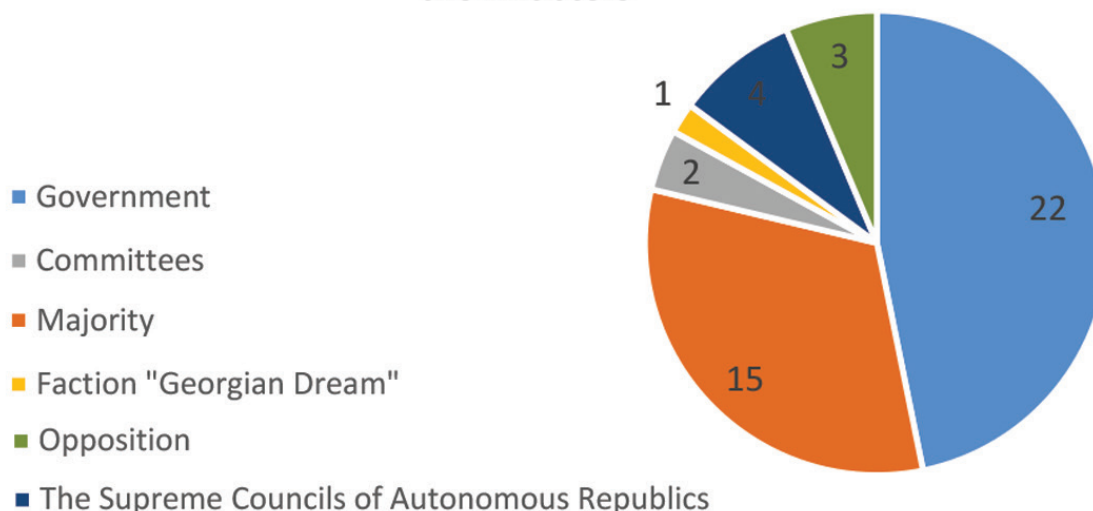
97 Letter N2-15891/21 of December 13, 2021, by the Members of Parliament Mr. Irakli Kadagishvili and Mr. Guram Macharashvili <https://info.parliament.ge/file/1/BillReviewContent/288326> [09.03.2022]

98 The explanatory note on the Draft Law of Georgia on Amendments to the Law of Georgia on Improvement of Cadastral Data and Procedure for Systematic and Sporadic Registration of Rights to Land Plots, p. 7-8, <https://info.parliament.ge/file/1/BillReviewContent/287850> [09.03.2022]

99 The explanatory note on the Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia On Local Self-Government Code” (07-3/135/10), p.2: <https://info.parliament.ge/file/1/BillReviewContent/287924> [09.03.2022]

Diagram №19

Number of Supported Legislative Initiatives, according to the Initiators



Three legislative initiatives of opposition MPs have become laws, among them, 2 were the initiatives by the members of the parliamentary group “Citizens”, pursuant to which the Code of Administrative Offenses and the Law of Georgia “On Road Traffic” have been amended and sanctions for violations of traffic rules have become tightened.¹⁰⁰ Furthermore, based on the initiative offered by Ms. Salome Samadashvili, a member of the faction “Lelo Partnership for Georgia,” and the initiative by Ms. Teona Akubardia and Mr. Paata Manjgaladze, members of the parliamentary group “Reforms,” the Rules of Procedure of the Parliament was amended to simplify the rules for setting up political groups.¹⁰¹

3.1.4. REGULATORY IMPACT ASSESSMENT (RIA)

Regulatory Impact Assessment (RIA) is a systematic framework for assessing the expected positive and negative impact of regulatory activities and is considered in international practice as one of the important elements of the evidence-based approach to policy development.¹⁰² Therefore, the efficient application of RIA in lawmaking process is one of the prerequisites for good governance.

Only one of the 47 supported legislative initiatives was accompanied by a Regulatory Impact Assessment. The Parliament passed the Law “On Windbreak (Shelter) Belts” based on the RIA.¹⁰³ The legislation in relation to the named initiative did not provide for an obligation to prepare the RIA. Therefore, this step should be highly appreciated. The remaining 46 legislative initiatives did not contain any bills for the adoption of which the legislation obligatorily requires the preparation of the Regulatory Impact Assessment.

¹⁰⁰ The mentioned initiatives are: Law of Georgia on Amendments to the Code of Administrative Offenses of Georgia 927- VIႭႭ-XႭႭ; and Law of Georgia on Amendments to the Law of Georgia on Road Traffic 928- VIႭႭ-XႭႭ;

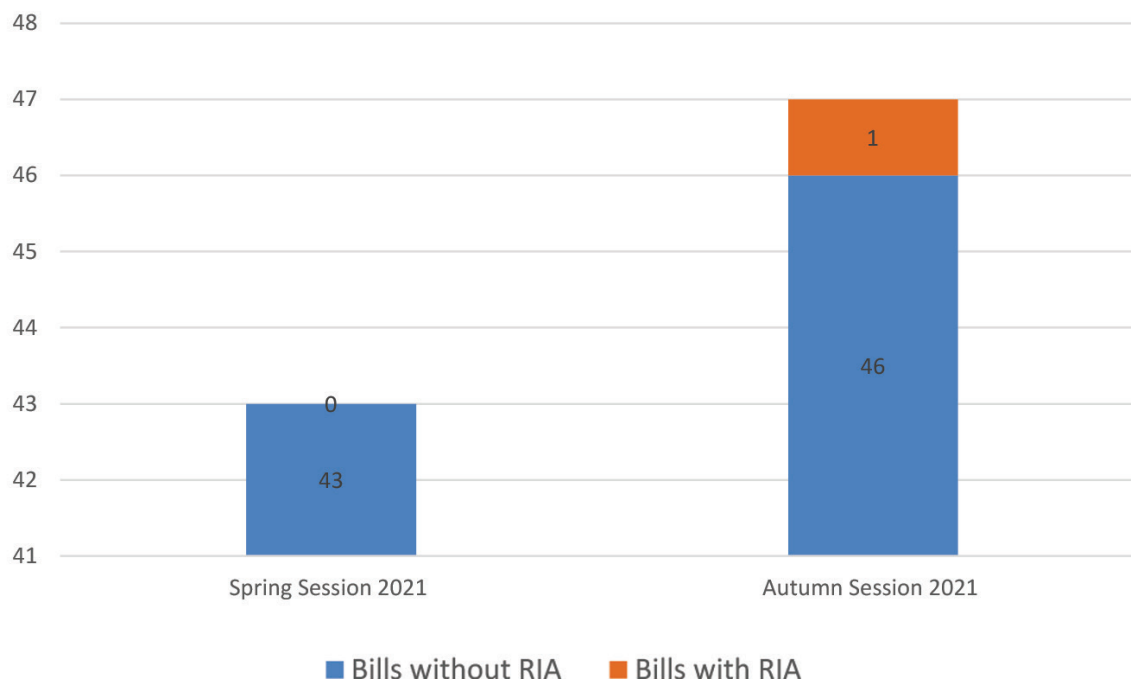
¹⁰¹ Rules of Procedure of the Parliament of Georgia on Amendments to the Rules of Procedure of the Parliament of Georgia 1153- VIႭႭ-XႭႭ;

¹⁰² Regulatory Impact Assessment, Part 1, Parliamentary Budget Office, Introduction, p.4

¹⁰³ Available at: <https://info.parliament.ge/#law-drafting/21883> [10.03.2022]

The monitoring of the legislative activities of the Parliament showed that although the legislation envisages the preparation of an RIA, in practice it is not applied. During the spring session, where the Parliament supported 43 legislative initiatives, the law did not require the development of the RIA for any of them, as in the autumn session. The legislative body needs to make evidence-based decisions, for this purpose, it is necessary to expand the range of bills subject to the RIA.

Diagram №20



3.1.5. APPROXIMATION TO THE EU

The Parliament supported only one legislative initiative, which, according to the initiators, was based on the approximation of national legislation with the regulations of the European Union.

The Law of Georgia “On amending the Law of Georgia on Road Traffic,” according to the initiator, aims at the harmonization of the Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on Driving Licenses.¹⁰⁴

Furthermore, in the context of relations with the EU, it is noteworthy to mention the Law of Georgia “On Amnesty” (925-VI06-X03), which derived from the agreement “A Way Ahead for Georgia” signed between the political parties as a result of European mediation.¹⁰⁵

3.1.6. RESEARCH-BASED SUBSTANTIATION OF LEGISLATIVE INITIATIVES

A certain part of the supported legislative initiatives, according to the initiators, were based on the

¹⁰⁴ The explanatory note on the Draft Law of Georgia on Amendments to the Law of Georgia on Road Traffic, p.1. <https://info.parliament.ge/#law-drafting/18245> [26.01.2022]

¹⁰⁵ “A Way Ahead for Georgia”, p. 2. https://www.eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication_0.pdf [27.01.2022]

recommendations of international organizations, and some others on the decisions of international or local courts, or international acts. In total, the number of legislative initiatives in which various studies or acts were referred to as a source amounted to 5 out of 47. In 2 remaining cases, the sources were not cited at all, but in one case, the initiative was accompanied by the RIA and in the other, the initiative was based on an EU directive.

Diagram №21

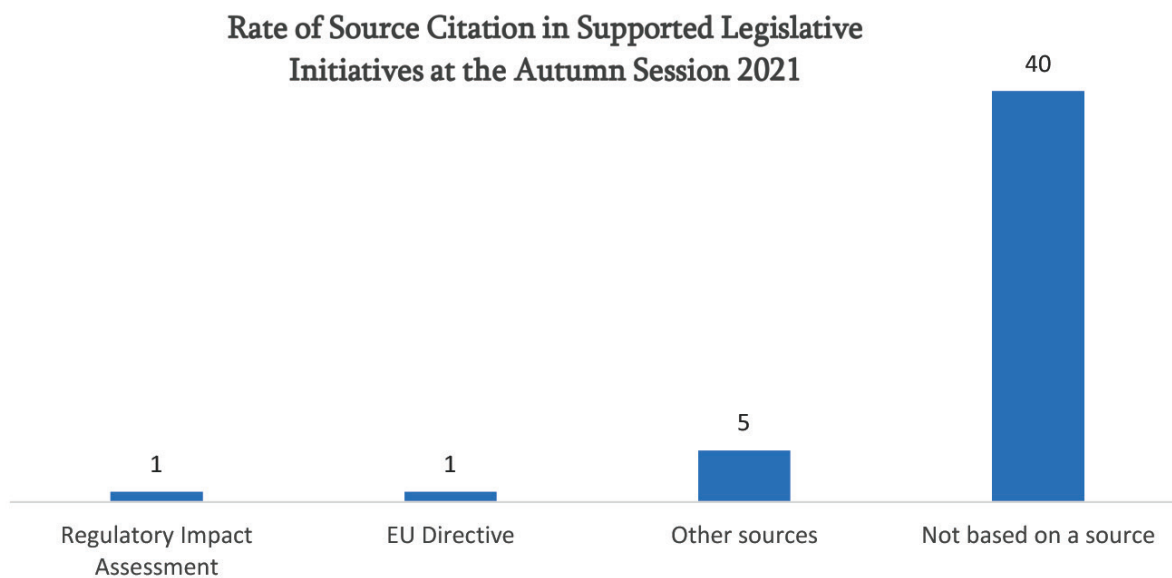
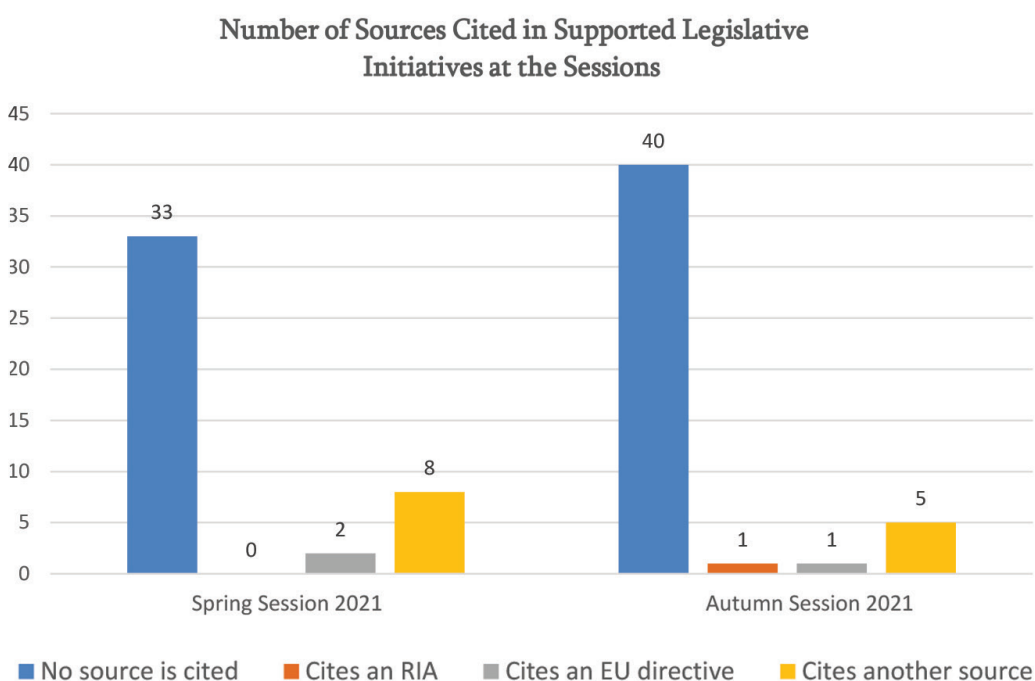


Diagram №22



3.2. LEGISLATIVE INITIATIVES APPROVED AT THE EXTRAORDINARY SESSION

An extraordinary session is, in its very essence, a form of exceptional activity of the Parliament. The Constitution strictly defines the procedures and indicates an official who may have the authority to request the convening of a session, as well as an official who shall make such a decision and the deadline within which the Parliament shall convene.¹⁰⁶ As mentioned in the previous report, the work of the extraordinary session of the Parliament is an indicator, on the one hand, of how effectively the session was used by the legislative body, and, on the other hand, emphasizes the priority of the issues brought to the agenda. During this period, as a rule, the activity of the Parliament is suspended and deputies have to devote their political activities to the communication with voters and other important issues.¹⁰⁷

The Parliament has again maintained the trend of not proactively publishing the statement of the Speaker of the Parliament to the President, on the basis of which the Head of State issued an ordinance on the convening of an extraordinary session.¹⁰⁸ This approach prevents the public from being informed in advance about the activities of the Parliament. According to the Rules of Procedure, a written request shall be accompanied by a list of possible issues to be considered at the extraordinary session.¹⁰⁹ Civil society is not informed in advance why the legislature convenes for an extraordinary session.¹¹⁰

3.2.1. THE INITIATORS OF BILLS AT THE EXTRAORDINARY SESSION

At the extraordinary session, the Parliament supported 16 initiatives, which ultimately amended 61 laws. There were no initiatives or individual bills presented at the extraordinary session that could not receive sufficient support.¹¹¹

The majority of the bills supported were submitted by the government and the majority. Merely one out of the 16 supported initiatives was submitted jointly by members of the majority and the opposition.

106 Article 44, Paragraph 2 of the Constitution of Georgia.

107 “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 40, https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [27.01.2022]

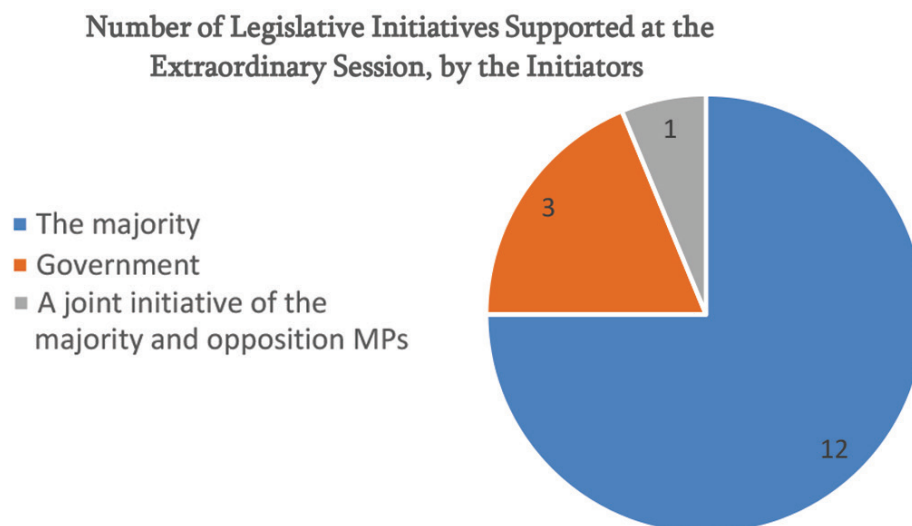
108 Website of the Parliament of Georgia, <https://info.parliament.ge/#law-drafting/23286> [27.01.2022]

109 Article 82, Paragraph 8 of the Rules of Procedure of Parliament.

110 This problem was also observed during the spring session. “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 40 https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [27.01.2022]

111 Letter N651/2-7/22 of January 25, 2022, of the Parliament of Georgia

Diagram №23



The only initiative developed on the basis of political consensus between the opposition and the majority was to amend the Code of Administrative Offenses to impose a penalty for any desecration of the official symbol of the European Union, the North Atlantic Treaty Organization or any other international organization.¹¹² The initiative was put on the agenda after violent groups burnt the flag of the European Union in front of the Parliament of Georgia on July 5-6, 2021. The multi-party support for the issue in the Parliament must be highly appreciated.

3.2.2. ACCELERATED/SIMPLIFIED DISCUSSIONS

Out of the 16 initiatives supported at the extraordinary session, 10 were considered in an expedited and 2 in a simplified manner. Unlike the extraordinary session following the spring session of 2021, when we had to work within tight deadlines although a relevant expedited procedure was not prescribed for the consideration of bills,¹¹³ at this extraordinary session, this was even formally provided. Out of 10 initiatives reviewed in a hasty manner, the procedure was unsubstantiated in 7 of them.

The trend towards accelerated consideration of bills observed at the extraordinary session has proved to be particularly damaging for democratic processes. This has entailed the abolition of the State Inspector's Service, amendments to the Electoral Code, and the Organic Law "On Common Courts," which have been criticized by a number of local and international organizations in addition to the parliamentary opposition.¹¹⁴

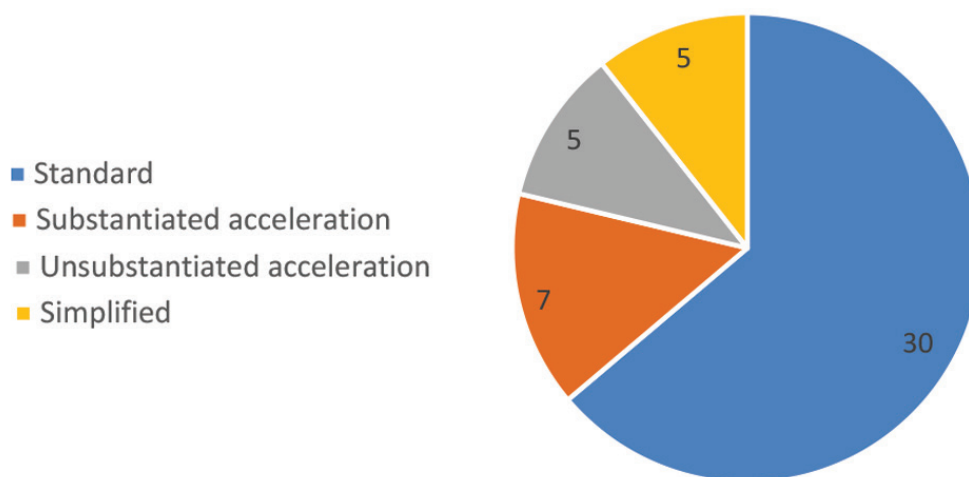
¹¹² On Amendments to the Administrative Code of Georgia", 1347-VII⁶ბ-Xმ³. <https://bit.ly/3Kvfoiy> [10.03.2022]

¹¹³ "Democracy Index - Georgia", Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 40-41, https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [28.04.2022]

¹¹⁴ For details, see Chapter 3.3.2. of this report

Diagram №24

Number of Legislative Initiatives Supported, according to the Manner of Consideration



3.2.3. APPROXIMATION WITH THE EU/REGULATORY IMPACT ASSESSMENT

None of the 16 legislative initiatives supported were accompanied by the Regulatory Impact Assessment, nor did they envisage harmonization with the EU regulations.

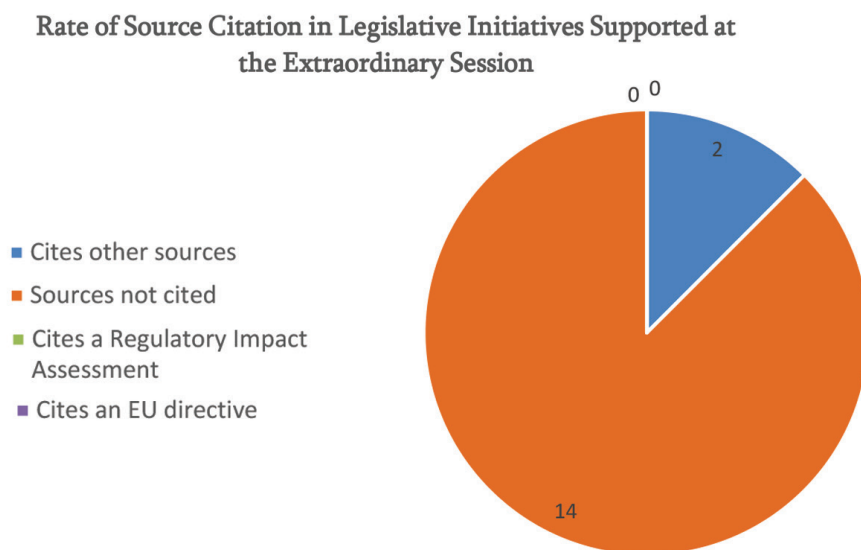
There was a case where, with the view to allegedly avoiding the obligation to prepare an RIA, a legislative initiative drafted by the Government of Georgia was registered by deputies of the majority. The initiative concerns the draft law “On Amendments to the Law of Georgia on Lotteries, Gambling and Winning Games” and other bills included in the package of legislative acts (07-3/137/10).¹¹⁵

3.2.4. CITATION OF STUDIES IN LEGISLATIVE INITIATIVES

During the extraordinary session, 2 out of 16 legislative initiatives, according to the initiators, were based on the findings/recommendations of various international and local organizations. These statistics do not include the Law “On the state budget,” which must be accompanied by a number of financial documents as required by the relevant legislation.

¹¹⁵ The Parliament’s website <https://info.parliament.ge/#law-drafting/23222> [27.01.2022]

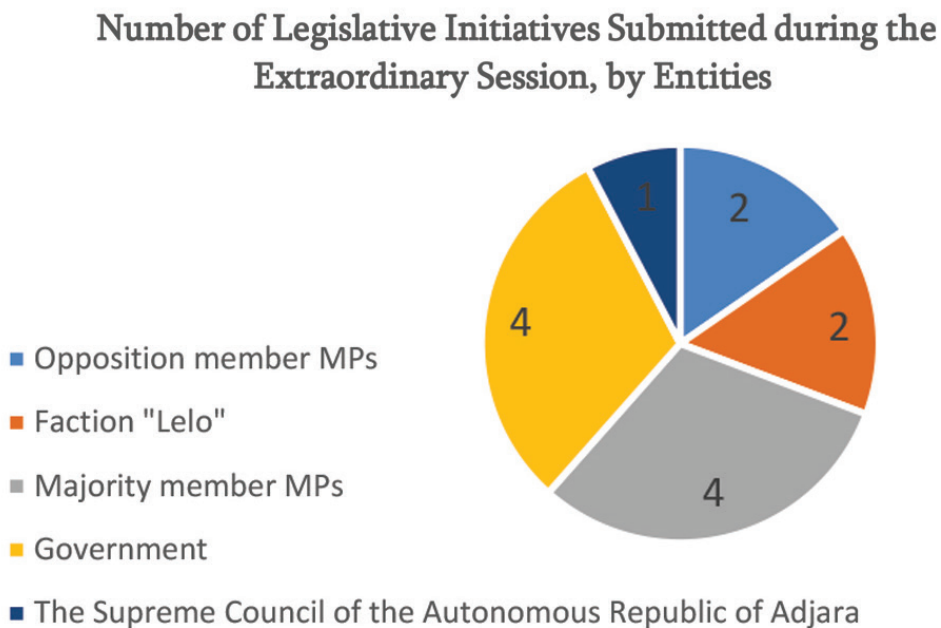
Diagram №25



3.2.5. LEGISLATIVE INITIATIVES SUBMITTED AT THE EXTRAORDINARY SESSION

A total of 13 legislative initiatives were presented to the Parliament during the extraordinary session. Among them, 8 were submitted by parliamentary entities, 4 by the government, and 1 by the Supreme Council of the Autonomous Republic of Adjara (due to a defect identified in it, the Bureau returned the initiative to the initiator).¹¹⁶

Diagram №26



¹¹⁶ Letter N651/2-7/22 of January 25, 2022, of the Parliament of Georgia

3.3. THE CONTEXTUAL SIDE OF THE LEGISLATIVE ACTIVITY OF PARLIAMENT

3.3.1 POSITIVE TRENDS:

- **The adoption of the Law “On Amnesty” (925-VIႭႭ-XႭႭ) and the Law “On Exemption from Administrative Liability” (926-VIႭႭ-XႭႭ) was conditioned by the agreement “A Way Ahead for Georgia” reached between the political parties as a result of the European Union mediation.** Although the views of the opposition and the majority concerning the bill coincided, unfortunately, the law was passed only with the support of the majority due to a disagreement over the content of the draft law. The opposition faction “National Movement - Strength is in Unity” presented an alternative bill.¹¹⁷ The reason for the opposition’s refusal to support the majority’s initiative was the lack of a comprehensive list of amnestied articles and ignoring the opinions of the victims, as a prerequisite for amnesty;¹¹⁸
- **By adopting the Law (978-VIႭႭ-XႭႭ) “On the Amendments to the Law of Georgia on Planning and Coordination of National Security Policy,” the Parliament accepted the organization’s recommendation¹¹⁹ for timely discussion and support of the draft law.** The adoption of the law will become a prerequisite for updating the National Security Concept;
- **With the adoption of the Law “On the Amendments to the Imprisonment Code” (979-VIႭႭ-XႭႭ), the Parliament accepted the Public Defender’s opinion** and removed all restrictions on phone calls to the hotline of the State Inspector’s Office, the Public Defender of Georgia and the Inspector General of the Ministry of Justice. The necessity for this legislative amendment to change the existing restrictions was raised by the Public Defender. The latter filed a constitutional claim with the court.¹²⁰ The Parliament’s response should be assessed positively. The Parliament considered the Public Defender’s submission as the ground for discussing the bill and ultimately lifted the limitations not only on telephone calls to the hotline of the Public Defender but also the State Inspector’s Office and the General Inspectorate.

3.3.2. NEGATIVE TRENDS:

- **By adopting the Law “On Amnesty” (923-VIႭႭ-XႭႭ) and the Law “On Exemption from Administrative Penalties” (923-VIႭႭ-XႭႭ), the majority took the advantage of budgetary funds for their pre-election purposes.** In the pre-election period to the 2021 municipal elections, thousands of citizens and organizations were exempted from fines and other sanctions imposed as a result of the violations of the so-called COVID-19 regulations. Although the draft law was registered on June 23, 2021, its adoption was carried out within the 60-day time period prior to the voting day specified in Article 49, paragraph 4 of the Election Code, according to which new benefits cannot be granted to voters during the mentioned period;
- **The amendments to the Code on Administrative Offenses (927-VIႭႭ-XႭႭ) toughened the**

117 The Parliament’s website <https://info.parliament.ge/#law-drafting/22432> [27.01.2022]

118 Interpressnews, Parliamentary Committee on Legal Affairs Supports the Draft Law on Amnesty Prepared by the Georgian Dream, 24.05.2021, <https://bit.ly/3KHTA4h> [27.01.2022]

119 “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 65. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0L.pdf [27.01.2022]

120 See the constitutional submission N1441 “Public Defender of Georgia v. Parliament of Georgia”.

sanctions for violations of traffic safety or vehicle operation rules, without any relevant research into the matter. The Parliament adheres to the trend according to which it sees the increase in penalties for offenses as the only way of prevention and does not investigate any other underlying causes of the growth of specific crimes or administrative violations in society, and simply increases fines and other sanctions without any justification, on the basis of growing statistics;

- **The amendments to the Rules of Procedure of the Parliament of Georgia (1170- VIბლ- Xმპ) enabled the parliamentary majority to elect the chairperson of the Central Election Commission (CEC) based on a single-party decision and in a simplified manner. The Law “On the Amendments to the Organic Law of Georgia on the Election Code of Georgia” (1348- VIIრლ- Xმპ) ruled out the possibility of a member appointed by the opposition to temporarily act as the CEC Chairperson.** Under the supported laws, the majority was given the opportunity to elect CEC members and chairpersons on a one-party basis every six months without holding any rounds of negotiations with the opposition, including in the intervals between them. In addition to reducing legitimacy, this undermined the level of independence of the CEC Chairperson and professional members. Also, if a new CEC Chairperson is not elected before the expiration of the term of office of the incumbent CEC Chairperson, the term of office of the incumbent CEC Chairperson may be extended until a new CEC Chairperson is elected. The pre-change rule had allowed a member appointed by the opposition to preside. As a result, the amendments to the Rules of Procedure of the Parliament and the Electoral Code cancelled all the levers provided by the legislation for a compromise between the majority and the opposition, in favor of the majority. The above step has rejected the so-called basic principle of electoral reform under the Charles Michel Agreement - to elect CEC members and chairpersons based on consensus between the parties. The issue was considered by the Parliament in an expedited manner without any substantiation;¹²¹
- **The discussion of the draft law “On the state budget 2022” was accompanied by significant procedural violations.** The participation of deputies in the discussion of the budget was minimal, the committees held sector discussions of the bill mainly at joint sessions, the heads of the ministries did not fulfill the obligation determined under the Rules of Procedure, nor did they present to the committee a report on budget spending;¹²²
- **With the adoption of the Law of Georgia “On the Amendments to the Law of Georgia on Lottery, Gambling and Winning Games” (1185-VIIბლ- Xმპ) and its consecutive changes, the Parliament considered and introduced strict regulations for the gambling business and broadcasting companies in the pre-New Year period, at an extraordinary session, through an unreasonably accelerated procedure. As a result of the monitoring, a number of shortcomings in the activity of the legislative body have been identified:**
 - **Parliament passed the bill in an incredibly short period of time, ten days after it was submitted to the Bureau.** In doing so, it again resorted to a harmful practice and quite unjustifiably and hastily discussed the matter of great importance for democratic processes;

121 For details, see “Democracy Index - Georgia”, MPs should not support the change in the rules for electing the CEC chairperson, 15.12.2021, https://democracyindex.ge/index.php?m=261&news_id=11 [27.01.2022]

122 See paragraph 3.4.3 of the report for details.

- **The participation of committees in the process was formal.** Four out of 5 committees¹²³ working in different fields held a joint sitting on the second day after the registration of the initiative in the Parliament, which practically eliminated the possibility to thoroughly discuss eight bills according to the sectors;
- **No consultations were held with representatives of the field.** In the course of monitoring, it was additionally revealed that neither the gambling business and the media, nor other addressees or their associations were involved in the process of drafting the bills;
- The fact that **the draft law was submitted without a Regulatory Impact Assessment** indicates that the Parliament gave preference to an unexamined bill. Although the initiative was prepared by the Ministry of Finance directly at the instruction of the Prime Minister,¹²⁴ the initiators of the bill were members of the Parliament. By allowing the deputies to submit the initiative to the Parliament, the government averted the requirement of the legislation to conduct an in-depth study of the initiative using the Regulatory Impact Assessment mechanism.
- **The support expressed for the Law “On Gambling Business Fee” (1193- VIIოლ- Xოო) has once again indicated the signs of alleged political corruption in the Parliament.** The original version of the draft legislative initiative was assessed by the organization as the one containing corruption risks because the initiative to change the tax policy in relation to the lottery business was vague, not specifying how the initiators identified the problems they were pointing out, not offering the financial calculations to substantiate the problem, and not justifying the expedited manner of consideration of the initiative.¹²⁵ Although the initial bill was withdrawn by the deputies, the initiative was later registered with the identical content along with other draft legislative amendments, and was re-adopted in an unreasonably hasty manner;
- **With the Law “On the Amendments to the Law of Georgia on the State Inspector’s Service” (1312-VIIოლ- Xოო), the majority used their parliamentary mandate to attack the independent institution.**

The main public interest voiced by the initiators of the package of legislative amendments at the committee and plenary sessions regarding the reasons for the abolition of the service was the incompatibility of the interests between personal data protection and investigative powers. The deputies relied upon the conclusions of NGOs, which the representatives of the organizations deemed to be no longer relevant during the discussions held in the committee. Moreover, the NGOs expressed their concerns and called on the Parliament to suspend the process.¹²⁶

The term of office of the incumbent State Inspector was not extended in either of the two newly-created bodies. The fact that the qualifications required for the position have not changed indicates

123 These are: Human Rights and Civil Integration Committee, Legal Issues Committee, Budget and Finance Committee, and Sports and Youth Affairs Committee.

124 The statement was made by the Prime Minister at the November 29 sitting of the Government, 29.11.2021, <https://bit.ly/3KKpg9b> [15.12.2021]

125 For details, see “Democracy Index - Georgia”, An initiative containing corruption risks was registered in the Parliament, https://democracyindex.ge/index.php?m=261&news_id=14 [28.01.2022]

126 A Statement of Non-Governmental Organizations Regarding the Possible Abolition of the State Inspector’s Service, 26.12.2021, https://idfi.ge/en/ngos_njoint_statement_94625 [28.01.2022]

a breach of the proportionality test. Along with the current State Inspector,¹²⁷ the law has been challenged in the Constitutional Court by the Public Defender as well.¹²⁸

The Parliament of Georgia reviewed the initiative particularly quickly, in three readings in four days, and at the end of the extraordinary session, on December 30, abolished the Office of the State Inspector. The law has been assessed as a step backward not only by the opposition or local organizations but also by strategic partners and international organizations.¹²⁹

- **The Law “On the Amendments to the Organic Law of Georgia on Common Courts” (1346-VIIႭႭ- XႭႭ) weakened the independence of individual judges with the new rules of disciplinary proceedings against the judiciary and strengthened the so-called Clan.** The government has actually neglected the results achieved through the so-called “waves” of the justice reform and is trying to create all the conditions for the clan to pressurize on judges.¹³⁰ The initiative was considered by the Parliament with special speed, through an unreasonably accelerated procedure, in three readings in four days at the end of the extraordinary session, and was approved on December 30. The organization appealed to the President to veto the initiative, noting both substantive and procedural flaws of the consideration process.¹³¹ Unfortunately, the President did not accept the request.¹³²
- **Based on the Law “On the Amendments to the Law of Georgia on Public Health” (1206-VIIႭႭ- XႭႭ), the Parliament once again granted the government unlimited powers to introduce Covid-19 regulations.** At this stage, the term enabling to lengthen the validity of the law has been extended to one year without any justification. Parliament continues to avoid developing an exhaustive list of regulations that the government may need to introduce to prevent the spread of the virus. None of the leverage provided by the legislation has been exercised by the Parliament to oversee the government in this regard.¹³³

127 Civil.ge, Londa Toloraia Appeals Parliament’s Decision to Abolish Inspector’s Service in Constitutional Court, 25.01.2022, <https://civil.ge/archives/468610> [28.01.2022]

128 “The Public Defender applied to the Constitutional Court regarding the State Inspector’s Service,” Public Defender of Georgia, 25.01.2022, <https://ombudsman.ge/eng/akhali-ambebi/sakhalkho-damtsvelma-sakonstitutsio-sa-samartlos-mimarta-sakhelmtsifo-inspektoris-samsakhurtan-dakavshirebit> [28.01.2022]

129 The US Embassy in Georgia, US Embassy Statement on the Hastily Adopted Legislative Amendments at the End of the Year by the Ruling Party, 03.01.2022, <https://ge.usembassy.gov/u-s-embassy-statement-on-the-ruling-partys-rushed-end-of-year-legislation/>, Civil.ge, “International reactions on proposed disbanding of State Inspector’s Service,” 29.12.2021, <https://civil.ge/archives/464891> [28.01.2022]

130 “Democracy Index - Georgia”, Weakening of independent institutions hinders the democratic development of the country, 29.12.2021, https://democracyindex.ge/index.php?m=261&news_id=10 [28.01.2022]

131 Democracy Index – Georgia, Independent Lawyers’ Group, Democracy Research Institute calls on the President of Georgia to veto amendments to the Common Courts Law, as they significantly restrict the independence of an individual judge and repeal the results of the four waves of reform, 30.12.2021, https://democracyindex.ge/index.php?m=261&news_id=9 [28.01.2022]

132 The Official Website of the President of Georgia, Statement of the President of Georgia, 13.01.2022, https://president.gov.ge/en/News/Article/sakaryvelos_prezidentis_gantskhadeba_1642077945 [28.01.2022]

133 In relation to this, see the statement of the organization, which reviews all the shortcomings that characterize the said law, which was once again extended during the reporting period. “Democracy Index - Georgia”, Parliament again gives indefinite powers to the government to fight the pandemic, 22.06.2021, https://democracyindex.ge/index.php?m=261&news_id=161 [28.01.2022]

3.3.3. SUSPENDED REFORMS

- **The constitutional reform in the Parliament of Georgia,¹³⁴ stemming from the EU Mediation Agreement “A Way Ahead for Georgia”¹³⁵ and providing for the lowering of the electoral threshold for the next parliamentary elections, has been suspended.** In addition, on September 7, 2021, in the first reading, despite the calls of the organization,¹³⁶ the rule for electing the Prosecutor General, which would be based on the principle of consensus, was repealed. As a result, the possibility of a one-party appointment of the Prosecutor General has been retained.

If the initiative fails due to attempts of only one party, this will once again undermine trust among political actors and make it difficult to develop any future compromise-based policies in the country;

- **The amendments to the Law “On Common Courts” initiated on July 1, 2021,¹³⁷ establishing the rules for the promulgation of decisions delivered by courts, have not yet been submitted to the committee and plenary sessions for consideration.** This initiative as well is based on the European Union Mediation Agreement “A Way Ahead for Georgia”¹³⁸ and provides for the enforcement of the decision of the Constitutional Court.¹³⁹
- **The amendments to the Law “On Common Courts” initiated by the “Lelo- Partnership for Georgia” and the Charles Michel Reform Group on September 1, 2021¹⁴⁰ have not yet been discussed in the Parliament.** The initiative is a response to the agreement “A Way Ahead for Georgia” reached between political parties with the help of the European Union mediation. Furthermore, the draft amendments to the Law “On Common Courts” initiated by the deputies of the political party “For Georgia” on July 7 have not been yet discussed by the Parliament.¹⁴¹

3.4. VOTE OF CONFIDENCE IN THE GOVERNMENT, ACCOUNTABILITY OF PRIME MINISTER AND MINISTERS TO PARLIAMENT

3.4.1. VOTE OF CONFIDENCE IN THE GOVERNMENT

Within two weeks after the Government of Georgia relinquishes its authority, or after the resignation of the Prime Minister of Georgia or otherwise termination of his/her term of office, the Parliament shall express a vote of confidence in the Government of Georgia nominated by a candidate that obtained the best results in the parliamentary elections.¹⁴² A vote of confidence from Parliament

134 The Parliament’s website <https://bit.ly/3IINGHH> [28.01.2022]

135 A Way Ahead for Georgia, , p. 3. https://www.eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication_0.pdf [28.01.2022]

136 “Democracy Index - Georgia”, The parliamentary majority tries to maintain full control over the selection of the Prosecutor General, 07.09.2021, https://democracyindex.ge/index.php?m=261&news_id=23 [28.01.2022]

137 The Parliament’s website <https://info.parliament.ge/#law-drafting/22492> [28.01.2022]

138 A Way Ahead for Georgia, Unofficial translation of the agreement, p. 5. https://www.eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication_0.pdf [28.01.2022]

139 Judgment of the Constitutional Court of Georgia 1/4/693,857 of June 7, 2019 in the case “N (N)LP Media Development Fund and N (N)LP “Freedom of Information Development Institute “v. Parliament of Georgia”

140 The Parliament’s website, <https://info.parliament.ge/#law-drafting/22769> [02.02.2022]

141 The Parliament’s website <https://info.parliament.ge/#law-drafting/22470> [02.02.2022]

142 Article 160, Paragraph 1 of the Rules of Procedure of Parliament

requires the support of a majority of the full composition of Parliament.¹⁴³ None of the above circumstances occurred during the reporting period, therefore, there was no need for the government to declare confidence.

3.4.2. ANNUAL REPORT OF THE PRIME MINISTER

According to the Rules of Procedure of the Parliament, an annual report shall be presented by the Prime Minister to the Parliament during the spring session.¹⁴⁴ In addition to the mandatory report, the Parliament is entitled to request the Prime Minister of Georgia to submit a report on the implementation of a certain part of the governmental program.¹⁴⁵ The decision to request the submission of a report shall be made by the Parliament on the basis of a request from a committee or a faction, by a majority vote of those present at the plenary session, but not less than one-third of the full composition of the Parliament.

In the reporting period, there was no request for the Prime Minister to submit a report,¹⁴⁶ therefore, in the reporting period, he did not show up in Parliament with a report in any format.

3.4.3. THE LAW ON STATE BUDGET 2022

The Parliament of Georgia adopted the state budget for 2022 in the due manner prescribed by the Rules of Procedure. It should be positively assessed that, unlike the process of adopting the budget in 2021, there have been no violations of the terms of review or omission of any stage of consideration of the budget.¹⁴⁷ A large part of the political opposition was in a boycott during the debates over the budget, which is why the adoption of the law without the full composition was, in fact, held on the basis of one-party debates and support. The Rules of Procedure of Parliament require all committees and factions to consider the budget.¹⁴⁸ Nevertheless, not all parliamentary entities participated in the budget review. The draft budget was discussed by the parliamentary factions “Lelo - Partnership for Georgia” and the “Charles Michel Reform Group”, as well as the parliamentary political groups – “European Socialists” and “Girchi”. The debates were not held by the largest opposition faction “United National Movement - United Opposition - Strength is in Unity”, which was boycotting the parliamentary activity during the reporting period. The draft budget was not discussed by the Georgian Dream faction either.

Discussions in committees and plenary sessions were not based on in-depth reviews and debates.

The committees on Legal Issues, Human Rights and European Integration, Environment and Agrarian Issues, as well as the Sports and Culture Committee, discussed the draft state budget at joint sessions. Reviewing the draft budget in joint sessions provides fewer opportunities for sectoral discussion of the issues.

143 Article 160, Paragraph 2 of the Rules of Procedure of Parliament.

144 Article 150, Paragraph 1 of the Rules of Procedure of Parliament.

145 Article 151 of the Rules of Procedure of Parliament.

146 Letter N851/2-7/22 of February 1, 2022, of the Parliament of Georgia.

147 For details on this issue, see Democracy Index - Georgia, Performance of the Fall and Extraordinary Sessions of the Parliament of Georgia, 2020, 2020, 31. https://democracyindex.ge/uploads_script/studies/tmp/phpDtwgam.pdf [03.02.2022]

148 Article 136, Paragraph 4 of the Rules of Procedure of Parliament

The bill was separately discussed by the Committees on Social Affairs and Healthcare, Education and Science, and most of the recommendations were voiced at the sessions.

The role of Parliament was not sufficiently demonstrated in the budget review process.

The parliamentary majority initiated several recommendations. The revised version of the budget reflected only the recommendations of Mr. Alexander Elisashvili and Mr. Levan Ioseliani from the parliamentary opposition, which coincided with the issues raised by the members of the majority, who suggested increasing salaries in the culture sector and pensions for veterinarians. Apart from the latter, none of the issues highlighted by the opposition¹⁴⁹ was included by the government in the amended version of the budget.

The heads of sector ministries did not present their reports to all committees.

The Rules of Procedure of the Parliament provide for the obligation for representatives of the relevant ministries to submit their reports to the committees together with the Minister of Finance.¹⁵⁰ This requirement was fulfilled only by the Regional Policy and Self-Government Committee, when the Deputy Minister of Regional Development and Infrastructure was heard at the meeting of the Committee. In no other cases did the committees hear the report of the heads of the relevant ministries on the expenditure of the state budget. The committees have not assessed how adequately the government has set priorities in specific areas.

The participation of MPs in the process of discussing the draft budget was minimal.

The involvement of deputies in the budget review process was minimal. Merely at 3 committee sittings out of 11, at least half of the attending deputies asked questions or stated their positions, and in the remaining cases, only individual deputies asked questions in the committees. This indicates a superficial attitude of committee members towards the budget review process.

If in 2021 the discussions of the draft budget took place in the one-party Parliament against the backdrop of a complete boycott by the political opposition and without criticism or clarifying questions, then this year, despite the small representation of the opposition, the discussions were critical and problem-oriented, which rendered the process relatively more active.

3.4.4. APPEARANCE OF AN OFFICIAL AT A PLENARY SESSION

The initiator of summoning an official¹⁵¹ to the plenary session can be a parliamentary committee or a faction, at the request of which, by a majority vote of those present at a plenary sitting, but not less than one-third of the full composition of the Parliament, a member of the government, an accountable official, the head of a body accountable to Parliament shall be invited to the session. The summoned person shall appear before Parliament, usually on the last Friday of the monthly plenary session.¹⁵² Thus, unlike interpellation, this mechanism is not restricted by periodicity.

The mechanism of summoning an official to the plenary session was not employed during the reporting period.¹⁵³ The initiative was not proposed in the Parliament in the previous reporting periods ei-

149 Increasing the funding for education; Providing food for school children.

150 Article 136, Paragraph 7 of the Rules of Procedure of Parliament.

151 Article 152 of the Rules of Procedure of Parliament.

152 Article 152, Paragraph 2 of the Rules of Procedure of Parliament.

153 Letter N851/2-7/22 of February 1, 2022, of the Parliament of Georgia Office.

ther. This possibility of parliamentary control is another tool that members of Parliament do not use.

3.4.5. MINISTERIAL HOUR

The Ministerial Hour is a routine mechanism of a binding nature, held according to a pre-established schedule. It serves the purpose clearly defined by law and requires reporting on respective components of the implementation of the governmental program.

Within the Ministerial Hour, once a year, certain members of the government (other than the Prime Minister) present their reports to the plenary session of Parliament.¹⁵⁴ The schedule of the Ministerial Hour is determined by the Parliamentary Bureau before the beginning of the spring session in agreement with the members of the Government and based on the initiatives of the Parliamentary Committees.¹⁵⁵

The schedule of Ministerial Hours in 2021 was set by the Bureau on February 1 of the same year.¹⁵⁶ Since then, the document has been amended several times. This happened five times during the spring and twice during the autumn session.¹⁵⁷ The changes made, in some cases, were required by the Ministers themselves.¹⁵⁸ Throughout the year, 12 Ministerial Hours were held. Thus, the Parliament heard all Ministers during the year.

The schedule of the Ministerial Hour must be developed in such a way that at least one Ministerial Hour is held at least once every two weeks of plenary sessions (except for the week of hearing the annual report of the Prime Minister of Georgia).¹⁵⁹ According to the originally established schedule,¹⁶⁰ the Parliament was supposed to hear at least one minister during the months of the session period.

In the previous reporting period, 6 Ministerial Hours were held during the spring session, and the schedule proposed by the Bureau was largely adhered to.¹⁶¹

The Ministerial Hours of 3 ministers were postponed for the fall session instead of the spring, namely: the State Minister of Georgia for Reconciliation and Civic Equality; Minister of Education and Science of Georgia; Minister of Culture, Sports and Youth Affairs of Georgia. However, instead of the autumn session, the Hour of the Minister of Environment and Agriculture of Georgia was held at the spring session.

According to the schedule of Ministerial Hours, the Parliament was supposed to hear the Minister of Education, Science, Culture and Sports on March 16-19, 2021, in the format of the Ministerial Hour. On March 17, 2021, at a sitting of the Bureau, it was decided that Minister Chkhenkeli would not

154 Article 153, paragraph 1 of the Rules of Procedure of Parliament.

155 Article 153, Paragraph 2 of the Rules of Procedure of Parliament.

156 The schedule is available at the link: <https://info.parliament.ge/#law-drafting/21351> [03.02.2022]

157 Information is available on the Parliament's website: info.parliament.ge [03.02.2022]

158 For details on this issue, see Democracy Index - Georgia, Performance of Spring and Extraordinary Sessions of the Parliament of Georgia, 2021, 2021, 55. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [03.02.2022]

159 Article 153, paragraph 2 of the Rules of Procedure of Parliament.

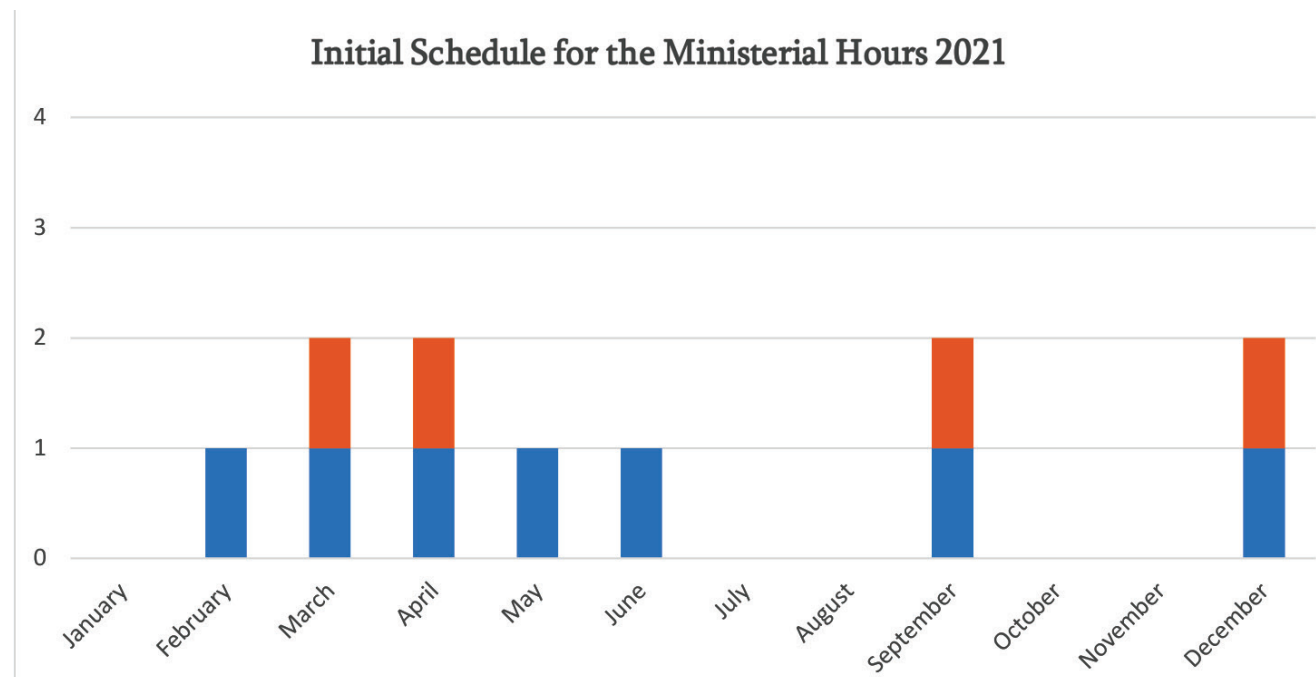
160 For details see: <https://info.parliament.ge/#law-drafting/21351> [03.02.2022]

161 For details on this issue, see Democracy Index - Georgia, Performance of Spring and Extraordinary Sessions of the Parliament of Georgia, 2021, 2021, 70. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [03.02.2022]

be listened to. One of the reasons for canceling the report was named the division of the ministry.¹⁶² Thus, two Ministerial Hours were shifted to the autumn session. With regard to the Minister for State Reconciliation and Civic Equality, she requested to change the schedule of the Ministerial Hour and postpone her report to the end of the year. This was due to the active preparation of the State Strategy for Civic Equality and Integration and the Strategy Action Plan. Therefore, in the opinion of the Minister of State, it would be expedient to submit a report on the important steps taken within the framework of the governmental program and the results obtained during the Ministerial Hour at the end of the year.¹⁶³

According to the pre-determined timetable, 2 Ministerial Hours were supposed to be held in September, for the Ministers of Justice and Foreign Affairs. By decision of the Bureau, the hearing of the Minister of Foreign Affairs was held in November, and the hour of the Minister of Justice was held in December.¹⁶⁴ Unlike previous cases, the Ministers did not file a relevant request. Probably, the changes were made due to the pre-election period.

Diagram №27



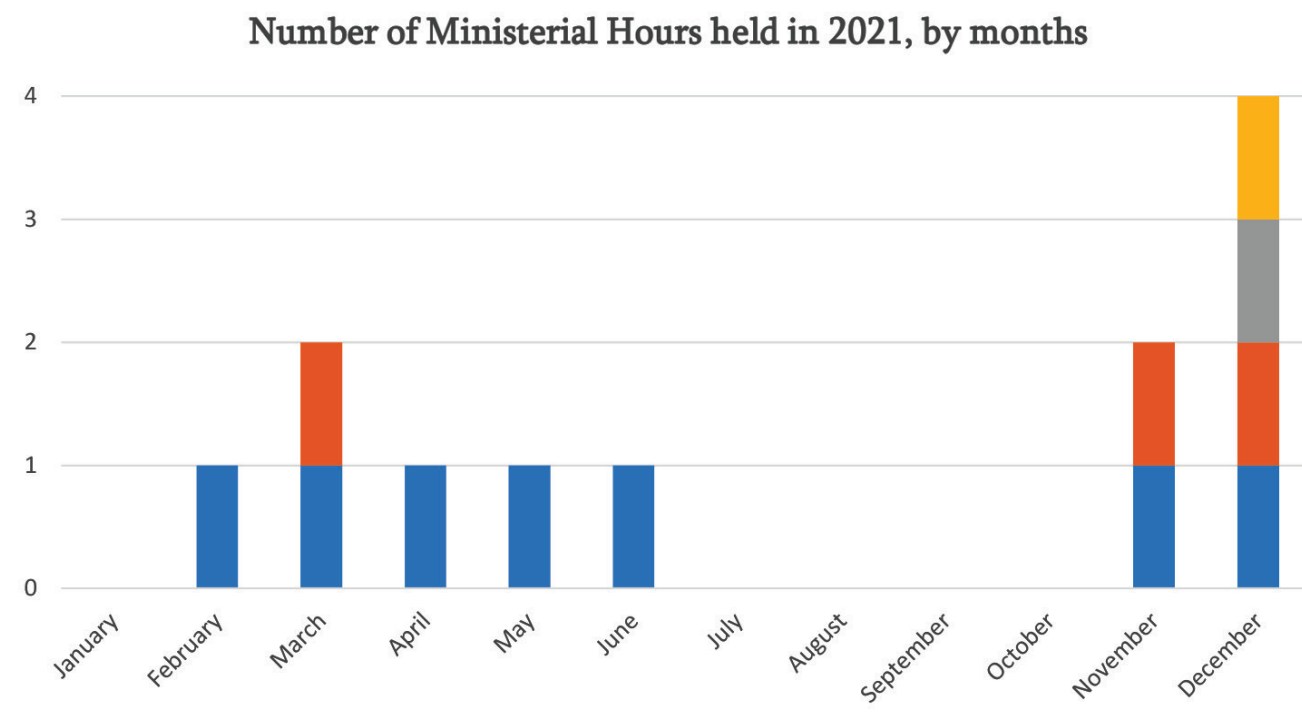
Ultimately, as a result of the changes, in the autumn session, the Ministerial Hours were held only in November and December. This means that 4 Ministerial Hours took place in December.

¹⁶² For details on this issue, see Democracy Index - Georgia, Performance of Spring and Extraordinary Sessions of the Parliament of Georgia, 2021, 2021, 55. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [03.02.2022]

¹⁶³ See the letter of the State Minister for Reconciliation and Civic Equality. <https://info.parliament.ge/file/1/BillReviewContent/271572?> [18.02.2022]

¹⁶⁴ Letter N851/2-7/22 of February 1, 2022, of the Parliament of Georgia.

Diagram №28



In total, 6 Ministerial Hours were held during the reporting period.

Minister of Foreign Affairs - Mr. David Zalkaliani, Minister of Foreign Affairs, was heard on November 19. The Ministerial Hour lasted 3 hours and 50 minutes, of which 1 hour and 28 minutes were devoted to the Minister's report.

22 deputies addressed the Minister with questions, 14 of whom were representatives of the majority and 8 of the opposition. The deputies asked the Minister a total of 41 questions. The authors of 25 questions were the representatives of the majority, and 16 - the opposition. The right to a clarifying question was used by one MP from the opposition. The Minister was not asked questions containing a specific initiative, and merely 1 general question was asked.

The questions posed by members of the majority showed the desire to present the Minister and foreign policy in a positive way. Six deputies dedicated most of their time to praising the Minister directly, among them 4 were the members of the majority and 2 of the opposition.¹⁶⁵ The Minister did not leave important questions unanswered.

The Minister of Education and Science – Mr. Mikheil Chkhenkeli was heard on December 1. The Ministerial Hour lasted 5 hours and 13 minutes, including 1 hour and 22 minutes were devoted to the Minister's report.

34 deputies addressed the Minister of Education and Science, Mr. Mikheil Chkhenkeli, with questions, 20 of them were the representatives of the majority and 14 of the opposition.

In total, the Minister was asked 51 questions, of which 28 were written by the majority and 23 by the opposition.

¹⁶⁵ Davit Zilfimiani to Davit Zalkaliani - "This is one of the best reports heard within these walls"

The MPs asked Mikheil Chkhenkeli 2 questions of a general nature, both of which belonged to deputies from the opposition.

The Minister of Education and Science was asked only one question containing a specific initiative. The questions aimed at praising the Minister were asked by 3 deputies, one of them was Mr. Davit Zilfimiani, an opposition member of the European Socialists.

The right to ask a clarifying question was used by 5 deputies, only one of them was a member of the majority.

The Minister of Culture, Sports and Youth Affairs – Mrs. Tea Tsulukiani was heard on December 3. The Ministerial Hour lasted 7 hours and 25 minutes, of which 57 minutes were devoted to the Minister's report.

37 deputies addressed Mrs. Tea Tsulukiani with questions. 26 of them were members of the majority and 11 of the opposition. The deputies asked Tsulukiani 69 questions. Of these, 46 were by members of the majority, and 23 of the opposition.

A total of 5 MPs asked Tea Tsulukiani general questions, 3 of them were from the majority and 2 from the opposition. No one asked questions to the Minister about a specific initiative. Three members of the majority exercised their right to ask questions to compliment the member of the government. One of them did not ask a question at all, but devoted his time only to admiring the Minister.¹⁶⁶

A total of 6 clarifying questions were asked, none of them by the representatives of the Georgian Dream though.

Minister of Economy and Sustainable Development – The Hour of the Minister Ms. Natela Turnava took place on December 16. The Ministerial Hour lasted for 4 hours and 1 minute, of which 55 minutes were devoted to the Minister's report.

Questions to the Minister were presented by 30 deputies, 18 of which were the representative of the majority and 12 of the opposition. The deputies asked the Minister a total of 68 questions. The authors of 42 questions were the majority, and 26 - the opposition. The Minister was not asked any questions containing a specific initiative.

4 deputies devoted most of their time to directly praising the Minister. All four of them were members of the majority.

The right to a clarifying question was used by 2 deputies; one of them was from the opposition and the other from the majority. The Minister did not leave important questions unanswered.

The Minister of Justice – Mr. Rati Bregadze was heard by the Parliament of Georgia on December 17. The Minister's Hour lasted for 5 hours and 7 minutes. 39 minutes were dedicated to the Minister's report.

The right to ask questions was exercised by 32 deputies, 23 of them were representatives of the Georgian Dream and 9 of the opposition. In total, 72 questions were asked, 41 by the majority and 31 by the opposition.

A total of 3 clarifying questions were asked, the authors of which were representatives of the opposition.

¹⁶⁶ "You are such a wonderful minister, I have no questions" - Levan Mgaloblishvili to Tea Tsulukiani.

The questions containing a specific initiative were 4. The Minister did not leave any important questions unanswered.

The State Minister for Reconciliation and Civic Equality – Ms. Tea Akhvlediani addressed the Parliament of Georgia on November 18. The Ministerial Hour lasted 3 hours and 30 minutes. The Minister dedicated 32 minutes to her report.

The right to ask questions was exercised by 21 deputies, 12 of them were representatives of the Georgian Dream and 9 of the opposition. In total, 44 questions were asked during the Minister's Hour, 17 by the majority and 27 by the opposition.

A total of 4 MPs exercised their right to a clarifying question. All of them were the representatives of the opposition.

Diagram №29

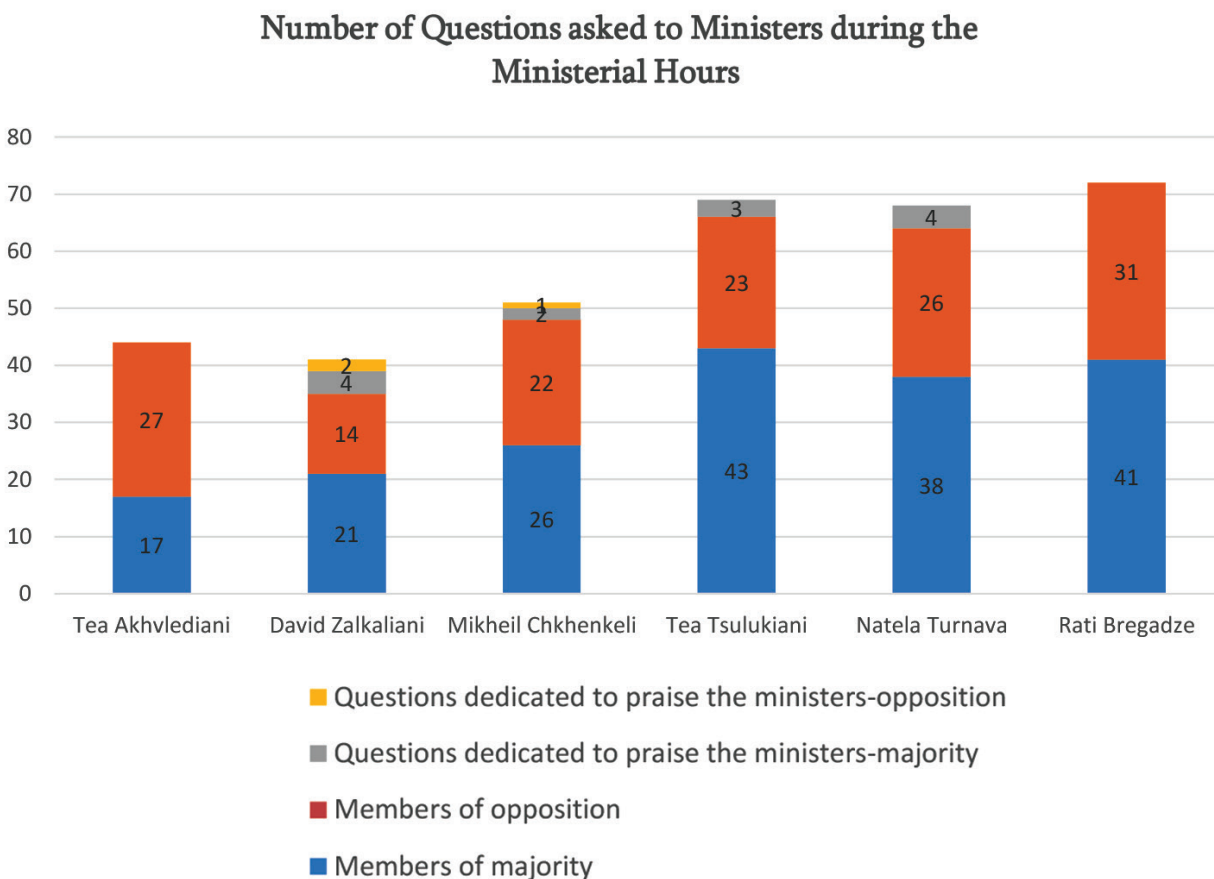
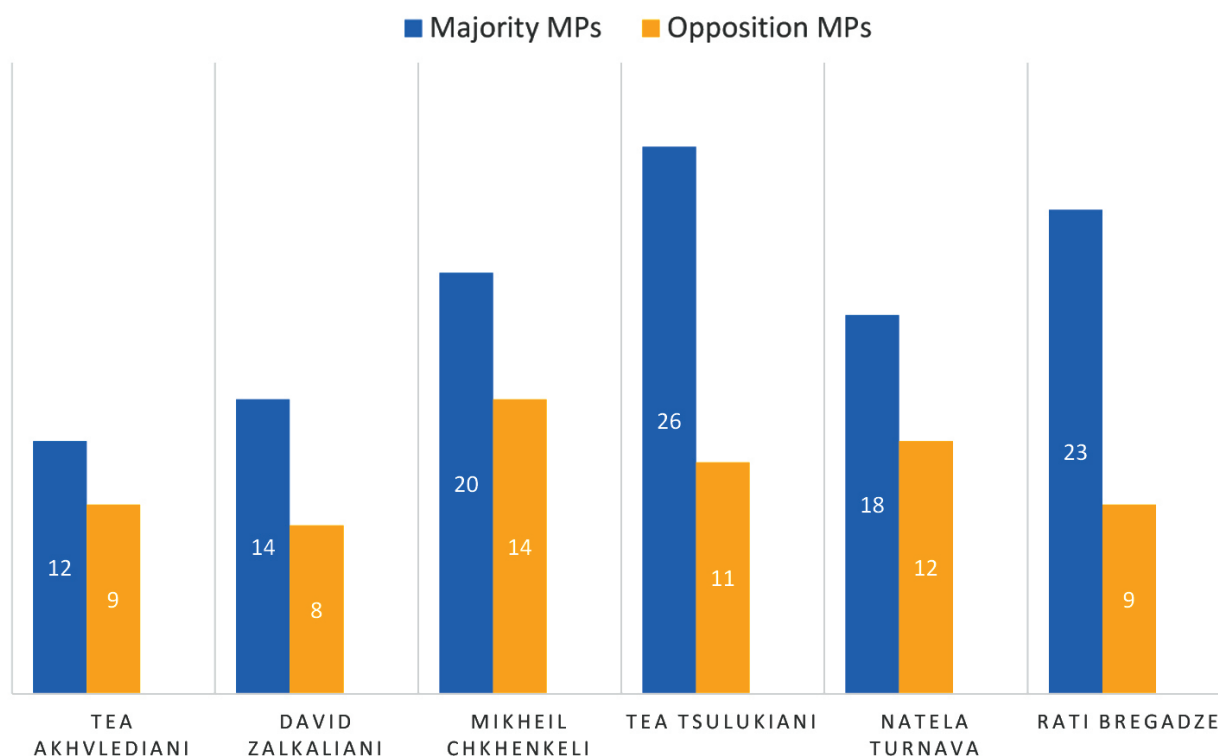


Diagram №30

THE ACTIVITY OF OPPOSITION AND MAJORITY DEPUTIES DURING THE MINISTERIAL HOURS IN 2021



The monitoring of the Ministerial Hours has revealed the following shortcomings:

The ministers in some cases devoted more time to the presentation of their reports than is required by the Rules of Procedure - A Ministerial Hour begins with a speech by a member of the Georgian government, for which he/she is given 45 minutes.¹⁶⁷In four out of six cases, Ministers exceeded the allotted time. This may indicate that the time limit set by the Rules of Procedure is not sufficient to provide the voluminous information that the Ministers wish to report to the plenary session.

On the other hand, this may be due to the fact that ministers do not normally appear before Parliament in any other formats envisaged by the Rules of Procedure. The Ministerial Hour is the only time when ministers show up in the Parliament, due to the mandatory nature of the mechanism. During the previous reporting period, a number of ministers were summoned by interpellation. None of them has appeared in the Parliament within the format so far. Ministers are also summoned to committee meetings to discuss specific issues, although in most cases, ministers fail to appear before the committees.¹⁶⁸

The need for ministers to appear in Parliament within the framework of other mechanisms in order

¹⁶⁷ Article 153, Paragraph 3 of the Rules of Procedure of Parliament.

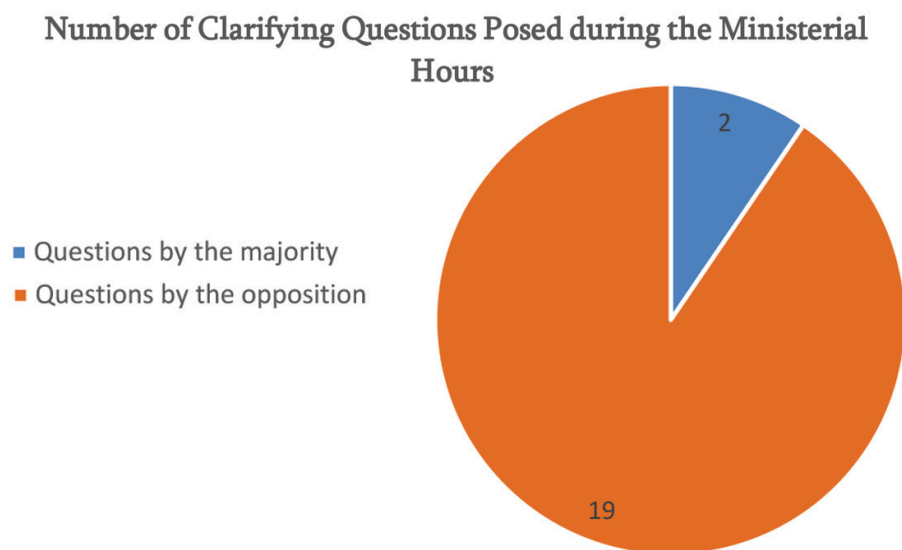
¹⁶⁸ For details, see “Mandatory attendance of officials at committee sittings,” Chapter 2.5.3 of this report.

to present their reports¹⁶⁹ has also been evidenced by the fact that deputies, in addition to the issues around the implementation of the governmental program to be discussed within the Ministerial Hour mechanism, also ask questions on specific issues that are particularly pressing at that moment. It should be noted that no interpellation was held during the given session, nor were officials summoned to the plenary session. The ministers invited to the committee sittings did not appear in the Parliament.¹⁷⁰

Questions raised by members of the majority served to present the activities of the Minister in a favorable light - There are cases when deputies dedicate their right to ask questions to praise ministers. Apart from expressing admiration, the time allotted for the majority MPs was, in some cases, devoted to portraying the activities of the ministers positively through leading questions.

Representatives of the majority rarely asked clarifying questions – Ministerial Hours are characterized by a scarcity of clarifying questions. This indicates that the answers received from ministers seem satisfactory and comprehensive to MPs. In most cases, the clarification for the questions is requested by the opposition, while the majority remains passive in this respect.

Diagram №31



The Ministers left important questions unanswered - The Minister of Education and Science did not answer important questions that deputies brought to his attention. He did not answer 4 questions at all, 2 of them were asked by representatives of the opposition and 2 by the majority. The unanswered questions concerned the issues such as food catering and restrooms in schools, the reputation of public schools, the learning process in the occupied territories, and the challenges to the progressiveness of the education system. In addition, the Minister did not answer a question relating to the consideration of school grades when enrolling an applicant in a higher education institution.

¹⁶⁹ The following mechanisms envisage the possibility of summoning ministers to the Parliament: interpellation (Article 149 of the Rules of Procedure); Appearance of an official at the plenary session (Article 152 of the Rules of Procedure); Mandatory attendance of officials at the committee meeting (Article 40 of the Rules of Procedure).

¹⁷⁰ For details, see “Mandatory attendance of officials at committee sittings,” Chapter 2.5.3 of this report.

The Minister of Culture, Sports and Youth Affairs did not answer 4 questions at all, 3 of them were asked by representatives of the opposition and 1 by the majority. In addition, the Minister spoke about a question asked by a representative of the majority, yet without providing specific data. The unanswered questions were related to the issues concerning the Gelati Monastery, the problems of the Mtskheta moratorium, and the politicization of representatives of art, as well as the Minister's inaction when the opposition used the parliamentary control mechanisms. In particular, the Minister was summoned by the faction "Lelo - Partnership for Georgia" to a sitting of the Culture Committee, but the Minister did not appear.¹⁷¹

3.4.6. INTERPELLATION

Interpellation is one of the most significant constitutional mechanisms of parliamentary oversight applied in the format of the plenary session. A group of at least seven members of Parliament, a faction, has the right to submit a written question by interpellation to the Government of Georgia, a body accountable to the Parliament, a member of the Government¹⁷² on matters within their competence. The addressee is obliged to submit a written answer to the Parliament, as well as to be present before the Parliament at the specific time specified by the Rules of Procedure - usually twice during each subsequent session – on the Friday of the last week of the plenary sittings in March and May in the spring sessions and in September and November in the autumn session.¹⁷³

In the reporting period, deputies did not address officials through the interpellation. In contrast, during the spring session of 2021, in May, the parliamentary opposition requested that the Prime Minister of Georgia, the Minister of Foreign Affairs, the Minister of Finance, and the Minister of Education and Science be summoned to the plenary session through interpellation,¹⁷⁴ yet no interpellation has been held in the last two reporting periods.

The last interpellation took place in Parliament in September 2020.

171 For details, see "Mandatory attendance of officials at committee sittings," Chapter 2.5.3 of this report.

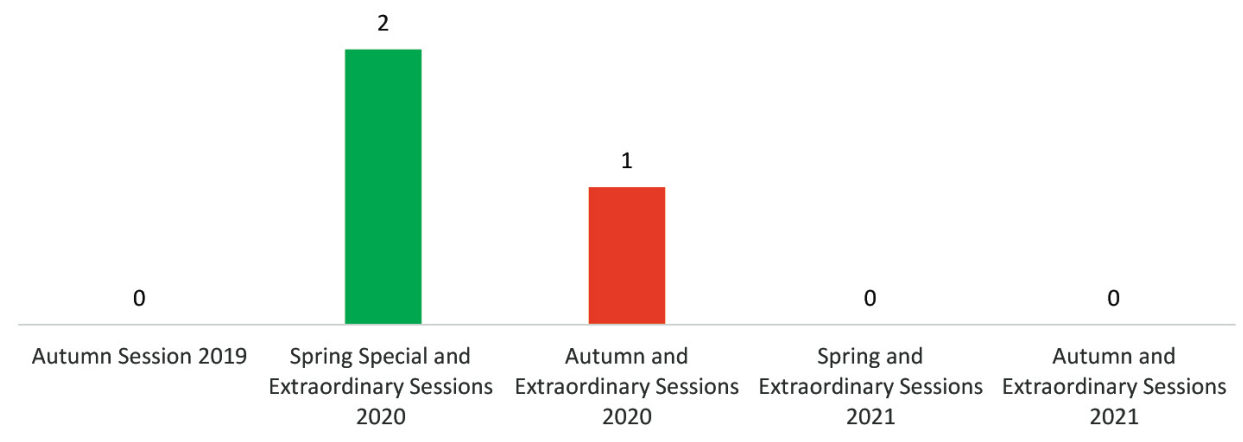
172 Article 149, Paragraph 1 of the Rules of Procedure of Parliament of Georgia.

173 Article 149, Paragraph 5 of the Rules of Procedure of Parliament.

174 For details, see "Democracy Index - Georgia": Performance of Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, p. 13 https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ01.pdf [10.03.2022.]

Diagram №32

Number of Conducted Interpellations according to the Sessions



According to the information provided by the Parliament of Georgia,¹⁷⁵ the above-mentioned persons summoned through the interpellation were supposed to appear before the Parliament at the autumn session. Nevertheless, they failed to show up in Parliament to respond to questions addressed to them. The issue has not been placed on the agenda.

Answering questions before the Parliament through interpellation is an obligation under the Constitution.¹⁷⁶ Accordingly, the fact that the interpellation failed must be deemed as a violation of the Constitution.

The limitations placed on interpellation under the Rules of Procedure are also problematic. The possibility of conducting only two interpellations in one session contradicts the goals of effective parliamentary control. Moreover, a question posed within the interpellation format may lose its urgency due to an unreasonably inflexible procedure, which is an additional barrier to oversight.

Members of Parliament, on the one hand, should begin to actively use the oversight leverage, and the Parliament should reflect relevant issues on the agenda in a timely manner.

3.4.7. HEARING OF A GOVERNMENT MEMBER AND OTHER OFFICIALS

A member of the Government of Georgia, an official accountable to the Parliament, the head of a body accountable to the Parliament, the Public Defender of Georgia shall be heard by the Parliament upon a relevant request.¹⁷⁷

During the reporting period, no officials were heard through the procedure envisaged by the above-mentioned mechanism.¹⁷⁸

¹⁷⁵ Letter N8899/2-7-1/21 of the Parliament of Georgia dated August 23, 2021.

¹⁷⁶ According to Article 43 of the Constitution, a person summoned by interpellation is obliged to answer the questions asked at the plenary session.

¹⁷⁷ Article 154, Paragraph 1 of the Rules of Procedure of Parliament of Georgia.

¹⁷⁸ Letter N851/2-7/22 of February 1, 2022, of the Parliament of Georgia.

CHAPTER 4. OTHER THEMATIC ISSUES

4.1. TEMPORARY INVESTIGATIVE COMMISSIONS

No temporary investigative commissions or other ad-hoc commissions were set up during the reporting period.¹⁷⁹

The temporary investigative commission is a temporary entity of the Parliament. It is created by state bodies and public officials with the purpose of investigating the facts of violation of the legislation of Georgia and providing an appropriate response.¹⁸⁰

In the previous reporting period, on the initiative of the opposition, two investigative commissions were created. The initiator of setting up a temporary investigative commission into the July 5-6, 2021 events in Tbilisi was the “Charles Michel Reforms Group,” while the “Lelo - Partnership for Georgia” faction initiated the establishment of a temporary investigative commission into “Elite corruption”.¹⁸¹

To date, none of the commissions have been created or at least included in the agenda of the plenary session for voting. The reason for this was the desire of the initiators themselves to postpone the voting on the issue, because, at that moment, due to the political situation there was a possibility that the issue would not gain support. For the creation of a commission, the support of one-third of the full composition of the Parliament, i.e. 50 deputies is required.

4.2. ELECTION/APPOINTMENT OF OFFICIALS

During the reporting period, the Parliament of Georgia elected 7 officials in accordance with the Constitution.¹⁸² Five judges have been appointed to the position of the judiciary of the Supreme Court for life. A member of the Georgian National Energy and Water Regulatory Commission and a member of the Georgian National Communications Commission were also elected.

The Parliament has not yet elected non-judicial members of the High Council of Justice of Georgia. The term of office of non-judicial members expired in June 2021.¹⁸³ Even though according to the law,¹⁸⁴ candidates were supposed to be elected no earlier than 30 calendar days before the expiration of their term and no later than 7 calendar days after the expiration of their term, the procedure was not launched by the Parliament in the reporting period. The quorum for electing the persons to the

179 Letter N851/2-7/22 of February 1, 2022, of the Parliament of Georgia.

180 Article 61, Paragraph 1 of the Rules of Procedure of Parliament of Georgia.

181 “Democracy Index - Georgia”, Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 60. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0L.pdf [28.01.2022.]

182 Letter N644/2-7/22 of January 25, 2022, of the Parliament of Georgia and letter N11138/2-7/21 of November 12, 2021.

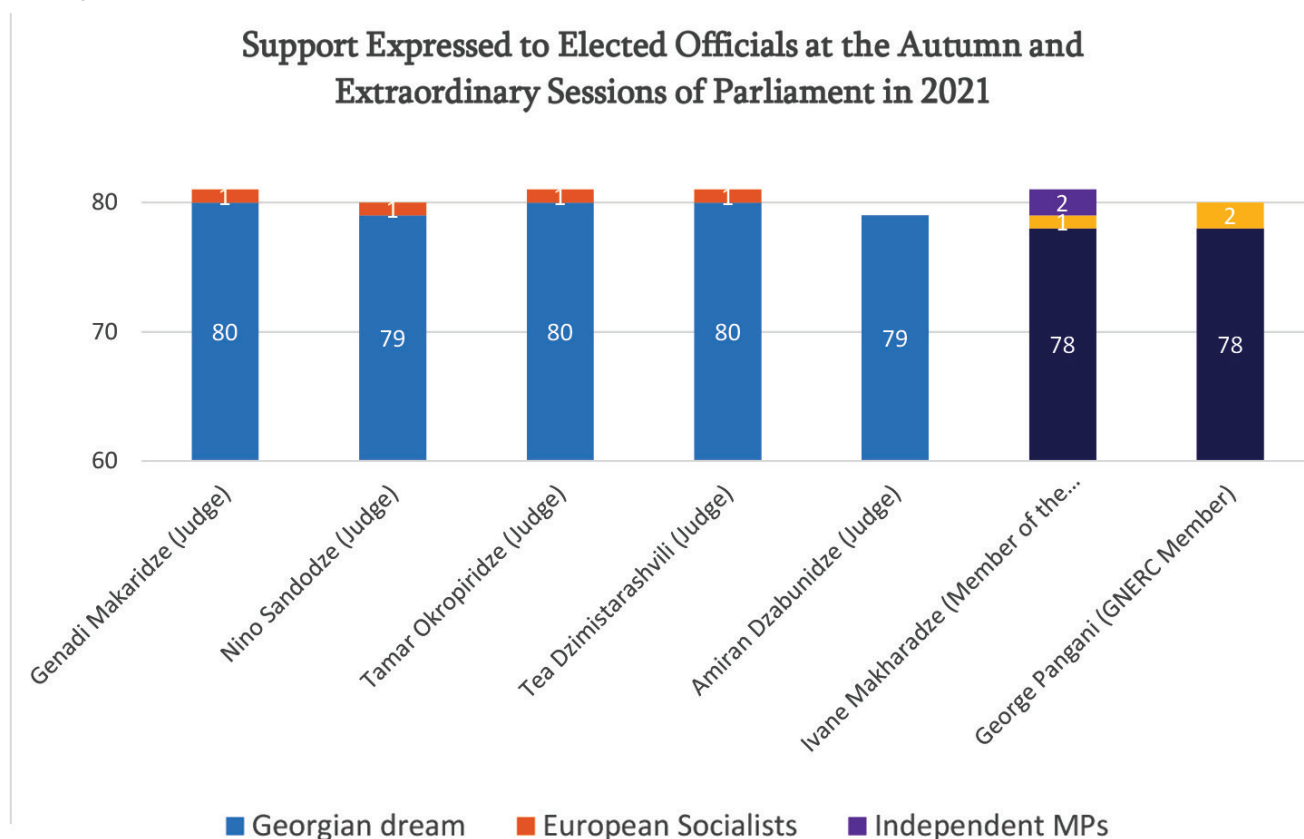
183 “The term office of four non-judicial members of the High Council of Justice of Georgia have expired,” 22.06.2021, <http://www.hcoj.gov.ge/ka/%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1-%E1%83%98%E1%83%A3%E1%83%A1%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98%E1%83%98%E1%83%A1-%E1%83%A3%E1%83%9B%E1%83%90%E1%83%A6%E1%83%9A%E1%83%94%E1%83%A1%E1%83%98-%E1%83%A1%E1%83%90%E1%83%91%E1%83%AD%E1%83%9D%E1%83%A1-%E1%83%9D%E1%83%97.html> [28.01.2022]

184 Article 208, Paragraph 1 of the Rules of Procedure of Parliament.

positions is three-fifths of the full composition of Parliament (90 votes).¹⁸⁵ In the given parliamentary composition, this means that reaching an agreement with the opposition is a necessary precondition so that the ruling party can appoint persons to the above position. Against the background of the fact that during the tenth convocation practically no decision was made based on consensus concerning the appointment of officials, it is perhaps because of this lack of consensus that the High Council of Justice has been operating for several months without non-judicial members.

The trend of supporting candidates shows that out of the seven persons elected during the reporting period, none of them earned broad consensual support. According to the results of the voting,¹⁸⁶ the selected candidates were mainly supported by only one representative of the Georgian Dream and the European Socialists, respectively. The member of the Georgian National Communications Commission received the support of two independent members of the Parliament.

Diagram №33



The selection of candidates was carried out in conformity with the requirements of the law. The procedure of nominating and interviewing candidates was transparent. The sittings were broadcast

¹⁸⁵ Article 208, Paragraph 12 of the Rules of Procedure of Parliament.

¹⁸⁶ See “The Election of the members of the Supreme Court of Georgia,” and “Voting results of the plenary session,” <https://info.parliament.ge/#law-drafting/23118>, <https://info.parliament.ge/#law-drafting/23277>. Also, “The Election of a member of the Georgian National Communications Commission” <https://info.parliament.ge/#law-drafting/23389>, and “The election of Giorgi Pangani as a member of the Georgian National Energy and Water Regulatory Commission” <https://info.parliament.ge/#law-drafting/22921> [28.01.2022]

live. The interview procedure was defined and information about interviews with candidates was published in a timely manner on the agenda.

The level of support for all persons selected for the position during the tenth convocation is practically similar to the dynamics of the given reporting period.¹⁸⁷ For the entire convocation, the decision to appoint 21 persons to various key positions was virtually made by one party, with the exception of a few opposition MPs, who represented a small portion of the opposition spectrum. In particular, none of the deputies from the opposition supported the candidates in 5 cases, only one opposition member expressed support in 9 cases, the support was expressed by 2 opposition MPs in 3 cases, and in 3 cases three candidates were supported. The largest number, the support of 4 MPs from the opposition, was received by only one person.¹⁸⁸

4.2.1. THE PROCEDURE FOR SELECTING JUDICIARY CANDIDATES OF THE SUPREME COURT

A particularly pressing issue was the appointment of judges to the Supreme Court in the tenth convocation parliament. When a person is appointed to a non-political position, it is important that he or she be selected based on high consensus. The Parliament of Georgia, despite numerous calls to suspend the process,¹⁸⁹ in July 2021 elected six judges to the position of the Supreme Court judges, and in December five judges for life. The country's strategic partners believed that the election of judges should have taken place only after a systemic reform, which was explicitly stipulated in the 19 April Agreement.

"Democracy Index – Georgia" has monitored the electoral process and prepared a report.¹⁹⁰ Similar to the processes that took place in July, which are discussed in the report of the previous session,¹⁹¹ the following significant problems have been identified in connection with the elections held in November and December:

187 Letter N11138/2-7/21 of November 12, 2021, of the Parliament of Georgia.

188 For detailed voting results see info.parliament.ge

189 The EU Delegation to Georgia: "The appointments run counter to the key provisions of the April 19 Agreement, according to which all ongoing appointments should be paused, all recommendations made by the Venice Commission must be fully implemented, and overall, the independence, accountability and quality of the justice should be increased within a broad, inclusive cross-party reform process." Statement by the Spokesperson of the European Commission on the Appointment of Judges of the Supreme Court, 14.07.2021., https://www.eeas.europa.eu/eeas/georgia-statement-spokesperson-appointments-supreme-court-judges_en [08.02.2022.]; InterpressNews, Kelly Degnan – It is in the hands of the Parliament to support the April 19 agreement, which explicitly stipulates the suspension of the judicial selection process - Parliament has the appropriate power to suspend the process, 29.06.2021., <https://www.interpressnews.ge/ka/article/663252-keli-degnani-parlamentis-xelshia-xeli-sheucqos-19-aprilis-shetanxmebas-rac-calsaxad-gulisxmobs-mosamartleebis-sherchevis-procesis-shecherebas-parlaments-akvs-shesabamisi-zala-rom-es-procesi-sheacheros> [02.08.2022.]; Pirveli Channel, Kelly Degnan - "I reiterate that the April 19 agreement clearly sets out the sequence of steps to be taken to reform the judiciary. First, there must be inclusive, multi-party debates on judicial reform. After the considerations and the adoption of the draft law by the Parliament, it will be an appropriate time for the appointments in the Supreme Court per the new legislation." 04.07.2021. <https://1tv.ge/news/keli-degnani-imedi-gvaqvs-uzenaes-sasamartloshi-danishvnebis-gankhorcielebamde-sasamartlo-reformis-inkluziuri-gankhilva-mokhdeba/02.08.2022.>

190 For details, see the report prepared by the organization - "Parliament elects judges of the Supreme Court of Georgia, June - July 2021" https://democracyindex.ge/uploads_script/studies/tmp/phpHzFOsg.pdf [09.03.2022.]

191 "Democracy Index - Georgia", Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021, 2021, 83. https://democracyindex.ge/uploads_script/studies/tmp/phpRaJJ0I.pdf [28.01.2022]

- Illegitimacy of the procedure of selecting judiciary candidates of the Supreme Court;
- Politicization of the process of electing judges to the Supreme Court;
- The problem of involvement in the process and lack of confidence in it;
- The formal interviews with the candidates.

The detailed information about the identified problems was presented by the organization to the members of Parliament on December 1, 2021, before the voting procedure.¹⁹²

RECOMMENDATIONS

- Parliament should support the suspended constitutional amendments to the electoral system, taking into account the views submitted by the organization;
- Decisions regarding the arrangement and operation of independent institutions should be made by inter-party consensus;
- The Parliament should start developing a realistic reform of the judicial system including the execution of the decision of the Constitutional Court of June 7, 2019 N1 / 4 / 693,857;
- In order to avoid political corruption, using state resources for pre-election and narrow partisan or private interests must be eradicated;
- Eliminate the practice of vicious use of expedited review of draft laws;
- Article 45³ of the Law “On Public Health” should be completely reformed and specific criteria for the government to determine so-called Covid-19 regulations should be defined;
- The Parliament must actively increase the frequency and effectiveness of the use of control mechanisms;
- The Rules of Procedure should be amended to reduce the intervals between appearances of officials in Parliament by interpellation;
- The number of votes required to summon an official to the plenary session should be reduced;
- For the effective use of the Ministerial Hour, the minister must be obliged to submit a written report at least two days prior to the plenary session, and the Parliament should evaluate the report by a resolution;
- The decision to elect officials and heads of independent bodies provided for in the Constitution should be made by the Parliament by high consensus, with the broad involvement of opposition parties;
- With the view to increasing the effectiveness of civil engagement, committees should be required to proactively publish opinions of civil society and specify the reasons for accepting or rejecting such opinions in the committee report.
- In order to continuously monitor the performance of the committees, the number of committee sittings should be proactively published at the end of each month;

¹⁹² For details on the important issues, see the opinion of the organization: “Parliament should refrain from electing judges of the Supreme Court”, 01.12.2021. https://democracyindex.ge/index.php?m=261&news_id=15 [09.03.2022.]

- After the completion of each session, detailed information on the following mechanisms must be proactively published:
 - Control of law enforcement;
 - Study of compliance of normative acts with the legislation;
 - Control over the fulfillment of the tasks determined by the transitional provisions of the normative acts of the Parliament for institutions of executive power within the prescribed period;
 - Study of the activities of the administrative body;
 - Hearings of reports presented by accountable persons;
 - Study of judicial practice;
 - Appearance of the officials mandatorily summoned to the sittings of the committee;
 - Number of legislative initiatives submitted by the committees;
 - The number of legislative proposals presented in Parliament;
 - A unified documentation format should be developed during any thematic inquiry, which will give the exact periods of the beginning and end of the thematic inquiry.