



**PERFORMANCE OF  
THE SPRING SESSION OF  
PARLIAMENT OF  
GEORGIA IN 2022**

Democracy Index-Georgia  
Tbilisi 2022

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# 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 to check how effectively the determined policy is implemented;
- III. Individual efforts 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 MP;
- Adequate inclusion of current issues and citizens' concerns in the parliamentary agenda; compliance of the Parliament's activities with the requirements of the civil society, as well as the declared European values;
- The extent to which civil society organizations are 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 the legislative initiative review 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 extent of activity and pro-activity of committees.

The report is based on the principle of impartiality. In evaluating each issue, as in the case of the previous six reports, the starting point is the Constitution of Georgia, commitments undertaken by international treaties, and agreements and recommendations to Georgia issued by international organizations, as well as government programs and action plans of parliamentary entities. Accordingly, the assessments herein are universal and free from the visions, ideologies, and goals of any political group.

This report includes the results of the spring session observations. The end of the reporting period of the previous fall session – December 31, 2021 - was selected as the beginning of the reporting period. The reporting period ends on the day when the spring session ends, June 24, 2022.

## Context

The spring session opened on February 1, 2022. At the moment of the opening, 83 of the 147 MPs represented the parliamentary majority - the “Georgian Dream” faction, and 64 - the parliamentary opposition. At that moment, there was 1 opposition faction and 5 parliamentary groups in the Parliament. During the session, the deputy powers of the following opposition members were terminated: Badri Japaridze and Shalva Natelashvili. Elene Khoshtaria and Zaal Udumashvili left their mandates

based on their personal statements. In the same session, interim elections were held in Rustavi and Gardabani majoritarian constituencies to elect the majority member of the Parliament, where Irakli Shatakishvili, the candidate of the “Georgian Dream” won and the number of the parliamentary majority increased from 83 to 84 deputies. At the end of the session, instead of 150, 144 MPs were present in the Parliament. Due to the cancellation of the lists by the opposition parties, the parliamentary majority was left with 6 mandates less than they obtained. Of these, 84 represent the “Georgian Dream” and 60 - the opposition. There are 2 factions<sup>1</sup> and 5 political groups in the Parliament.<sup>2</sup>

The developments in the region have affected the work of the current session. On February 24, 2022, Russia invaded the sovereign territory of Ukraine and started war hostilities. The opposition initiated to summon an extraordinary session of the Parliament. It was requested to hear Prime Minister Irakli Gharibashvili. Based on a relevant statement made by President Salome Zurbashvili, the extraordinary session of the Parliament was supposed to be held on February 25, with the agenda as follows: to hear a report of the Prime Minister about the war launched in Ukraine, the current geopolitical situation and the positioning of Georgia; condemnation of the ongoing Russian military aggression in Ukraine by the Parliament of Georgia, finding effective support measures, including humanitarian aid, to support Ukraine’s freedom, sovereignty and territorial integrity;<sup>3</sup> The President accepted the appeal of the opposition and summoned the extraordinary session.<sup>4</sup> Nevertheless, the extraordinary session was not held and all doors of the plenary session hall remained closed on the day.<sup>5</sup> The Speaker of the Parliament, Shalva Papuashvili, announced that the session could not be held because the majority could not participate in it.<sup>6</sup> After the war started, the reactions of the Georgian government have become the subject of criticism, both inside and outside the country. The reason for the criticism against the government was mainly the deliberate omission of the “Russian Federation” in the pro-Ukraine resolution, refraining from visiting Kyiv, and the refusal to schedule an extraordinary session of the Parliament of Georgia. President Zelensky summoned Ambassador Igor Dolgov for consultations, which was a kind of response to the inertia of Georgian state authorities towards the war in Ukraine. After the war broke up in Ukraine, a number of protest demonstrations were held in Tbilisi in support of Ukraine.<sup>7</sup> The participants of the rally were protesting Russia’s aggression

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1   Factions: “Georgian Dream”; “United national movement - United Opposition “Strength is in Unity”

2   Political groups: “Girchi”; “Citizens”; “European Socialists”; “Lelo - Partnership for Georgia”; “Reform Group”.

3   IPN, Prime Minister Irakli Gharibashvili is requested to be heard at the extraordinary session of the Parliament initiated by the opposition, 24.02.2022. See: <https://www.interpressnews.ge/ka/article/697159-opoziciis-mier-inicirebul-parlamentis-riggareshe-sxdomaze-motxovnilia-premier-ministr-irakli-garibashvilis-mosmena> [31.08.2022.]

4   Parliament of Georgia, Decree N24/02/01 of the President of Georgia dated February 24, 2022, on convening an extraordinary session of the Parliament of Georgia, 24.04.2022. See: <https://parliament.ge/media/news/sakartvelos-prezidentis-2022-tslis-24-tebervlis-n24-02-01-gankarguleba-sakartvelos-parlamentis-riggareshe-skhdomis-motsvevis-shesakheb> [31.08.2022.]

5   IPN, All the doors to the plenary session hall of the Parliament are closed - therefore, the opposition, at the request of which an extraordinary session was scheduled, is not allowed to enter the hall, 25.02.2022. <https://www.interpressnews.ge/ka/article/697327-parlamentis-plenarul-sxdomata-darbazis-qvela-kari-daketilia-shesabamisad-opozicias-romlis-motxovnitac-riggareshe-sxdoma-danishna-darbazshi-shesvlis-shesazlebloba-ar-ezleva> [31.08.2022.]

6   IPN, Shalva Papuashvili - The extraordinary session will not be held, as well as the opening procedures of the session will not be held today, 25.02.2022. See: <https://www.interpressnews.ge/ka/article/697317-shalva-papuashvili-riggareshe-sxdoma-ver-chatardeba-da-aseve-dges-sxdomis-gaxsnis-procedurebic-ar-gaimarteba> [31.08.2022.]

7   IPN, The protest rally in support of Ukraine continues at the parliament, 25.02.2022. See: <https://www.interpressnews.ge/ka/article/697461-ukrainis-mxardamcheri-akcia-kvlav-parlamenttan-grzeldeba> [31.08.2022.]

against Ukraine. In one of his public statements, the President of Ukraine drew a clear line between the Georgian government and the Georgian people, as superior to the government, and expressed his gratitude towards the people's solidarity with Ukraine.<sup>8</sup>

According to the Rules of Procedure of the Parliament, the President ought to have appeared before the Parliament with a report in the first week of the spring session.<sup>9</sup> During the current session in the Parliament, the President's report was not presented at the time specified in the Rules of Procedure. Later, the President expressed her willingness to schedule a plenary session on March 5, but, by a decision of the parliamentary majority, the deadline was extended to March 14.<sup>10</sup> The priority of other matters was named by the Chairperson of the faction as the reason for the postponement of the deadline.

The President appeared in the session hall together with the acting ambassador of Ukraine, accompanied by criticism from the majority.<sup>11</sup> This fact was assessed by the ruling majority as disrespecting and embarrassing to the institution.<sup>12</sup> The day after the session, the majority announced the submission of a constitutional lawsuit against the President to the Supreme Court,<sup>13</sup> for the security of which the "Georgian Dream" hastily adopted a relevant law.<sup>14</sup>

During the reporting period, Georgia submitted to the European Union an official membership application. After mass protest demonstrations in Tbilisi, Prime Minister Irakli Gharibashvili signed the official application on March 3. After that, the country received a questionnaire from the European Union and was granted one month to complete it.<sup>15</sup>

The European Council announced its decision on the status of Georgia, Ukraine, and Moldova's candidacy for EU membership on June 23 at the summit of the leaders of the EU member states in Brussels. Pursuant to the decision of the leaders of the member states of the European Union, Ukraine and Moldova were provided with the status of candidate countries, and Georgia was granted a European

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8 GIP.ge, War in Ukraine: Georgian-Moldovan One Approach, Two Different Outcomes, 19.03.2022. See: [22.09.2022.]

<https://gip.ge/ka/%E1%83%9D%E1%83%9B%E1%83%98-%E1%83%A3%E1%83%99%E1%83%A0%E1%83%90%E1%83%98%E1%83%9C%E1%83%90%E1%83%A8%E1%83%98-%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/>

9 Article 195 of the Parliament's Rules of Procedure.

10 The Parliament is not convening the extraordinary session on March 5 in order to hear the annual report of the President, 03.04.2022. See: <https://parliament.ge/media/news/parlamentshi-prezidentis-qoveltliuri-mokhsenebis-mosmenis-miznit-5-marts-riggareshe-skhdoma-ar-gaimarteba> [22.09.2022.]

11 Interpressnews, Mamuka Mdinardze accused Salome Zurabishvili of disrespecting the institute for entering the session hall with the temporary representative of Ukraine, 14.03.2022, <https://www.interpressnews.ge/ka/article/700464-mamuka-mdinarazem-sasesio-darbazshi-ukrainis-droebit-rcmunebultan-ertad-shesvlis-gamo-salome-zurabishvili-institutis-upativcemulobashi-daadanashaula> [23.08.2022]

12 Mamuka Mdinardze's statement - regarding the visit of the Ambassador of Ukraine to the Parliament on 14.04.2022. <https://www.radiotavisupleba.ge/a/31752171.html> [01.09.2022]

13 Georgian Dream, "Georgian Dream - Democratic Georgia" Political Council's Statement, 15.03.2021, <https://gd.ge/show-news/1587/>, „ქართული ოცნება – დემოკრატიული საქართველო“ – პოლიტიკური-საბჭოს-განცხადება?lang=ge [23.08.2022]

14 For details, see Chapter "3.1.2".

15 Euronews Georgia, Georgia received a questionnaire from the European Commission, 11.04.2022. See: <https://euronewsgeorgia.com/2022/04/11/evrokomiisi-kitkhvari/> [31.08.2022.]



perspective and terms for obtaining the candidacy status. On June 17, 2022, the European Commission determined 12 priorities for Georgia, the fulfillment of which is necessary to receive the status.<sup>16</sup>

On June 24, the spring session was closed. That was the first time in the Parliament of this convocation that the majority did not summon an extraordinary session.

## **Key findings– Trends and Conclusions**

### **Positive findings:**

- During the reporting period, the activity of the Parliament was mostly open and transparent: it enabled to observe, receive public information, attend committee discussions, and review video and audio recordings of the sessions;
- The tenth convocation was the first to hold interpellation, political debates, and a free parliamentary floor;
- By adopting a new law “On the Protection of Consumer Rights”, the Parliament fulfilled the obligation stipulated in the Association Agreement;
- All three initiatives jointly presented by the majority and the opposition were related to the empowerment of women.

### **Negative trends:**

- Problems with transparency still occur in terms of proactively publishing public information (quantitative information regarding the use of committee oversight during the sessions, etc);
- Despite the activation of the opposition, the practice of exercising parliamentary control mechanisms is meager. The opposition employs only those tools that do not require the support of the majority. These are interpellation, summoning a person to a committee session and asking questions to a Member of Parliament. Of the control mechanisms, the majority used only interpellation, which significantly reduced the time allocated for ministers invited under the interpellation;
- The tools provided by the Rules of Procedure do not provide a flexible and effective possibility for summoning an official to plenary or committee sittings;
- In violation of the Constitution, the practice of reviewing and adopting bills related to municipalities without proper consultations with them and interfering with their exclusive authority continues;
- The majority demonstrated the political instrumentalization of its law-making activity against the President;
- The trend in delaying the consideration of draft laws and reports of bodies accountable to the Parliament was obvious. In most cases, the review of bills initiated by the opposition is delayed;
- Independent officials are appointed mainly based on one-party decisions;

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<sup>16</sup> European Commission’s opinion on Georgia’s application for membership in the European Union, see: [https://ec.europa.eu/neighbourhood-enlargement/opinion-georgias-application-membership-european-union\\_en?fbclid=IwAR09AyHdWq2vjlgKnWTNvgcFyp7J-GziwA5tRSKhM2fOrAALMG-keo9P-3k](https://ec.europa.eu/neighbourhood-enlargement/opinion-georgias-application-membership-european-union_en?fbclid=IwAR09AyHdWq2vjlgKnWTNvgcFyp7J-GziwA5tRSKhM2fOrAALMG-keo9P-3k) [09.08.2022 .]

- The process of reforming the electoral system and judiciary is suspended in the Parliament;
- The decision made by the Constitutional Court in 2019 determining the rules concerning the promulgation of Court decisions is still unexecuted;
- In the case of more than half of the bills considered in a speedy manner, the reason for the acceleration did not exist;
- The Child's Rights Council has not yet developed a framework for carrying out an expert examination to assess the impact of the draft law on the legal status of the child, which is why the law is adopted by the Council without an impact assessment.<sup>17</sup>

#### **Trends:**

- Parliament does not seem to be a controlling and/or supervising body. Relevant mechanisms are used inefficiently and/or only for formalistic purposes;
- Parliament's activities are mainly aimed not at sharing power and encouraging the participation of the opposition, but at the maximum concentration of power in the hands of the ruling party and/or bodies controlled by it; The majority tries to resist the initiatives of the opposition at all levels;
- The participation of the public, the openness and transparency of the processes are mainly of a formalistic nature - the Parliament does not seek substantive cooperation and feedback.

## **CHAPTER 1. MEMBERS OF PARLIAMENT**

### **1.1. THE MAJORITY AND THE OPPOSITION**

The presence of opposition inside and outside the Parliament is an important component of democracy. The tendency maintained by any state that the winner of the elections “takes all” must be condemned. According to the conclusion of the Venice Commission, democracy is weakened by the tendency of those states that choose the path towards majoritarianism and act based on the winner-takes-all formula.<sup>18</sup>The opposition must strike a balance and control the majority's power. Through debates, the opposition must prevent the hasty adoption of laws, and participate together with the majority in the election of judges and officials of independent institutions.<sup>19</sup>

Without the majority-opposition relationship and the transfer of appropriate leverage to the opposition, constitutional democracy may acquire the form of authoritarianism. The extent to which the opposition exercises parliamentary mechanisms and the extent to which the majority provides effective opportunities to opponents significantly determine the maturity of the country's democracy. Although the function of the opposition is not to govern, it should have significant legislative leverage to influence the political process.

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17 N3827/2-7/22 of April 28, 2022 by Eter Svianidze, Head of the Organizational Department of the Parliament of Georgia

18 Venice Commission, Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy, 2019, 3. paragraph 2.  
[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) [21.09.2022]

19 Venice Commission, Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy, 2019, 3. [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) [21.09.2022]

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 resistance to ensure the best decision-making process; scrutinizing government legislative initiatives and budget; monitoring the executive bodies; participating in the political processes to ensure stability, accountability, and transparency.<sup>20</sup>

As a result of observing the performance of the Parliament of Georgia, we can say that the opposition insufficiently uses the legislative leverage at its disposal. In frequent cases, the parliamentary majority blocks any attempts of the opposition to exercise its mandate, both in terms of oversight and legislative processes:

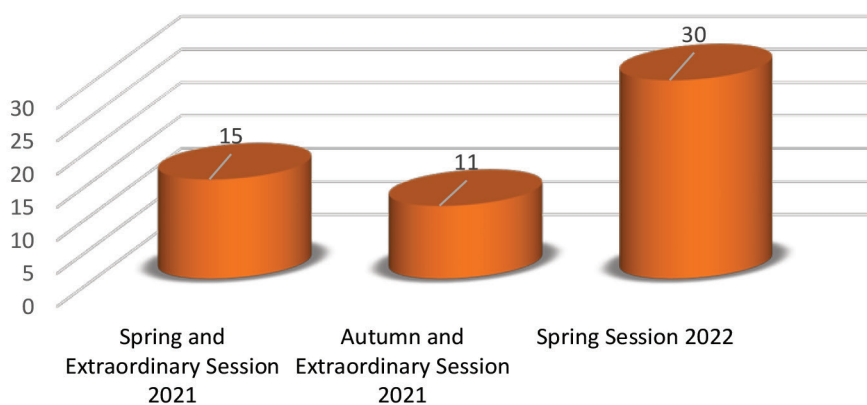
Despite legislative initiatives submitted by the opposition, they are rarely discussed in the Parliament of Georgia and are almost never supported. There were 15 opposition initiatives at the spring and extraordinary sessions of 2021, 11 at the fall and extraordinary sessions of 2021, and 30 during the spring session of 2022.

The delayed consideration of the opposition's initiatives has been established by the parliamentary majority as a practice, thereby practically depriving the opposition MPs of their legislative function. The Bureau of the Parliament in the majority of the cases (54%) postponed the consideration of draft laws initiated by the opposition.<sup>21</sup>

During the past sessions, the Parliament did not discuss the legislative initiatives of the opposition, which the organization noted in its report.<sup>22</sup> During the spring session of 2022, the statistics of considerations comparatively increased, despite this, the majority supported only one draft law presented by the opposition, namely by the political party "Girchi", in which MPs were demanding to cancel the requirement obliging a partisan member of DEC's to present a certificate of an election official.

Chart №1

### The Opposition's Legislative Initiatives at the Sessions



20 Venice Commission, Draft report on the role of the opposition in a democratic parliament, (Strasbourg: 2010), 4. [21.09.2022]

21 See in detail Chapter 1.2 of the report, page 17.

22 Assessment of the performance of the fall and extraordinary sessions of 2020 p. 45 [https://democracyindex.ge/uploads\\_script/studies/tmp/phpPIWrZH.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpPIWrZH.pdf) [21.09.2022]

During the current session, there were cases when the Parliament started considering the bills of the opposition MPs, namely:

An initiative by “Girchi” on the amendments to the organic law of Georgia on the “National Bank of Georgia”,<sup>23</sup> in which the MPs demanded an increase in the supervisory functions of the Parliament of Georgia over the National Bank, was discussed in the first reading but was not supported.

An initiative by Nato Chkheidze (United National Movement - United Opposition “Strength is in Unity”), in which the deputy requested to declare April 9 as the Independence Day of Georgia and May 26 as the President’s Day of Georgia,<sup>24</sup> was discussed both at the committee and plenary sessions. The majority did not support the bill.

Salome Samadashvili, (Lelo) Badri Japaridze, (Lelo) Davit Usupashvili, (Lelo) Ana Natsvlshvili (Lelo) and Shalva Shavgulidze (non-partisan) initiated amendments to the “Tax Code”,<sup>25</sup> in which they requested to introduce tax benefits for national and local media outlets. Despite holding committee hearings, the initiative did not earn the majority’s support. The initiative presented by the same MP group,<sup>26</sup> in which they were demanding to set up an independent state body - the National Anti-Corruption Agency - was not supported by members of the majority either.

During the current session, the initiative of the members of the political party “For Georgia” was reviewed,<sup>27</sup> in which the deputies demanded to introduce an indexed, annual increase in the social allowance for socially vulnerable families. Although the members of the majority considered it appropriate to increase the allowance for the socially vulnerable, they did not support the issue. Several other representatives of the same party requested amendments to the “Local Self-Government Code”, namely: to instruct the municipal bodies to ensure the direct and broad involvement of the local community in adopting the local budget.<sup>28</sup> The parliamentary majority did not support the bill either.

During the tenth convocation, initiatives were registered by the opposition independently as well as jointly with the parliamentary majority, the adoption of which is critically necessary for the development of democracy and the rule of law, yet their consideration has been suspended. Among the bills left unconsidered are the matters related to judicial reform,<sup>29</sup> as well as constitutional amendments, in

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23 Amendments to the organic law “On the National Bank of Georgia” - <https://info.parliament.ge/#law-drafting/23283> [21.09.2022]

24 Amendments to the Organic Law of Georgia “Labour Code of Georgia” - <https://info.parliament.ge/#law-drafting/23434> [21.09.2022]

25 “On the amendments to the Tax Code of Georgia” - <https://info.parliament.ge/#law-drafting/23454> [21.09.2022]

26 “ On the amendments to the National Anti-Corruption Agency” <https://info.parliament.ge/#lawdrafting/23455> [21.09.2022]

27 “On Amendments to the Law of Georgia “On Social Assistance” - <https://info.parliament.ge/#law-drafting/23554>

28 “On Amendments to the Organic Law of Georgia “Local Self-Government Code” - <https://info.parliament.ge/#law-drafting/22522> [21.09.2022]

29 1. The initiative by representatives of the party “For Georgia”, in which the deputies demand the simultaneous presence of 2/3 of the judicial members and 2/3 of the non-judicial members of the Council for decisions to be made by the High Council of Justice.

2. The initiative by the following MPs: Davit Usupashvili, Giorgi Vashadze, Ana Natsvlshvili, Armaz Akhvediani, Salome Samadashvili, Teona Akubardia and Badri Japaridze, in which MPs demand the selectivity of chairpersons of the district (city) and appellate courts, panels and chamber chairpersons, amendments to the procedure for nominating Supreme Court judges, the introduction of the system for periodic assessment of judges and changes in the rules of operation of the High Council of Justice.

which the opposition and majority MPs are jointly demanding the reduction of the electoral threshold for the 2024 parliamentary elections.<sup>30</sup>

The delayed review of the opposition bills by the parliamentary majority makes it impossible for the opposition MPs to fully exercise the right to a legislative initiative. With this approach, the government tries to diminish the role of the opposition, thereby depriving them of the opportunity to present the interests of their voters at the highest legislative level.

In the current reporting period, the frequency of the opposition members using the mechanisms provided by the Rules of Procedure has improved. The parliamentary political group “Lelo - Partnership for Georgia” used the free parliamentary floor opportunity twice in the current session.<sup>31</sup> At the same session, parliamentary debates<sup>32</sup> were held as requested by the opposition, and for the first time the Parliament of the 10th convocation held interpellations. An interpellation was also requested by the ruling party. When the Parliament was preparing to hear the Prime Minister and the Minister of Justice invited by the opposition, the faction “Georgian Dream” invited two more members of the government to the Parliament on the same day, which ultimately resulted in a proportional reduction in the time allocated by the Rules of Procedure for the hearing of accountable persons.<sup>33</sup>

In the current reporting period, most members of the parliamentary opposition were able to unite around a common demand for convening an extraordinary session. The President of Georgia summoned the extraordinary session on February 25, 2022, at the request of the opposition.<sup>34</sup> The agenda of the session envisaged the hearing of the Prime Minister about the current geopolitical situation and Georgia’s positions regarding the war in Ukraine, as well as the support for Ukraine at war.<sup>35</sup> Despite being summoned by the President, the session was not held. In connection with this, the ruling majority made statements, declaring that summoning the session was an attempt by the radical opposition to arrange a show, in which they were not willing to participate.<sup>36</sup>

In the current reporting period, the opposition demanded to create 2 investigative commissions.<sup>37</sup> The establishment of a commission requires the support of 50 MPs. However, an agreement was not reached between the opposition parties to set up a commission, and despite the initiation, none of the commissions was created.<sup>38</sup>

In the current reporting period, the ruling majority terminated the parliamentary powers for the members of the parliamentary opposition: Badri Japaridze, Shalva Natelashvili, and Elene Khosh-taria. Among them, the organization deemed the termination of the parliamentary authorities of

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30 See Chapter 3.3.3 of this report

31 Free parliamentary floors for the parliamentary political group “Lelo Partnership for Georgia”: 1. <https://parliament.ge/legislation/24276> ; 2. <https://parliament.ge/legislation/24399>

32 See Chapter 1.3 of this report

33 See Chapter 3.4.6 of this report

34 Decree of the President on convening an extraordinary session - <https://info.parliament.ge/#law-drafting/23686>

35 The agenda of the extraordinary session of the Parliament convened on February 25, 2021 - <https://info.parliament.ge/file/1/BillReviewContent/295416?>

36 The Vice Speaker of the Parliament about participation in the extraordinary session - <https://www.interpressnews.ge/ka/article/697426-archil-talakovaze-rac-dges-vnaxet-radikaluri-opoziciis-politikuri-shou-iqo-amas-araperiakvs-saerto-sakartvelos-da-ukrainis-interesebtan> [21.09.2022]

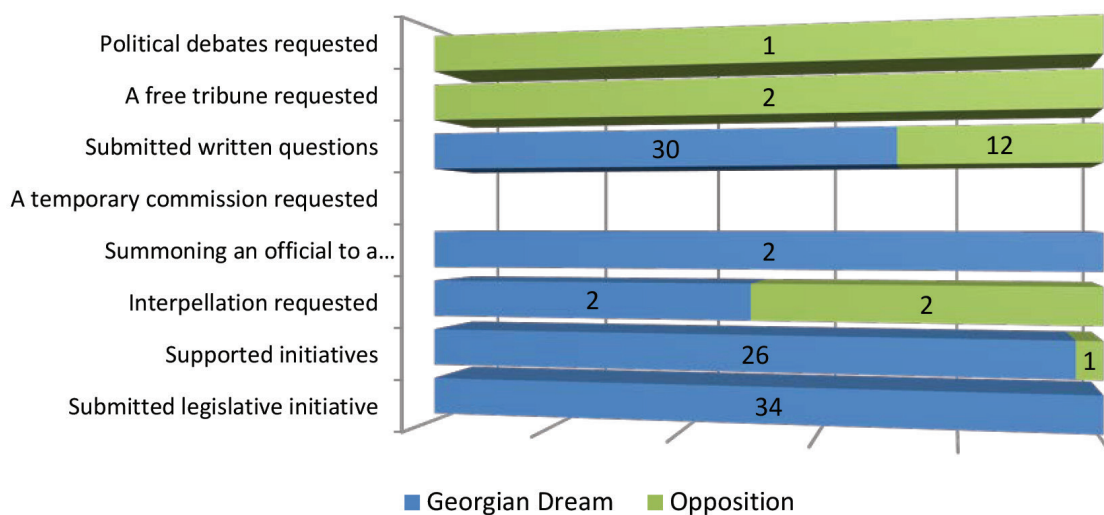
37 See Chapter 4.1 of this report

38 For more details about the inquiry commission, see Chapter 4.1 of the report

Badri Japaridze unsubstantiated.<sup>39</sup> According to the legislation of Georgia, the case-law of the Constitutional Court, and the international standards for human rights protection, once the limitation period for criminal prosecution expires, all liabilities against a person shall be revoked. Nevertheless, the parliamentary majority did not take into account the fact that the verdict against Badri Japaridze was based on a past action and voted for the termination of his mandate, despite the call of civil society. Consequently, not only was the constitutional right of Badri Japaridze's to hold a public office violated but the voters' interest - to have a representative in the legislative body - was also infringed.<sup>40</sup>

Chart №2

### Performance of Parliamentary Opposition and Majority at the Spring Session 2022



## 1.2. BUREAU OF THE PARLIAMENT

The Bureau of the Parliament of Georgia is the body organizing the activities of the Parliament. Therefore, the Bureau significantly determines the work agenda of the Parliament. The Bureau's functions include delivering decisions on accelerated or simplified review procedures for bills and developing the agenda for plenary sessions. It also approves quotas for proportional representation of political forces in committees, delegations, and councils; approves the regulations for committee councils and commissions; makes decisions on the registration of a person as a lobbyist;<sup>41</sup> is entitled to open and close a session of the Parliament.<sup>42</sup>

The Bureau members are the Speaker of the Parliament, Deputy Speakers of the Parliament, Chair-

39 "Democracy Index - Georgia"-s statement on the termination of the parliamentary powers of Badri Japaridze - [https://democracyindex.ge/index.php?m=261&news\\_id=7&lng=geo](https://democracyindex.ge/index.php?m=261&news_id=7&lng=geo)

40 Additionally, see "Democracy Index - Georgia", Parliament should not terminate the mandate of Badri Japaridze, 31.01.2022. [https://democracyindex.ge/index.php?m=261&news\\_id=7](https://democracyindex.ge/index.php?m=261&news_id=7) [14.07.2022]

41 Article 24 of the Parliament's Rules of Procedure.

42 Article 82(4) of the Parliament's Rules of Procedure.

persons of Committees and Parliamentary factions.<sup>43</sup> As of today, the Bureau of the Parliament is composed of 24 members,<sup>44</sup> of which 21 are representatives of the majority and 3 of the opposition.<sup>45</sup> This disproportionate distribution is due to the current rule for staffing the bureau which does not reflect the actual state of power distribution in the Parliament. Considering that all committees are chaired by members of the majority, all 16 seats are taken by the majority. From the opposition, only chairpersons of the factions<sup>46</sup> and the deputy chairperson of the Parliament<sup>47</sup> are included in the bureau. It is important that the key organizational department of the Parliament determines the work plan of the Parliament with a broad representation and its composition must be closer to the ratio of the distribution of mandates between the members of the majority and the opposition.

With the view to strengthening parliamentary oversight, representatives of the parliamentary opposition should manage the committees that are mostly entrusted with supervisory functions.<sup>48</sup>

The European Parliamentary Assembly notes that the standing committees in the national parliaments should be proportionally distributed between the opposition and the majority.<sup>49</sup> Members of the opposition must head committees that oversee government activities. The opposition should be entrusted with the oversight over the budget and finance, audit, or security committees.<sup>50</sup> According to the assessment made by the European Commission, polarized political dialogue prevents the implementation of parliamentary control. In order to address this problem and reduce polarization, the representatives of the opposition need to take the position of the chairpersons of the committees with a controlling function. In addition, the April 19 Agreement “Future Pathway for Georgia” notes that the office of 5 committee chairpersons should be taken over by representatives of the opposition.<sup>51</sup>

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43 Article 24 of the Parliament’s Rules of Procedure.

44 Parliament website, Bureau members, <https://parliament.ge/parliament/bureau/deputies> [10.08.2022.]

45 Four deputies, Sozar Subari, Dimitri Khundadze, Mikheil Kavelashvili and Guram Macharashvili left the majority. Three of them were Chairpersons of the committees. Thus, until the election of new chairpersons, their seats in the committees are vacant, although, taking into account the current practice, they will be replaced by deputies from the majority, which does not change the balance of powers in the Bureau. For information about the MPs leaving the faction, see: Public Broadcaster, Guram Macharashvili leaves “Georgian Dream” and announces he is joining the three MPs who left the party, 28.07.2022. <https://1tv.ge/news/guram-macharashvili-qartul-ocnebas-tovebs-da-ack-hadebs-rom-partiidan-wasul-sam-deputats-uertdeba/> [10.08.2022.] Parliament of Georgia, Statement of Members of the Parliament of Georgia, Sozar Subari, Dimitri Khundadze and Mikheil Kavelashvili, 29.06.2022. <https://parliament.ge/media/news/sakartvelos-parlamentis-tsevrebis-sozar-subaris-dimitri-khundadzis-da-mikheil-qavelashvilis-gantskhadeba> [10.08.2022.]

46 As of today, there is only one opposition faction in the parliament, “United National Movement - United Opposition, the Strength is in Unity”, chaired by Khatia Dekanoidze.

47 The Chairperson of the Parliament has two opposition deputies: Levan Yoseliani and Avtandil Enukidze.

48 In connection with this, the organization presented its opinion to the working group on the strengthening of parliamentary control mechanisms at the Procedural Issues and Rules Committee.

49 Opinion of the European Commission on Georgia’s application to join the European Union, B., 1.1., p. 5, see: [https://ec.europa.eu/neighbourhood-enlargement/opinion-georgias-application-membership-european-union\\_en?fbclid=IwAR09AyHdWq2vjlGKnWTNvgcFyp7\]-GziwA5tRSKhM2fOrAALMG-keo9P-3k](https://ec.europa.eu/neighbourhood-enlargement/opinion-georgias-application-membership-european-union_en?fbclid=IwAR09AyHdWq2vjlGKnWTNvgcFyp7]-GziwA5tRSKhM2fOrAALMG-keo9P-3k) [09.08.2022]

50 Parliamentary Assembly of Council of Europe (PACE), Resolution 1601 (2008), Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, 2.3.1.; Interparliamentary Union (IPU), Guidelines on the rights and duties of the opposition in parliament, 1999, III.2. <https://www.ipu.org/file/8924/download> [09.08.2022.]

51 Article 4 of “Future Pathway for Georgia”, see: [https://www.eeas.europa.eu/sites/default/files/mediacia\\_samoma-](https://www.eeas.europa.eu/sites/default/files/mediacia_samoma-)

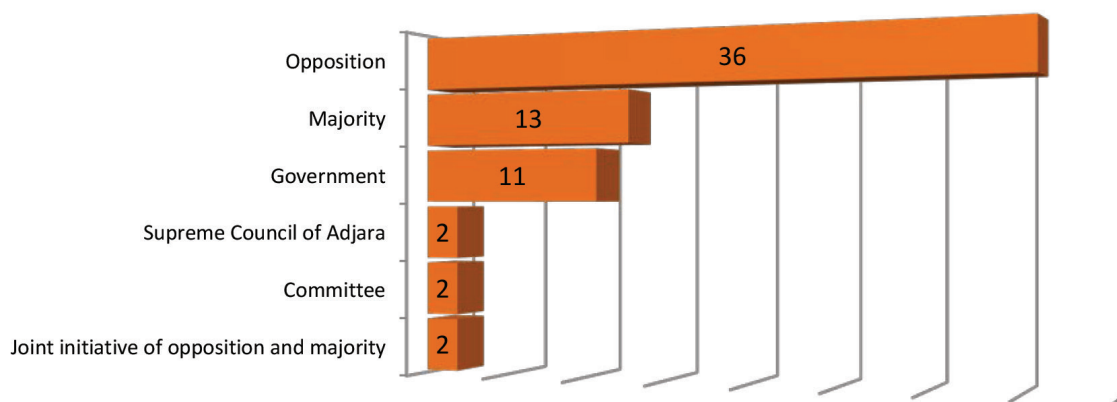
In that scenario, instead of 21 members of the majority and 3 members of the opposition, there would be 9 members of the opposition and 15 members of the majority, which can increase the number of members of the opposition in the Bureau to almost 2/5. Obviously, the majority will still remain as a decision-maker, but the increased representation of the opposition can ensure that the Bureau will be required to present appropriate substantiation before making any decision, and will deliver informed decisions.

In addition to the powers listed above, the Bureau makes decisions on other important issues, such as the postponement of the consideration of any reports and draft laws submitted to the Parliament.<sup>52</sup>In this respect, the Parliament of the 10th convocation demonstrated the tendency of delaying the consideration of opposition bills. The Rules of Procedure does not specify how many times or for how long the Bureau has the right to postpone the bill. The monitoring showed that the postponement of reports or bills is of a formulaic nature. The chairpersons of those committees, who request the extension of the review period, usually do not present to the Bureau any reasons justifying the adjournment of the review of bills or reports.<sup>53</sup>

During the reporting period, the review period for a total of 66 draft laws was extended. Of these, 36 bills were initiated by the opposition, 13 by the majority, 11 by the government, 2 by the Supreme Council of Adjara, 2 by the committees, and 2 were joint initiatives of the opposition and the majority.<sup>54</sup>

Chart №3

### Draft Laws Postponed by Bureau at the Spring Session 2022 per Initiators



The given information confirms that the Bureau of the Parliament most often extends the deadline for consideration of opposition bills.

Similar to the postponement of bill reviews, there has been a trend to adjourn the hearing of reports.

[vlo\\_gza\\_sakartvelostvis.pdf](#) [09.08.2022.]

52 Article 102(10) of the Parliament's Rules of Procedure.

53 To illustrate, see letter N2-893/22 sent by the Committee on Legal Issues to the Bureau of the Parliament requesting to adjourn the consideration of draft laws. See: <https://info.parliament.ge/file/1/BillReviewContent/302644?>

54 Letter N6770/2-7/22 of the Office of the Parliament of Georgia dated July 25, 2022.



For more than a year, the Parliament has not heard the report by the Prosecutor General of Georgia Irakli Shotadze on the performance of the Prosecutor's Office of Georgia in 2020.<sup>55</sup> The 2021 report of the Prosecutor General is also pending consideration. Moreover, the Public Defender's report submitted in March 2021, which, according to the Rules of Procedure, ought to have been discussed at the spring session, has not been reviewed so far.<sup>56</sup> The consideration of the State Inspector's report was pending for almost a year until the Parliament abolished the institution in December 2021, without even reviewing the report.

During the reporting period, the Bureau postponed the consideration of a total of 18 reports. Of these, 5 reports had been submitted to the Parliament in the spring session of 2021 and have been pending consideration for more than a year.<sup>57</sup>

### 1.3. 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.<sup>58</sup> The purpose of the debate is to enable deputies to make an informed decision on a particular 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 the concerns or interests of their voters. Debates are an opportunity for an in-depth discussion of a specific matter, which should ensure a meaningful and effective exchange of opinions around the issue.

In the reporting period, the first debates in the Parliament of the tenth convocation were held on May 25. The topic of the debate was: "The issue of Georgia's integration into the European and Euro-Atlantic structures".<sup>59</sup>

The debates were mainly held in the manner prescribed by the Rules of Procedure, although the practice revealed several shortcomings:

#### *A) The contextual part*

The debates were largely utilized to assess each other rather than to discuss the problem.

Depending on the topic of the debate, the issue allowed for multiple interpretations, and the direction in which the discussion would develop was decided by a reporter. In particular, some members of the opposition spoke about specific issues and gave recommendations,<sup>60</sup> while some others limited themselves to criticism of the majority, without offering any specific ideas on what to do for European integration. A large part of the opposition negatively evaluated the ruling party's criticism of the strategic partners and MEPs.

The speeches offered by the majority representatives were about the positive changes and positive

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55 The report was submitted on May 17, 2021. See: <https://info.parliament.ge/#law-drafting/22041> [09.08.2022.]

56 Article 163(1) of the Rules of Procedure of the Parliament.

57 Letter N6770/2-7/22 of the Office of the Parliament of Georgia dated July 25, 2022.

58 Article 93 of the Parliament's Rules of Procedure.

59 On scheduling the parliamentary debates on the issue of Georgia's integration into European and Euro-Atlantic structures at the plenary session of the Parliament of Georgia in May 2022, see: <https://info.parliament.ge/#law-drafting/24219> [10.08.2022.]

60 Beka Liluashvili presented an initiative to create a relevant body for European integration and to design a specific plan.

indicators implemented in recent years. They criticized the opposition for using the debates for partisan purposes and off-topic, general talk. Several deputies of the majority more narrowly presented issues and talked about the achievements and future plans in the given field.

#### *B) Procedural part*

Regarding the procedure, the Chairperson of the faction “United National Movement” - United Opposition “Strength is in Unity”, Khatia Dekanoidze, noted that the format did not allow for question-and-answer debates, as it increasingly resembled political speeches held on Tuesdays, and voiced an initiative to introduce changes to the Rules of Procedure for this purpose.

The Rules of Procedure of the Parliament of Georgia allow MPs to use the microphone only once in the allocated time. In contrast, in the UK, debates are a lively process. MPs interrupt each other’s speeches to support or challenge what the speaker is saying, to respond to the points made by other speakers rather than just read formal speeches.<sup>61</sup>

It is also important to note how the information about the debates is published. It would be recommended to publish the debates on the website of the Parliament in the form of both a video recording and a printed version. An example of good practice can be observed in the United Kingdom, where they have a long-standing and developed culture of debates.<sup>62</sup>

### **1.4. DEPUTY QUESTIONS**

During the reporting period,<sup>63</sup> 42 members of the Parliament of Georgia presented 1032 written questions. Out of them, 815 questions were answered within the timeframes established by the law, 89 questions were answered after the deadline, and the answers to 128 questions have not been provided yet.<sup>64</sup>

There is a tendency retained in the Parliament that members of the opposition, compared to the majority, more actively use the mechanism of deputy questions. This has been evidenced by the number of deputies who utilized the deputy written question tool, as well as the number of letters sent. Out of 42 MPs who took advantage of this leverage, 30 were members of the opposition and 12 – of the majority. In total, members of the majority submitted 174 questions and the opposition – 858, to various bodies and officials. The right to ask written questions to MPs was not exercised by 104 deputies.<sup>65</sup>

61 UK Parliament, Debates, see: <https://www.parliament.uk/about/how/role/debate/> [08.10.2022.]

62 UK Parliament Debates Portal, see: <https://hansard.parliament.uk/search/Debates?house=commons> [08.10.2022.]

63 In the period from January 1, 2022 to June 24, 2022.

64 Letter N6766/2-7/22 of the Parliament of Georgia dated July 25, 2022. There is an arithmetical mistake in the letter, according to which the number of responses given in violation of the deadline set by the Rules of Procedure does not correspond to other data provided by them. Instead of 86, it must be 89.

65 1. Amilakhvari Giorgi; 2. Akhvlediani Armas; 3. Bakradze Davit; 4. Benashvili Gia; 5. Beraia Irakli; 6. Beraia Irakli (Dachi); 7. Beradze Ramina; 8. Bitadze Maia; 9. Bokuchava Tinatin; 10. Bolkvadze Anzor; 11. Bolkvadze Eliso; 12. Bochorishvili Maka; 13. Godabreldze Giorgi; 14. Gotsiridze Elguja; 15. Davituliანი Beka; 16. Dargali Zaur; 17. Daseni Isko; 18. Dugladze Zaal; 19. Dumbadze Ketevan; 20. Enukidze Avtandil; 21. Enukidze Gocha; 22. Varshalomidze Levan; 23. Vashadze Grigol; 24. Volski Giorgi; 25. Zavrashvili Irma; 26. Zilfimiani David; 27. Talakvadze Archil; 28. Toloraia Edisher; 29. Iobashvili Nino; 30. Ionatamishvili Rati; 31. Ismailov Abdulla; 32. Kacharava Davit; 33. Kakhadze Vladimer; 34. Kakhiani Giorgi; 35. Kakhishvili Kakha; 36. Kereselidze Shalva; 37. Kvizhinadze Paata; 38. Kvirvelia Manuchar; 39. Kvitsiani Khatuna; 40. Kikabidze Vakhtang; 41. Kirkitadze David; 42. Kiureghiani Sumbat; 43. Kobakhidze Irakli; 44. Kobiashvili Levan; 45. Kovzanadze Irakli; 46. Kontselidze Resan; 47. Lashkhi Mariam; 48.

Chart №4

**Number of the Majority and Opposition MPs who used the MP Question Mechanism**

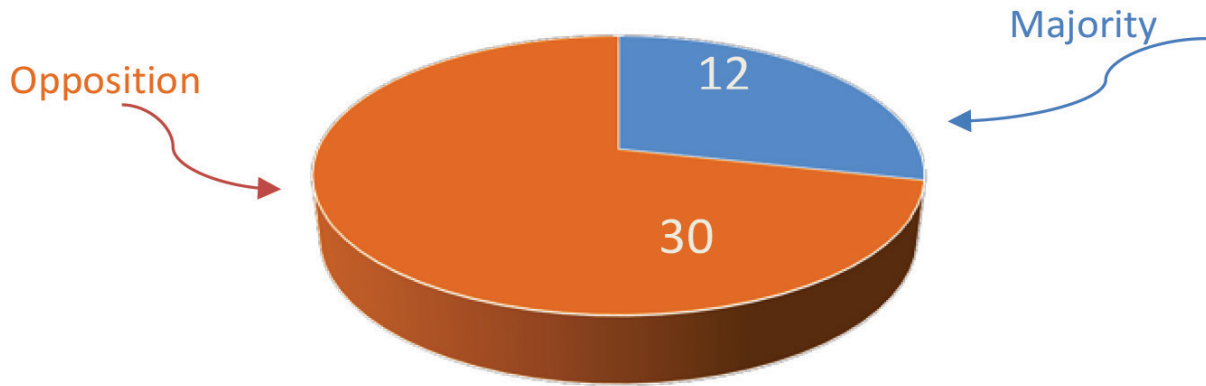
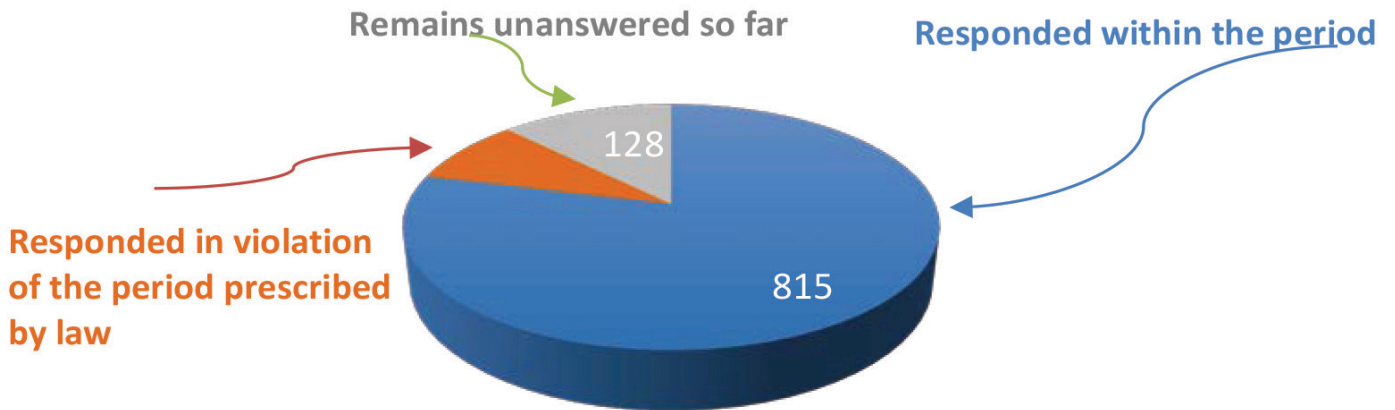


Chart №5

**The Answers to Written Deputy Questions**



Lominadze Zaza; 49. Matikashvili Davit; 50. Manukyan Samvel; 51. Macharashvili Guram; 52. Machutadze Nika; 53. Mgaloblishvili Levan; 54. Mdinardze Mamuka; 55. Megrelishvili Vakhtang; 56. Mezurnishvili Irakli; 57. Menagarishvili Maia; 58. Meshveliani Gogi; 59. Medzmarishvili Irakli; 60. Minashvili Akaki; 61. Mirzoev Savalan; 62. Mikadze Gela; 63. Mikeladze Zaal; 64. Motsrelia Alexander; 65. Natelashvili Shalva; 66. Nakopia Koba; 67. Nikolaishvili Ramaz; 68. Obolashvili Anton; 69. Odisharia Beka; 70. Okriashvili Kakhaber; 71. Okhanashvili Anri; 72. Samkharauli Gela; 73. Samkharadze Dimitri; 74. Sanikidze Victor; 75. Sergeenko David; 76. Sibashvili Sulkhan; 77. Songhulashvili Davit; 78. Tabatade Aleksandre; 79. Taliashvili Tamar; 80. Turdzeladze Nodar; 81. Udumashvili Zaal; 82. Kadagishvili Irakli; 83. Kardava Bachuki; 84. Karumidze Levan; 85. Kavelashvili Mikheil; 86. Shavgulidze Shalva; 87. Shatakishvili Irakli; 88. Chankseliani Goderdzi; 89. Charkviani Tamar; 90. Chigogidze Vasil; 91. Chocheli Tsezar; 92. Tsagareishvili Giorgi; 93. Tsakadze Bezhan; 94. Chankotadze Devi; 95. Chichinadze Givi; 96. Khabareli Shota; 97. Khabuliani Dilar; 98. Khakhubia Irakli; 99. Khelashvili Giorgi; 100. Kherkheulidze Ekaterine; 101. Khoshtaria Elene; 102. Khojevanishvili Giorgi; 103. Khundadze Dimitri; 104. Japaridze Victor.

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

Chart №6

N	Parliament Member	Number of Questions	N	Parliament Member	Number of Questions
1	Teona Akubardia	29	16	Nakaidze Tariel	76
2	Levan Bezhashvili	1	17	Anna Natsvlishvili	55
3	Giorgi Botkoveli	126	18	Alexander Rakviashvili	23
4	Anna Buchukuri	8	19	Herman Sabo	1
5	Roman Gotsiridze	8	20	Salome Samadashvili	4
6	Mikheil Daushvili	1	21	Khatuna Samnidze	82
7	Khatia Dekanoidze	3	22	Gubaz Sanikidze	25
8	Alexander Elisashvili	180	23	Davit Usupashvili	17
9	Giorgi Vashadze	7	24	Nato Chkheidze	2
10	Fridon Injia	1	25	Rostom Chkheidze	1
11	Levan Ioseliani	76	26	Ana Tsitlidze	32
12	Tamar Kordzaia	54	27	Levan Khabeishvili	1
13	Beka Liluashvili	10	28	David Khajishvili	7
14	Nona Mamulashvili	1	29	Iago Khvichia	15
15	Paata Manjgaladze	11	30	Teimuraz Janashia	1

Chart №7

**Performance of the Opposition in Exercising the MP's Question Mechanism**

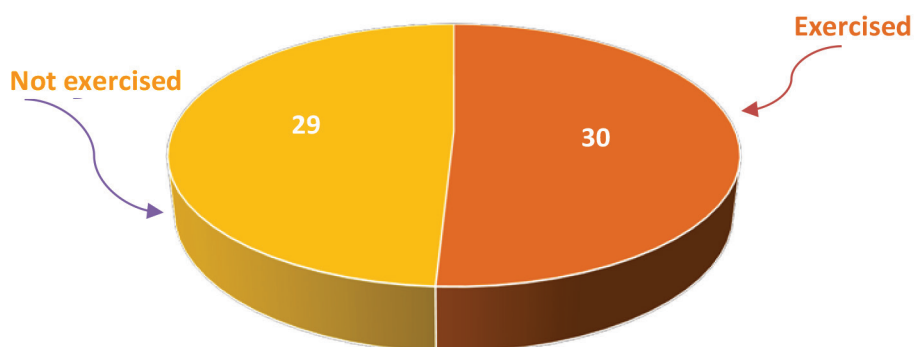


Chart №8

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

№	Parliament Member	Number of Questions	N	Parliament Member	Number of Questions
1	Aleksandre Dalakishvili	1	7	Sozar Subari	1
2	Irakli Zarkua	1	8	Aluda Ghudushauri	1
3	Givi Mikanadze	19	9	Vladimer Chachibaia	25
4	Nikoloz Samkharadze	2	10	Irakli Chikovani	5
5	Mikheil Sarjveladze	111	11	Nino Tsilosani	3
6	Eka Sefashvili	1	12	Khatia Tsilosani	4

Chart №9

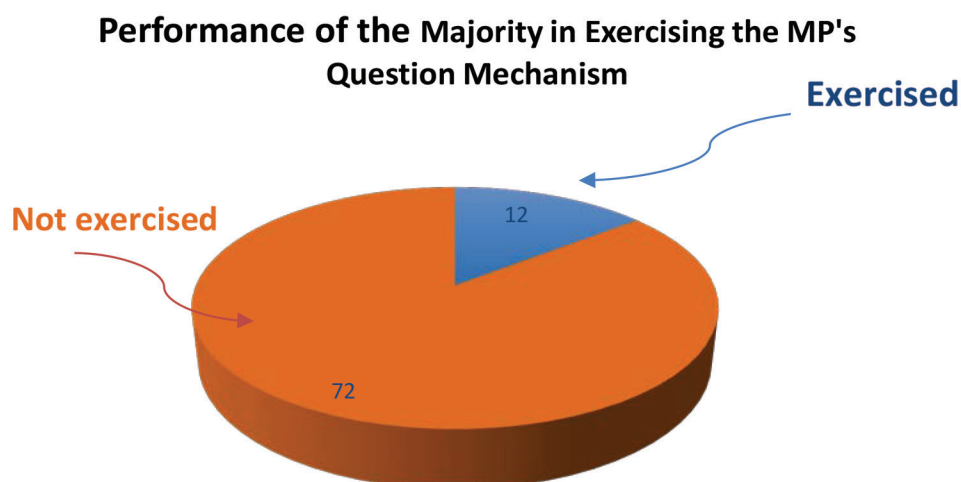
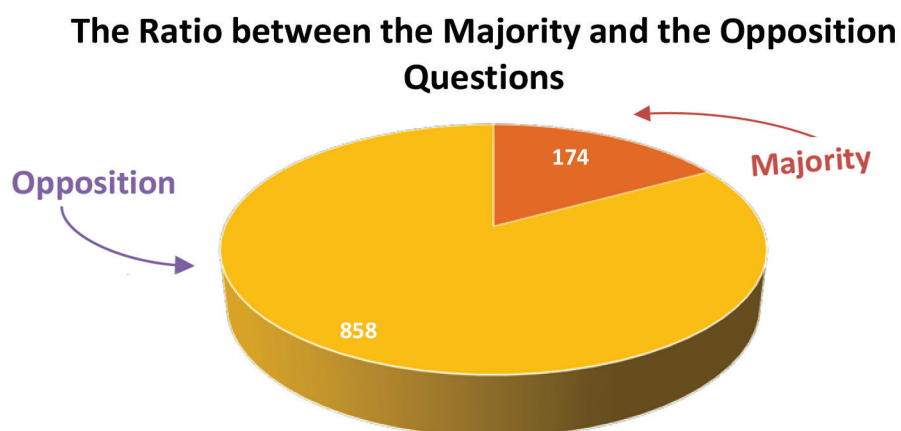


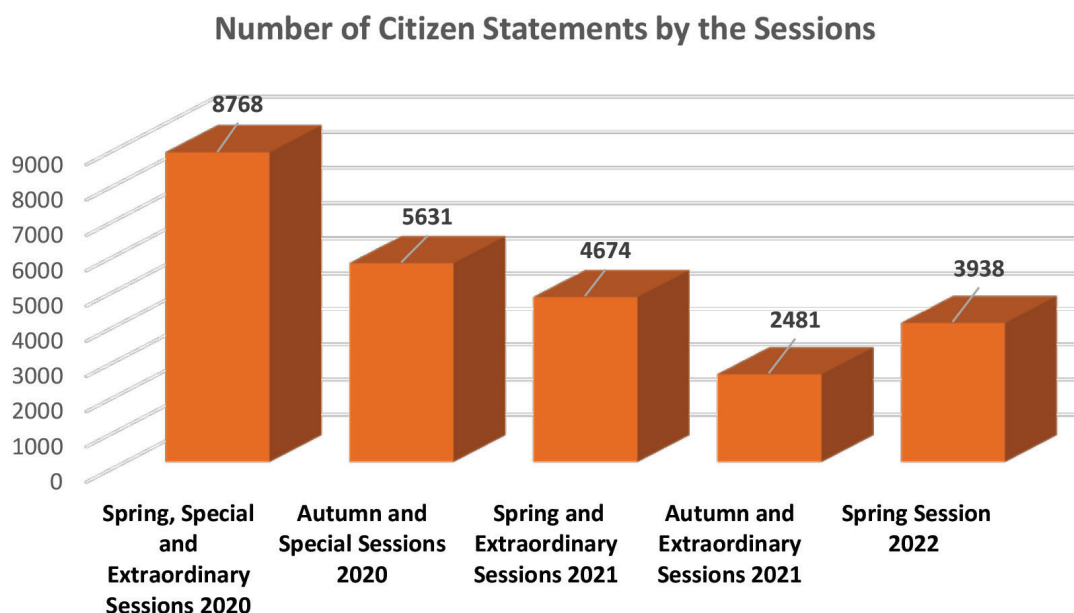
Chart №10



## 1.5. STATEMENTS OF CITIZENS

During the reporting period,<sup>66</sup> 3,938 statements were submitted to deputies.<sup>67</sup>In contrast to the previous session, the 2022 spring session saw a slightly higher rate, thus halting the downward trend observed in recent years.

Chart №11



The data received from the Parliament in the form of public information<sup>68</sup> does not allow us to learn comprehensively about what issues citizens are addressing MPs. Therefore, it is impossible to determine on what issues the communication between MPs and their voters is focused on.

The Organizational Department of the Parliament does not have any software that would separate citizen letters forwarded by deputies to other bodies and 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.<sup>69</sup>

## CHAPTER 2. COMMITTEES

### 2.1. LEGISLATIVE PROPOSALS

In the current reporting period, the Parliament of Georgia has registered the biggest number of legislative proposals – 64, since 2019. In the fall session of 2020, this number was 22, in the spring and

<sup>66</sup> The period from January 1 to June 24, 2022.

<sup>67</sup> Annex N1 to the letter N6561/2-7/22 of the Parliament of Georgia dated July 19, 2022.

<sup>68</sup> Letter N6561/2-7/22 dated July 19, 2022 of the Head of the Organizational Department of the Parliament

<sup>69</sup> See “Democracy Index - Georgia”, Performance of the 2020 Fall and Extraordinary Sessions of the Parliament of Georgia in 2020, 2020, 8. [https://democracyindex.ge/uploads\\_script/studies/tmp/phpbLK1Vd.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpbLK1Vd.pdf) [02.03.2022]

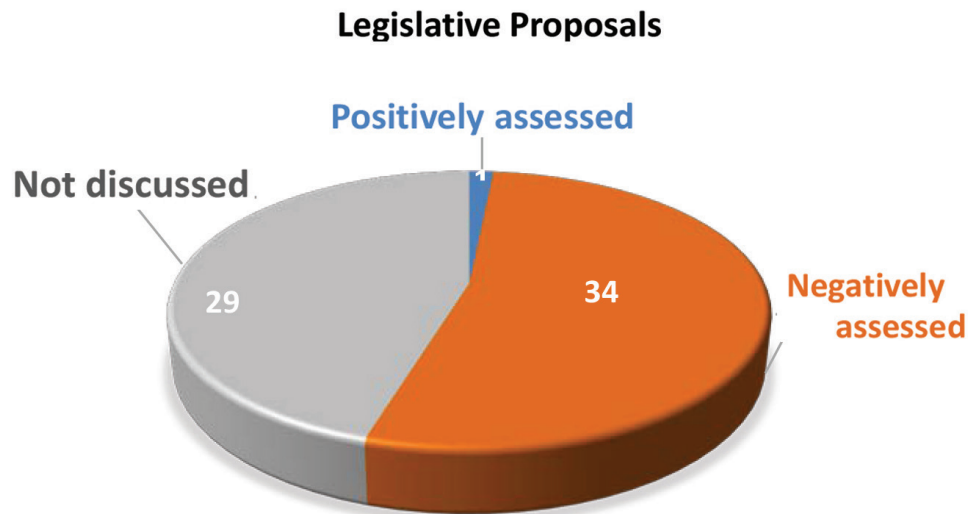
extraordinary session of 2021 - 54, and in the fall and extraordinary session of 2021, 39 legislative proposals were submitted to the Parliament.<sup>70</sup>

Unlike the previous sessions, when none of the proposals became law, this time only in one case did the legislative proposals yield the actual result. Out of 64 legislative proposals, the committees reviewed 35 and refused to review 29. Out of the considered proposals, the leading committee positively assessed only 1 and negatively 34 cases.

The Legal Committee gave a positive evaluation of the legislative proposal presented by the Special Investigation Service, which requested an increase in the powers of the Special Investigation Service.<sup>71</sup>The proposal was approved by members of the majority of the Parliament and turned into a legislative initiative. The initiative became law at the same session.<sup>72</sup>

The Public Defender presented a specific opinion in the form of a legislative proposal, in which she named the ways how to remove the limitation imposed on the right of communication between the prisoner and the lawyer.<sup>73</sup>The Human Rights and Civil Integration Committee reviewed the proposal of the Public Defender and pointed out that the need to prevent a negative impact of restricted communication on the possibility of an unhindered communication with a lawyer, as a problem, was properly observed by the author of the legislative proposal, yet the Committee did not approve the solution to the problem and finally rejected the proposal. Despite this, the Public Defender worked on an alternative solution and presented it to the Parliament as a legislative initiative.<sup>74</sup>

Chart №12



70 Letter 6776/2-7/22 of the Parliament of Georgia dated July 25, 2022

71 Legislative proposal submitted by the Special Investigative Service regarding the effectiveness of the Special Investigation Service, <https://info.parliament.ge/#law-drafting/23858>

72 "On Amendments to the Law of Georgia "On the Special Investigative Service" <https://info.parliament.ge/#law-drafting/23944>

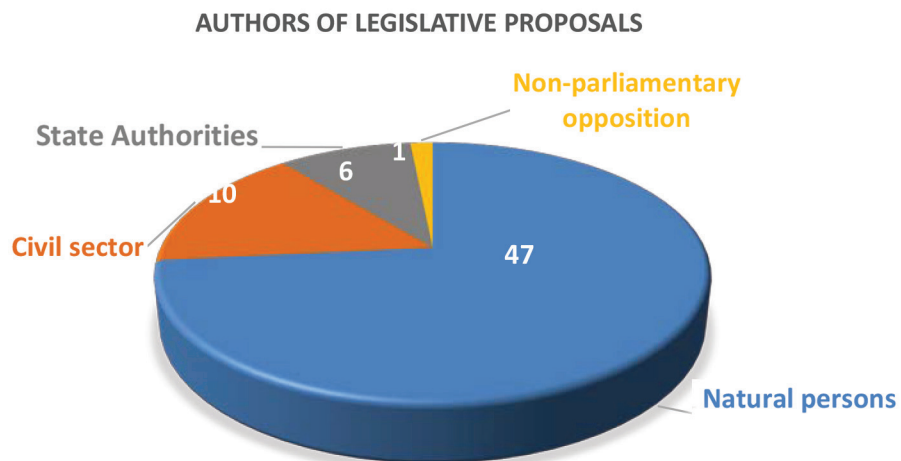
73 Legislative proposal of the Public Defender "On Amendments and Additions to the Prison Code" <https://info.parliament.ge/file/1/BillReviewContent/295290?>

74 Legislative initiative "On Amendments to the Prison Code" <https://info.parliament.ge/#law-drafting/24063>

As for the content of the legislative proposals, MPs requested amendments to the following areas: the largest number of proposals, 28, was related to administrative legislation, 10 – social law, 6 - criminal law, 5 – civil law, 5 - Common Courts system, 3 - labor legislation, 2 corporate law, and 5 legislative proposals concerned other issues, including 1 was related to amnesty.<sup>75</sup>

The initiators of legislative proposals were natural persons in 47 out of 64 cases, among them Zurab Vanishvili presented 19 legislative initiatives, civil organizations - 10, state bodies - 6, the Public Defender – 2, and the non-parliamentary opposition – 1.<sup>76</sup>

Chart №13



For reviewing proposals, under the decision of the Parliamentary Bureau, the Legal Issues Committee was determined to be the leading committee for the majority of proposals – in 33 cases, the Healthcare and Social Issues Committee - 10, the Committee for Sector Economy and Economic Policy - 6, the Committee for Education and Science - 4, the Environment Issues Committee - 3, the Human Rights and Civic Integration - 3, and single cases were transferred to the Culture, Procedural Issues and Rules, Financial-Budget, Agrarian Issues and Foreign Relations Committees, respectively.<sup>77</sup>

75 Letter 6776/2-7/22 of the Parliament of Georgia dated July 25, 2022

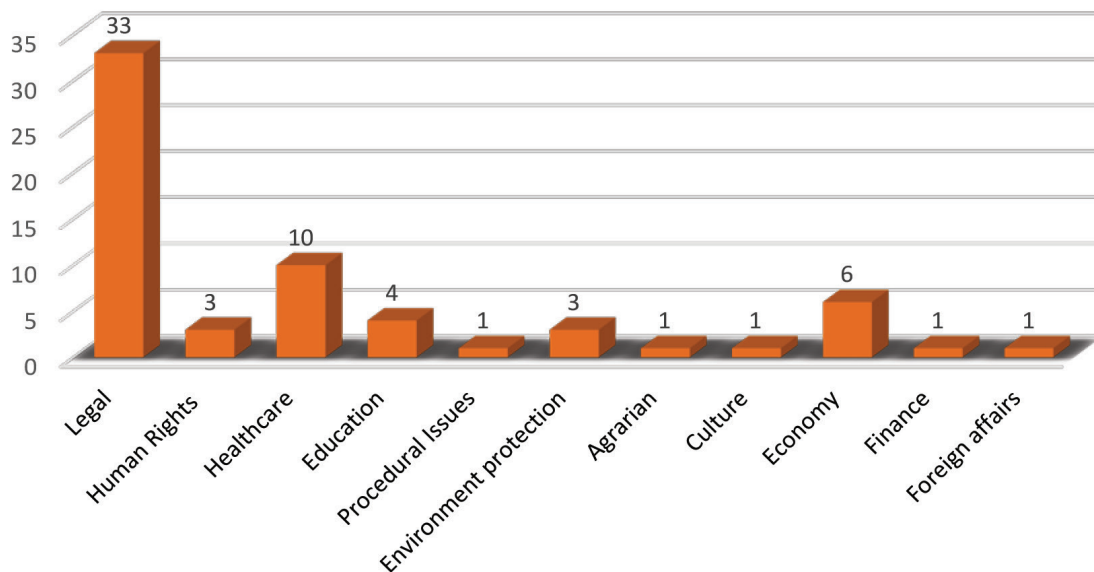
76 Letter 6776/2-7/22 of the Parliament of Georgia dated July 25, 2022

77 Parliament's website: [Info.parliament.ge](http://Info.parliament.ge)



Chart №14

### Committees Assigned for Legislative Proposals

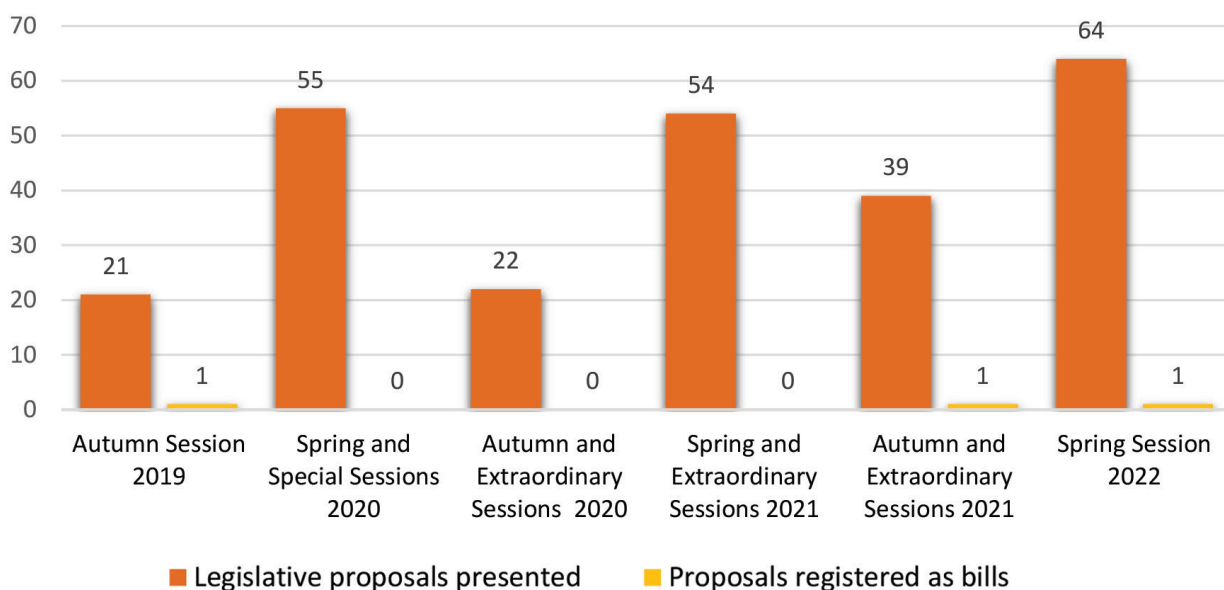


A large portion of legislative proposals was again referred to the Legal Issues Committee. Out of 22 legislative proposals submitted in the 2020 autumn session, 20 were transferred to the Legal Issues Committee, 34 out of 54 legislative proposals were submitted to the Legal Issues Committee at the spring and extraordinary sessions in 2021, and 22 out of 38 proposals in the last fall and extraordinary session of 2021 were again sent to the same Committee.

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 yield any actual results. Studying the effectiveness of the mechanism requires additional research. For the last three years, only 3 legislative proposals were registered as draft laws. One of them was submitted by the CEC, 1 by the Special Investigation Service, and 1 by “Alma” LLC.

Chart №15

### Number of submitted legislative proposals and proposals registered as bills



## 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, 4 petitions were submitted to the Parliament.

The study of the petition review procedure has shown that committees often delay the consideration of petitions, which ultimately leads to the loss of their relevance. In the current session, the committees did not delay the consideration of petitions. 3 out of 4 submitted petitions were discussed. One petition has remained unconsidered, as it was registered at the end of the session. None of the petitions submitted to the Parliament was responded to using the parliamentary mechanisms. Out of the 3 petitions discussed in the current session, all three were sent to other bodies for consideration.

In all cases, the authors of the petitions in the spring and extraordinary sessions of 2022 were public organizations.

A petition presented by “Mountain News” requested the introduction of the state dialysis program in Mestia. The Healthcare Committee reviewed the matter and forwarded it to the Ministry for response.<sup>78</sup>

A petition presented by the association of prisoners’ family members “Prisoner is also a Human” demanded the adoption of the law on amnesty, suggesting the reduction of the sentence for all prisoners by one year. The Human Rights Committee considered it inappropriate to approve the petition.<sup>79</sup>

A non-governmental organization “Happy Kids” requested the restoration of summer kindergartens

78 The petition on the inclusion of Svaneti region in the state dialysis program - <https://info.parliament.ge/#law-drafting/23464> [21.09.2022]

79 A petition on amnesty - <https://info.parliament.ge/#law-drafting/23668> [21.09.2022]

through a petition. The issue was discussed by the Education Committee and referred to the Tbilisi Kindergarten Agency for a response.<sup>80</sup>

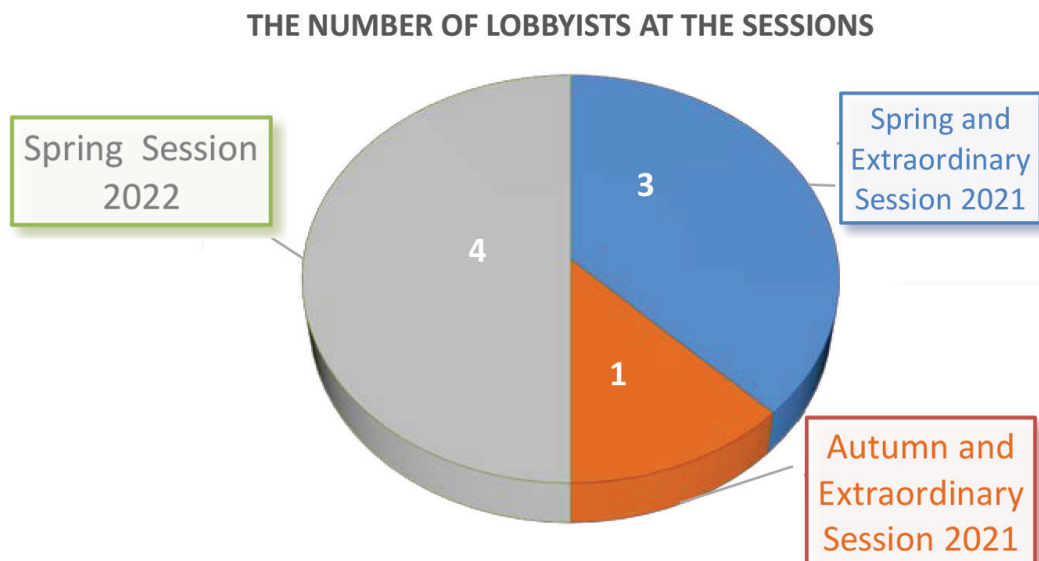
A non-governmental organization “Multiple Sclerosis Foundation Georgia” submitted a petition to increase access to medical therapies for patients suffering from multiple sclerosis in Georgia. According to the decision of the Parliamentary Bureau, the Health Committee was assigned to discuss the issue. The petition has not yet been reviewed.

### 2.3. LOBBYING

Lobbying has long become a part of the political life of almost every democratic country. Over time, its importance has grown even further. 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 underdeveloped in Georgia, where very few entities show their interest in lobbying in parliamentary life. In the spring and extraordinary sessions of 2021, only 3 lobbyists were registered, in the fall and extraordinary sessions of 2021 - 1, and in the current reporting period - lobbyists were registered for only 4 issues.<sup>81</sup> In the current reporting period, the same individual - Levan Alafishvili - was registered as a lobbyist for 3 out of 4 cases. The issues that lobbyists were interested in include the Local Self-Government Code, Spatial Planning, Architectural and Construction Code, and the Law on Entrepreneurs.

Chart №16



80 A petition on the restoration of summer kindergartens - <https://info.parliament.ge/#law-drafting/24303> [21.09.2022]

81 Letter 6776/2-7/22 of the Parliament of Georgia dated July 25, 2022

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

As a result of monitoring the performance of the Parliament, very clear examples of the participation of civil society have been observed, both in the discussion of legislative initiatives as well as in relation to improving the effectiveness of parliamentary oversight. As in previous sessions, the response of the Parliament to heated protests on substantive issues is to ignore them.

The Rules of Procedure of the Parliament provide for the possibility for stakeholders to present alternative opinions/assessments or the so-called “shadow reports” in relation to certain types of reports of the executive branch.<sup>82</sup>

Unlike the spring and extraordinary sessions of 2021, when shadow reports were not submitted to the Parliament, in the current reporting period, the Public Defender of Georgia and the Georgian Young Lawyers’ Association presented alternative reports to the Human Rights Protection and Civil Integration Committee concerning the 2021 report of the Ministry of Justice of Georgia entitled “The status of execution of the decisions/judgments made by the European Human Rights Court against Georgia”.<sup>83</sup>The Committee has not discussed the reports.

The last time when shadow reports were heard by the committees was in the spring session of 2020, attended by a minimal number of MPs. The review was largely formal and non-essential. In the reporting period, there were no hearings of shadow reports in the committees, nor were the two shadow reports submitted to the Human Rights Committee during the 2021 spring session discussed either.<sup>84</sup>

The opinions of the civil society on the adoption of specific legislative initiatives in the submitted form were, in some cases, of critical importance. The legislation on secret surveillance or changing the authority for city council members<sup>85</sup> was evaluated negatively by the non-governmental sector.

The organization negatively assessed the bill, which aimed at creating the possibility to appeal specific inaction in the framework of any competence-related dispute in the constitutional court.<sup>86</sup>We evaluated negatively the government’s draft law requesting the creation of a new legal entity under public law at the Ministry of Economy, pointing out the unjustified increase in administrative expenses and its unconstitutionality.<sup>87</sup>These negative opinions were presented to committees during the committee reviews, and despite the criticism therein, the ruling majority did not take them into account.

In the reporting period, there was a case when the chairperson of the Legal Issues Committee personally did not approve the submitted opinion on a legislative initiative under consideration. The

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82 Article 175(3) of the Rules of Procedure of the Parliament of Georgia.

83 Letter 6776/2-7/22 of the Parliament of Georgia dated July 25, 2022.

84 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/phpbLK1Vd.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpbLK1Vd.pdf) [21.09.2022]

85 For details see Chapter 3.3.

86 A statement by “Democracy Index - Georgia” - *The initiative of the parliamentary majority is aimed at weakening the opposition*, [https://democracyindex.ge/index.php?m=261&news\\_id=153&lng=geo](https://democracyindex.ge/index.php?m=261&news_id=153&lng=geo) [21.09.2022]

87 A statement by “Democracy Index - Georgia” - *Changes in the Construction Code contradict the Constitution and lead to an unjustified increase in government expenses*, [https://democracyindex.ge/index.php?m=261&news\\_id=151&lng=geo](https://democracyindex.ge/index.php?m=261&news_id=151&lng=geo) [21.09.2022]

initiative concerned the relocation of employees of law enforcement bodies.<sup>88</sup> Instead of considering the content of the submitted opinion and reviewing its admissibility, the Chairperson of the Committee refused to accept the initiative based on a unilateral decision.

During the current session, in merely one case the Parliament partially took into consideration the opinion of the organization. It concerned a draft law submitted by the government, the adoption of which would result in granting exclusive powers to the city mayor to determine the maximum amount of the coefficient for development intensity (E. K-2) in Batumi. Against the backdrop of the protests, the parliamentary majority made some concessions and instead of the mayor granted the authority to the collegial group under the mayor. Thus, our opinion was not completely accepted.<sup>89</sup>

## 2.5. PARLIAMENTARY OVERSIGHT 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 the legislative activity of the Parliament. Committees study and analyze the implementation of the laws governing relevant areas and the reasons for any omission, reflect on the measures needed to eliminate the identified problems and various other obstacles to ensure the effective operation of normative acts in everyday life.<sup>90</sup>

The committees rarely employ the mechanism of supervision over the implementation of the legislation. The instrument was used by 3 committees during the autumn session in 2019, 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 the spring and extraordinary sessions 2021, just as in the autumn and extraordinary sessions 2021, the above leverage was used by 3 committees. In the current reporting period, the oversight mechanism for the enforcement of normative acts was exercised by one committee.

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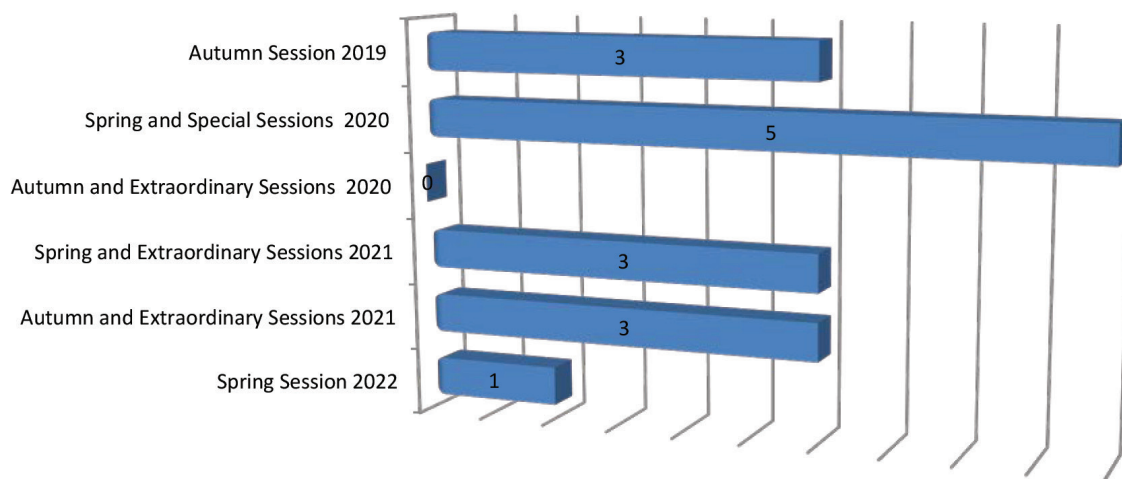
88 A statement by “Democracy Index - Georgia” - *The legislative initiative to transfer employees of law enforcement bodies will contribute to the politicization of the system*, [https://democracyindex.ge/index.php?m=261&news\\_id=163&lng=geo](https://democracyindex.ge/index.php?m=261&news_id=163&lng=geo) [21.09.2022]

89 For details see Chapter 3.3.

90 Article 38 (1) of the Rules of Procedure of Parliament

Chart №17

### Dynamics of Exercising Law Enforcement Oversight Mechanism at the Sessions



Even more meager practice of supervising the enforcement of normative acts has been further reduced in the current reporting period. It was used only by the Procedural Issues and Rules Committee to study the implementation of the Rules of Procedure of the Parliament.

#### **2.5.2. Compliance of normative acts with the legislation of Georgia**

A committee is authorized to examine the compliance of the normative acts prepared by the Government of Georgia, ministers, and heads of other state bodies with the legislation of Georgia, as well as the state of their execution. The committee shall study and analyze any shortcomings identified in the normative acts during their implementation and prepare recommendations for respective bodies.<sup>91</sup>

Similar to the previous sessions, the mechanism to study the consistency of normative acts with the legislation of Georgia was not utilized by the committees in the given reporting period.<sup>92</sup>

#### **2.5.3. Mandatory attendance of officials at committee sittings**

One of the important instruments of parliamentary oversight is the obligatory attendance of officials at committee sittings.<sup>93</sup> An initiator of summoning an official to a sitting of a committee can be either a committee or a faction. However, it is rarely used in the practice of parliamentary work. In the previous autumn and extraordinary session of 2021, the procedure of mandatory attendance of an official at the committee session was requested in 3 cases, 2 by the opposition and 1 by the majority. In the current reporting period, 2 officials were summoned to the sitting of the committee, namely: at the request of the majority of the members of the Foreign Relations Committee, the First Deputy Minister of Foreign Affairs of Georgia Lasha Darsalia and the Deputy Minister of Defense of Georgia

91 Article 39(1) of the Rules of Procedure of Parliament of Georgia

92 Letter 6809/2-7/22 of the Parliament of Georgia dated July 26, 2022.

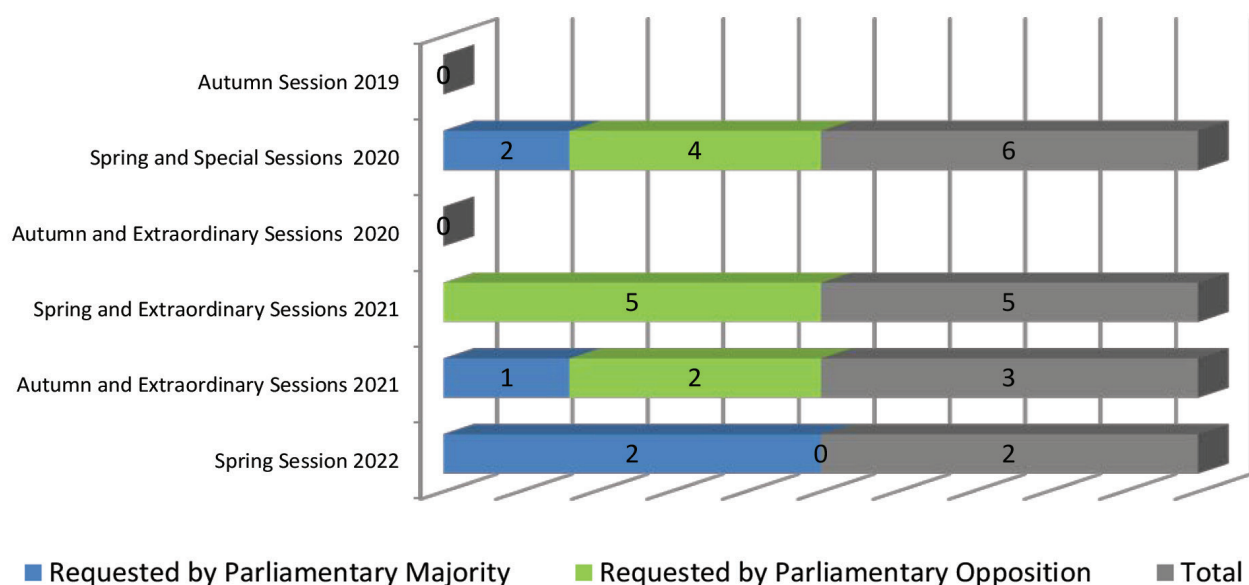
93 Article 40(1) of the Rules of Procedure of the Parliament of Georgia

Grigol Giorgadze were invited, who appeared at the meeting of the committee on January 13, 2022.<sup>94</sup>

Unlike the previous sessions, in the current reporting period, the opposition did not request to invite an official to a committee session. Despite the summoning of 4 officials in the spring and extraordinary sessions of 2020, 5 in the spring and extraordinary sessions of 2021, and 2 in the autumn and extraordinary sessions, the hearings of the officials invited by the opposition were never held at the committee. The practice shows that officials show up at the committee sessions only when invited by the majority.

Chart №18

### The Number of Officials Summoned to Committee Sittings during the Sessions



Quite problematic is the fact that the Rules of Procedure do not specify the terms for sending an invitation in case of summoning an official, which enables the chairperson of a committee to send an invitation to an official at any time at his/her discretion after the initiation of the issue.<sup>95</sup> Non-specification of the deadline deprives the parliamentary oversight mechanism of its effectiveness since the issue under consideration may lose its urgency if the procedure is delayed.

Based on the current rule provided in the Rules of Procedure, the right to summon the Prime Minister, the General Prosecutor and the head of the State Security Service to a committee meeting is in the hands of the majority of the full composition of the committee only, while other accountable persons can be summoned by a faction or the majority of those present at a committee sitting.

Both a faction and the majority of attendees at a committee session should have the right, like other officials, to summon the Prime Minister, the General Prosecutor and the head of the State Security Service to a committee meeting.

94 Letter 6775/2-7/22 of the Parliament of Georgia dated July 25, 2022.

95 Article 40(4) of the Rules of Procedure of Parliament of Georgia

#### **2.5.4. Obligation to provide information**

According to the Rules of Procedure,<sup>96</sup> a member of the Government, an official accountable to the Parliament, or the head of a body accountable to the Parliament, if requested by a committee, is obligated to submit relevant documents, reports, and other necessary materials.

In the spring and extraordinary session of 2021, only 1 committee used the authority to request information, and in the fall and extraordinary session of 2021, 5 committees exercised the same right. In the current reporting period, the mechanism was utilized by 2 committees: Education and Science and Finance-Budget Committees.<sup>97</sup>

Specifically: the Education and Science Committee requested information in 2 cases, while the Finance and Budget Committee in 23 cases. The information requested by the Education and Science Committee concerned steps implemented for ensuring access to education for ethnic minorities and the practice of using school educational resources. The information requested by the Finance Committee concerned the status of implementation of the recommendations approved by 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.<sup>98</sup> Unlike other oversight mechanisms, the thematic inquiry is relatively devoid of political discussion. It aims at a thorough examination of a specific topic and the development of expert opinions.

Unlike other parliamentary mechanisms, the activity of thematic research groups is comparatively active.

During the reporting period, 8 thematic research groups were created, of which, 11 completed their work, and 2 of them set up in the previous sessions still continue their activities.<sup>99</sup> Compared to the previous session, the frequency of using the thematic inquiry mechanism has increased. In the fall and extraordinary session of 2021, twice fewer, namely 6 thematic inquiry groups began to work.

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96 Article 41 of the Rules of Procedure of Parliament of Georgia

97 Letter 6809/2-7/22 of the Parliament of Georgia dated June 26, 2022.

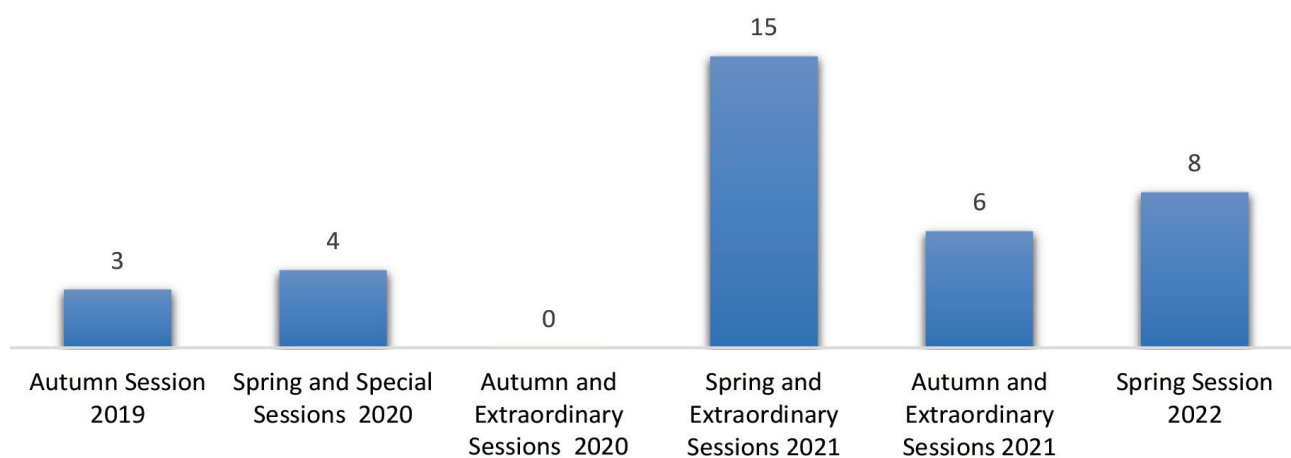
98 Article 155 of the Rules of Procedure of the Parliament of Georgia

99 Letter 6775/2-7/22 of the Parliament of Georgia dated July 25, 2022.



Chart №19

### Thematic Inquiries Initiated during the Sessions



During the reporting period, 6 thematic inquiries were launched by the committees, and 2 were created in the Permanent Council of Gender Equality.<sup>100</sup>

<sup>100</sup> Letter 6775/2-7/22 of the Parliament of Georgia dated July 25, 2022. In the reporting period, the thematic inquiries established in the committees addressed the following issues:

The Committees on Sector Economy and Economic Policy and Environment Protection created one thematic research group on the following issue - "Possibilities and challenges of decarbonization in Georgia". The Parliament's website offers only the technical terms about the groups.

Two groups were created in the Education and Science Committee on the following issues: 1. "Research on availability of quality education for ethnic minorities" 2. "Practice of using school educational resources in the process of ensuring effective teaching and learning." In both cases, information about the research, technical terms and the opinions of stakeholders are available on the Parliament's website

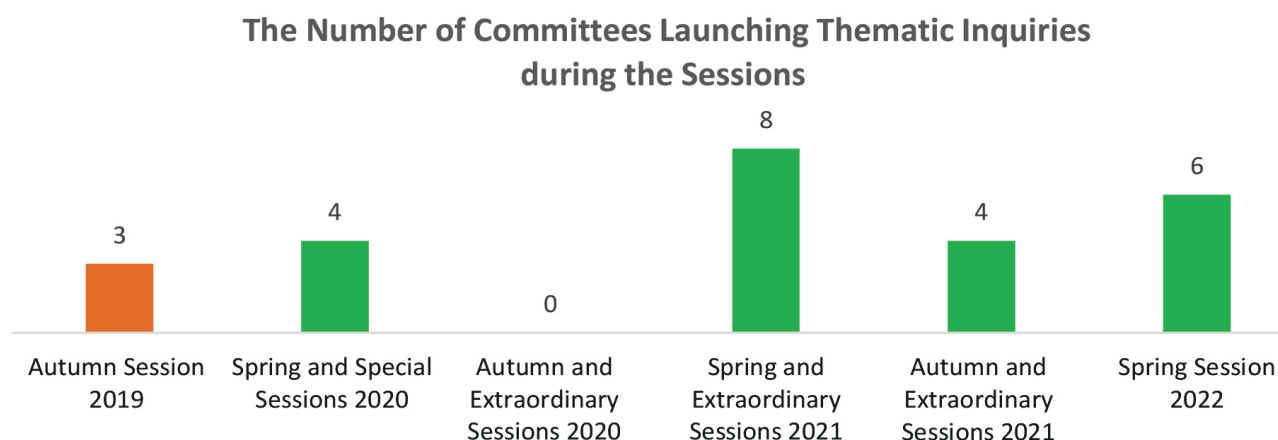
The Committees for Agrarian Issues and Integration with Europe set up one group on the following issue - "On the postponement of the implementation of the legislative changes adopted within the framework of the obligations assumed under the DCFTA". The website of the Parliament offers only technical information about the group.

One thematic research group was created in the Culture Committee on the following issue - "On the state of fortifications (fortresses, castles, towers) on the territory of Georgia, their protection and prospects for development". The technical terms and opinions received from stakeholders are available on the Parliament's website.

The Finance-Budget Committee created 1 thematic research group on the following issue: "State indebtedness and fiscal stability under the influence of the Covid pandemic". The website of the Parliament offers only technical information about the group.

In the Permanent Council for Gender Equality, 2 groups were created on the following issues: "Women's access to financial resources" and "Access to infrastructure (roads, transport, Internet, water) for women and girls". The website of the Parliament offers only technical information about the group.

Chart №20



The proportionality of political forces is not respected when allocating deputies to the groups. Like the previous sessions, in the reporting period, the absolute majority of the inquiry groups were represented by members of the ruling party. In several cases, only members of the ruling party participated in the thematic research. It is worth noting that an opposition MP was appointed as the reporter for 1 thematic study created during the reporting period. The inquiry itself was created on the basis of her own initiative.<sup>101</sup>

Detailed information on the thematic inquiries created during the reporting period is not fully published on the Parliament's website. According to the data available on the website, only the identities of the MPs who submitted their opinion to the thematic research group are available, which makes it difficult to assess how correctly the stakeholders were selected to present their opinion to the thematic research groups. According to the data, we can conclude that the participation of opposition MPs in thematic inquiries is low.

- The Parliament's website provides information only on technical details about the thematic research created in the Sector Economy and Environment Protection Committees. There are in total 6 MPs in the group, of which only 1 is an opposition member.
- Two groups have been set up in the Education and Science Committee. In both cases, information about the research, technical details, and opinions received from stakeholders are available on the Parliament's website. One of the groups has 7 deputies. All of them are representatives of the majority. In the other group, a total of 8 MPs are involved, and only 1 of them is an oppositionist.
- Only technical information about the group created in the Committees for Agrarian Issues and Integration with Europe is available on the Parliament's website. The group consists of 7 MPs, of which only 1 is the member of the opposition.
- Regarding the group created in the Culture Committee, the technical details and opinions received from stakeholders are available on the Parliament's website, yet the information about the composition of the group is not.

<sup>101</sup> A thematic inquiry – “Women's access to financial resources” was created under an initiative of opposition MP Ana Natsvlishvili - <https://web-api.parliament.ge/storage/files/shares/tematuri-mokvleva/genderuli/qalebis-cvdomator.pdf> [21.09.2022 ]

- One thematic inquiry group was created in the Finance and Budget Committee, about which only technical information is available on the Parliament’s website. There are 8 deputies in the group. Only 2 of them are oppositionists.

There are 2 groups working in the Permanent Council for Gender Equality. One group consists of 7 MPs, 3 of them are members of the opposition. The key reporter of the group is the opposition MP - Ana Natsvlshvili. This is the only thematic research group, which was set up based on an initiative of an opposition MP. The other group created in the same Committee is represented by 7 deputies. Only one of them is an oppositionist. Both groups are newly created, which is why only technical information about the groups is available on the Parliament’s website.

During the reporting period, 11 thematic inquiry groups created at different times finalized their work. Of these, 9 were created by committees and 2 by the Permanent Council.<sup>102</sup> Of the 11 groups, 10 completed their activities within the maximum six-month period. The group created in the Regional Policy and Self-Government Committee failed to meet the maximum deadline specified by the Rules of Procedure.

During the reporting period, 2 groups established in the previous session still continued to work, namely: on July 6, 2021, the Health Committee set up a research group entitled “The impact of actions implemented by executive bodies in response to the COVID-19 challenges on the effectiveness of the country’s social protection system”. The group failed to complete its activities within the maximum period established by the legislation, thereby violating the Parliament’s Rules of Procedure. In addition, the thematic research group created in the Economy Committee on October 18, 2021 - “On the effectiveness of “Produce in Georgia” programs in relation to the availability and effectiveness of

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102 According to the letter 6775/2-7/22 of the Parliament of Georgia dated July 27, 2022, the thematic inquiries completed during the reporting period concerned the following issues:

The Committee on Civic Integration and Human Rights Protection - “The effectiveness of parliamentary oversight over the submission of reports on access to public information by public institutions” (the dates of creation and completion 26.07.2021-19.04.2022).

The Sector Economy and Economic Policy Committee:

1. “Main challenges of small and medium businesses and support mechanisms in the crisis and post-crisis periods” (the dates of creation and completion 24.05.2021-27.12.2021).
2. “On the challenges facing the development of renewable energy” (the dates of creation and completion 24.05.2021-27.12.2021).
3. “The renewed strategy for the tourism sector in the crisis and post-crisis periods and its economic results” (the dates of creation and completion 19.07.2021-23.02.2022).
4. “Direct foreign investments - existing challenges and development prospects” (the dates of creation and completion 21.06.2021-23.02.2022).
5. “Benefit received from free trade agreements, current situation and prospects for future development” (the dates of creation and completion 21.06.2021-23.02.2022).

Environment Protection and Natural Resources Committee - “Sustainable Management of Inert Waste in Georgia” (23.09.2021-20.04.2022)

European Integration Committee - “Opportunities and challenges of EU labor market integration” (24.05.2021-28.03.2022)

Regional Policy and Self-Government Committee - “On the state of citizens’ involvement in the activities of municipalities” (14.06.2021-11.04.2022)

The Permanent Parliamentary Council for Gender Equality started on June 21, 2021, and concluded on March 14, 2022, a thematic inquiry “On the effectiveness of reflecting the obligations determined by the Council of Europe Convention (Istanbul Convention) “On prevention and elimination of violence against women and domestic violence” in the legislation and its implementation”, and on November 15, 2021, launched thematic research “Mainstreaming Gender Equality Issues in Government Policy” and completed it on June 22, 2022.

state programs supporting entrepreneurship” is still working. This group has also violated the terms defined by the Rules of Procedure.

The documents provided on the Parliament’s website do not contain in either of the cases the date of creation of the thematic groups and their schedules, which makes it impossible to determine the extent to which the deadlines for the work of the thematic inquiry groups have been observed. We could obtain this information only from the letter provided by the Parliament. Moreover, it is a problem that the identities of MPs who were asked to submit the opinion of the stakeholder within the framework of the thematic research are not published.

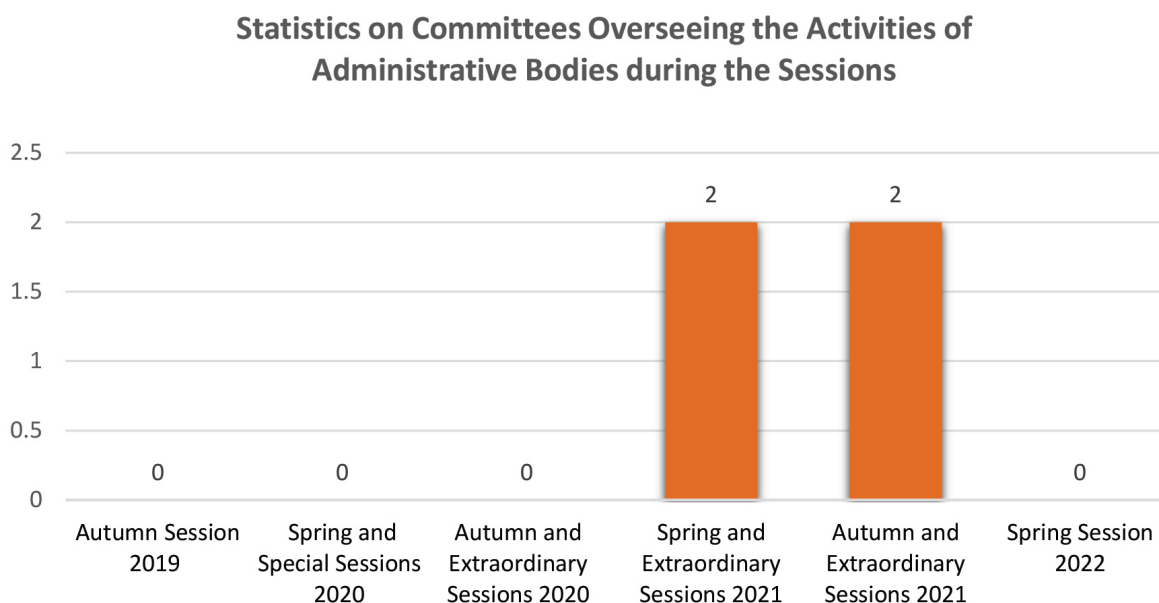
The issue of implementing the recommendations prepared within the thematic inquiries is also problematic. The Parliament has a range of control mechanisms to monitor accountable agencies, yet it has not used any of them to examine the execution of the recommendations. If the Parliament does not show interest in the status of execution of the recommendations issued as a result of the thematic inquiry, this mechanism will remain only a research tool and, in fact, will lose its power as an effective oversight instrument.

### 2.5.6. Assessment of the performance of administrative bodies

A Committee, at its own initiative or on the basis of a relevant application, a request, or a petition, shall, within its competence, examine the activities of administrative bodies, and where necessary, request relevant materials and submit its opinion to the Parliament for consideration.<sup>103</sup>

The right to examine the activities of administrative bodies is rarely used by committees. During the autumn and extraordinary sessions of 2021, only 2 committees exercised this power. In the current reporting period, the already scarce practice has further decreased, as none of the committees have utilized their authority.<sup>104</sup>

Chart №21



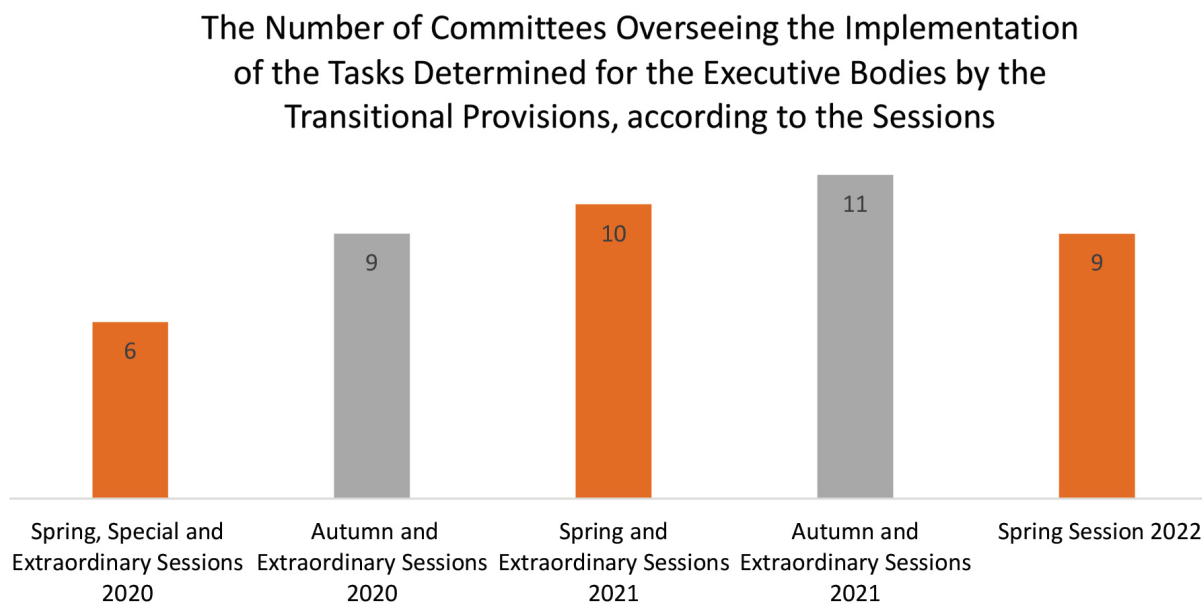
103 Article 37(3) of the Rules of Procedure of Parliament.

104 Letter 6809/2-7/22 of the Parliament of Georgia dated July 26, 2022.

### **2.5.7. Overseeing the implementation of tasks assigned for 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.<sup>105</sup>

Chart №22



In the fall and extraordinary sessions of 2021, the mechanism was utilized by 11 committees, while in the current reporting period, the oversight mechanism over the execution of tasks defined for the institutions of the executive authority was used by 9 committees<sup>106</sup>. These committees were:

- Sector Economy and Economic Policy 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.
- Agrarian Issues Committee;
- Environment Protection and Natural Resources Committee;

### **2.5.8. The judicial practice**

An important tool at the disposal of committees for evaluating the effectiveness of law-making ac-

<sup>105</sup> Article 39(2) of the Rules of Procedure of Parliament.

<sup>106</sup> Letter 6809/2-7/22 of the Parliament of Georgia dated June 26, 2022.

tivities is to study judicial practice.<sup>107</sup> Becoming aware of this practice can make it much easier for committees to oversee the implementation of normative acts.<sup>108</sup>

The Committees rarely use the tool for examining judicial case law. In the spring and extraordinary sessions of 2021, the mechanism was not applied at all, in the fall and extraordinary session of 2021, it was exercised only in 1 case, namely, by the Human Rights Protection and Civil Integration Committee, which initiated a study into judicial practice regarding the use of the regulatory norms for the disposal of property owned by the child.<sup>109</sup> In the current reporting period, none of the committees placed the mechanism in practice.<sup>110</sup>

The Human Rights Committee continued the examination of the judicial case-law launched in the fall session of 2021, which is still underway. At the meeting of the committee on May 18, 2022, a working group was set up to oversee the enforcement of legislative acts regulating the disposal of children's property and analyze the court practice.

## CHAPTER 3. PLENARY SESSIONS

This chapter analyses the extent to which plenary sessions of the Parliament effectively perform their legislative and oversight functions.

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

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

### 3.1. LEGISLATIVE AND LAW-MAKING PROCESS

#### ***3.1.1. Bills submitted/supported/rejected during the spring session***

During the reporting period, the Parliament considered a total of 51 legislative initiatives and supported 46 of them, ultimately amending 86 laws<sup>111</sup> (an initiative means a draft law or a package of draft laws, which includes draft law(s) attached to the main bill). The reviewed legislative initiatives included 19 packages<sup>112</sup> and 32 draft laws.<sup>113</sup>

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107 Article 38(4) of the Parliament's Rules of Procedure.

108 Kakhaber Uriadmkofeli, Control of the implementation of normative acts. Guide for Parliament, 2019. 29. [22.07.2022]

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

110 Letter 6809/2-7/22 of the Parliament of Georgia dated June 26, 2022.

111 Letter N6506/2-7/22 of July 18, 2022, from the Head of the Organizational Department of the Parliament of Georgia.

112 Which included more than one draft law.

113 Ibid.

The Parliament of Georgia rejected 5 legislative initiatives.<sup>114</sup>The majority of the initiatives, 33, discussed (both supported and rejected) in the spring session were submitted to the Parliament in the reporting period, and 18 in the previous sessions.<sup>115</sup>

Chart №23

### The Number of Supported Legislative Initiatives during the Sessions

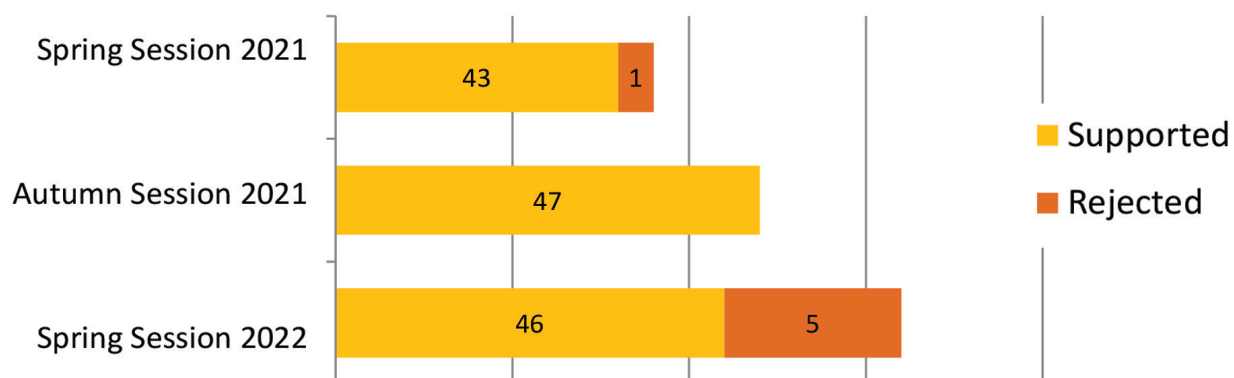
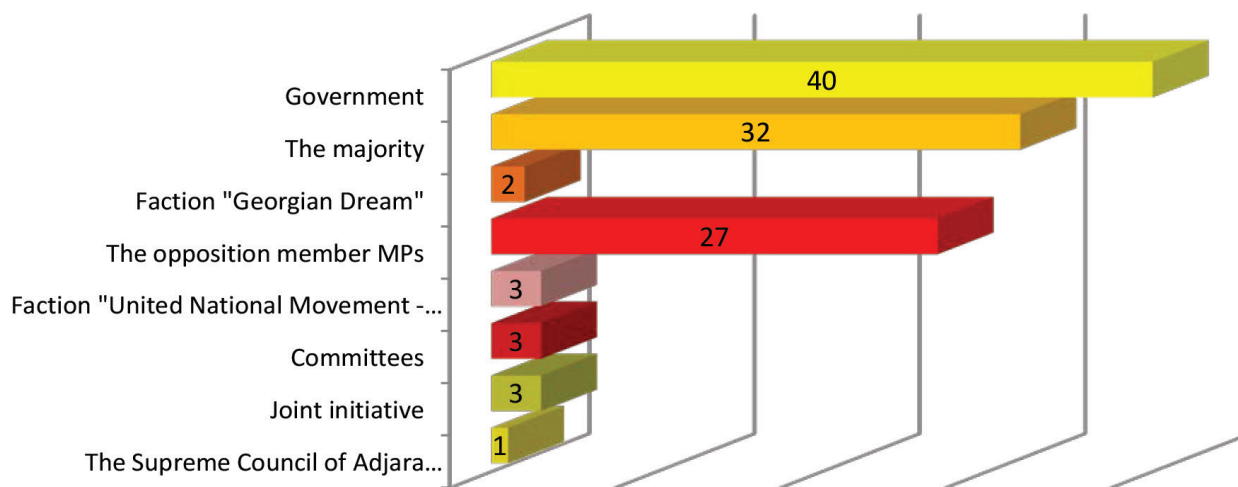


Chart №24

### Entities Submitting Legislative Initiatives



The number of legislative initiatives presented by parliamentary entities has actually doubled. During the reporting period, the opposition, the majority, committees and other parliamentary

114 Letter N6506/2-7/22 of July 18, 2022, from the Head of the Organizational Department of the Parliament of Georgia.

115 The data has been obtained as a result of processing the information on the Parliament's website. Search legislation on the Parliament's webpage: <https://info.parliament.ge/#law-drafting> [29.07.2022]

entities presented a total of 70 initiatives to the Parliament, while the figure was 38 at the last session.<sup>116</sup>The main reason for the growth was the improved performance of the opposition. The number of initiatives registered by members of the opposition MPs and their factions increased from 11 to 30.<sup>117</sup>

In addition, the submission of 3 initiatives jointly by the majority and the opposition to the Parliament is a welcoming fact. The political consensus between the parties was reached around the strengthening of women's rights. Together with the "Georgian Dream", the following opposition member(s) presented their initiatives:

- Teona Akubardia presented a legislative package proposing to amend the Law on "Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims Of Violence" and other laws;<sup>118</sup>
- Ana Natsvlishvili, Tinatin Bokuchava, Khatia Dekanoidze, Nato Chkheidze, Ana Buchukuri, Khatuna Samnidze, Tamar Kordzaia, and Teona Akubardia, presented to the Parliament a concept on gender equality;<sup>119</sup>
- Teona Akubardia, Fridon Injia, and Levan Ioseliani, presented an initiative proposing changes in the civil procedure and tax codes.<sup>120</sup>

Despite the increase, the number of initiatives submitted to the Parliament by factions and committees is still low. In the previous session, the committees did not exercise the said authority, and only 1 initiative was registered by a faction. Against this background, the momentum in the spring session, where the number of initiatives presented by the factions increased to 5, and by the committees to 3, shows a trend of improvement in this direction, but still falls short of the rate of the spring session of 2021. The role of factions and committees as collegial bodies and legislative initiating entities is still of secondary importance. We can conclude that using the mechanisms for coordinated legislative activity is not comfortable for MPs and the law-making process mostly begins after an initiative of individual MPs or the government is presented.

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116 "Democracy Index - Georgia", Performance of the 2021 Fall and Extraordinary Sessions, 2022, p. 41. [https://democracyindex.ge/uploads\\_script/studies/tmp/phpaMki6I.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpaMki6I.pdf) [02.08.2022]

117 Letter N6506/2-7/22 from the Head of the Organizational Department of the Parliament of Georgia dated July 18, 2022

118 Search legislation, the Parliament's website, <https://info.parliament.ge/#law-drafting/23672> [19.09.2022]

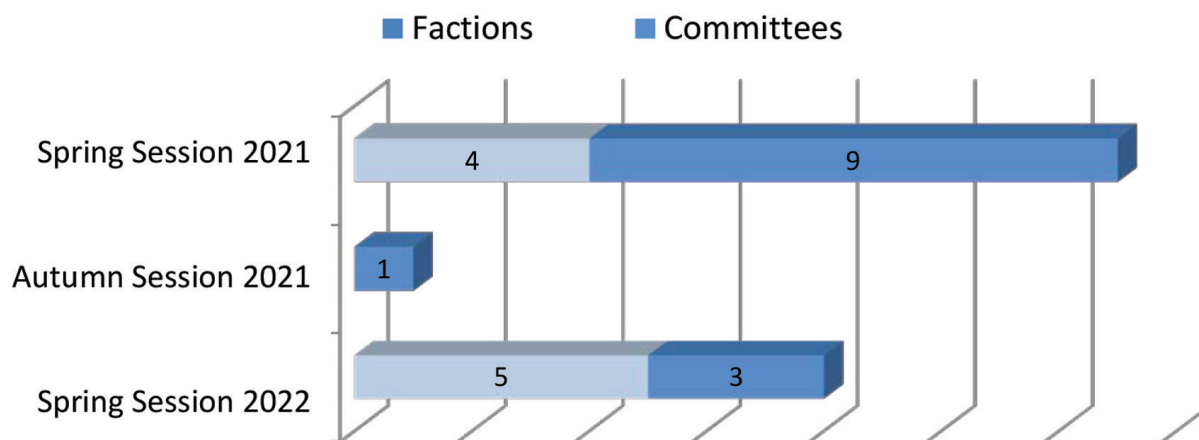
119 Search legislation, the Parliament's website, <https://info.parliament.ge/#law-drafting/23812> [19.09.2022]

120 Search legislation, the Parliament's website, <https://info.parliament.ge/#law-drafting/24126> [19.09.2022]



Chart №25

### The Number of Legislative Initiatives presented by Factions and Committees during the Sessions

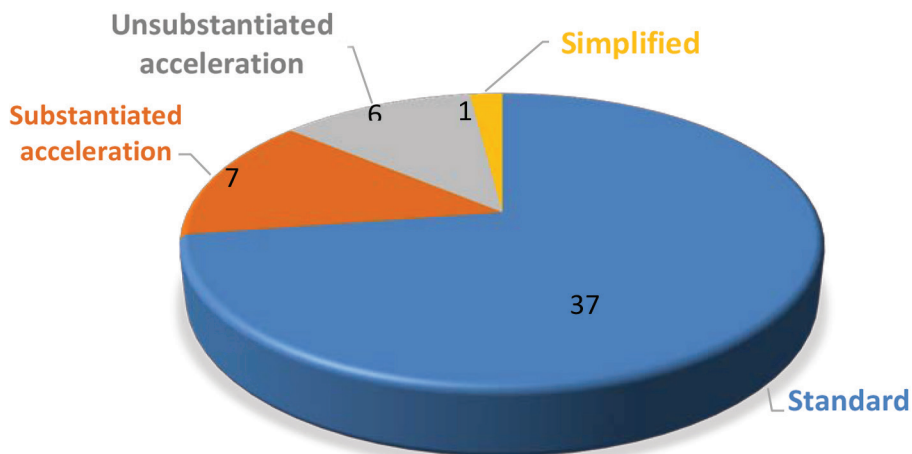


#### 3.1.2. Expedited consideration of bills

In the spring session, 13 out of 51 initiatives were reviewed in an accelerated and 1 in a simplified manner.<sup>121</sup> Legislative initiatives considered speedily were submitted to the Parliament by the government or the parliamentary majority. Similar to the fall session of 2021, the trend according to which 1 out of 4 initiatives are considered in the Parliament in an accelerated manner was maintained.<sup>122</sup>

Chart №26

### The Number of Legislative Initiatives Supported and the Manner of their Consideration



121 Search legislation, the Parliament's website, <https://info.parliament.ge> [29.07.2022]

122 E.g. 12 of the 47 initiatives considered in the fall session in 2021 were reviewed in an accelerated manner. "Democracy Index - Georgia", Performance of the Fall and Extraordinary Sessions in 2021, 2022, p. 42. [https://democracy-index.ge/uploads\\_script/studies/tmp/phpaMki6L.pdf](https://democracy-index.ge/uploads_script/studies/tmp/phpaMki6L.pdf) [29.07.2022]

Expedited consideration of bills in a democratic state is usually a limited option and is a mechanism only intended for urgent cases. It is used when a specific temporary delay in a regulated area may cause specific harm. Since the accelerated procedure involves speedy discussion of a legislative package,<sup>123</sup> it is clear that the procedure may hinder the possibility of full involvement of both the members of the Parliament and other interested parties in the process, and, obviously, may affect the quality of the legislative package. From the perspective of cost-effectiveness, the exception can be made when a law to be adopted is of minor importance or concerning which general consent has been reached. This has been confirmed by the Venice Commission in its opinion on the parameters of the relationship between the parliamentary majority and the opposition.<sup>124</sup>

An analysis of relevant explanatory notes has shown that in 6 out of 13 cases, the decision of the Bureau to speed up the consideration of the bills was unsubstantiated. The initiators did not specify a reason - why it was necessary to consider the initiative within tight timeframes. They only emphasized the expediency of making the changes.<sup>125</sup>

To illustrate this, we can name several initiatives that have fallen within the statistics mentioned above. In an unreasonably hasty manner, the Parliament considered:

- Amendments to the Law “On Medicines and Pharmaceutical Activities” (1394-VIIIოლ-Xოო). In the explanatory card, the initiator did not specify what specific problem would be created if the bill was considered in a standard manner. The government only highlighted the high importance of the changes,<sup>126</sup> against the background that the existing regulations had been in effect for many years before the amendments were adopted;
- Amendments to the Organic Law “On the Constitutional Court of Georgia” (1511-VIIIოლ-Xოო). The Bureau’s decision on an expedited review was based on the initiators’ letter, according to which the basis for acceleration was to protect the existing constitutional order.<sup>127</sup> The initiators did not mention what specific problems the existing constitutional order would encounter if the draft law was considered in a standard manner. In making the decision to expedite the review of the draft law, the Bureau did not take into account the fact that the amendment would have a significant impact on the use of the leverage of constitutional justice.

In a justifiably accelerated manner, the Parliament reviewed:

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123 According to Article 117(2) of the Parliament’s Rules of Procedure, accelerated consideration and adoption of the draft law means its consideration and adoption in all three readings within 1 week of the plenary sessions of the Parliament.

124 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://bit.ly/3Hg7Miw> [26.01.2021]

125 The mentioned legislative initiatives are as follows: 1. On Amendments to the Organic Law of Georgia “On Medicines and Pharmaceutical Activities” (1394-VIIIოლ-Xოო); 2. “On Amendments to the Environmental Assessment Code” (1445-VIIIოლ-Xოო); 3. On Amendments to the Organic Law of Georgia “On Medicines and Pharmaceutical Activities” (1453-VIIIოლ-Xოო); 4. “On the Constitutional Court of Georgia” (1511-VIIIოლ-Xოო); 5. “On Amendments to the Organic Law of Georgia “Election Code of Georgia” (1610-VIIIოლ-Xოო); 6.”On Amendments to the Code of Administrative Offences of Georgia” (1709-VIIIოლ-Xოო).

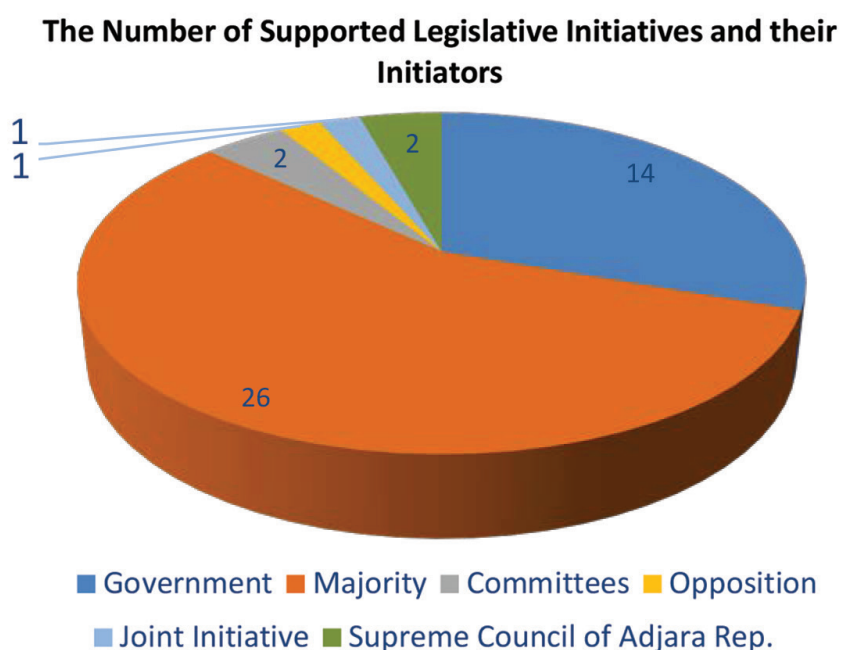
126 Explanatory card attached to the Draft Law of Georgia “On Amendments to the Law of Georgia “On Medicines and Pharmaceutical Activities”, paragraph “a.f” <https://info.parliament.ge/file/1/BillReviewContent/294212?> [29.07.2022]

127 Letter N2-3419/22 of the members of the Parliament of Georgia, Anri Okhanashvili, Daviti Matikashvili and Rati Yonatamishvili dated March 24, 2022, <https://info.parliament.ge/file/1/BillReviewContent/296992?> [29.07.2022]

- Amendments to the Law “On the System of Protected Territories” (1454-VIIIოლ-Xოო). In the explanatory note, the initiators pointed out that in the case of a standard review of the draft law, the government would not be able to pass a relevant resolution, which could result in delaying the review of citizens’ statements (concerning drinking water, electricity supply and other matters);<sup>128</sup>
- Amendments to the Election Code (1397-VIIIოლ-Xოო). According to the initiators, it was necessary to consider the draft law in an accelerated manner, because the elections of municipal bodies were nearing and in the case of a standard review of the bill, the support of the draft law would lose its relevance.<sup>129</sup>

### 3.1.3. Supported legislative initiatives according to entities

Chart №27



In the Parliament, like at the previous sessions, the majority of the supported initiatives were presented by members of the majority, followed by the government claiming second place. The number of initiatives submitted and supported by the named entities amounted to 87% of the total amount.

The rate of supported initiatives presented by the opposition decreased from 3 to 1.<sup>130</sup> During the reporting period, only an initiative of the parliamentary group “Girchi” gained support, pursuant to which an amendment was introduced to the Election Code, exempting any members nominated by political parties to election commissions during any elections held before 2024 from the requirement

128 Explanatory card attached to the draft law of Georgia “On Amendments to the Law of Georgia “On the System of Protected Territories”, paragraph “a.f)”, <https://info.parliament.ge/file/1/BillReviewContent/295222?> [29.07.2022]

129 Explanatory card attached to the draft law of Georgia “On Amendments to the Organic Law of Georgia on Election Code of Georgia”, paragraph “a.f)”, <https://info.parliament.ge/file/1/BillReviewContent/294609?> [29.07.2022]

130 “Democracy Index - Georgia”, Performance of the Fall and Extraordinary Sessions in 2021, 2022, p. 44-45. [https://democracyindex.ge/uploads\\_script/studies/tmp/phpaMki6I.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpaMki6I.pdf) [24.08.2022]

to submit a certificate of an election administration official.<sup>131</sup>The initiative envisaged releasing all political parties from additional regulations, especially small parties with limited human resources, therefore, the initiative received broad support from all parliamentary groups and factions.

Positively should be evaluated a joint initiative of the majority and opposition MPs, which brought the provisions of the Civil Code governing the status of a single parent into compliance with the decision of the Constitutional Court of Georgia.<sup>132</sup>The initiative received support from all parliamentary groups and factions.

All five initiatives that failed in the spring session were submitted to the Parliament by the opposition. The following initiatives were not able to receive support during the reporting period:

- An initiative presented by the members of the political party “For Georgia”, proposing to amend the Local Self-Government Code obligating municipalities to include expenses for participatory budgeting in their own budgets;<sup>133</sup>
- A legislative initiative by Nato Chkheidze, an MP, to amend the Labour Code to designate April 9 as the Independence Day and May 26 as the President’s Day;<sup>134</sup>
- A legislative initiative by the political party “Lelo” and Shalva Shavgulidze, an MP, to amend the Tax Code to enable media broadcasters to enjoy tax benefits;<sup>135</sup>
- A legislative initiative by members of the political party “Girchi” to amend the law “On the National Bank of Georgia” to allow MPs access to the information available in the National Bank, including confidential information;<sup>136</sup>
- A legislative initiative by members of the political party “For Georgia” to amend the Law of Georgia “On Social Assistance” to oblige the government to increase the subsistence allowance at the beginning of each year, taking into account consumer prices.<sup>137</sup>

### **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.<sup>138</sup> Therefore, the efficient application of RIA in lawmaking process is one of the prerequisites for good governance.

In none of the 51 reviewed legislative initiatives did the legislation require a mandatory preparation of RIA. Nevertheless, in one case, the Parliament passed the Law on Protection of Consumer Rights based on an RIA.<sup>139</sup>Regarding this initiative, the legislation did not provide for the obligation to

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131 Organic Law of Georgia on amending the Organic Law of Georgia “Election Code of Georgia” (1397-VIII0b-X03), <https://info.parliament.ge/#law-drafting/23553> [29.07.2022]

132 The Law of Georgia on Amendments to the Civil Code of Georgia (1651-VIII0b-X03), <https://info.parliament.ge/#law-drafting/24126> [29.07.2022]

133 Search legislation, the Parliament’s website. <https://info.parliament.ge/#law-drafting/22522> [29.07.2022]

134 Search legislation, the Parliament’s website. <https://info.parliament.ge/#law-drafting/23434> [29.07.2022]

135 Search legislation, the Parliament’s website. <https://info.parliament.ge/#law-drafting/23454> [29.07.2022]

136 Search legislation, the Parliament’s website. <https://info.parliament.ge/#law-drafting/23283> [29.07.2022]

137 Search legislation, the Parliament’s website. <https://info.parliament.ge/#law-drafting/23554> [29.07.2022]

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

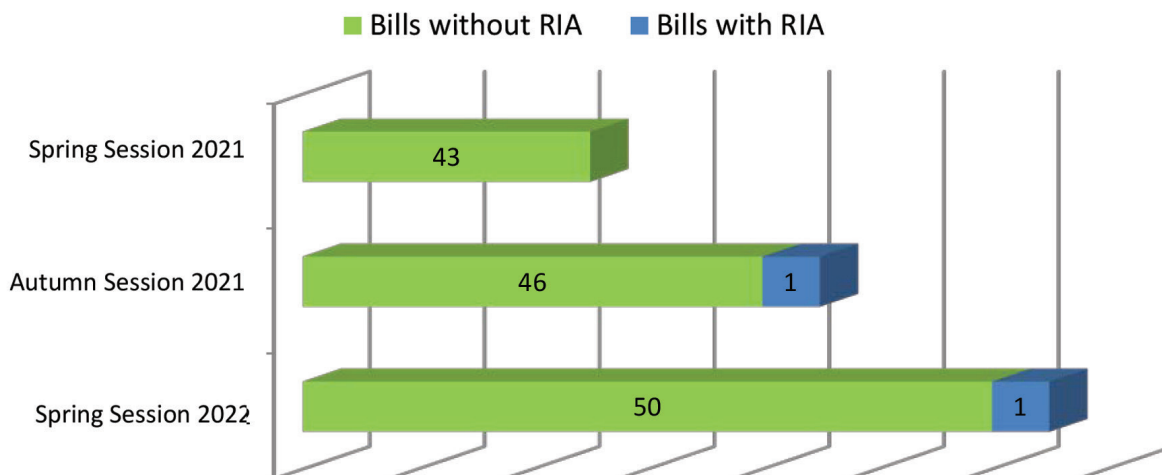
139 Letter 6769/2-7/22 of the Organizational Department of the Parliament of Georgia dated July 25, 2022

prepare an RIA. The voluntary use of the regulatory impact assessment mechanism by the European Integration Committee (initiator) should be positively evaluated.

Therefore, the monitoring of the Parliament revealed a problem according to which, despite the existence of a RIA at the legislative level, it is not effectively used in practice.<sup>140</sup> Against this background, it is important to increase the list of cases for which an RIA must be provided.

Chart №28

### The Number of RIAs Attached to Legislative Initiatives



#### 3.1.5. Approximation to the EU

During the reporting period, there was a slight increase in the number of initiatives the basis for which according to the initiators’ explanatory card was the approximation of the national legislation to the regulations of the European Union. Against the background, when the number of such initiatives was only 1 in the previous session, the legislative body supported 2 initiatives in the spring session in order to get closer to the European Union.

These initiatives were:

- A new law “On Protection of Consumer Rights”;
- The law “On motor transport” (1616-VIIIობ-Xოო);

It is disappointing that during the spring session, the Parliament still did not discuss the amendments to the Constitution, which was agreed upon between the parties as a result of the mediation of the European Union “Future Pathway for Georgia”<sup>141</sup> and envisaged the reduction of the electoral thresh-

140 The European Union has also mentioned this problem. Despite the legal basis, the implementation of RIA is only partial. Opinion on Georgia’s application for membership of the European Union, Directorate-General for Neighbourhood and Enlargement Negotiations, COM(2022) 405 final, 2022, pg. 5. [https://ec.europa.eu/neighbourhood-enlargement/opinion-georgias-application-membership-european-union\\_en?fbclid=IwAR0wqk2Nf3nFENw3ORHcnNEsWHpGv3tfZ3-qcdpx5Ilrxsgw0ooy6PxaT24](https://ec.europa.eu/neighbourhood-enlargement/opinion-georgias-application-membership-european-union_en?fbclid=IwAR0wqk2Nf3nFENw3ORHcnNEsWHpGv3tfZ3-qcdpx5Ilrxsgw0ooy6PxaT24) [04.08.2022]

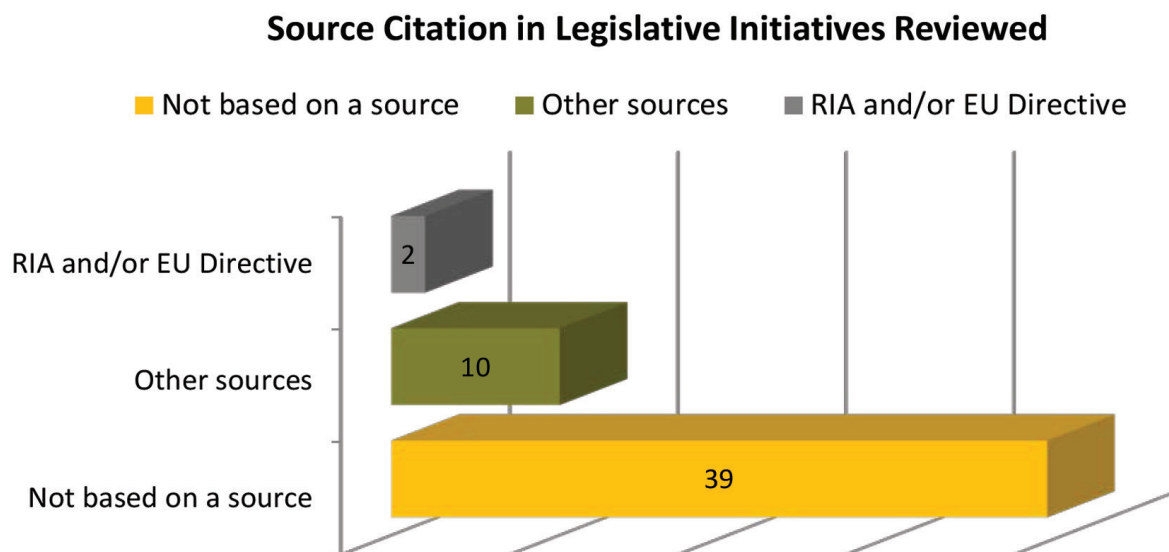
141 “The Future Pathway for Georgia” (unofficial translation), p. 3, <https://docs.rferl.org/ka-GE/2021/04/18/7724addb->

old to 2% for the next two elections of the Parliament.<sup>142</sup>

### 3.1.6. Source citation in legislative initiatives

In the reporting period, 12 out of 51 legislative initiatives were based on various sources related to ways of identifying and/or solving problems, among them, recommendations of international organizations, decisions of international or local courts, international acts, and reports of organizations. Some of them included EU directives and/or Regulatory Impact Assessments.

Chart №29

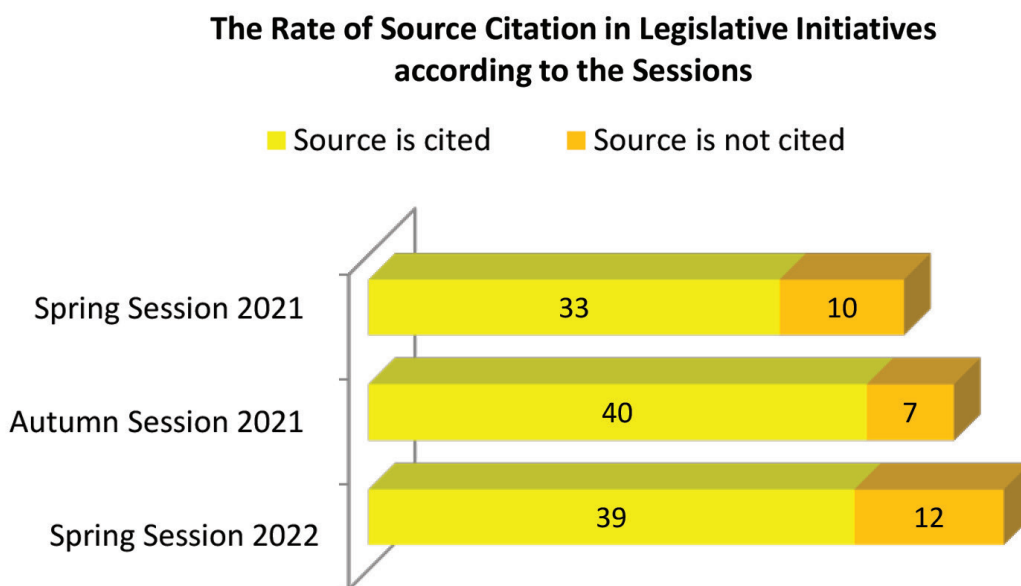


Compared to the previous sessions, the monitoring has identified a trend in the Parliament towards an increase in the quantitative indicator of legislative initiatives that are backed by research-based substantiation. However, if we compare the reporting period with the spring session of 2021, the share of such initiatives has not changed.

[bd54-4563-8147-6fde36aa3b03.pdf](#) [29.07.2022]

142 Search legislation, the Parliament's website. <https://info.parliament.ge/#law-drafting/22438> [29.07.2022]

Chart №30



## 3.2. THE CONTEXTUAL SIDE OF THE LEGISLATIVE ACTIVITY OF PARLIAMENT

### 3.2.1 Positive trends:

- **By adopting the new law “On Protection of Consumer Rights” (1455-VIIIობ-Χოო), the Parliament fulfilled its obligation undertaken per the Association Agreement with the European Union.**<sup>143</sup> The draft law was accompanied by a regulatory impact assessment document, which is particularly important for the implementation of research-based legislative activities.<sup>144</sup> The draft law was submitted to the Parliament in 2019 but was not voted on until 2022. The reason for the delay is unknown.<sup>145</sup> In parallel with Georgia’s application for the EU candidate country status, during the spring session, the Parliament supported the draft law in three readings, which should be considered a step forward on the country’s European integration path;
- **With the amendments to the Rules of Procedure of the Parliament of Georgia (1618-VIIIობ-Χოო), the Parliament accepted several obligations stipulated in the Action Plan of the Open Parliament for 2021-2022.**<sup>146</sup> On the one hand, the amendments determined the deadlines for publishing the minutes of committee sittings, as well as regulated the issues related to the creation, performance and transparency of committee working groups. Specifically, the Rules of Procedure provided that the validity term of a working group of the committee shall be predetermined by the committee. In addition, the sessions should be held in public unless a decision is made to close them, and the minutes of sessions should be published within 14 days after the

<sup>143</sup> The obligation defined by Articles 345, 346 and 347 of Chapter 13, Section VI of the “Association Agreement between Georgia, on the one hand and the European Union and European Atomic Energy Union and their Member States, on the other.”

<sup>144</sup> Search legislation, the Parliament’s website, <https://info.parliament.ge/file/1/BillReviewContent/224265?> [02.08.2022]

<sup>145</sup> See Chapter 1.2 of the report

<sup>146</sup> Articles 3.3, 3.4 and 3.5 of the “Open Parliament Action Plan 2021-2022”

sittings are over, etc;

- **Based on the amendments to the Civil Code (1651-VIIIობ-ႂოႃ), the Parliament enforced the decision of the Constitutional Court<sup>147</sup> and granted an opportunity to receive the status of a single parent to those persons who solely participate in raising a child.** The legislative initiative was submitted to the Parliament jointly by the majority and opposition MPs and earned a broad political consensus;
- **With the amendments to the Law “On Legal Assistance” (1660-VIIIობ-ႂოႃ), the Parliament allowed to receive free legal aid (both preparation of documentation and legal representation) to those persons who are known to be victims of violence against women and in domestic violence cases and have a difficult financial situation.**
- **By adopting the law “On Amnesty” (1484-VIIIობ-ႂოႃ), the Parliament introduced the so-called Covid Amnesty, which aimed at providing certain benefits to prisoners in order to compensate for the strict measures introduced in the penitentiary institutions with the view to preventing the spread of the new Coronavirus. Despite the mentioned positive measures,<sup>148</sup> the issue has become the subject of sharp criticism from the opposition.**

### **3.2.2. Negative trends:**

- **With the amendments to the Organic Law “On the Constitutional Court” (1511-VIIIობ-ႂოႃ), the majority made it possible to appeal specific inaction within a competence dispute in the Constitutional Court. Additionally, opposition MPs were deprived of the right to appeal to the constitutional court within a competence dispute. The draft law was registered in the Parliament on the same day when it was decided at the meeting of the political council of the “Georgian Dream” that the government would sue the President in the constitutional court.<sup>149</sup>The bill was reviewed in an unreasonably accelerated manner.<sup>150</sup>The organization believes that the draft law contained legal flaws and was inconsistent with the standard established by the Venice Commission, according to which the restriction of the opposition’s right to appeal to the court is negatively evaluated for the democratic process;<sup>151</sup>**
- **The Parliament of Georgia, without any expert evaluation, hastily supported the amendments to the Law “On General Education” (1513-VIIIობ-ႂოႃ), thus allowing children who turn 6 before October 1st to start school.<sup>152</sup> In the process of adopting the draft law, consultations were not held with experts in the relevant field, and despite the requirement of the Rules of Procedure,<sup>153</sup>the draft law was not assessed by the Permanent Parliamentary Council**

147 See Decision N1/6/1320 of the Constitutional Court of Georgia of December 28, 2021, in the case “Elga Maisuradze, Irma Ginturi and Leri Todadze v. the Parliament of Georgia”;

148 The Parliament adopted the bill “On Amnesty” in the second reading, The First Channel, <https://1tv.ge/news/parliamentma-amnistiis-shesakheb-kanonproeqti-meore-mosmenit-miigho-2/> [30.08.2022]

149 “Democracy Index - Georgia”, The draft law initiated by Georgian Dream member deputies aims to use the Constitutional Court as a political tool, 25.03.2022, [https://democracyindex.ge/index.php?m=261&news\\_id=146](https://democracyindex.ge/index.php?m=261&news_id=146) [07.08.2022]

150 See Chapter 3.1.2 of the report.

151 “Democracy Index - Georgia”, The initiative of the parliamentary majority is aimed at weakening the opposition, 13.04.2022, [https://democracyindex.ge/index.php?m=261&news\\_id=153](https://democracyindex.ge/index.php?m=261&news_id=153) [07.08.2022]

152 Parliament’s website - <https://info.parliament.ge/#law-drafting/23918> [07.08.2022]

153 Article 77<sup>1</sup> (3) (b) of the Parliament’s Rules of Procedure.



for the Protection of the Child's Rights. The aforementioned Council has not yet developed a mechanism for carrying out a study to assess the impact of the draft law on the legal status of the child.<sup>154</sup>

- **With the amendments to the Code of Spatial Planning, Architecture and Construction Activities (1516-VIIIობ-ႂოႃ), the Parliament, in violation of the Constitution and without holding the consultations with municipalities, established a new rule for spatial arrangement and unjustifiably increased bureaucratic expenses.** The legislative body granted the government the right to determine the service fee of the new agency created under the draft law, which, according to the case-law of the Constitutional Court, is incompatible with the Constitution of Georgia;<sup>155</sup>
- **With the amendments to the Criminal Procedure Code (1575-VIIIობ-ႂოႃ), the Parliament allowed the investigative bodies to request data from computer systems for the purpose of investigating not only serious or particularly serious crimes but also all crimes provided for in the Criminal Code.** After the abolition of the State Inspectorate, the Parliament once again increased the powers of investigative bodies, without strengthening proper oversight mechanisms;
- **The Parliament supported a package of initiatives,<sup>156</sup> which allow heads of law enforcement agencies, based on their own political goals, to forcibly transfer employees to other positions.** The term “office-related necessities” included in the bill is vague and creates the possibility of unjustified use of authority. The Parliament did not take into account legislative mechanisms limiting the authority of an official, which would better protect persons employed in law enforcement agencies;<sup>157</sup>
- **The Parliament supported the amendments to the Criminal Procedure Code (1614-VIIIობ-ႂოႃ), which, without any justification, radically increased the list of crimes that may be subject to secret surveillance, as well as increased the period of surveillance from 3 to 9 months, and in the case of investigating several other crimes, the time limit has been canceled altogether, which means that ultimately an object of surveillance may not become aware at all of the investigative actions conducted against him/her.** The Parliament supported the bill without considering the opinion of civil organizations<sup>158</sup> and the international community. Once the draft law was supported, the representation of the European Union made a statement, noting that the amendments limit basic human rights, and expressed their concerns that the Parliament did not share their recommendations and did not send the initiative to the Venice Commission

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154 N3827/2-7/22 of Eter Svianidze, Head of the Organizational Department of the Parliament of Georgia dated April 28, 2022

155 “Democracy Index - Georgia”, Amendments to the Construction Code contradict the Constitution and lead to an unjustified increase in government expenses, 04.04.2022, [https://democracyindex.ge/index.php?m=261&news\\_id=151&lng=geo](https://democracyindex.ge/index.php?m=261&news_id=151&lng=geo) [03.08.2022]

156 Search for legislation on the website of the Parliament of Georgia, <https://info.parliament.ge/#law-drafting/23939> [03.08.2022]

157 “Democracy Index - Georgia”, The legislative initiative to transfer employees of law enforcement agencies will result in the politicization of the system, 20.05.2022, [https://democracyindex.ge/index.php?m=261&news\\_id=163](https://democracyindex.ge/index.php?m=261&news_id=163) [07.08.2022]

158 Joint statement of non-governmental organizations, The legislation regulating secret surveillance is getting worse, 21.04.2022, <https://www.transparency.ge/ge/post/paruli-miquradebis-maregulirebeli-kanonmdebloba-kidev-upro-uaresdeba> [24.08.2022]

for consideration before placing it on the vote.<sup>159</sup> President Salome Zurbashvili vetoed the bill at the end of the spring session.<sup>160</sup> Nevertheless, the Venice Commission assessed the draft law based on the President's appeal and in its extraordinary opinion published on August 26 emphasized that the Parliament, without proper involvement and substantiation, adopted a law with a high intensity of interference in human rights, which does not meet the test of proportionality.<sup>161</sup> In addition, the Commission called on the Parliament to actively work on the reform of the law on covert investigative actions;<sup>162</sup>

- **With the amendments to the Code of Spatial Planning, Architecture and Construction Activities (1614-VIII მს- X მპ), the Parliament allowed the Mayor of Batumi Municipality to establish the maximum (K-2) coefficient of development intensity in violation of the Local Self-Government Code and the Constitution in order to replace the dilapidated residential buildings in the city.** In the second reading of the draft law, the initiators added to the draft law the requirement for a deliberative council, whose consent the mayor must seek in order to increase the coefficient. Nevertheless, the draft law remained inconsistent with the superior legislative acts, because the determination of the coefficient is the exclusive competence of the Sakrebulo (city council) and this duty cannot be delegated to another body or official;<sup>163</sup>
- **By amending the law “On Fees and Terms for Services Provided by Legal Entity of Public Law - Service Agency of the Ministry of Internal Affairs of Georgia” (1658-VIII მს- X მპ), the Parliament established and increased the amount of fees without appropriate justification.** It should be noted that according to the legislation of Georgia and the practice of the Constitutional Court, the purpose of a fee is to reimburse the costs incurred by the state. Accordingly, the amount of each fee should be determined by the state on the basis of relevant evidence, in order not to violate the property rights of citizens and organizations.<sup>164</sup>
- **As a result of the amendments to the Tax Code (1706-VIII მს- X მპ), without any consultations with municipalities, hotels, restaurants, travel agencies and those persons who carry out beverage services have been exempted from the property tax accumulated in 2021.** Property tax is the only local tax in Georgia, the full volume of which is transferred to the budget of municipalities. According to the Constitution of Georgia, issues related to local self-government shall be resolved on the basis of consultation with the self-government.<sup>165</sup> The standard also derives from the European Charter on Local Self-Government. Despite the requirement clearly stipulated in the Constitution, the municipalities were not invited to participate in the process

159 Representation of the European Union in Georgia, Commentary of the Ambassador of the European Union Karl Hartzel regarding the introduction of amendments to the Code of Criminal Procedure, 08.06.2022, [https://www.eeas.europa.eu/delegations/georgia/ევროკავშირის-ელჩის-კარლ-ჰარცელის-კომენტარი-სისხლის-სამართლის-საპროცესო-კოდექსში\\_ka](https://www.eeas.europa.eu/delegations/georgia/ევროკავშირის-ელჩის-კარლ-ჰარცელის-კომენტარი-სისხლის-სამართლის-საპროცესო-კოდექსში_ka) [07.08.2022]

160 The website of the Parliament of Georgia. [info.parliament.ge/#law-drafting/24416](http://info.parliament.ge/#law-drafting/24416) [07.08.2022]

161 EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) GEORGIA URGENT OPINION ON THE DRAFT LAW ON THE AMENDMENTS TO THE CRIMINAL PROCEDURE CODE ADOPTED BY THE PARLIAMENT OF GEORGIA ON 7 JUNE 2022, CDL-PI(2022)028, Par. 36-40.

162 Ibid. Par.64

163 “Democracy Index - Georgia”, Parliament backs legislative ground for uncontrolled construction in Batumi, 22.06.2022, [https://democracyindex.ge/index.php?m=261&news\\_id=168](https://democracyindex.ge/index.php?m=261&news_id=168) [08.07.2022]

164 Decision No. 2/3/1279 of the Constitutional Court of Georgia dated July 5, 2019, on the case “Levan Alafishvili and ‘K.S. Alafishvili and Kavlashvili - Georgian Lawyers’ Group v. the Government of Georgia”, II 35-37.

165 Article 76(4) of the Constitution of Georgia.

of considering the issue.<sup>166</sup> This is not the first occasion when the legislative body violates the procedure established by the Constitution and makes a decision on matters related to self-governance.<sup>167</sup>

### Other trends:

- The Parliament made amendments to the Law “On Special Investigative Service” (1571-VIIIმს-Xმპ), strengthening the powers of the State Investigative Service and the social guarantees of the persons employed in the agency. Despite being a seemingly positive step, it is important to note that the legislative body directed its activities to strengthen the institution after the State Inspector’s Service (one of whose legal successors is the Special Investigative Service) was dissolved as a result of an accelerated procedure and an unsubstantiated decision, which, along with posing a threat to the legal security of the country, became an additional factor hindering European integration.<sup>168</sup>
- The Parliament introduced an amendment to the Election Code (1610-VIIIმს-Xმპ), according to which the mandate of a member of a city council (who is selected through by-elections or replaces a member of the council prior to him/her in the party list) will no longer depend on the political will of the majority of the municipality and his/her authority will be recognized automatically after the finalization of relevant procedures. Although the legislative change is a kind of preventive mechanism against the violation of the passive electoral right of the majority of the Sakrebulo and applies equally to the MPs selected by the proportional and majority rule, several non-governmental organizations and parliamentary parties evaluated it as a step against political decentralization,<sup>169</sup>

### 3.3. SUSPENDED REFORMS:

- **The Parliament of Georgia has suspended the constitutional reform,<sup>170</sup> which derives from the agreement concluded with the mediation of the European Union “Future Pathway for Georgia”<sup>171</sup> and envisages the reduction of the electoral threshold for the next parliamen-**

166 Explanatory card on the Draft Law of Georgia “On Amendments to the Tax Code of Georgia” (07-3/193/10), par. “d”. <https://info.parliament.ge/file/1/BillReviewContent/298460?> [03.08.2022]

167 E.g. see “Democracy Index - Georgia”, Amendments to the Construction Code contradict the constitution and may result in an unjustified increase in government expenses, 04.04.2022, [https://democracyindex.ge/index.php?m=261&news\\_id=151](https://democracyindex.ge/index.php?m=261&news_id=151) [20.04.2022]

168 The issue was negatively assessed by the Public Defender in the 2021 parliamentary report “On the State of Protection of Human Rights and Freedoms in Georgia”, Report of the Public Defender of Georgia, 2021, p. 12-13. <https://info.parliament.ge/file/1/BillPackageContent/34314?> Also, various international actors, including the UN High Commissioner for Human Rights, called for the majority to retrieve the initiative, see Voice of America, “The American Embassy, the European Union Representation and the UN High Commissioner are concerned about the “Georgian Dream” initiative,” 28.12.2021, <https://www.amerikiskhma.com/a/u-s-strongly-requests-gd-to-pause-bill-dissolving-state-inspector/6373076.html> [24.08.2022]

169 “Georgian Young Lawyers’ Association”, Report on the bills of organic laws - On amendments to the Organic Law of Georgia “Election Code of Georgia” and On amendments to the Organic Law of Georgia “Code of Local Self-Government”. [https://gyla.ge/files/2020/კვლევები/დასკვნა\\_საარჩევნო\\_თვითმმართველობა\\_საია.pdf](https://gyla.ge/files/2020/კვლევები/დასკვნა_საარჩევნო_თვითმმართველობა_საია.pdf) [03.08.2022]

170 The Parliament’s website – <https://info.parliament.ge/#law-drafting/22438> [07.08.2022]

171 The Future Pathway for Georgia, Unofficial Translation of the Agreement, p. 3. <https://bit.ly/3GfQ5yE> [07.08.2022]

**tary elections.** According to the Chairperson of the ruling party, Irakli Kobakhidze, the draft constitutional law is not included in the 12 priorities determined by the European Commission for Georgia and it will be adopted one month after Georgia becomes a candidate country for the European Union.<sup>172</sup> It should be noted that the constitutional amendments are a part of the so-called Charles Michel agreement of April 19, 2021, which is referred to in the first paragraph of the European Commission's recommendation;

- **The amendments to the Law “On Common Courts” initiated on July 1, 2021,<sup>173</sup> which establishes the rules for publicizing the decisions made by the courts, have not yet been discussed at the committee and plenary sessions.** This initiative as well derives from the agreement concluded with the mediation of the European Union “Future Pathway for Georgia”<sup>174</sup> and envisages the enforcement of the decision of the Constitutional Court;<sup>175</sup>
- **The amendments to the law “On Common Courts” initiated by the faction “Lelo-Partnership for Georgia” and “Charles Michel Reform Group”<sup>176</sup> on September 1, 2021, have not been discussed in the Parliament so far.** The initiative echoes the “Future Pathway for Georgia” agreement concluded between the parties with the mediation of the European Union.
- **The draft amendments to the law “On Common Courts” initiated by the members of the political party “For Georgia” on July 7 are pending in the Parliament.<sup>177</sup>** The bill concerns an important issue of judicial reform, such as establishing a double two-thirds quorum in order to reach decisions in the High Council of Justice.

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

There was no question of impeachment or non-confidence either.

### ***3.3.2. Annual report of the Prime Minister***

The Parliament has the right to request the Prime Minister to present an annual report to the Parliament on the status of the implementation of a certain part of the government program. The decision to request the report is made by the Parliament as requested by a committee or a faction, with the

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172 The “Georgian Dream” website, Statement of the Chairperson of the “Georgian Dream” Irakli Kobakhidze, 07.07.2022, <https://gd.ge/show-news/1621/„ქართული-ოცნების“-თავმჯდომარის-ირაკლი-კობახიძის-განცხადება?lang=ge> [07.08.2022]

173 The Parliament's website – <https://info.parliament.ge/#law-drafting/22492> [07.08.2022]

174 The Future Pathway for Georgia, Unofficial Translation of the Agreement, p. 5. <https://bit.ly/3GfQ5yE> [07.08.2022]

175 Decision No. 1/4/693, 857 of the Constitutional Court of Georgia of June 7, 2019, on the case “N(N)LP “Media Development Fund” and N(N)LP “Information Freedom Development Institute” v. the Parliament of Georgia”

176 Search for legislation, the Parliament's website, <https://bit.ly/3IRJLyI> [07.08.2022]

177 Search for legislation, the Parliament's website, <https://bit.ly/3HmMY9r> [07.08.2022]

majority of the votes of those present at the plenary session.<sup>178</sup>The use of the mentioned leverage depends on the request of the members of the Parliament. Unlike the Prime Minister's annual report on the progress of government program implementation, this is not a routine mechanism and focuses only on individual parts of the government program. During the reporting period, the Parliament did not request the Prime Minister to submit the report as provided for in Article 151 of the Rules of Procedure.<sup>179</sup>Moreover, the mechanism was never utilized since December 16, 2018, through the spring session of 2022.<sup>180</sup>

According to Article 150 of the Rules of Procedure of the Parliament, the Prime Minister of Georgia is obliged to present a report to the Parliament on the progress of the implementation of the government program once a year, at the plenary session in the last month of the spring session. The report shall be submitted to the Parliament in a written form prior to June 1.<sup>181</sup>In contrast to the annual report, this is a mandatory and routine mechanism. During the reporting period, the report was submitted to the Parliament on May 31, in full compliance with the timeframes provided in the law.<sup>182</sup>On June 22, the Prime Minister presented a report to the Parliament.

The report was presented in an unconstructive environment amid the noise. Some representatives of the opposition were reacting to the Prime Minister's report with shouts, whereas the Prime Minister, in his report, in relation to the opposition, did not seem like an official accountable to the Parliament and was making various comments towards some members of the Parliament.<sup>183</sup>

The Chairperson of the Parliament made several warnings to representatives of the opposition, noting that they would be expelled from the hall for violating the Rules of Procedure. However, the Chairperson did not even make a single warning to the Prime Minister, nor did he respond to his unethical remarks towards MPs, and also failed to prevent the Prime Minister from attempting to control MPs' behaviour and specific actions, which directly falls within the competence of the Chairperson of the session.<sup>184</sup>By doing this, the Chairperson of the session did not try to ease the situation on the one hand and appeared to be vulnerable in front of the Prime Minister, on the other.

In his report, the Prime Minister talked about the improved situation and economic progress in the country. He mentioned the advantageous position of Georgia in relation to Moldova and Ukraine based on various indicators and ratings. Moreover, he also recalled the previous government and from time to time dedicated a considerable amount of time to criticizing the regime. The Prime Minister's report hardly addressed the challenges facing the country.

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178 Article 151 of the Parliament's Rules of Procedure.

179 Letters N6771/2-7/22 of July 25, 2022, and N4884/2-7/22 of May 31, 2022.

180 The research prepared by the Committee of Procedural Issues and Rules "Report on the control of the enforcement of the regulatory norms of separate mechanisms of parliamentary control provided for in the Rules of Procedure of the Parliament of Georgia", 2022, p. 22.

181 Article 150 of the Parliament's Rules of Procedure

182 Report on the implementation of the government program, see: <https://info.parliament.ge/#law-drafting/24245> [08.11.2022.]

183 The Prime Minister reacts to the representatives of the opposition: "Don't you have a medicine?" "Bring medicine for her, help her calm down"; "Shall we call the doctor", etc. The live broadcast of the plenary session 1:58:00 onwards. See: <https://www.facebook.com/parliamentgeo/videos/442884230617880> [08.11.2022.]

184 The Prime Minister addresses the opposition members: "You are useless, you are a pathetic person; You support maniacs!" 2:39:00 onwards "Shall I report to you, you are a nothing, you are nothingness" 2:40:00 onwards. See: <https://www.facebook.com/parliamentgeo/videos/442884230617880> [08.11.2022.]

### **3.3.3. Appearance of an official before a plenary session**

The Parliament, as requested by a committee or a faction, shall summon to the plenary session a member of the government, an accountable official, and the head of a body accountable to Parliament, based on a majority vote of those present at a plenary sitting, but not less than one-third of the full composition of the Parliament. Through this mechanism, an official person appears before the Parliament usually on the last Friday of the monthly plenary session to speak about the matters that have been submitted to him/her no later than 10 days before that time.<sup>185</sup>

In the reporting period, the Parliament did not invite a member of the government, an official accountable to him, and the head of the body to a plenary session.<sup>186</sup> An initiative on summoning an official to the plenary session can be filed by a committee, a faction or a political group, and the decision to invite the official is made by the majority of votes.<sup>187</sup> Since the fall session of 2019, no one has taken the initiative to use this mechanism.<sup>188</sup>

The results of the monitoring carried out by the organization show that the opposition uses more actively those mechanisms, for which the support of the majority is not needed, for example, interpellation, summoning a person to a committee meeting and an MP question. This once again confirms that in order to activate parliamentary oversight, it is necessary to give more leverage to the opposition.

If the number of votes required for summoning an official is reduced to 1/3, this will give the opposition an opportunity to exercise the mechanism of parliamentary oversight. At the same time, 1/3 is not a low quorum. This has been evidenced by the existing practice regarding the creation of an investigative commission, for which 1/3 of the votes is required to make a decision.<sup>189</sup>

### **3.3.4. Ministerial hour**

The Ministerial Hour means that certain members of the government (other than the Prime Minister) present their reports to the plenary session of Parliament once a year.<sup>190</sup> The schedule of the Ministerial Hour is determined by the Parliamentary Bureau before the start of the spring session in agreement with members of the Government and based on the initiatives of parliamentary committees.<sup>191</sup>

The schedule of Ministerial Hours for 2022 was determined by the Bureau on January 31 of the same year.<sup>192</sup> Unlike the previous reporting period, during the spring session, the Ministerial Hour was held in compliance with the timetable. From February to June, a total of 6 Ministerial Hours were held.

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185 Article 152 of the Rules of Procedure of Parliament.

186 Letters N6771/2-7/22 of July 25, 2022, and N4884/2-7/22 of May 31, 2022, of the Office of the Parliament.

187 Article 152(1) of the Rules of Procedure of Parliament.

188 “Democracy Index - Georgia” report “Performance of the Fall and Extraordinary Sessions of the Parliament of Georgia in 2021”, 2022, p. 61.

189 The recommendation was also presented by the organization to the working group created by the Committee on Procedural Issues and Rules regarding the strengthening of parliamentary control mechanisms.

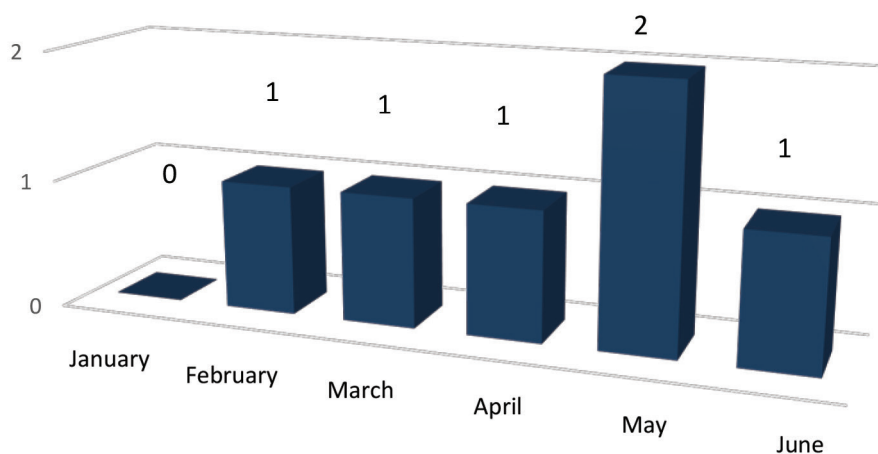
190 Article 153(1) of the Rules of Procedure of Parliament.

191 Article 153(2) of the Rules of Procedure of Parliament.

192 The schedule is available at the link: <https://info.parliament.ge/#law-drafting/23517> [16.08.2022]

Chart №31

### The Number of Ministerial Hours at the Spring Session 2022 by months



**Minister of Finance of Georgia, Lasha Khutsishvili** – The Ministerial Hour was held on February 17, 2022. The report lasted 28 minutes.

A total of 39 MPs addressed the Minister with a question, 18 of them were representatives of the majority and 21 of the opposition. The deputies asked the Minister a total of 69 questions. 31 of them were from the majority, and 48 from the opposition. The right to a clarifying question was exercised by 1 majority and 7 opposition MPs. The Minister was asked 5 questions containing an initiative. The rest of the questions were focused on a specific problem. The Minister did not leave important questions unanswered.

**Minister of Internal Affairs of Georgia, Vakhtang Gomelauri** - The Ministerial Hour was held on March 17, 2022. The report lasted 30 minutes.

A total of 49 MPs addressed the Minister with a question, 22 of them were representatives of the majority and 27 of the opposition. The deputies asked the Minister a total of 90 questions. 31 of them were from the majority, and 59 from the opposition. The Minister was asked 1 question containing an initiative. One question did not concern any particular matter and was merely aimed at criticizing the opposition, praising the Minister and presenting him from a favourable angle.<sup>193</sup>The rest of the questions were focused on specific problems.

The right to a clarifying question was exercised by 2 majority and 9 opposition MPs. The opposition MPs noted in their speech that the Minister did not give exhaustive answers.

**Minister of Environment and Agriculture of Georgia, Otar Shamugia** - The Ministerial Hour was held on April 14, 2022. The report lasted 37 minutes.

A total of 44 MPs addressed the Minister with a question, 28 of them were representatives of the majority and 16 of the opposition. The deputies asked the Minister a total of 104 questions, 57 of them from the majority, and 47 from the opposition. The Minister was asked 3 questions containing an

<sup>193</sup> The question was asked by Aluda Ghudushauri, see video recording: 1:22:00 onwards <https://www.facebook.com/parliamentgeo/videos/663805661599974> [16.08.2022.]

initiative. The rest of the questions were focused on specific problems.

The right to a clarifying question was exercised by 3 majority and 3 opposition MPs. The Minister did not leave important questions unanswered.

**Minister of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Protection, Zurab Azarashvili**, - The Ministerial Hour was held on May 11, 2022. The report lasted 41 minutes.

A total of 40 MPs addressed the Minister with a question, 23 of them were representatives of the majority and 17 of the opposition. The deputies asked the Minister a total of 91 questions. 50 of them were from the majority, and 41 from the opposition. One question from the majority did not concern any particular matter and served only to praise the Minister's activities.<sup>194</sup>The rest of the questions were focused on specific problems.

The right to a clarifying question was exercised by 1 majority and 4 opposition MPs. The Minister did not leave important questions unanswered.

**Minister of Regional Development and Infrastructure Irakli Karseladze** - The Ministerial Hour was held on May 25, 2022. The report lasted 55 minutes.

A total of 38 MPs addressed the Minister with a question, 22 of them were representatives of the majority and 16 of the opposition. The deputies asked the Minister a total of 107 questions. 53 of them were from the majority, and 54 from the opposition. Two questions contained an initiative. The questions were focused on specific problems or issues. The Minister did not leave important questions unanswered. In one case, a representative of the majority devoted his time to making a political statement and complimenting the Minister and then requested more time to formulate her question.<sup>195</sup>In this regard, the Chairperson of the Parliament called on MPs to use the time allotted for questions as intended.

The right to a clarifying question was exercised by 2 majority and 1 opposition MPs.

**Minister of Defense Juansher Burchuladze** - The Ministerial Hour was held on June 9, 2022. The report lasted 35 minutes.

A total of 30 MPs addressed the Minister with a question, 14 of them were representatives of the majority and 18 of the opposition. The deputies asked the Minister a total of 67 questions. 20 of them were from the majority, and 47 from the opposition. Two questions contained an initiative. The questions were focused on a specific problem or issue. The Minister did not answer Devi Chankotadze's question about armaments and the number of soldiers, noting that this was confidential information, which he would speak about during a visit to the trust group.

The right to a clarifying question was exercised by 1 majority and 5 opposition MPs.

According to the Rules of Procedure, there is no obligation to submit a report in written form within the Ministerial Hour. It would be desirable to establish this requirement by the Rules of Procedure to oblige ministers to present a written report within a reasonable period of time, at least 1 week in advance so that MPs can familiarize themselves with the written version and prepare for the session.

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194 Aluda Ghudushauri's question to the Minister of IDPs from the Occupied Territories of Georgia, Labour, Health and Social Protection, see: 1:58:00 onwards, <https://www.facebook.com/parliamentgeo/videos/543961393787428> [16.08.2022.]

195 Tamar Taliashvili, an MP from the majority.



Chart №32

**The Number of Questions asked to Ministers during the Ministerial Hours at the Spring Session 2022**

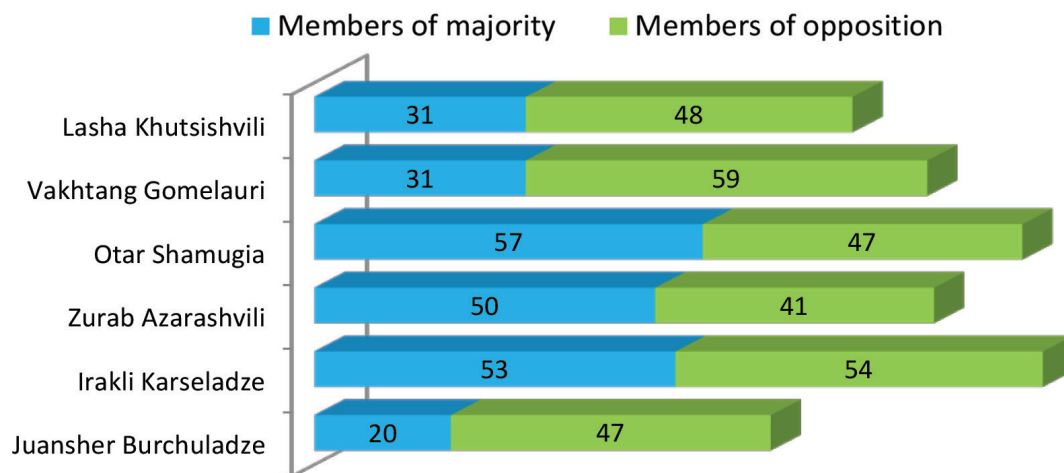
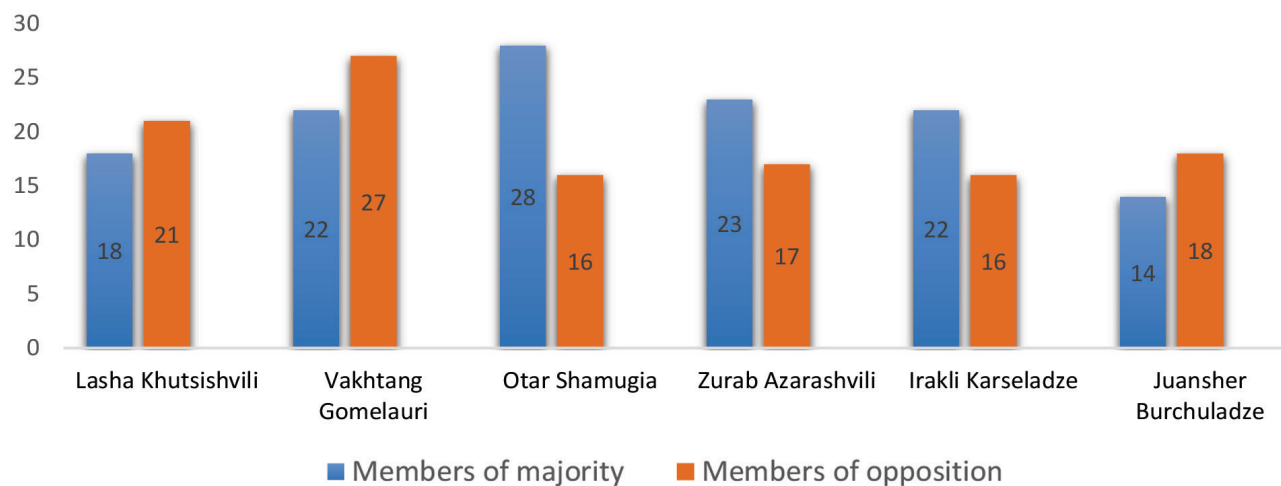


Chart №33

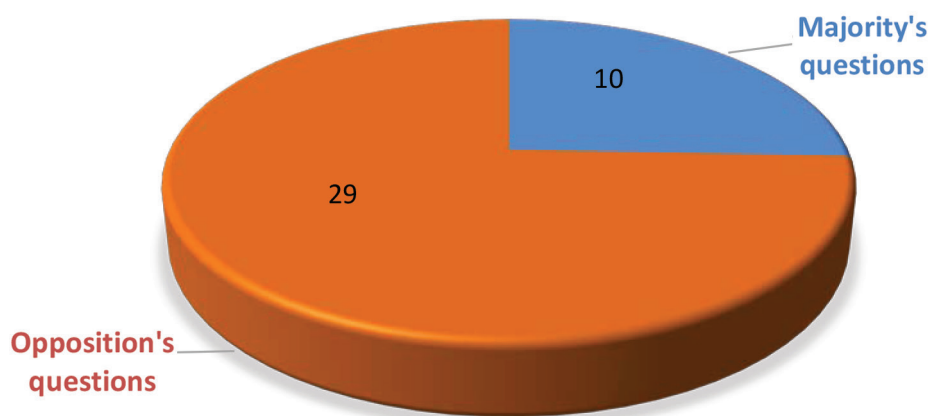
**Performance of the Opposition and Majority MPs during the Ministerial hours at Spring Session 2022**



The representatives of the opposition exercised the right to a clarifying question more often than the majority.

Chart №34

The Number and Authors of Clarifying Questions Asked during the Ministerial Hours at 2022 Spring Session



In contrast to the previous reporting period, when ministers used more time for reporting than is prescribed by the Rules of Procedure, the situation has improved in this respect.<sup>196</sup>The Minister's Hour begins with a speech of a member of the Government of Georgia, for which he/she is given 45 minutes.<sup>197</sup>In the reporting period, only 1 out of 6 ministers exceeded the determined time limit, while in the previous reporting period, this figure was 4.

### 3.3.5. Interpellation

Interpellation is one of the most important parliamentary oversight mechanisms. 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 Government<sup>198</sup>

A total of 4 interpellations were held in the Parliament during the reporting period, 2 of them were initiated by the "Georgian Dream" and 2 by the opposition.<sup>199</sup> In particular:

1. On March 7, 2022, the Minister of Justice of Georgia was invited at the request of the "United National Movement" - United Opposition "Strength is in Unity" parliamentary faction;
2. On April 27, 2022, the Prime Minister of Georgia was invited at the request of seven members of the Parliament of Georgia;
3. On May 10, 2022, at the request of the "Georgian Dream" parliamentary faction, the Minister of Economy and Sustainable Development of Georgia was invited;
4. On May 10, 2022, at the request of the "Georgian Dream" parliamentary faction, the Minister of Foreign Affairs of Georgia was invited.

The above officials appeared before the Parliament of Georgia at the plenary session of May 27, 2022.

196 "Democracy Index - Georgia" report "Performance of the Fall and Extraordinary Sessions of the Parliament of Georgia in 2021 "; 2022, p. 68, see: [https://democracyindex.ge/uploads\\_script/studies/tmp/phpaMki6L.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpaMki6L.pdf) [17.08.2022.]

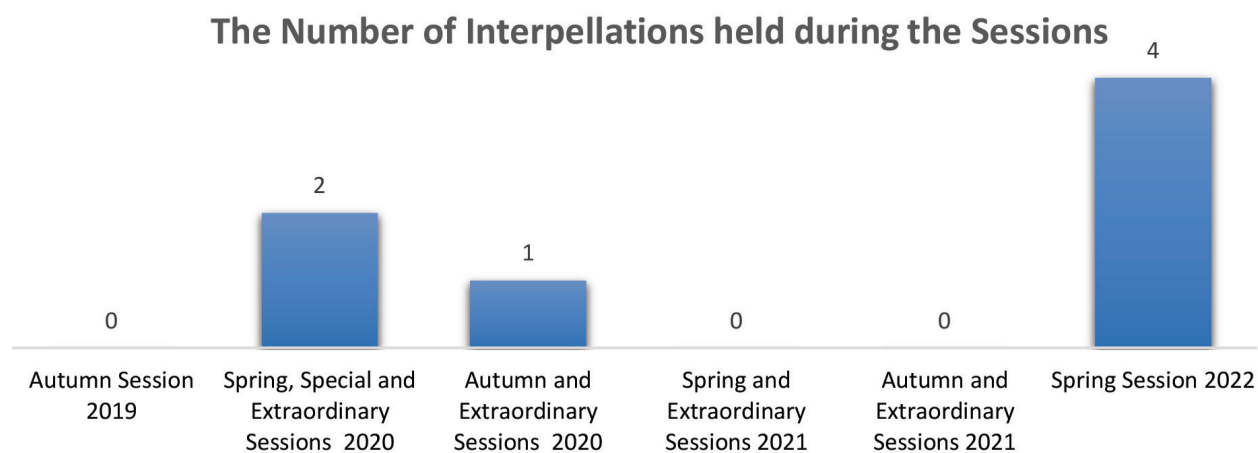
197 Article 153(3) of the Rules of Procedure of Parliament of Georgia.

198 Article 149(1) of the Rules of Procedure of Parliament of Georgia.

199 Letters N6771/2-7/22 of July 25, 2022, and N4884/2-7/22 of May 31, 2022 of the Office of Parliament.

This was the first time when the interpellation procedure was held in the Parliament of the tenth convocation.

Chart №35



Although according to the Rules of Procedure, all four ministers were supposed to have appeared at the plenary session on the last Friday of May,<sup>200</sup> the above provision gave the possibility to define the agenda in a different way.<sup>201</sup> Therefore, the Bureau summoned all four officials on the same day, which significantly reduced the time allocated for asking questions and debating with ministers.

The interpellation lasted until almost midnight. In addition, such allocation of time almost halved the total time prescribed by law for interpellations.<sup>202</sup> The mentioned time and procedure are insufficient for a thorough examination of all matters.<sup>203</sup>

It is noteworthy that the interpellation was requested by the “Georgian Dream” during the 10th convocation only after the opposition presented two initiatives for interpellation. This created the impression that the ruling party’s interpellation initiative was presented in response to the opposition’s interpellation initiatives and served the aim to create additional barriers for the opposition.

**The interpellation of the Minister of Justice of Georgia, Rati Bregvadze** - The interpellation concerned the conditions for inmates created in the special penitentiary service and the extent to which they correspond to the standards established by the legislation of Georgia and international agreements.<sup>204</sup>

The Minister started his speech with party-related announcements. He spoke about the positive

200 Article 149(5) of the Rules of Procedure of Parliament of Georgia.

201 The provision of Article 149(5) of the Rules of Procedure of Parliament “as a rule” allows for discretion. The same provision is in Article 195, which deals with the annual report of the President. According to the existing practice, the date is changed by the Bureau in agreement with the President as needed.

202 Article 149(7) of the Rules of Procedure of Parliament of Georgia.

203 “Democracy Index of Georgia” statement “Hearing four ministers in the Parliament on one day makes the interpellation procedure ineffective and affects the debate”, 25.05.2022. See: [https://democracyindex.ge/index.php?m=261&news\\_id=164](https://democracyindex.ge/index.php?m=261&news_id=164) [17.08.2022.]

204 For the letter sent through interpellation to the Justice Minister, see: <https://info.parliament.ge/file/1/BillReview-Content/301042?> [15.08.2022.]

changes in the penitentiary system and the grave situation under the previous government.<sup>205</sup>

Khatia Dekanoidze, Chairperson of the faction “United National Movement” - United Opposition “Strength is in Unity”, asked questions to the Minister. Later, a debate occurred, in which 4 representatives of the opposition and 7 members of the majority took part. The opposition mainly focused on the condition of Mikheil Saakashvili, while the majority on the achievements of their government.

**Interpellation of the Prime Minister of Georgia, Irakli Gharibashvili** - The question sent through the interpellation concerned any legal or administrative measures that the Georgian government is taking to prevent the Russian Federation and their representatives from evading sanctions.<sup>206</sup>

In his speech, in response to the question posed, the Prime Minister mentioned Georgia’s accession to various resolutions, statements, and declarations made in support of Ukraine, which Georgia supported on various international platforms, as well as the humanitarian aid provided by Georgia for Ukraine. According to the Prime Minister, the Government of Georgia will not allow sanctions to be circumvented. Moreover, the government will act only in the national interest.

The members of the Parliament had not been handed the Prime Minister’s written answers in advance, thus were deprived of the opportunity to familiarize themselves with the document prior to the Prime Minister’s speech.<sup>207</sup> The Rules of Procedure of the Parliament stipulates that the official person must submit the answer to the plenary session in a written form as well,<sup>208</sup> but the results of the monitoring show that the deputies did not have a written answer even during the session. The written answers must be available to MPs at a reasonable time prior to the commencement of the session in order to engage in an effective discussion.

After the Prime Minister’s oral answers, a debate was held, in which the representatives of factions and political groups participated in the manner defined by the Rules of Procedure.<sup>209</sup> A total of 15 representatives of the opposition and 4 representatives of the majority participated.

The Prime Minister devoted the summary part of his speech to criticizing the opposition and talking about the merits of the “Georgian Dream”.

**Interpellation of the Minister of Economy and Sustainable Development of Georgia, Levan Davitashvili** - The question sent by way of interpellation concerned the impact of the recent developments in the world on the country’s economy, the expectations and visions of the Georgian government and what was done and what type of specific steps were planned to be taken to stimulate the economy.<sup>210</sup>

In his speech, the Minister talked about positive changes, as well as challenges facing the country.

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205 See full video recording: <https://www.facebook.com/parliamentgeo/videos/3220013388270023> [15.08.2022.]

206 For the question sent through interpellation to the Prime Minister and the answer received, see: <https://info.parliament.ge/#law-drafting/24209> [15.08.2022.]

207 This was pointed by Davit Usupashvili. 24:00, see: <https://www.facebook.com/parliamentgeo/videos/335471552048050> [15.08.2022.]

208 Article 149(4) of the Parliament’s Rules of Procedure.

209 Article 149(10) of the Parliament’s Rules of Procedure.

210 For the question sent to the Minister of Economy and Sustainable Development and the answer received, see: <https://info.parliament.ge/#law-drafting/24210> [15.08.2022.]

After the Minister's oral answer, a debate was held, in which 10 representatives of the opposition and 8 representatives of the majority took part.

**Interpellation of the Minister of Foreign Affairs of Georgia Ilia Darchiashvili** - The question sent by way of interpellation concerned the issues of Georgia filling out the European Commission's questionnaire and granting the status of a candidate country.<sup>211</sup>The Minister's answers were not specific, yet he expressed expectations that Georgia would receive the candidate status.<sup>212</sup>

After the Minister's oral answer, a debate was held, in which 9 representatives of the opposition and 6 representatives of the majority took part.

In none of the cases did the Parliament pass a resolution after the interpellation.

### **3.3.6. Hearing of government members 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, and the Public Defender of Georgia shall be heard by the Parliament once a respective request is made.<sup>213</sup>In the reporting period, the Parliament did not request to hear a government member or other officials.<sup>214</sup>

## **CHAPTER 4. OTHER THEMATIC ISSUES**

### **4.1. TEMPORARY INVESTIGATIVE COMMISSIONS**

A Temporary Investigative Commission is a temporary entity within the Parliament's activities. It is created by state bodies and public officials with the purpose of investigating any facts of violation of the legislation of Georgia and providing an appropriate response.<sup>215</sup> The Rules of Procedure provides for the creation of two types of commissions. These are investigative and other temporary commissions of the Parliament.<sup>216</sup>

No temporary investigative commissions or other ad-hoc commissions were set up during the reporting period.<sup>217</sup>In the given period, the parliamentary faction "United National Movement- United Opposition "Strength is in Unity" initiated - "the issue of creating a temporary investigative commission to study the fact of alleged violent, insulting, inhuman and humiliating treatment of the third President of Georgia, Mikheil Saakashvili". No vote has been cast at the plenary session over the creation of the commission.

Two investigation commissions were initiated by the opposition in the previous reporting period. The faction "Charles Michel Reform Group" initiated to create a temporary investigative commission

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211 For details of the question sent to the Minister of Foreign Affairs and the answer received, see: <https://info.parliament.ge/#law-drafting/24208> [15.08.2022.]

212 Full video recording of the interpellation, see: [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=727851018453203](https://www.facebook.com/watch/live/?ref=watch_permalink&v=727851018453203) [15.08.2022.]

213 Article 154 of the Rules of Procedure of Parliament of Georgia.

214 Letter N6771/2-7/22 of the Parliamentary Office of July 25, 2022

215 Article 61(1) of the Rules of Procedure of Parliament of Georgia.

216 Articles 61 and 72 of the Rules of Procedure of Parliament of Georgia.

217 Letter N6658/2-7/22 of the Parliamentary Office of July 20, 2022.

“to study the events that took place in Tbilisi on July 5-6, 2021” and the faction “Lelo - Partnership for Georgia” initiated to set up a temporary investigative commission to “study elite corruption”.<sup>218</sup> No voting was held for any of these initiatives at the plenary session.

The process dragged on so long that in the meantime the faction “Charles Michel Reform Group” disbanded to transform itself into a parliamentary political group – the “Reform Group”.<sup>219</sup> Therefore, during the reporting period, the political group re-initiated the issue of “Creation of the temporary investigative commission of the Parliament of Georgia to study the events that took place in Tbilisi on July 5-6, 2021”.

The information requested from the Parliament of Georgia does not indicate any reasons for the postponement of the vote on the above-mentioned investigative commissions.<sup>220</sup> However, MPs and the Speaker of the Parliament, in their public statements, mentioned the difficulty of mobilizing the opposition votes as the reason for the postponement. The political party “Citizens”, “For Georgia” and “European Socialists” refused to support the creation of the investigative commission related to Mikheil Saakashvili.<sup>221</sup> The vote to create an investigative commission related to Mikheil Saakashvili was adjourned at the request of the initiator - the United National Movement - United Opposition “Strength is in Unity” faction.<sup>222</sup>

With respect to the other two initiatives (the initiatives to create temporary investigative commissions to “study the events that took place in Tbilisi on July 5-6, 2021” and “to study elite corruption”), Khatuna Samnidze, a member of the “Republican Party”, noted that she intends to support setting up of an investigative commission on the Saakashvili case. According to her, it is very important that the “National Movement” in turn supports those investigative commissions that are registered in the Parliament but have not yet been voted on due to an insufficient number of votes.<sup>223</sup> Thus, it can be said that collecting the required number of votes of opposition members remains the problem, which hinders the creation of investigative commissions.

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218 “Democracy Index - Georgia”, “Performance of the Spring and Extraordinary Sessions of the Parliament of Georgia in 2021”, 2021, 77. [https://democracyindex.ge/uploads\\_script/studies/tmp/phpbLK1Vd.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpbLK1Vd.pdf) [15.08.2022.] Also, “Democracy Index - Georgia”, “Performance of the Fall and Extraordinary Sessions of the Parliament of Georgia in 2021”, 2022, p. 72. See: [https://democracyindex.ge/uploads\\_script/studies/tmp/phpaMki6I.pdf](https://democracyindex.ge/uploads_script/studies/tmp/phpaMki6I.pdf) [15.08.2022.]

219 The Public Broadcaster, The bureau accepted the cancellation of the factions “Reforms Group” and “Lelo Partnership-Georgia”, 29.11.2021. <https://1tv.ge/news/saparlamento-fraqciebis-reformebis-jgufisa-da-lelo-partniorobasqartvelostvis-gauqmeba-biurom-cnobad-miigho/> [15.08.2022.]

220 Letter N6658/2-7/22 of the Parliamentary Office of July 20, 2022.

221 Radio Liberty, “Investigative commission - does the opposition have 50 votes,” 02/03/2022. See: <https://www.radiotavisupleba.ge/a/31685356.html> [17.08.2022.]

222 Interpressnews, The issue of creating an investigative commission related to Mikheil Saakashvili will not be discussed at today’s plenary session - the faction demands that the issue be postponed, 15.02.2022. See: <https://www.interpressnews.ge/ka/article/695657-mixeil-saakashviltan-dakavshirebuli-sagamoziebo-komisiis-shekmnis-sakitxidgevandel-plenarul-sxdomaze-agar-gava-sakitxis-gadadebas-prakcia-moitxovs> [17.08.2022.]

223 Public broadcaster, Khatuna Samnidze - I plan to support the creation of an investigative commission on the Saakashvili case, but the most important thing is to see the willingness for cooperation from the “National Movement” with the opposition parties, 02.07.2022. See: [https://1tv.ge/news/khatuna-samnidze-vgegnav-mkhari-davuchiro-saakashvilis-saqmeze-sagamoziebo-komisiis-sheqmnas-magram-umnishvnelovanesia-nacionaluri-modzraobismkhridan-tanamshromloba-davinakho/?fbclid=IwAR0sgwNoK6Nh1ZY9rU9K8UYySahH9M\\_btGngDkUsXLrq5Wi8LbRCRD](https://1tv.ge/news/khatuna-samnidze-vgegnav-mkhari-davuchiro-saakashvilis-saqmeze-sagamoziebo-komisiis-sheqmnas-magram-umnishvnelovanesia-nacionaluri-modzraobismkhridan-tanamshromloba-davinakho/?fbclid=IwAR0sgwNoK6Nh1ZY9rU9K8UYySahH9M_btGngDkUsXLrq5Wi8LbRCRD) [17.08.2022.]

The Chairperson of the Parliament repeatedly reminded<sup>224</sup> the opposition of the issue of setting up inquiry commissions and called on them to put the issue to a vote.<sup>225</sup>

#### 4.2. ELECTION/APPOINTMENT OF OFFICIALS

During the reporting period, the Parliament of Georgia elected 11 officials,<sup>226</sup> namely, 2 members of the CEC, the Chairperson of the CEC, 3 members of the Public Broadcaster's Board of Trustees, the Head of Personal Data Protection Service, the Head of the Investigative Service, a member of the Prosecuting Attorneys' Council, a Board member for the Statistics Office and a Board member for the National Bank of Georgia.

Parliament has not yet elected non-judicial members of the High Council of Justice of Georgia. The term of office of the non-judicial members expired in June 2021.<sup>227</sup> The timeframes for the election of non-judge members of the Council of Justice are established by the Organic Law "On Common Courts".<sup>228</sup> Candidates ought to have been selected 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, yet the Parliament has not elected the members to the vacant position for more than a year.

The quorum for selecting candidates for the positions is three-fifths of the full composition of Parliament (90 votes). 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 the lack of this consensus that the High Council of Justice has been operating for several months without non-judicial members.

This is evidenced by the results of the voting held for the appointment/election of officials. As a rule, where the participation of the opposition is not mandatory, decisions are made mostly on a one-party basis, with little participation of the opposition. None of the candidates had broad and multi-party consensus support.

In 2 cases - a member of the Prosecutorial Council and a member of the Board of Trustees of Public Broadcaster - members for specific vacancies were supposed to be elected by the opposition quota and the candidates received the support of the majority. The opposition supported the member of the Board of Trustees of Public Broadcaster, determined by the majority quota. In 1 case, the voting results were kept secret.<sup>229</sup>

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224 Interpressnews, Shalva Papuashvili appeals to the "National Movement" to submit the issue of creating an investigative commission to study alleged violence against Mikheil Saakashvili for consideration at the plenary session, 05.02.2022. See: <https://www.interpressnews.ge/ka/article/708702-shalva-papuashvili-nacionalur-mozraobas-mimartavs-mixeil-saakashvilis-mimart-shezazlo-zaladobis-shemscavleli-sagamoziebo-komisiis-shekmnis-sakitxigansaxilvelad-plenarul-sxdomaze-caradginon> [17.05.2022.]

225 Parliament Bureau session, May 2, 2022, also May 30;

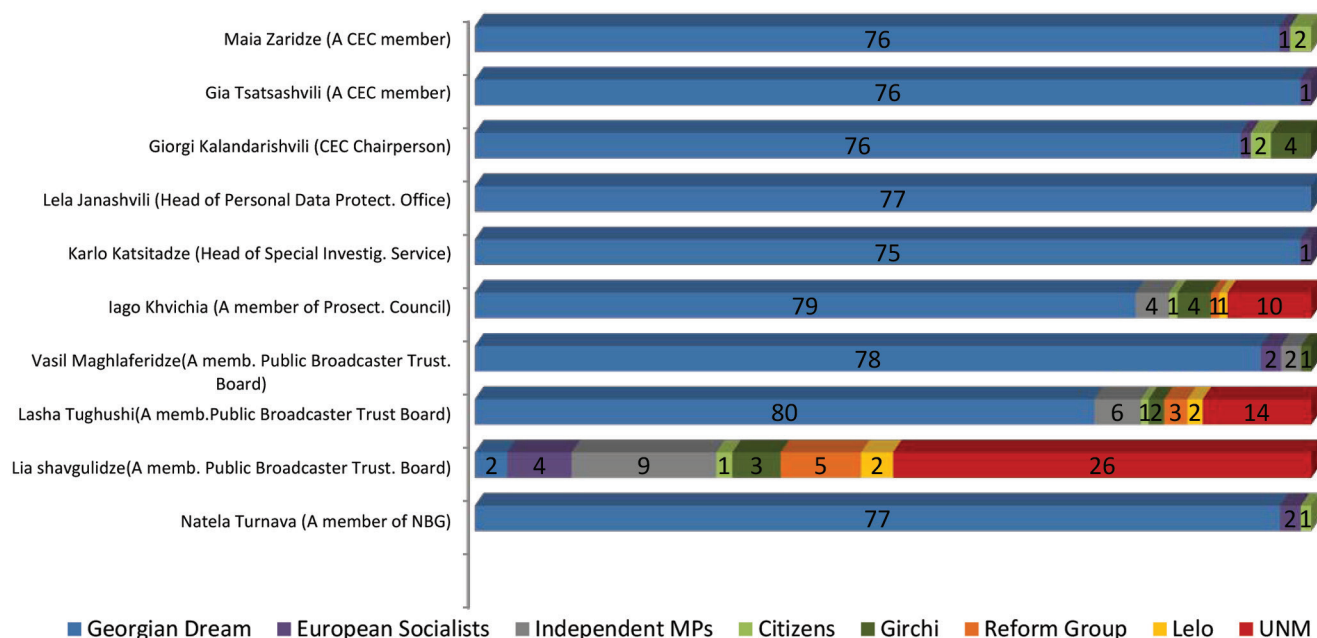
226 Letter N6562/2-7/22 of the Office of the Parliament of Georgia dated July 19, 2022.

227 The term of office of four non-judicial members of the High Council of Justice of Georgia has expired, 22.06.2021, <https://bit.ly/3r9zAzO> [28.01.2022]

228 Article 47(12) of the Law on Common Courts.

229 Gogita Todradze, a member of the GeoStat Council.

Chart №36



When supporting candidates nominated by each other, the motivation of the majority and the opposition is mostly revenge, rather than an impartial attitude to a specific candidate, or the interest to strengthen the institution. The factual circumstances around the election of Lia Shavgulidze, a member of the Board of Trustees of the Public Broadcaster, are worth mentioning. The majority did not support her in the first vote, despite the fact that her candidacy as a member of the Board of Trustees of the Public Broadcaster was submitted by the opposition quota.<sup>230</sup> Mamuka Mdinardze, the Chairperson of the parliamentary majority faction, said that the “National Movement” refused to support the candidate nominated by the “Georgian Dream” quota, which is why “Georgian Dream” would not support the candidate nominated by the “National Movement” quota.<sup>231</sup>

## RECOMMENDATIONS

- The Parliament should support the pending constitutional amendments to the electoral system, taking into consideration the opinions submitted by the organization.
- Decisions related to the arrangement and operation of independent institutions should be made based on an inter-party consensus;

230 Lia Shavgulidze is nominated as a member of the Public Broadcaster’s Board of Trustees with the National Movement quota, 12.04.2022, <https://1tv.ge/news/nacionaluri-modzraobis-kvotit-sazogadoebrivi-mauwyebliis-sameurveo-sabchos-wevrobis-kandidad-lia-shavgulidzea-wardgenili/> [11.08.2022.]

231 Public Broadcaster, the Parliament approved Lasha Tughushi and Vasil Maglaferidze as members of the Board of Trustees of Public Broadcaster and rejected Lia Shavgulidze’s candidacy, 13.04.2022. See: <https://1tv.ge/news/parlamentma-sazogadoebrivi-mauwyebliis-sameurveo-sabchos-wevrebada-lasha-tughushi-da-vasil-maghlaferidze-daamtkica-lia-shavgulidzis-kandidatura-ki-chavarda/> [11.08.2022.]



- The Parliament should start developing a realistic reform of the judicial system, among them ensuring the implementation of the Constitutional Court's Decision N1/4/693, 857 of June 7, 2019;
- The vicious practice of reviewing draft laws in an expedited manner must be eradicated.
- The Parliament should increase the frequency and efficiency of the oversight mechanisms.
- Increase mandatory use of RIAs
- Laws affecting the rights of the child must be adopted based on an impact assessment by the Council on the Rights of the Child
- Amendments should be made to the Rules of Procedure of the Parliament to determine that committee chairpersons should be elected proportionally from representatives of the parliamentary majority and the opposition.
- Amend the Rules of Procedure of Parliament to provide that annual reports by persons accountable to Parliament should be discussed at the same or the next session.
- Amend the Rules of Procedure of Parliament to reduce the number of votes to 1/3 needed to make a decision on summoning an official to the plenary session.
- The Rules of Procedure of the Parliament should be amended to determine that prior to a Ministerial Hour, ministers should submit a report to members of the Parliament in a written form, at least one week before, and the Parliament should evaluate the report based on a resolution;
- Parliament should demonstrate an equal approach to the consideration of draft laws, irrespective of the initiators, and review any bills initiated by the parliamentary opposition in a timely manner;
- The Rules of Procedure of the Parliament must determine the manner of publication of the conducted debates and require publishing both a video recording and a written form of debates on the Parliament's website. By amending the Rules of Procedure, the intervals of officials appearing in the Parliament through the interpellation should be reduced; the interpellation must be conducted within one month after a respective request (during the session period). In addition, it is necessary to determine that no more than 2 officials per day should be listened to. It should be determined that a person summoned by the interpellation must submit his/her written answer to the plenary session no later than 2 days before the start of the session.
- Any decision concerning the election of officials and heads of independent bodies provided for in the Constitution should be made by the Parliament based on a broad consensus, with the involvement of the opposition parties;
- With the view to increasing the effectiveness of civic engagement, committees should be required to proactively publish opinions of civil society organizations and specify the reasons for accepting or rejecting such opinions in a 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;
- After the completion of each session, detailed information must be proactively published about the following mechanisms: ♣ law enforcement oversight; ♣ the compliance of by-laws with laws; ♣ supervisions carried out 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; ♣ an analysis of the activities of administrative bodies; ♣ hearing reports of

accountable persons; ♣ analysis of judicial practice; ♣ appearance of officials summoned to a committee sitting in a mandatory manner; ♣ the number of legislative initiatives presented by committees; ♣ the number of legislative proposals submitted to the Parliament;

- To develop a uniform format of the documentation created during the thematic research, indicating the exact periods of the beginning and end of the thematic inquiry.