



# PARLIAMENTARY CONTROL RELATED TO THE MANAGEMENT OF THE PANDEMIC

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# INTRODUCTION

The study provides the assessment of the parliamentary oversight of the government's performance in managing the pandemic exercised during the period between 21 March 2020 and 31 December 2021, and its results.

During the COVID-19 pandemic, the Parliament of Georgia failed to carry out effective control of the government's performance. The legislature fully delegated its power of restricting fundamental human rights to the government. The Parliament also failed to scrutinize the compliance of the pandemic-related normative acts issued by the government with Georgian legislation. Assessment of the necessity and proportionality of specific restrictive measures introduced by the government was left beyond parliamentary oversight.

The purpose of the study is to evaluate the parliamentary oversight of the government during the pandemic, particularly, the use of parliamentary control mechanisms in connection with the pandemic and important pandemic-induced problems. The parliamentary oversight of the government performance is especially important during the crisis caused by the COVID-19 pandemic, at a critical time for the country. The reporting period coincided with the electoral processes and political tensions that ultimately affected the exercise of parliamentary oversight.

## METHODOLOGY

The study is based on the analysis of the legislation and rulings of the Constitutional Court of Georgia, as well as information requested from the Parliament, data available at the Parliament's official website, and the findings of the observation conducted by TI Georgia within the framework of the parliamentary monitoring project.

## KEY FINDINGS

The problems typical for the parliamentary oversight in Georgia were identified in the process of exercising parliamentary control related to the COVID-19 pandemic and accompanying problems.

- At the critical time for the country, the Parliament failed to fully exercise parliamentary control largely due to several reasons: political crisis in the country; frequent cases of neglecting the parliamentary control mechanisms by the members of the government; frequent boycotts by the opposition; lack of the parliamentary oversight traditions and the legislation that does not give enough powers to the opposition.
- Even limited powers given to the opposition are not exercised properly, because the government does not cooperate with the opposition and mostly neglects their initiatives on exercising parliamentary oversight, while the parliamentary control carried out by the majority is ineffective and mostly has a formal nature.
- Parliamentary control mechanisms were not effectively applied in the process of management of the pandemic, as well as important accompanying problems, such as corruption risks during the pandemic, public procurements, changes implemented in the sphere of education and so on. The Parliament's Education and Science Committee did not summon the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia to its sitting.
- During the coronavirus pandemic, the Minister of Education was not summoned to the sitting of the Education and Science Committee to discuss the issue of online learning. The Committee established a thematic inquiry group on this issue only a year after the COVID-19 outbreak.
- The Budget and Finance Committee discussed the budgetary issues related to the coronavirus pandemic within the framework of the budget performance report; however, it held no separate sitting either regarding this issue or the issue of public procurements. The legislature did not use the parliamentary control mechanisms to identify the increased risks of corruption and alleged corruption schemes during the pandemic.
- The opposition factions failed to summon a member of the government or an accountable person to the committee sittings to discuss the pandemic-induced crisis. During the reporting period, the factions summoned accountable persons to committee sittings several times, but they did not show up. The Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs was among the persons summoned to the sittings. The committees, however, had never summoned a member of the government or an accountable person over these issues.
- During the state of emergency (from 21 March 2020 to 22 May 2020), the parliamentary committees, factions, and individual MPs did not use the following control mechanisms:

- ▶ Ministerial hour;
- ▶ Oversight of normative acts enforcement;
- ▶ The Parliament did not ask the Prime Minister to submit a progress report on the implementation of the government program;
- ▶ The parliamentary committees and factions did not summon a member of the government, an official accountable to the Parliament, or a head of the agency accountable to the Parliament to plenary sessions.
- ▶ The Parliament (by simple majority, but not less than one-third of all Members of the Parliament) did not summon a member of the government, an official accountable to the Parliament, or a head of the agency accountable to the Parliament to plenary sessions.
- During the reporting period, the parliamentary committees did not scrutinize the compliance of the pandemic-related normative acts issued by the government with the Georgian legislation as well as the status of their implementation. This mechanism provides an opportunity to identify shortcomings and develop relevant recommendations. In the situation, when the executive government was given full discretion for restricting human rights, the application of this mechanism for exercising the Parliament's oversight function would be extremely important.
- Thematic inquiry groups were established to study the issues related to the pandemic. Part of these groups have already completed their work; however, the public has no information about fulfilling the recommendations. It is important for the government to fulfill the developed recommendations that will become the subject of our monitoring in the future.
- During the reporting period, Georgian MPs, mostly from the opposition, posed questions related to the COVID-19 pandemic; however, accountable persons left part of these questions unanswered.

# CHAPTER I. DECLARATION AND EXTENSION OF THE STATE OF EMERGENCY

Georgia reported the first case of the novel coronavirus<sup>1</sup> on February 26, 2020. This was mainly the point when the government started imposing certain restrictions to tackle the pandemic. Initially, most of the restrictions were of recommendatory nature. They became obligatory only after the state of emergency was declared on 21 March 2020.

The President's [Decree](#) No 1 dated 21 March 2020 established grounds for blanket derogation of rights, while the powers of determining the nature and scope of specific restrictions were delegated to the government. Moreover, regulation of certain issues fell within the competence of the ministries. As a result, the government was granted a broad discretion in terms of restricting the rights.

Effective parliamentary oversight would have been ensured only if the presidential edict had clearly determined a specific scope of the derogation of rights, within which the government would have been able to act. Contrary to this, the presidential edict did not clearly define the scope for derogation of constitutional rights, correspondingly, making decisions, essential and on merit, concerning interference with the rights fell completely within the competence of the government. As a result, the assessment of the necessity and proportionality of specific restrictive measures implemented by the government was left beyond the parliamentary control. It should also be noted that initially the state of emergency was declared for the period through 21 April 2020, but was later extended until May 22. The Parliament adopted the decision on the declaration of the state of emergency unanimously, but the issue of its extension caused a heated debate amongst MPs. The opposition parties demanded that, before making this decision, the government present an anti-crisis plan and a performance report about the actions implemented until that moment. Eventually, the Parliament approved the decision<sup>2</sup>.

It should also be noted here that several lawsuits were filed with the Constitutional Court of Georgia, challenging the decisions on declaration of the state of emergency and delegation of powers to the government. The court has yet to rule on part of them.<sup>3</sup> The Constitutional Court also considered the lawsuit, challenging the compliance of the curfew with the Constitution. The court dismissed the lawsuit<sup>4</sup>.

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1 On 11 March 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic.

2 See detailed information in "Managing the Challenges of COVID-19 - Government Actions Evaluation Report", Transparency International Georgia, 2 July 2020, <https://transparency.ge/en/post/managing-challenges-covid-19-government-actions-evaluation-report>.

3 See detailed information about other lawsuits here: "Managing the Challenges of COVID-19 - Government Actions Evaluation Report", Transparency International Georgia, 2 July 2020, <https://transparency.ge/en/post/managing-challenges-covid-19-government-actions-evaluation-report>. p.40.

4 The ruling from 16 December 2021 into the case "Mikheil Samnidze vs. the Government of Georgia".

## CHAPTER II. DELEGATION OF POWERS BY THE PARLIAMENT TO THE GOVERNMENT AFTER THE STATE OF EMERGENCY

In 2020, the Parliament endorsed the amendments to [the Law of Georgia on Public Health](#), which made it possible to restrict some of the fundamental human rights without declaring a state of emergency, through quarantine measures. The rules and the scope of restrictions are determined by the government. As the Parliament did not exercise oversight over the government's decisions and activities, the issue of determining the necessity and proportionality of the government's decisions and implemented measures during the pandemic, including the mechanisms for restricting the rights guaranteed by the Constitution was left beyond the scope of control.

During the stage of consideration of the draft law, we noted<sup>5</sup> in our assessments that the legislative amendments were in conflict with the Constitution of Georgia and gave the Government of Georgia the authority to restrict those basic human rights, which, according to the Constitution, can only be restricted during the state of emergency and with the decision of the Parliament<sup>6</sup>. By adopting this law, the Parliament in fact refused to perform its basic function during a critical period for the country and by imposing quarantine measures, it declared a de facto state of emergency.

The non-government organizations appealed this particular law in the Constitutional Court. On 11 February 2021, the court dismissed the claim in the general part<sup>7</sup>. The transfer of authority was declared unconstitutional only in part of the right to labor. The judge of the first collegium of the Constitutional Court - Giorgi Kverenchkhiladze disagreed with the court's ruling and wrote a [different opinion](#) on this decision. **We believe that the decision of the Constitutional Court of Georgia is not in line with the principle of separation of powers in a democratic state and negatively affects the establishment of the Parliament as a strong institution.** This ruling is in conflict with the recommendations of international organizations and the standards introduced by them, according to which the Parliament shall control and oversight the rightfulness and adequacy of urgent measures implemented by the executive government and their compatibility with democratic standards. It shall oversee the proportionality and the terms of restriction of freedom, the purposeful provision of economic assistance and financial resources<sup>8</sup>.

The terms of delegation of powers envisaged by [this law](#) to the government were extended four times and it still remains in force even today<sup>9</sup>.

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5 See detailed information about other lawsuits here: "Managing the Challenges of COVID-19 - Government Actions Evaluation Report", Transparency International Georgia, 2 July 2020, <https://transparency.ge/en/post/managing-challenges-covid-19-government-actions-evaluation-report> "It is unconstitutional to impose restrictions without a state of emergency", 19 May 2020, <https://transparency.ge/en/post/it-unconstitutional-impose-restrictions-without-state-emergency> .

6 Assessment of the Performance of the Parliament of the Ninth Convocation, Transparency International Georgia, 2 April 2021, <https://transparency.ge/en/post/assessment-performance-parliament-ninth-convocation> p.20.

7 The ruling of the Constitutional Court of Georgia of February 11, 2020 on the case - Paata Diasamidze, Giorgi Chitidze, Eduard Marikashvili and Lika Sajaia vs. the Parliament of Georgia and the Government of Georgia, see: <https://www.constcourt.ge/ka/judicial-acts?legal=10658>.

8 See detailed information about international standards <https://transparency.ge/en/post/parliamentary-control-assessment-2019-2020>

9 The law on delegating powers to the government was extended to 1 January 2023.



# CHAPTER III. USE OF INDIVIDUAL PARLIAMENTARY CONTROL MECHANISMS DURING THE CORONAVIRUS PANDEMIC

## 3.1. ANNUAL REPORT OF THE PRIME MINISTER

- **Annual report of the Prime Minister**

The Prime Minister shall submit a report on the progress of the government program to the Parliament in the final month of plenary sittings of a spring session. The report shall be submitted to the Parliament in writing before June 1<sup>10</sup>.

- **Report of the Prime Minister of Georgia**

The Parliament shall be entitled to request the Prime Minister of Georgia to submit a report on the implementation of a certain aspect of the government program. The Parliament shall take a decision on requesting the submission of the report on the basis of a request from a committee or a faction by a majority of votes of members attending a plenary session, but by not less than one third of the full composition of Parliament<sup>11</sup>.

During the reporting period, MPs heard the Prime Minister's report **twice**:

Prime Minister Giorgi Gakharia submitted a progress report on the implementation of the government program to the Parliament on 29 May 2020. On 26 June, he [appeared](#) before the Parliament to give an oral presentation about the implementation of the 2019-2020 government program.

On 25 June 2021, Prime Minister Irakli Garibashvili [submitted](#) an annual progress report on the implementation of the government program to the Parliament's plenary session.

Both reports covered, among others, the issues related to the pandemic.

## 3.2. HEARINGS OF A MEMBER OF THE GOVERNMENT AND OTHER OFFICIALS AT PLENARY SESSIONS

- **Hearings of a member of the Government and other officials**

A member of the Government of Georgia, an official accountable to the Parliament, a head of the body accountable to the Parliament, and the Public Defender of Georgia shall be heard by the Parliament upon request<sup>12</sup>.

10 The Rules of Procedure of the Parliament of Georgia, Article 150, 06/12/2018, 3875-რს, <https://bit.ly/3DcFzHz> .

11 The Rules of Procedure of the Parliament of Georgia, Article 151, 06/12/2018, 3875-რს, <https://bit.ly/3DcFzHz> .

12 The Rules of Procedure of the Parliament of Georgia, Article 154, 06/12/2018, 3875-რს, <https://bit.ly/3DcFzHz>.

On May 21, 2020, then Prime Minister Giorgi Gakharia [applied](#) to the Parliament with a request to submit a performance report covering the issues of pandemic. On May 27, he submitted a report to the Parliament on tackling the pandemic<sup>13</sup>.

The Interior Minister also applied to the Parliament on 13 July 2021 with a request to submit a report to the plenary session. The report covered the Interior Ministry's response to recent developments in the country. The hearing was scheduled on 18 July 2021. The Interior Minister appeared before the Parliament, but he was immediately interrupted by the opposition parties who approached the rostrum and did not allow him to continue his address<sup>14</sup>. The Parliament postponed the hearing, citing the opposition's actions.

### 3.3. THEMATIC INQUIRY

Based on a decision of a committee or a permanent Parliamentary Council, a thematic inquiry group consisting of MPs may be established to study an important issue and develop a relevant draft decision<sup>15</sup>.

During the inquiry on the issue, it shall be mandatory to hold a hearing of the issue, where interested persons, specialists and experts in relevant fields, as well as representatives of an administrative body to whom the issue directly concerns, shall be invited.

A thematic inquiry group shall prepare a conclusion, which shall be submitted to the Parliamentary Bureau or a committee.

**23** [thematic inquiry groups](#) were formed during the reporting period. Six of them were tasked to discuss the issues related to the COVID-19 pandemic. During the reporting period, in four out of six cases, a thematic inquiry group submitted a conclusion. The table below provides the list of thematic inquiry groups:

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13 The Rules of Procedure of the Parliament of Georgia, Article 154, 06/12/2018, 3875-რს, <https://bit.ly/3DcFzHz>

14 Vakhtang Gomelauri's Address Postponed, 17.07.2021 <https://bit.ly/3tXD5JF> .

15 The Rules of Procedure of the Parliament of Georgia, Article 155, 06/12/2018, 3875-რს, <https://bit.ly/3DcFzHz> .

Committee	Thematic inquiry group	Activity
Agrarian Issues Committee	<p><i>“Impact of COVID-19 pandemic on the production and realization of agricultural products”</i>  <i>Date of formation: <u>15.04.2021</u></i></p>	<p>The thematic inquiry was carried out in a period between April 2021 and August 2021. Within the framework of the inquiry, the thematic inquiry group held oral hearings of the private sector, persons submitting substantiated positions, and public agencies. Eventually, the group received seven substantiated positions from the private sector and public agencies held one oral hearing and heard two persons. The information about the report prepared by the group was submitted and approved at the October 12, 2021 <a href="#">committee hearing</a><sup>16</sup>. The conclusion involves subsequent recommendations for the Ministry of Environment Protection and Agriculture and the National Statistics Office.  <i>Members of the group: Khatia Tsilosani (majority), Shalva Kereselidze (opposition, non-faction MP), Goderdzi Chankseliani (majority)</i></p>
Education and Science Committee	<p><i>“Impact of COVID-19 pandemic on general education system in Georgia”</i>  <i>Date of formation: 24.05.2021</i></p>	<p>The thematic inquiry group received information from public and private general education institutions, public agencies, international and non-governmental organizations working on sectoral issues, as well as individual interested persons. The group submitted a <a href="#">report</a>.  <i>Members of the group: Shalva Papuashvili, Giorgi Amilakhvari, Tamar Talishvili (majority).</i></p>
Healthcare and Social Issues Committee	<p><i>“Impact of the measures implemented by the executive bodies in response to the COVID-19 challenges on the efficiency of Georgia’s social protection system”</i>  <i>Date of formation: <u>05.07.2021</u></i></p>	<p>According to the information received from the Parliament, during the reporting period, the thematic inquiry group received information covering the issues of inquiry from 14 various sources. The group had not completed its work during the reporting period.  <i>Members of the group: Davit Sergeenko (majority), Ramina Beradze (majority), Irma Zavrardashvili (majority), Nona Mamulashvili (opposition)</i></p>

16 See details in the Agrarian Issues Committee records #17, 12 October 2021, <https://bit.ly/3HvsqMf>.

Sector Economy and Economic Policy Committee	“Renewed strategy of tourism sector in the crisis and post-crisis periods and its economic consequences Date of formation: 19.07.2021	The thematic inquiry group received information from 11 various sources. The group had not completed its work during the reporting period. <i>Members of the group: Davit Songulashvili (majority), Gocha Enukidze (majority), Bezhan Tsakadze (majority), Khatuna Samnidze (opposition), Levan Mgaloblishvili (majority), Gela Samkharauli (majority), Khatia Tsilosani (majority), Irakli Zarkua (majority)</i>
Sector Economy and Economic Policy Committee	“Key challenges facing small and medium businesses and facilitating mechanisms in the crisis and post-crisis periods” Date of formation: <u>25.05.2021</u>	On December 30, the committee presented a <a href="#">conclusion</a> prepared by the group. <i>Members of the group: Davit Songulashvili (majority), Eka Sepashvili (majority), Gocha Enukidze (majority), Maka Bochorishvili (majority), Khatia Tsilosani (majority), Mariam Lashkhi (majority), Mikheil Daushvili (opposition), Beka Liluashvili (opposition)</i>
Permanent Parliamentary Gender Equality Council	“Women’s participation in the informal economy and the impact of COVID-19 on them” Date of formation: <u>27.04.2021</u>	On December 3, the thematic inquiry group presented a <a href="#">conclusion</a> , involving 16 recommendations and the timeframes of their fulfillment. <i>Members of the group: Khatia Tsilosani (majority), Ramina Beradze (majority), Mariam Lashkhi (majority)</i>

See detailed information about the thematic inquiry groups operating during the reporting period in the [Annex](#).

### 3.4. INTERPELLATION

A group composed of at least seven MPs, and a faction, shall be entitled to ask a question to the Government of Georgia, other bodies accountable to the Parliament, members of the Government through the procedure of interpellation. The addressee is obliged to answer the question personally at a parliamentary plenary session.

Interpellation is held in the Parliament twice every session: in March and May during a spring session and September and November during an autumn session.

**Two** interpellations were held during the reporting period. In both cases, MPs discussed, among others, the issues related to the pandemic<sup>17</sup>.

### Information about the questions posed through the interpellation procedure and its results

Date	Faction	Addressee	Number of questions and topics
5.05.2020	National Movement	Prime Minister Giorgi Gakharia <b>Date of interpellation:</b> <b>29.05.2020</b>	Poverty reduction measures during the state of emergency, child and pensioner poverty
8.05.2020	European Georgia; European Georgia - Regions; European Georgia - Movement for Freedom	Prime Minister Giorgi Gakharia <b>Date of interpellation:</b> <b>29.05.2020</b>	<ol style="list-style-type: none"> <li>1. Tax rate cuts;</li> <li>2. Use of the Pension Fund monies;</li> <li>3. Assistance to self-employed people;</li> <li>4. Size of assistance to job losers;</li> <li>5. Delay in presenting the anti-crisis plan;</li> <li>6. Reduction of bureaucratic expenditure;</li> <li>7. Selective application of state of emergency restrictions.</li> </ol>
3.09.2020	European Georgia; European Georgia - Regions; European Georgia - Movement for Freedom	Minister of Economy and Sustainable Development Natela Turnava <b>Date of interpellation:</b> <b>18.09.2021</b>	<ol style="list-style-type: none"> <li>1. Expedience of tax rate cuts;</li> <li>2. Expedience of cutting bureaucratic expenditure and ineffective state programs;</li> <li>3. Reason of denial to allow tourist charter flights;</li> <li>4. Different approaches to the use of forced quarantine measures for Georgian citizens and foreigners;</li> <li>5. Problems in compiling a list of safe countries;</li> <li>6. Expedience of refusal to perform flights to safe foreign countries.</li> </ol>

17 “The Prime Minister answered the questions asked through the procedure of interpellation at the Parliament’s plenary session,” <https://bit.ly/308j3Ru>; “Minister of Economy and Sustainable Development Natia Turnava appeared before the Parliament through the procedure of interpellation,” <https://bit.ly/3qqn2UL>.

14.05.2021	A group composed of at least seven MPs (MPs: Teona Akubardia, Grigol Vashadze, Giorgi Vashadze, Davit Bakradze, Khatuna Samnidze, Paata Manjgaladze, Zurab (Girchi) Japaridze) [according to the information received from the Parliament, hearings of these persons will be held at an autumn session].	<ol style="list-style-type: none"> <li>1. Prime Minister Irakli Garibashvili</li> <li>2. Minister of Foreign Affairs</li> <li>3. Minister of Finance Lasha Khutsishvili</li> <li>4. Minister of Education and Science Mikheil Chkhenkeli</li> </ol>	<ol style="list-style-type: none"> <li>1. Inflation issue; the impact of the pandemic on small and medium business and the position towards restrictive measures (curfew, etc.) during the summer season; methodology of calculating subsistence minimum; the issue of paying pensions by exclusively one bank.</li> <li>2. The Ministry's de-occupation strategy: "Tatunashvili-Otkhozoria List"; NATO membership strategy; the situation regarding the accession to the European Union in 2024; the work on the UN resolution on refugees and IDPs.</li> <li>3. On the monetary policy; on an excise rate; the issue of stimulating tourism sector and local production; foreign debt.</li> <li>4. The issue of compliance of budget amount and implemented policy; the issue of fiscal and management decentralization of a school; the impact of COVID-19 pandemic on the education sector; the Ministry's plans in this respect.</li> </ol>
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### 3.5 MINISTERIAL HOUR

The Ministerial Hour entails the reporting, once a year, by certain members of the Government (except for the Prime Minister of Georgia), before a plenary session of the Parliament on respective components of the implementation of the government program.

This control mechanism was not used during the state of emergency (from 21 March 2020 to 22 May 2020). Although a [schedule](#) of ministerial hours for the whole year had been drawn up prior to declaring the state of emergency, actually no ministerial hours were [held](#) in the Parliament<sup>18</sup> which constitutes the violation of the Rules of Procedure. This

18 See detailed information in the statistical data on the parliamentary control carried out in 2020 available at the Parliament's website <https://bit.ly/30jXoWC>. Three ministerial hours scheduled before declaring the state of emergency were held <https://info.parliament.ge/file/1/OpenFile/3931>.

mechanism would have enabled the Parliament to hear reports on separate important issues directly from ministers, especially as by the presidential edict, regulation of certain issues fell within the competence of the ministries.

A total of 11 ministerial hours were scheduled in 2020; however, only seven of them were held during the year. The majority of opposition lawmakers did not attend the sessions as they boycotted the Parliament.

<b>Ministerial hours, which were not held in the reporting period</b>	
<i>Scheduled date</i>	<i>Accountable person/agency</i>
April 14–16	Minister of Environmental Protection and Agriculture of Georgia - Levan Davitashvili
April 28 - May 1	Minister of Internal Affairs of Georgia - Vakhtang Gomelauri
May 15	Minister of Education, Science, Culture and Sport of Georgia - Mikheil Chkhenkeli
May 27–29	Minister of Justice of Georgia - Tea Tsulukiani
June 23–26	Minister of Foreign Affairs of Georgia - David Zalkaliani
September 1–4	Minister of Economy and Sustainable Development of Georgia - Natela Turnava
September 1–4	State Minister of Georgia for Reconciliation and Civic Equality - Ketevan Tsikhelashvili

As for the year 2021, all ministerial hours were held as scheduled.

<b>Ministerial hours held in the reporting period</b>	
<b>Period</b>	<b>Accountable person/agency</b>
12.06.20	Minister of Defense
17.02.21	Minister of Regional Development and Infrastructure
05.03.21	Minister of Internal Affairs
18.03.21	Minister of Environment Protection and Agriculture
28.04.21	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection
13.05.21	Minister of Defense

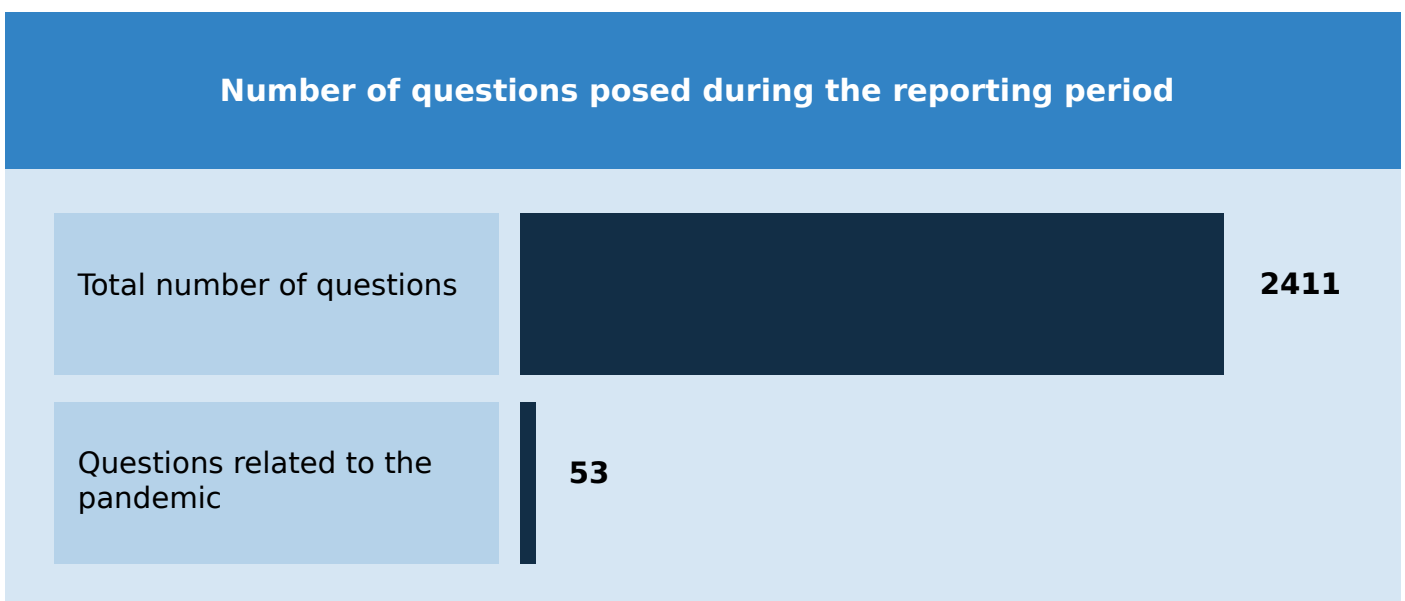
11.06.21	Minister of Finance
18.11.21	State Minister of Georgia for Reconciliation and Civic Equality
19.11.21	Minister of Foreign Affairs
01.12.21	Minister of Education and Science
03.12.21	Minister of Culture, Sports and Youth
16.12.21	Minister of Economy and Sustainable Development
17.12.21	Minister of Justice

### 3.6. QUESTIONS OF THE MEMBERS OF THE PARLIAMENT

An MP shall be entitled to address with a question the Government of Georgia, other bodies accountable to the Parliament, a member of the Government, government bodies of territorial units at any level, and state institutions. Giving timely and complete answers shall be obligatory. A question shall be given in writing.

In the reporting period, **18** MPs addressed an accountable person/agency with **53** questions related to the pandemic. **41** out of them were answered. **38** questions were posed by the opposition and **15** - by the majority. The majority of questions related to the pandemic were posed by MP Mikheil Sarjveladze from the parliamentary majority and Giorgi Kandelaki (12 questions) from the opposition.

*Number of questions posed by MPs during the reporting period*





The table below lists the addressees who did not answer the questions of MPs:

<b>Author of the question</b>	<b>Addressee</b>
Giorgi Kandelaki, European Georgia	<b>Acting Mayor of Batumi</b> - Archil Chikovani
Giorgi Kandelaki, European Georgia	<b>Mayor of Tbilisi Municipality</b> - Kakha Kaladze
Giorgi Kandelaki, European Georgia	<b>Mayor of Poti</b> - Gocha Kurdgelia
Nino Tsilosani, Georgian Dream	<b>Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection</b> - Ekaterine Tikaradze
Ana Buchukuri	<b>Prime Minister</b> - Irakli Garibashvili
Mikheil Sarjveladze, Georgian Dream	<b>Parliamentary Secretary of the Government</b> - <b>Beka Dochviri</b>
Roman Gotsiridze, United National Movement - United Opposition “Strength is in Unity”	<b>Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection</b> - Ekaterine Tikaradze
Nikoloz Samkharadze, Georgian Dream	<b>Minister of Foreign Affairs</b> - David Zalkaliani
Teona Akubardia, Charles Michel Reform Group	<b>Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection</b> - Ekaterine Tikaradze
Ana Natsvlishvili, Lelo - Partnership for Georgia	<b>Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection</b> - Ekaterine Tikaradze
Mikheil Sarjveladze, Georgian Dream	<b>Minister of Finance</b> - Lasha Khutsishvili
Mikheil Sarjveladze, Georgian Dream	<b>Minister of Internal Affairs</b> - Vakhtang Gomelauri

See detailed information about the questions related to the pandemic in the [Annex](#).

# CHAPTER IV. PARLIAMENTARY CONTROL MECHANISMS NEGLECTED DURING THE CORONAVIRUS PANDEMIC

## 4.1. Mechanisms neglected by the Parliament during the state of emergency

*During the state of emergency, the parliamentary committees, factions and individual MPs did not use the following control mechanisms:*

- ▶ *Ministerial hour*
- ▶ *Oversight of normative acts enforcement*
- ▶ *The Parliament did not ask the Prime Minister to submit a progress report on the implementation of the government program*
- ▶ *The parliamentary committees and factions did not summon a member of the government, an official accountable to the Parliament or a head of the agency accountable to the Parliament to plenary sessions.*
- ▶ *The Parliament (by simple majority, but not less than of one third of all Members of the Parliament) did not summon a member of the government, an official accountable to the Parliament or a head of the agency accountable to the Parliament to plenary sessions.*

## 1.2 Attendance of plenary sessions by officials

- ▶ *The Parliament did not ask the Prime Minister to submit a progress report on the implementation of the government program<sup>19</sup>.*
- ▶ *The parliamentary committees and factions did not summon a member of the government, an accountable official or a head of the accountable agency to plenary sessions<sup>20</sup>.*
- ▶ *The Parliament (by simple majority, but not less than of one third of all Members of the Parliament) did not summon a member of the government, an accountable official or a head of the accountable agency to plenary sessions<sup>21</sup>.*

19 Rules of Procedure of the Parliament of Georgia, article 151, 06/12/2018, 3875-რბ, <https://bit.ly/3DcFzHz>.

20 Rules of Procedure of the Parliament of Georgia, article 152, 06/12/2018, 3875-რბ, <https://bit.ly/3DcFzHz>.

21 Rules of Procedure of the Parliament of Georgia, article 152, 06/12/2018, 3875-რბ, <https://bit.ly/3DcFzHz>.

### 4.3. SUMMONING PUBLIC OFFICIALS TO COMMITTEE SITTINGS

► An official accountable to the Parliament is entitled, while upon a request, obligated to arrive at sittings of parliamentary committees to provide answers to questions raised during a sitting and submit a performance report. A public official is summoned by a committee if this is requested by the majority of committee members or a committee member's faction.

In the reporting period, the opposition factions exercised the right to summon accountable persons to committee sittings **10** times, including **4** times - in connection with the COVID-19 pandemic. However, public officials did not show up for committee sittings. The parliamentary majority factions did not use this mechanism.

- On 20 May 2020, the faction "Independent MPs" summoned Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection, Ekaterine Tikaradze to a committee sitting, but she did not show up. The reason of not appearing at a committee sitting is unknown, because the Parliament did not provide any information to us. Neither did it post any information on its website.
- In 2021, the opposition factions summoned accountable persons to committee sittings three times to discuss the pandemic-related issues; however, no committee sittings were held.

Summoning a public official on the initiative of a faction is subject to a constraint, according to which if a person has already been summoned to a committee sitting, he/she can only be summoned during the next two months at the request of the majority of committee members.

In two instances provided below, the Parliament notes that since the terms defined by the Rules of Procedure shall cease to run during the period between sessions of the Parliament, there is no obligation to appear at a committee sitting within the time limits determined for summoning to the committees; in the third instance (initiator - the parliamentary faction "Charles Michel Reform Group"), according to the information provided by the Parliament, consultations were underway regarding the date; however, abolition of the faction left the issue open.

Information about summoning accountable persons to committee sittings by factions:

Initiator	Question	Committee	Accountable person
Parliamentary faction “Lelo - Partnership for Georgia” (2021)	<ol style="list-style-type: none"> <li>1. “How did the state cope with fulfilling positive obligations in human rights in view of fighting the pandemic”;</li> <li>2. Are the restrictions, including a curfew imposed by the state useful, necessary and proportional to the goals of fighting the pandemic.”</li> </ol>	Human Rights and Civil Integration Committee	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection Minister of Justice of Georgia Minister of Internal Affairs of Georgia
Parliamentary faction “Charles Michel Reform Group” (2021)	<ol style="list-style-type: none"> <li>1. “When will the National Vaccination Plan be implemented;</li> <li>2. When, how many and which vaccines will be brought to Georgia in the near future”</li> </ol>	Human Rights and Civil Integration Committee	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection
Parliamentary faction “Charles Michel Reform Group” (2021)	<ol style="list-style-type: none"> <li>1. Implementation of the National Vaccine Plan;</li> <li>2. Plans related to receiving vaccines by Georgia in the near future;</li> <li>3. The process of COVID-19 vaccine administration</li> </ol>	Human Rights and Civil Integration Committee	Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection

As for the issue of summoning accountable persons by the committees, the latter exercised this right nine times during the reporting period; however, none of them raised the issues related to the COVID-19 pandemic. Only six accountable persons showed up<sup>22</sup>.

22 Accountable persons summoned by the committees: Deputy Finance Minister, Giorgi Kakauridze; Deputy Foreign Minister, Khatuna Totladze; Minister of Justice, Gocha Lortkipanidze; President of the National Bank of Georgia, Koba Gvenetadze; Deputy Minister of IDPs from the Occupied Territories, Labor, Health and Social Protection, Head of the Social Service Agency.

# RECOMMENDATIONS

- During a crisis, the Parliament should effectively perform its function of parliamentary oversight. In such situation, not only the Parliament should not refuse to perform its functions, but it should exercise full parliamentary oversight. A special oversight is required over the government-imposed restrictions directly related to the restriction of human rights;
- The Parliament, through its committees, should regularly examine the normative acts issued by the Government regarding the management of the pandemic;
- The committees should summon accountable persons to the sittings and hear information about the management of the coronavirus pandemic, including about the issues related to public procurements and corruption risks during the pandemic;
- Members of the Government should address the issue of parliamentary control in a responsible manner regardless of whether the oversight is initiated by the ruling party or the opposition; they should appear to committee sittings and give timely and comprehensive answers to the questions posed by MPs;
- The pandemic-related thematic inquiry groups should exercise effective oversight on the fulfillment of recommendations by the government;
- Information related to summoning an accountable person to a committee sitting should be published on the Parliament's website; in addition, information about a public official's failure to appear at a committee sitting should be easily available.

[Annex 1.](#) Thematic inquiry groups established during the reporting period

[Annex 2.](#) Questions of Members of Parliament regarding the pandemic