



PERFORMANCE EVALUATION OF THE PARLIAMENTARY STANDING COUNCIL OF OPEN GOVERNMENT

(17 JUNE 2022 – 31 JULY 2023)

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CONTENTS

Introduction	4
Key Findings	4
Chapter 1. The composition of the Council and the participation in the sessions	6
Chapter 2. The 5th Action Plan and its development process	8
Chapter 3. Implementation of the Action Plan	10
Chapter 4. The Council's cooperation with the executive government and the civil sector	14
Conclusion and Recommendations	15

INTRODUCTION

The report is developed by Transparency International Georgia within the framework of the parliamentary monitoring project and it evaluates the performance of the **Parliamentary Standing Council of Open Government** (hereafter – the Council) in the Parliament of the 10th Convocation, in a period between **17 June 2022 and 31 July 2023** (hereafter – the reporting period). The report examines and evaluates the activities of the Council as well as the fulfillment of the commitments taken under the Action Plan. The report is based on the information received from the Parliament in response to our FOI requests, as well as information available on the website of the Parliament, and monitoring conducted by our organization.

KEY FINDINGS

The Parliamentary Standing Council of Open Government in the Parliament of the 10th Convocation predominantly engages in pro-forma activities and falls short in enhancing the transparency of the Parliament. The Council does not support the inclusion of vital commitments in Action Plans and declines significant initiatives presented by non-governmental organizations. The Council has shown no response to the deteriorating levels of openness and transparency in Parliament, as evidenced by ongoing access restrictions and the presence of a metal fence at the entrance for years now. The OGP process at the governmental level is in a crisis, and the Parliamentary Council remains unresponsive to this issue.

The 10th Convocation Parliament has deliberately been pursuing a policy of rendering the institution closed and non-transparent. In 2022, the Parliament revoked permanent passes for specific local and international non-governmental organizations that were monitoring parliamentary activities. This move has significantly impeded the monitoring of parliamentary proceedings.

In 2023, revised media accreditation [regulations](#) were introduced, further solidifying the Parliament's status as a closed and less transparent [institution](#), especially for critical media representatives. This development has a detrimental effect on the quality of information available to the public and poses a threat to the country's democratic progress. In 2023, the Parliament passed [amendments](#) that imposed restrictions on former members of the Parliament, requiring them to obtain a pass in order to access the Parliament.

It is important to highlight that the implementation of the 12 Recommendations of the European Union was in progress during the reporting period. Consequently, ensuring Parliament's transparency, rooted in democratic principles, was crucial. During the deliberation of significant bills, like the widely discussed so-called Russian Law, access to Parliament was severely limited, thus denying the public the opportunity to express their critical viewpoints.

The Parliamentary Standing Council of Open Government, primarily tasked with upholding Parliament's openness and transparency, appears to be unresponsive to the current challenges.

Activities Implemented by the Council

- Four sessions were held;

5 working groups worked to fulfill the commitments stipulated by the 2021-2022 the Open Parliament [Action Plan](#);

Out of 19 commitments of the 2021-2022 Open Parliament Action Plan, 10 commitments were fully fulfilled, 6 were partially fulfilled, 3 commitments were not fulfilled.

The **Module on Supervision Mechanisms** was updated on the website of the Parliament, but still it needs significant improvement;

Per the commitment of the Action Plan, the Health and Social Affairs Committee developed [“The first report of monitoring and evaluation of the universal healthcare program of the Health and Social Affairs Committee of the Parliament of Georgia”](#) and published it on the website of the Parliament, under the Committee’s section.

A guide on Civic Engagement in Parliamentary Activities was prepared, aiming to raise awareness among members of parliament about tools to enhance civic engagement in parliamentary activities, improve access to information, and promote mutual cooperation.

Legislative digests were prepared and published on the Parliament’s website with the purpose of informing citizens about legislation.¹

Challenges

- Parliament’s openness and transparency have deteriorated in recent years, but the Council remained unresponsive to these issues.

The commitments envisaged under the 2021-2022 [Action Plan](#) were not timely and fully implemented.

The proposed amendments to the [Rules of Procedure](#) outlined in the 2021-2022 action plan were not adopted;

The 2023-2024 [Action Plan](#) was approved belatedly and comprises only three commitments, primarily focused on the analysis of various matters and the examination of existing practices. The plan fails to produce tangible results that would enhance civic engagement in parliamentary activities and increase parliamentary transparency.

In the development of the Action Plan, the Council considered just 1 out of the 21 [initiatives](#) proposed by the non-governmental organizations that are members of the Advisory Group.

The Council fails to monitor or oversee the crisis regarding the OGP process at governmental level. The government has not yet developed the OGP Action Plan.

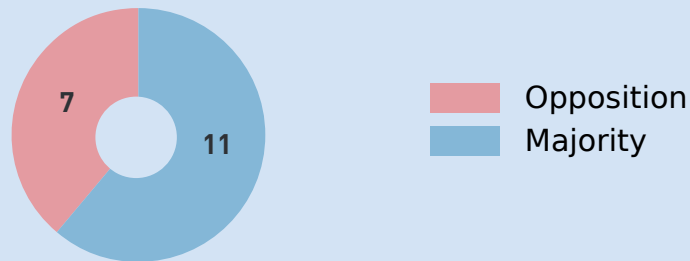
The members often do not attend the Council sessions.

1 Legislative digest of the Agrarian Issues Committee: [Law On Windshield \(Field Protection\) Strip](#), Legislative digest of the Human Rights and Civic Integration Committee: [Code on the Rights of the Child](#), Legislative digest of the Education and Science Committee: Amendments to the following laws of Georgia - [On General Education, On Higher Education, On Education Quality Improvement](#); Legislative digest of the Environmental Protection and Natural Resources Committee: [Law of Georgia on Environmental Liability](#).

CHAPTER 1. THE COMPOSITION OF THE COUNCIL AND THE PARTICIPATION IN THE SESSIONS

The Council is composed of 18 members. Since May 25 the Chairperson of the Parliament Shalva Papuashvili has been [leading](#) the Council replacing Givi Mikanadze.

Distribution of Council's members by Political Affiliation



Members of the Council:



SHALVA PAPUASHVILI
(Chairperson, Majority)



AKUBARDIA TEONA
(Opposition)



BOKUCHAVA TINATIN
(Opposition)



BITADZE MAIA
(Majority)



ENUKIDZE AVTANDIL
(Opposition)



BOCHORISHVILI MAK
(Majority)



TURAZASHVILI KETEVAN
(Opposition)



ZARKUA IRAKLI
(Majority)



LASHKHI MARIAM
(Majority)



KORDZAIA TAMAR
(Opposition)



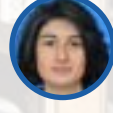
NATSVLISHVILI ANA
(Opposition)



MIKANADZE GIVI
(Majority)



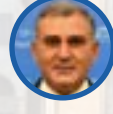
SAMKHARADZE NIKOLOZ
(Majority)



KURASBEDIANI SALOME
(Majority)



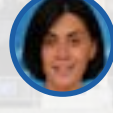
SEPASHVILI EKA
(Majority)



SARJVELADZE MIKHEIL
(Majority)



TSILOSANI KHATIA
(Majority)



TSITLIDZE ANA
(Opposition)

Four sessions were held in the reporting period.

The [session](#) of October 26, 2022, was attended by:

- Givi Mikanadze – Chairperson of the Council
- Maia Bitadze
- Giorgi Amilakhvari
- Khatia Tsilosani
- Nino Iobashvili

The [session](#) of May 25, 2023, was attended by:

- Shalva Papuashvili – Chairperson of the Parliament
- Givi Mikanadze – Chairperson of the Council (Chair of the session)
- Mikheil Sarjveladze
- Maka Bochorishvili
- Nikoloz Samkharadze
- Khatia Tsilosani
- Eka Sepashvili
- Mariam Lashkhi

The [session](#) of July 3, 2023, was attended by:

- Shalva Papuashvili – Chairperson of the Parliament (Chairperson of the Council)
- Givi Mikanadze
- Mikheil Sarjveladze
- Maia Bitadze
- Khatia Tsilosani
- Eka Sepashvili
- Teona Akubardia (Opposition)

The [session](#) of July 3, 2023, was attended by:

- Chairperson of the Parliament (Chairperson of the Council)
- Givi Mikanadze
- Maka Bochorishvili
- Irakli Zarkua
- Khatia Tsilosani
- Eka Sepashvili
- Mariam Lashkhi
- Ketevan Turazashvili (Opposition)

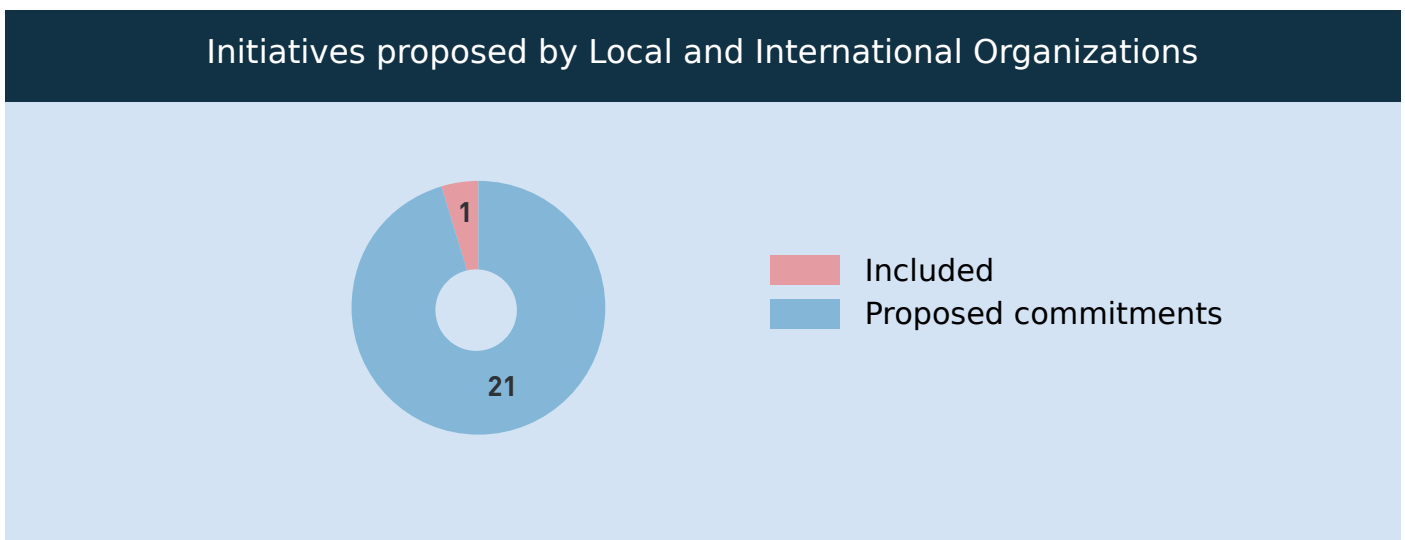
CHAPTER 2. THE 5TH ACTION PLAN AND ITS DEVELOPMENT PROCESS

The Council finalized the 5th [Action Plan](#) during a meeting on July 7, and it was subsequently approved by the Parliament’s Bureau on July 11.

In the process of developing the plan, non-governmental organizations, which were members of the Council’s advisory group, proposed relevant initiatives, but the Council did not include them.

Six local and international organizations proposed 21 initiatives and only 1 was endorsed by the Council. The Action Plan, among the various proposals submitted, notably omitted some pivotal commitment recommendations, such as: refinement of the Parliament’s Code of Ethics and bolstering its efficacy, increasing the accountability of the government OGP to the Parliament, strengthening Parliamentary control, increasing the access to reports of public institutions, introducing the possibility of submitting legislative proposals online, etc.

Initiated by	Initiative	Result
Democracy Index	4 commitments	Not included
Transparency International Georgia	5 commitments	Not included
Institute for Development of Freedom of Information (IDFI)	2 commitments	Not included
United Nations Development Programme (UNDP)	6 commitments	1 commitment was included
Parliamentary Budget Office	1 commitment	Not included
Georgian Young Lawyers’ Association (GYLA)	3 commitments	Not included



The adopted 2023-2024 Action Plan is composed of 3 commitments. The commitments are primarily focused on the analysis of various matters and the examination of existing practices. The plan fails to produce tangible outcomes that would enhance civic engagement in parliamentary activities and increase parliamentary transparency.

Commitment	Initiated by	Outcome Envisaged in the Action Plan
Enhancement of the recommendations issued by the Parliament as an instrument of oversight and introduction of a monitoring system for their implementation	<i>United Nations Development Programme (UNDP)</i>	<ul style="list-style-type: none"> • Development and implementation of a standardized template and monitoring methodology for the Committee’s recommendations. • Creating the respective module on the website.
Improving access to information on the legislative and oversight activities of the Parliament	<i>Parliament</i>	<ul style="list-style-type: none"> • Studying international practices for public access to audio-visual content of parliamentary proceedings • Adding the parliamentary media library to the Parliament’s website
Enhancing mechanisms of civic engagement in the legislative process.	<i>Parliament</i>	<ul style="list-style-type: none"> • Analyzing the effectiveness of the mechanisms of civic engagement in the activities of the Parliament • If deemed necessary, draft a respective legislative initiative

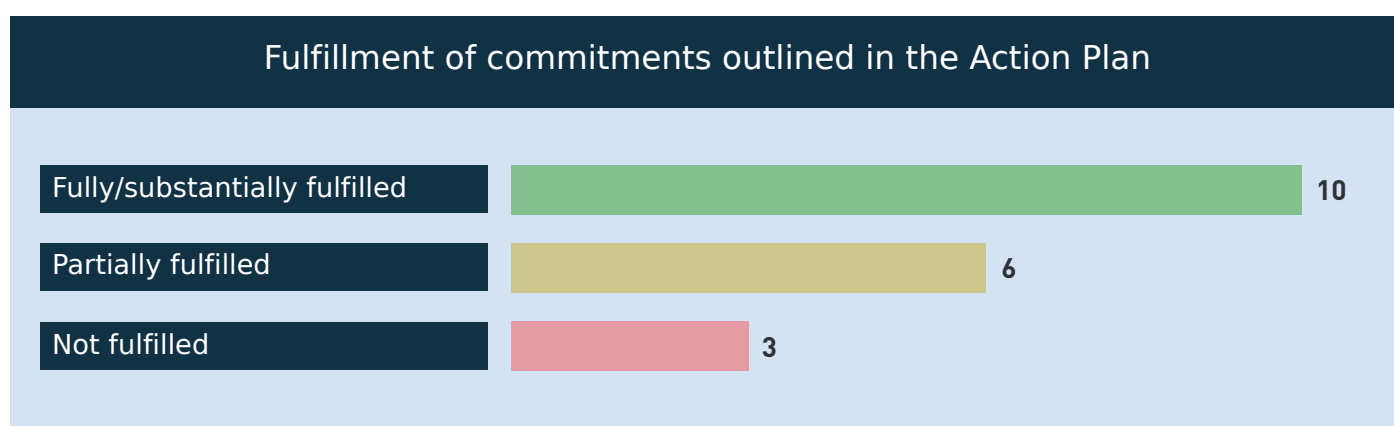
To fulfill the commitments, three working groups were formed, led by majority MPs: Shalva Papuashvili, Mariam Lashkhi, and Eka Sepashvili.

CHAPTER 3. IMPLEMENTATION OF THE ACTION PLAN

[19 working groups](#) were created to fulfill the commitments envisaged in the **4th Open Parliament Action Plan**. Throughout the reporting period, no new working groups were established. However, some of the working groups formed to fulfill the commitments outlined in the 4th (2021-2022) Action Plan of the Open Parliament continued their activities, while others concluded their work prior to the reporting period.

<i>Activity of working groups during the reporting period</i>	
Commitment 2.1 Strengthening the capacity and improving the awareness of the Parliament regarding state (public) debt	Presentation of the State Debt Guideline was held
Commitment 2.3 Increase the role of the Parliament during a state of emergency	One offsite meeting was held;
Commitment 3.8 Proactively disclosing information on parliamentary control mechanisms	One meeting was held;
Commitment 5.1 Improving the structure of the annual reports of the Parliament	Two regular meetings and one working meeting were held
Commitment 7.1 Developing a recommendation methodology for financial justification of the explanatory notes of the draft laws	Three working meetings were held. Trainings on issues outlined in the commitment were also conducted.

Of the 19 commitments in the 2021-2022 Open Parliament Action Plan, 10 were fully or substantially fulfilled (52.63%), 6 were partially fulfilled (31.57%), and 3 remained unfulfilled (15.78%). It's worth noting that the Parliament fell short of achieving ambitious commitments that would have yielded significant improvements in parliamentary openness.



Commitment	Status
Commitment 1.1 Development of the 2022-2024 Action Plan for monitoring the implementation of the UN Sustainable Development Goals	Partially fulfilled
Commitment 2.1 Strengthening the capacity and improving the awareness of the Parliament regarding state (public) debt	Fully fulfilled
Commitment 2.2 Obligation to create a working group on the proposals of the Public Defender of Georgia and define the terms of work of the group	Fully fulfilled
Commitment 2.3 Increase the role of the parliament during a state of emergency	Partially fulfilled
Commitment 3.1 Publishing the feedback received from agencies/ stakeholders regarding draft laws	Not fulfilled
Commitment 3.2 Publishing the responses of the state agencies to the reports of the Public Defender of Georgia/relevant parliamentary resolutions	Fully fulfilled
Commitment 3.3 Ensuring the transparency of the activities of working groups established within parliamentary committees	Fully fulfilled
Commitment 3.4 Introducing deadlines for the publication of the minutes of the meetings of parliamentary committees on the website	Fully fulfilled
Commitment 3.5 Publishing audio recordings of the meetings of parliamentary committees related to draft laws	Fully fulfilled
Commitment 3.6 Publishing the reports from the Government's health programs oversight platform on the Parliament website	Fully fulfilled
Commitment 3.7 Conducting an information campaign regarding the new website of the Parliament	Partially fulfilled
Commitment 3.8 Proactively disclosing information on parliamentary control mechanisms	Partially fulfilled
Commitment 4.1 Strengthening civic engagement in parliamentary activities	Partially fulfilled
Commitment 4.2 Raising citizen awareness regarding new legislation	Fully fulfilled
Commitment 5.1 Improving the structure of the annual reports of the Parliament	Fully fulfilled
Commitment 5.2 Improving the effectiveness of the Ethics Council of the Parliament of Georgia	Not fulfilled
Commitment 6.1 Annual Conference on topical issues of the parliamentary openness	Partially fulfilled
Commitment 6.2 Strengthening regional cooperation in the framework of the parliamentary openness initiative in Eastern Partnership countries	Not fulfilled
Commitment 7.1 Developing a recommendation methodology for financial justification of the explanatory notes of the draft laws	Fully fulfilled

During the reporting period, the activities carried out within the framework of the fourth Action Plan of the Open Parliament:

→ **Module on the Supervisory Mechanisms**

The Parliament's website has updated the Supervisory Mechanisms' Module and now proactively publishes the following information:

- The Prime Minister's annual written report on government program progress and the audio recording of its discussion at the plenary session;
- The schedule of the presentation of the members of the government before the Parliament within the minister's hours and updates to the schedule;
- The government member's report at the parliamentary plenary session and the audio recording of its discussion;
- The performance report of the State Security Service;
- Statistical data of the activity of the Trust Group of the Parliament;
- Audio recording of the discussion of the report presented by the thematic speaker of the committee at the committee session;
- Full video recording of interpellation questions, written responses, and parliamentary plenary sessions

One of Transparency International Georgia's initiatives concerned inviting public officials to committee meetings. The initiative called for publishing committee attendance dates on the website, and in the case of non-attendance, providing the response or letter from the accountable person. The Parliament did not fulfill this commitment outlined in the Action Plan.

→ ***Draft amendments to the Rules of Procedure of the Parliament***

One of the commitments (initiated by the Transparency International Georgia and the Georgian Young Lawyers' Association (GYLA)) outlined in the Action Plan concerned a proactive publication of information about parliamentary control mechanisms.

The following commitment was also addressed by the working group established to implement the European Union's recommendations for granting candidate status to Georgia.

Within the framework of this initiative, a **draft of amendments to the Rules of Procedure of the Parliament** was developed. The bill is under consideration. The draft did not include Transparency International Georgia's proposal, which suggested that, in cases of a person invited to the committee not appearing, the explanation for their absence should be made public.

→ **Publishing the reports from the Government's health programs oversight platform on the Parliament website**

The Action Plan envisaged publishing the reports from the government's health programs oversight platform on the parliament website (initiated by the United States Agency for International Development/Good Governance Initiative (USAID/GGI)). Per the commitment of the Action Plan, the Health and Social Affairs Committee developed "[The first report of monitoring and evaluation of the universal health care program of the Health and Social Affairs Committee of the Parliament of Georgia](#)" and published it on the Committee page on the website of the Parliament.

→ **Improving the structure of the annual reports of the parliament**

The Action Plan included a commitment to improve the structure of the annual reports and committee reports of the Parliament, which was initiated by Transparency International Georgia. Some aspects of the proposed initiative were incorporated into the approved standard forms.

The standardized forms of the [annual report of the Parliament](#) and [the reports of the committees](#) were updated and methodology was developed.

→ **Methodology for the financial justification of the explanatory note of the bill**

The recommendatory methodology for the financial justification of the explanatory note of the bill was developed. The commitment was initiated by the Parliamentary Budget Office in partnership with Transparency International Georgia. The [document](#) is available on the Parliament's Budget Office website. Transparency International Georgia has created a [video](#) explaining the preparation of the financial justification for the explanatory note of the bill. The video is also posted on the Budget Office website. Trainings on "financial impact assessment guidelines and methodology" were conducted for different organizations.

→ **A guideline on civic engagement in parliamentary activities**

A guideline on civic engagement in parliamentary activities was prepared, aiming to raise awareness among members of parliament about tools to enhance civic engagement in parliamentary activities, improve access to information, and promote mutual cooperation.

→ **Legislative digests**

Legislative digests of five committees were published on the Parliament's website aimed at informing citizens about draft laws and legislation.

CHAPTER 4. THE COUNCIL'S COOPERATION WITH THE EXECUTIVE GOVERNMENT AND THE CIVIL SECTOR

One of the key functions of the Council is to monitor the implementation of the Action Plan developed by the executive government and its activities in the field of the Open Government Partnership (OGP). **The Council has not taken any action in this regard.** It is worth noting that the Government has not yet approved the Action Plan. It would have been important for Parliament to monitor the overall process and engagement, however, this was not carried out.

In terms of cooperation with the civil sector, it should be noted that the number of members of the Advisory Group has significantly decreased. This process began in March 2023, when the Russian-style draft law on “Foreign Agents” was supported by the majority (the initiative was later withdrawn). **The organizations issued a joint [statement on the suspension of cooperation with the Parliamentary Standing Council of Open Government.](#)** The statement was signed by 4 members of the Advisory Group: Institute for Development of Freedom of Information (IDFI) - Chair of the Advisory Group, Transparency International Georgia (TIG), Civil Society Institute (CSI), Georgian Young Lawyers’ Association (GYLA).

The Council expelled the following 7 organizations from the Advisory Group, including those organizations that issued a statement about the suspension of membership in March, **citing the absence of meetings:**

- Institute for Development of Freedom of Information (IDFI)
- American Chamber of Commerce in Georgia (AmCham),
- National Democratic Institute (NDI),
- Transparency International Georgia (TIG),
- Civil Society Institute (CSI),
- Georgian Young Lawyers’ Association (GYLA),
- Georgian Center for Strategy and Development (GCSD).

In addition, the Civil Development Agency (CIDA) was removed from the Advisory Group as the organization was disbanded.

The Advisory Council currently comprises **7 international and local organizations.** See further details [here](#).

CONCLUSION AND RECOMMENDATIONS

The openness and transparency of the Parliament of the 10th Convocation have significantly deteriorated in recent years. The current situation in Georgia in terms of open government should be assessed in a complex manner. It should be noted that since 2015, the Parliament of Georgia has been one of the leaders in the OGP. Significant reforms promoting parliamentary openness were undertaken during this period, with civil society playing a key role as the initiator. The process of developing open government initiatives was collaborative, involving both the parliamentary majority and opposition, with representatives from all factions on the Standing Council. The achievements in parliamentary openness are a result of this collaborative effort. **However, cooperation with the Parliament of the 10th Convocation has become notably more challenging in recent years.**

- The cooperation with civil organizations became strained. In 2022, international and non-governmental organizations were asked to vacate the working space in the Parliament, which they had been using for years. The reason was the renovation of the Parliament building. This was soon followed by the revocation of their passes. It should be underlined that **these organizations hold a critical role in monitoring parliamentary activities and this restriction significantly impedes the monitoring of parliamentary proceedings.**
- Following the events in March of this year, some members of the Advisory Group ceased cooperation with the Parliament. Subsequently, the Council terminated the membership of these organizations.

It is worth noting that the national OGP process in Georgia has [stalled](#). For the fourth consecutive year, the country has not undertaken any national-level reforms under the OGP. Georgia has not had an OGP Action Plan since 2019, thereby violating OGP participation and co-creation standards twice. The Government once more sought to maintain the OGP process at the national level as a pro forma, rejecting significant and meaningful transformational commitments proposed by civil society.

Considering the existing situation, non-governmental organizations that are members of the Georgian Open Government Interagency Coordination Council/Forum addressed the Open Government Partnership (OGP) Steering Committee with a [letter](#) requesting to invoke the “Response Policy”. This mechanism aims to enhance the OGP Secretariat, partner donors and international organizations’ involvement in resolving the crisis.

Given the current situation, it is crucial that the OGP process in the country remains uninterrupted, and the parliament takes the following steps:

- For effective supervision, the Parliament’s Council of the Open Government should express interest in the current OGP situation at the government level and conduct a public hearing;

The Council and its members must address the current state of parliamentary transparency, specifically focusing on efforts to prevent the Parliament from becoming a closed institution. In recent years, accessing the Parliament has become increasingly challenging due to frequent barriers. Furthermore, the Chairperson of the Parliament, who also serves as the Chair of the Council of Open Government, has [tightened](#) entry rules that may potentially impede individuals interested in utilizing parliamentary engagement mechanisms;

The process of implementation of the Council’s Action Plan should be active, involving working groups and MPs. The Council should fully fulfill the vital commitments that will bring tangible outcomes in enhancing parliamentary openness;

It is crucial that the initiative to amend the Rules of Procedure regarding publishing information on the website becomes a law promptly;

The Council should concentrate on more ambitious reforms and activities.