



TRANSPARENCY AND OPENNESS OF THE PARLIAMENT OF GEORGIA: ACHIEVEMENTS AND CHALLENGES (2015-2020)

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1.1 INTRODUCTION

In September 2011, Georgia became a member of the Open Government Partnership (OGP), a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Initially, only representatives of the executive branch of the country were OGP participants. In 2014, the Open Government Partnership approved a new parliamentary engagement policy that allowed national parliaments to join OGP.

In April 2015, the Parliament of Georgia signed the Declaration on Parliamentary Openness and signed a memorandum of cooperation with international and non-governmental organizations. The [Declaration on Parliamentary Openness](#) calls on the legislatures of the world to increase parliamentary openness through close cooperation with parliamentary monitoring bodies and to promote transparency and access to parliamentary information.

In December 2015, the [Open Governance Permanent Parliamentary Council](#) was established by the Order of the Speaker of the Parliament of Georgia to ensure coordinated work around increasing parliamentary transparency. A Consultative Group is tasked with providing recommendations and proposals throughout all stages of the process, as well as overseeing the implementation process of the commitments. To date, the Parliamentary Council and its Consultative Group have developed [three action plans](#).

On October 27, 2015, Georgia won the Open Government Partnership Champions Award¹. At the 72nd session of the UN General Assembly, at the meeting of the Steering Committee of the Open Government Partnership, Georgia was elected as the Chair Country of the Open Government Partnership (OGP) from October 1, 2017 to October 1, 2018. In the second half of 2018, Georgia hosted the OGP Global Summit.

The aim of the research is to assess the performance of the Parliament of Georgia since the signing of the Declaration on Parliamentary Openness to today (reporting period: April 30, 2015 – October 31, 2020), the fulfillment of the principles underlined therein and issuing recommendations on how to overcome challenges.

Transparency International Georgia looked into how interested the population of Georgia is in receiving parliamentary information and how informed they are about the activities of the legislature. Our organization also commissioned a public opinion poll carried out by CRRG in February-March 2020, which encompassed all of Georgia. Within the framework of the research, 1,763 people were surveyed using the random selection method.²

The report consists of four thematic parts, which outlines the achievements and challenges of the Parliament of Georgia since the day of signing of the Declaration on Parliamentary Openness till today (April 2015 – October 2020).

The first part is related to the promotion of a culture of openness, which describes the reforms and changes implemented by the Parliament of Georgia that are aimed at strengthening of the culture of openness and promote civic education.

The second part discusses issues related to the transparency of parliamentary information, in particular the transparency and accessibility of parliamentary information, as well as the engagement of citizens in the drafting process and the disclosure of information on unethical behavior by Members of the Parliament.

1 TI Georgia at the Open Government Partnership Global Summit, October 29, 2015, <https://bit.ly/39qwT4a>.

2 Except for the regions populated compactly by ethnic minorities and occupied territories.

The third part outlines the issues related to access to parliamentary information, such as ensuring access to information through various means, including the right to enter the building of the Parliament of Georgia.

The fourth part covers issues related to the electronic access to parliamentary information, in particular the regulation of digital infrastructure in a way that civil society and the private sector can easily access, use and analyze parliamentary information.

1.2 FINDINGS

Since 2015, the Parliament of Georgia in partnership with civil society organizations took a number of positive steps in increasing the transparency of the legislature. It should be noted, however, problems still persist in difficult political times when the Parliament foregoes its transparency standards and installs barricades in the entrance and nearby area of the building of the Parliament to impede the public in expressing their protest.

Since 2015, the transparency and openness of parliamentary information has improved in the following manner:

- The Parliament of Georgia has developed and adopted a Code of Ethics;
- An action plan for people with disabilities was developed and implemented for the parliamentary building in Tbilisi;
- An adapted version of the Parliament website was created for the blind and visually impaired;
- The standards for the explanatory note to the draft law has been improved;
- The list of proactively published public information has been significantly expanded;
- Amendments were carried out to the Rules of Procedure of the Parliament of Georgia, according to which citizens have the ability to send electronic petitions to the Speaker of the Parliament;
- The website of the Parliament provides changes in the text in a visible format. Audio recordings of the plenary sessions are also published on the website of the Parliament;
- A public information module has been created, where information on issues of public interest related to the activities of the Parliament are published in machine-readable format;
- The concept for Citizen Engagement Centre was developed;
- A new concept of the website of the Parliament of Georgia was developed.

In spite of the positive steps forward, the civil society and citizens still face a number of barriers in participation as well as access to parliamentary information³. Furthermore, the Parliament of Georgia violated deadlines on numerous occasions during the reporting period, which has in turn damaged the aims of the planned reforms:

- Citizens' right to gain entry into the Parliament building, including that of the Members of Parliament, journalists and representatives of non-parliamentary opposition, was restricted more than once during the reporting period;

³ Implied here is all information related to the work of the Parliament.

- Despite the adoption of the Code of Ethics by Parliament, the statute of the Ethics Council is yet to be approved and all of the positions have not been filled. As a result, the Council is unable to receive and deliberate on complaints, essentially leaving the violations of the Code of Ethics unenforced.
- Representatives of civil society organizations were not given the right to attend the presentation of the Parliament's annual report in 2019;
- The new website of the Parliament has not gone live to date. This has been a commitment under the Open Parliament Action Plan. The current website of the Parliament does not provide opportunities for exhaustive access to parliamentary information;
- The Parliament frequently does not provide timely and complete responses to FOI requests on parliamentary information sent by non-governmental organizations;
- The website of the Parliament does not have a video archive for committee and plenary sittings. The recordings are automatically removed from the website after they are streamed online, therefore it is impossible to retrieve them after a set period of time;

The Parliament of Georgia in partnership with civil society developed a guideline for explanatory notes, however in violation of a deadline the legislature has not developed and approved to date the financial impact methodology.

2. PROMOTING A CULTURE OF OPENNESS

2.1 ACHIEVEMENTS

2.1.1 SPECIAL PARLIAMENTARY WEBSITE FOR PERSONS WITH DISABILITIES

Based on the recommendations initiated by civil society and their active participation, a project for adapting the parliamentary website for persons with disabilities was developed within the framework of the [Open Parliament Action Plan for 2017-2018](#).

Before these changes, the services and infrastructure of the Parliament of Georgia did not take into account the interests of persons with special needs, which entailed significant barriers to their involvement in the activities and services of the Parliament.

On November 28, 2017, the initial draft for these changes was presented to stakeholders and a discussion was held at a meeting initiated and supported by the Open Governance Permanent Parliamentary Council and its Consultative Group.

Within the framework of the adaptation plan, wheelchair platforms were installed in the Tbilisi Parliament building in 2018 and 2019, adapted sanitary facilities for persons with disabilities were opened, and wheelchairs for the evacuation of people with disabilities were purchased. Furthermore, appropriate steps and tracks were installed.

2.1.2 CONCEPT FOR CITIZEN ENGAGEMENT CENTER

In order to promote citizen involvement in the activities of the Parliament and raise awareness about the work of the legislature, the [concept for a Citizen Engagement Center](#) in the Parliament was developed within the framework of the [2018-2019 Open Parliament Action Plan](#).

The concept envisages a number of structural changes in terms of increasing citizen participation, including the introduction of the principle of service “under one roof” in the lobby of the Parliament building in Tbilisi, which will provide the following types of services to citizens:

- Receiving petitions, legislative proposals, opinions and remarks on legislative activities;
- Promoting citizen involvement in the legislative process together with parliamentary committees;
- Equipping the Citizen Engagement Center with computers and providing access to internet;
- Ensuring the use of childcare facilities for persons accompanied by young children;
- Facilitating meetings with MPs and representatives of structural units of parliament.

The concept of the Citizen Engagement Center of the Parliament of Georgia was approved by the Parliament in 2019. Due to the COVID-19 restrictions, the official opening of the center has been postponed.

2.2 CHALLENGES

2.2.1 RESTRICTING ACCESS TO THE PARLIAMENT

The citizens' right to gain entry into the Parliament building, including that of the Members of Parliament, journalists and representatives of non-parliamentary opposition, was restricted more than once during the reporting period.

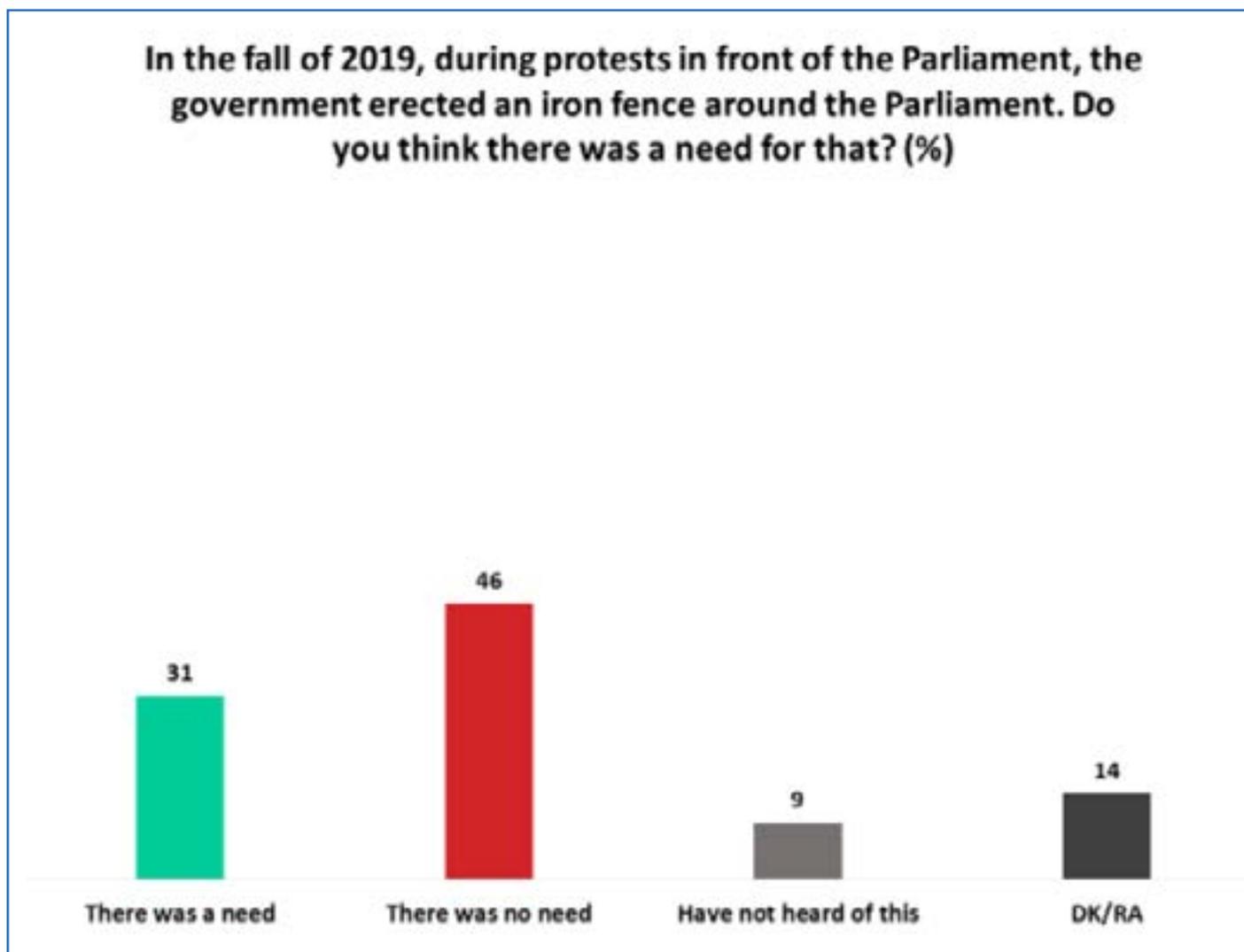
During the opening of the fall session of the Parliament on September 3, 2019, Members of the Parliament from the opposition [encountered issues](#) in gaining access to the state legislature. The same day, representatives of the law enforcement agencies also [prohibited](#) the participants of the "It's a Shame" rally to stand near the closed gate of the Parliament. Over the next following days, representatives of the non-parliamentary opposition, who had temporary entry permits, were also denied entry into the building of the state legislature.

Transparency International Georgia addressed the state legislature with a recommendation on the simplification of rules of entry into the building of the Parliament by removing the requirement of holding an entry pass, as well as making these rules more visible to the public. This initiative was only partially taken into account - the Parliament only made the existing rules more visible on its official web-page, which is still rather difficult to find.

According to the public opinion poll⁴, 46% of the interviewees negatively assess the restrictions imposed during the fall of 2019 near the Parliament and the installation of iron barricades (See Diagram 1).

4 Our organization also commissioned a public opinion poll carried out by CRRC in February-March 2020, which encompassed all of Georgia. Within the framework of the research, 1,763 people were surveyed using the random selection method.

Diagram 1.



2.2.2 NEW WEBSITE OF THE PARLIAMENT

The new website of the Parliament has not gone live to date. This was a commitment under the [2017-2018 Open Parliament Action Plan](#). This is serious issue as the current website of the Parliament does not provide opportunities for exhaustive access to parliamentary information.

2.2.3 VIDEO ARCHIVE FOR PLENARY AND COMMITTEE SITTINGS

There is still no video archive of committee or plenary sittings on the website of the Parliament. Committee or plenary sittings are broadcast live and are available on the Parliament's website, however, video recordings are automatically removed from the site sometime after the sessions are concluded. Due to this, video recordings are not accessible if not saved manually. As such, old video recordings are not available and it is practically impossible to retrieve them at a later date.

3. TRANSPARENCY OF PARLIAMENTARY INFORMATION

3.1 ACHIEVEMENTS

3.1.1 ADOPTING THE PARLIAMENTARY CODE OF ETHICS

The Code of Ethics was discussed two times by the Parliament. During the first hearing, the draft Code was rejected by the MPs⁵. On May 24, 2018, the initiative was resubmitted to the Parliament and was approved. The main difference between the two submitted draft laws was the issue of sanctions. On February 2, 2019, the Parliament of Georgia adopted a resolution, according to which the Parliamentary Code of Ethics entered into force. On November 11, 2019, the Ethics Council of the Parliament was established.

Adherence to ethical norms by MPs is one of the main components of good governance. Previous practice in this regard demonstrated the necessity of establishing clear ethical standards for MPs. In spite of this, there have been no rules for this until 2019. However, it should be noted that the Parliament did not fully take into account Transparency International Georgia's [recommendation](#) and adopted the Code of Ethics without effective sanctions, which essentially deprives it of its preventive capacities. This problem is further complicated by the fact that the Code of Ethics will be binding for the next convocation of the Parliament. The obligation to adopt the Code of Ethics was part of the [2016](#) and [2017](#) Open Parliament Action Plans.

3.1.2 EXPANDING THE LIST OF INFORMATION TO BE PUBLISHED PROACTIVELY

Based on the recommendations and active participation of civil society, the Parliament of Georgia took the commitment to expand the list of public information to be proactively published on the website of the Parliament as part of the [Open Parliament Action Plan for 2017-2018](#). This commitment included expanding the list of proactively published public information in the following directions:

- Information related to the hearing of the reports and representatives of the executive government of Georgia and other accountable bodies by the Parliament of Georgia;
- Statistical information on the questions posed by the members of the Parliament of Georgia, committees and representatives of the parliamentary factions, with reference to number of questions asked, as well as the bodies responsible for answering them;
- Statistical information on the number of government hours held in the Parliament of Georgia;
- Resolution of the Parliament of Georgia on the findings (draft decision) of the temporary or temporary investigative commissions;
- Statistical information on the number of legislative initiatives and laws adopted, broken down into subjects with right of initiative;
- Information on plenary and committee sittings held by the Parliament of Georgia to hold a hearing on persons to be elected by the legislature;
- Information on business trip expenses of MPs and staff members.

5 Parliament of Georgia Needs To Adopt Code of Ethics in the Nearest Future, Transparency International Georgia, December 21, 2017, <https://bit.ly/37tEKeZ>

In order to fulfill this commitment and expand list of proactively published information, amendments [were made](#) in December 2017 on the basis of the [Order of the Speaker of the Parliament to the Order of the Speaker of the Parliament of Georgia №132 / 3 of December 31, 2013](#) “On the Rule of Proactive Disclosure of Public Information and Electronic Standard Request for Public Information”.

3.1.3 IMPROVING THE STANDARD FOR EXPLANATORY NOTES FOR DRAFT LAWS

Improving the standard for explanatory notes for draft laws was one of the commitments under the [Open Parliament 2017 Action Plan](#). Over the years, explanatory notes were completed by draft law authors as a formality. The explanatory notes did not provide complete information about the content of the draft laws. Amendments were made to the Rules of Procedure of the Parliament of Georgia to adopt new standards for explanatory notes. According to the amendments, the number of components that constitute the explanatory card was increased. In particular, the following parts were added: expected impact of the draft law, the principle of defining the date of entry into force of the law and compliance with the state program, as well as the impact of the bill on the budget and taxes for the next 3 years.

3.1.4 CREATING A PUBLIC INFORMATION MODULE

Based on the recommendations initiated by civil society and its active participation, the Parliament of Georgia has developed a [public information module](#) within the framework of the [Action Plan of the Open Parliament for 2017-2018](#), where the following information outlined in the Order of the Chairperson of the Parliament is available in machine-readable format:

- Staffing of the Parliament;
- Statistics public information issued;
- Parliamentary budget and finances;
- Procurements carried out by the Parliament;
- Legal Acts;
- Property of the Parliament;
- Parliamentary reports.

3.1.5 VISUALIZATION OF CHANGES MADE TO THE PRIMARY TEXT OF DRAFT LAWS

In the framework of the [2017-2018 Open Parliament Action Plan](#), draft laws published on the website of the Parliament of Georgia have been supplemented with the function of showing changes made to the primary text of draft laws. Prior to this change, there was no properly functioning system that would ensure visualization of changes made to the primary text of draft laws and their proactive disclosure on the website of the Parliament. Even though all existing draft laws were available on the website, it was not technically possible to compare different versions of a draft law electronically.

3.1.6 IMPLEMENTING AN ELECTRONIC MECHANISM FOR SUBMITTING DRAFT LAWS AND PETITIONS

[The Open Parliament Action Plan 2017](#) envisages citizen participation in legislative and other work of the Parliament. The only way for citizens to submit a legislative initiative or petition

to the parliament was to submit the documents in writing. In 2018, an electronic system of legislative initiatives and petitions was introduced in the Parliament of Georgia. This created a simpler and more effective means for citizens to get involved.

A [special section](#) has been established on the website of the Parliament that allows any citizen to submit and support a petition or legislative initiative electronically. Furthermore, a [system](#) has been introduced on the Parliament's website that allows citizens to post comments on draft laws.

3.2 CHALLENGES

3.2.1 FORMATION OF ETHICS COUNCIL

Even though the adoption of the Code of Ethics by the Parliament was a positive step forward, problems still persist in its implementation.

The composition of the special body, the Ethics Council, should be complete to effectively enforce the Code of Ethics, which is authorized to discuss alleged violations, MPs' ethics, compliance with the Code, and the application of sanctions in the event of a violation.⁶

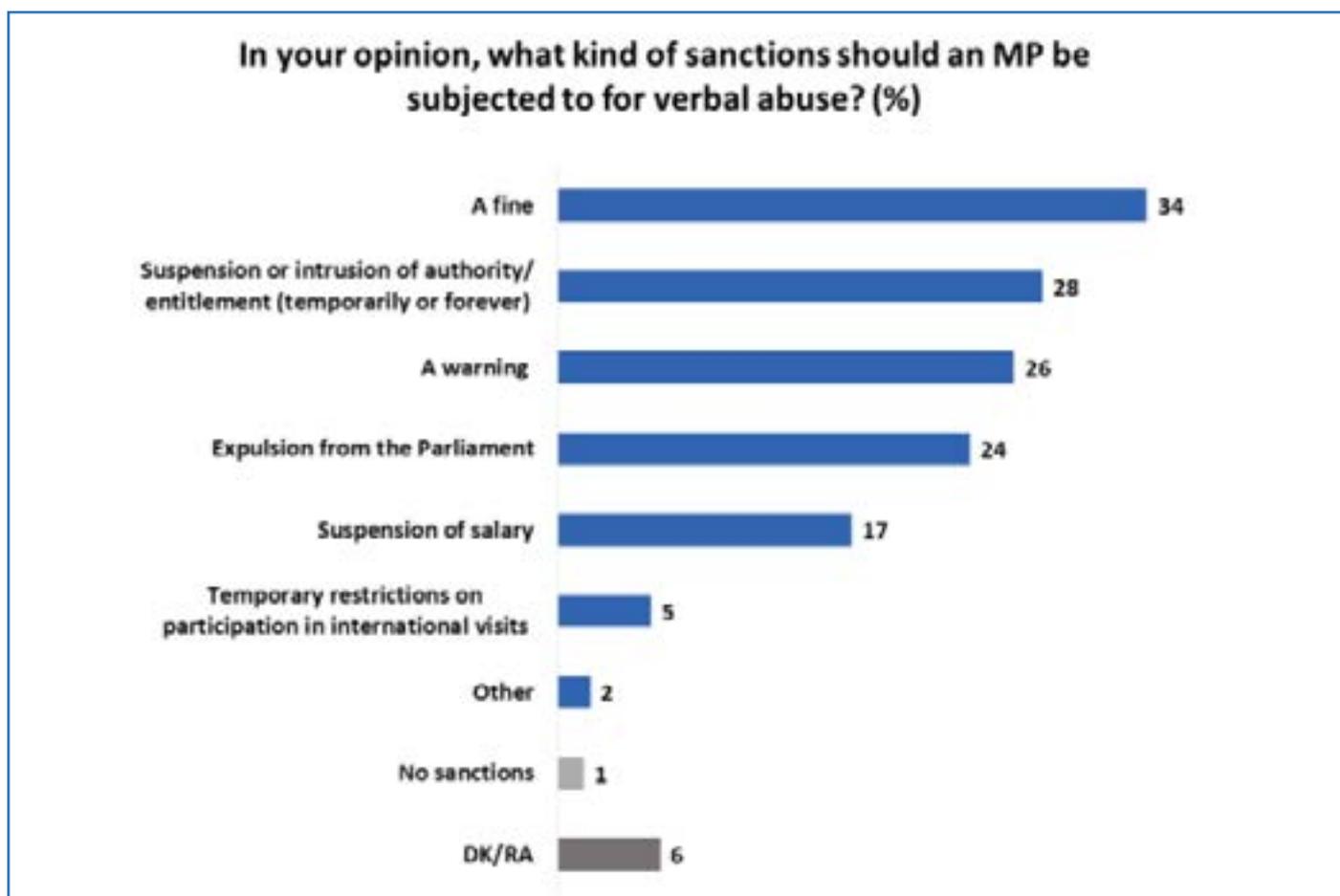
Although a year has passed since the adoption of the Code of Ethics, the composition of the Ethics Council has not formed and as such it is unable to review MPs' alleged violations of the Code of Ethics.

Transparency International Georgia took interest in what citizens consider to be a reasonable sanction for an MP's violation of ethical rules (see Diagram 2). According to the findings of the poll⁷, 34% of respondents support fines, 28% - suspension, 17% - cutting salaries, while 24% support expulsion.

6 Violations and Response Mechanisms of Ethical Norms in the Parliament of Georgia
<https://bit.ly/36pZuEX>

7 Our organization also commissioned a public opinion poll carried out by CRRC in February-March 2020, which encompassed all of Georgia. Within the framework of the research, 1,763 people were surveyed using the random selection method.

Diagram 2.



3.2.2 INSTITUTIONALIZATION OF REGULATORY IMPACT ASSESSMENT (RIA) – INITIATIVES BY THE PARLIAMENT BEYOND THE SCOPE OF RIA

In May 2019, the Parliament institutionalized the Regulatory Impact Assessment (RIA) by introducing amendments to the Law on Normative Acts. According to the changes, the obligation to report on the RIA to the draft law applies only to the Government’s legislative initiatives. Furthermore, a number of cases have been stipulated which will not be mandatory to submit an RIA report on.

The institutionalization of the RIA should be viewed as a positive step forward, although the regulation provided by law fails to meet the challenges found in the legislative process. The analysis of the legislative process shows that the number of initiatives submitted by parliamentary entities is increasing annually. It is therefore necessary to submit RIA on important draft laws⁸. Furthermore, the law provides for extensive exceptions to government initiatives (for example, there is no obligation to implement the RIA if the draft law addresses budgetary issues or compliance with international acts or the Constitution). These exceptions mean that important draft laws can be left beyond the scope of RIA.

3.3.3 INFORMATION PROVIDED BY THE PARLIAMENT IS NOT TIMELY AND COMPLETE

The Parliament frequently does not provide timely and complete responses to FOI requests on parliamentary information sent by non-governmental organizations. It is also noteworthy that in some cases Majoritarian Bureaus make an outright refusal to provide public information.

⁸ Institutionalization of regulatory impact assessment (RIA) in Georgian legislation, Transparency International Georgia, April 11, <https://bit.ly/37ud0qC>

4. ELECTRONIC ACCESS TO PARLIAMENTARY INFORMATION

4.1 ACHIEVEMENTS

4.1.1 ADAPTING THE PARLIAMENTARY WEBSITE FOR THE VISUALLY IMPAIRED

In order to provide access to parliamentary information for persons with disabilities, special software was introduced to the Parliament website in 2016 [with the active support and involvement of civil society](#). As part of this reform, the following important changes were carried out to the Parliament website:

- It was possible to replace visual materials on the website with text-based alternatives;
- All functions and pages of the web are accessible with a keyboard.

The aforementioned initiative was a commitment under the [2015-2016 Open Parliament Action Plan of Georgia](#).

4.1.2 SIMPLIFYING CITIZEN'S ACCESS TO COMMITTEE SITTINGS

One of the first steps taken from the reforms implemented for an Open Parliament under the [2015-2016 Open Parliament Action Plan](#) was a commitment to simplify citizens' access to parliamentary sessions.

This commitment envisaged the availability of information on the website of the Parliament regarding the entry of interested persons into the building of the Parliament. As part of the commitment, a [page](#) has been posted on the Parliament's website that provides the contact numbers of the committees that citizens can use to apply for a permit in their name.

4.1.3 MOBILE APPLICATION OF THE PARLIAMENT OF GEORGIA

Creating a mobile application for the Parliament of Georgia was a commitment under [the Open Parliament Action Plan for 2015-2016](#). Citizens' access to parliamentary information and web-services of the Parliament has been simplified with the launch of the mobile application. A [public information module](#) was also developed by the Parliament of Georgia.

4.2 CHALLENGES

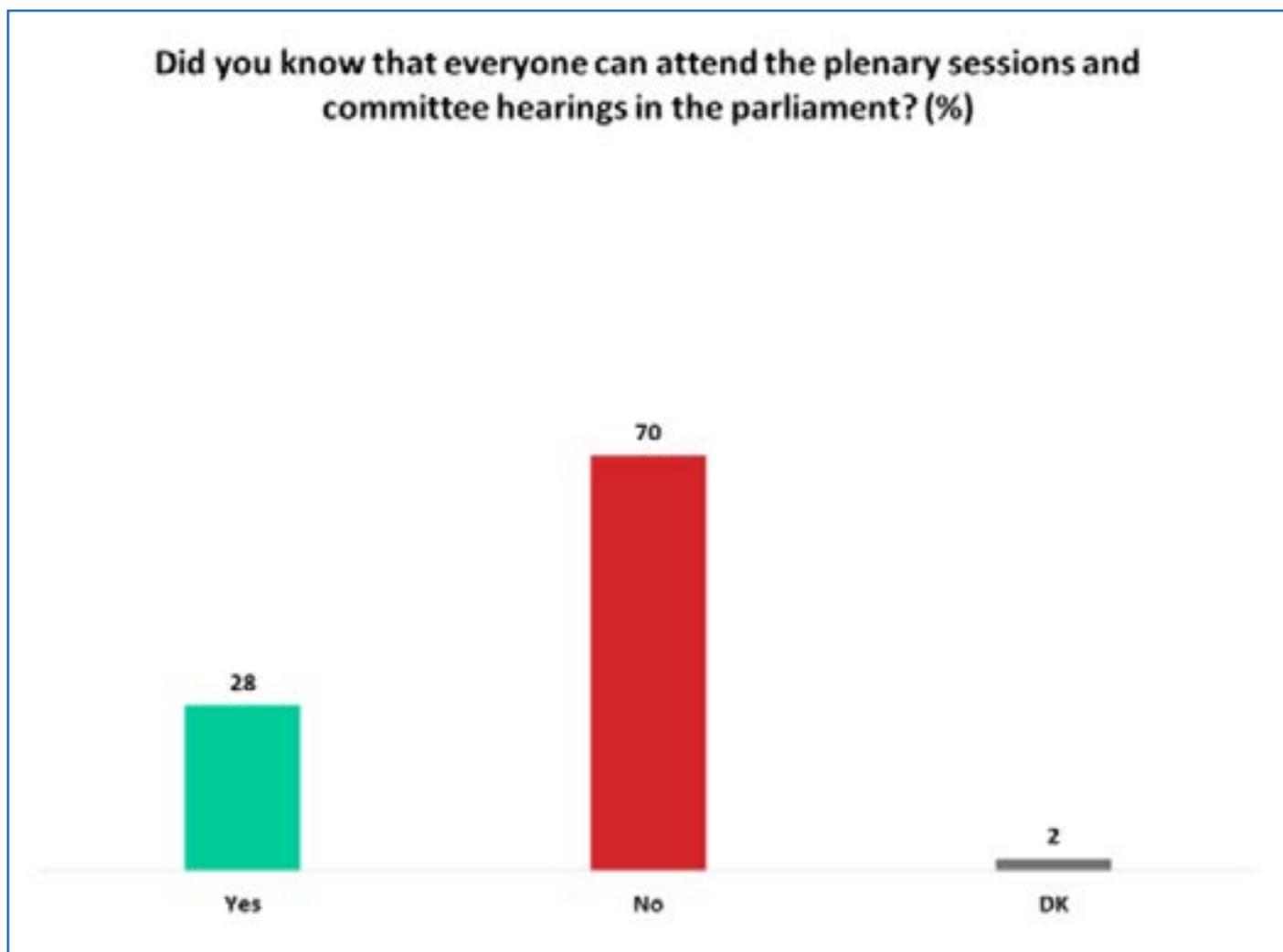
4.2.1 CITIZEN ACCESS TO PARLIAMENTARY SESSIONS IS PROBLEMATIC

Although the law provides citizens have the right to attend parliamentary sittings, information on the rules of attendance for committee sittings is not easily accessible or found on the parliamentary website. The 2016 Order of the Speaker of the Parliament "On the Security Regime in the Palace of the Parliament of Georgia and the Surrounding Area", which regulates the rules of citizens attending parliamentary sittings, is not easily found on the website of the Parliament. The website of the Parliament does not provide a brief overview of the general rules on entering the building of the Parliament.

It is therefore recommended for the Parliament to post a summary about the rules of attendance of the parliamentary committees and plenary sessions on its website. In addition to transparency, the Parliament should work towards simplifying access for regular citizens, such as providing booking entry into the Parliament through electronic means.

According to the public opinion poll⁹, 70% of respondents do not know that everyone has the right to attend plenary sessions and committee hearings (see Diagram 3). Public interest in participating in parliamentary activities is quite low - only 25% of respondents said they would be interested in attending a parliamentary session. (See Diagram 4).

Diagram 3.

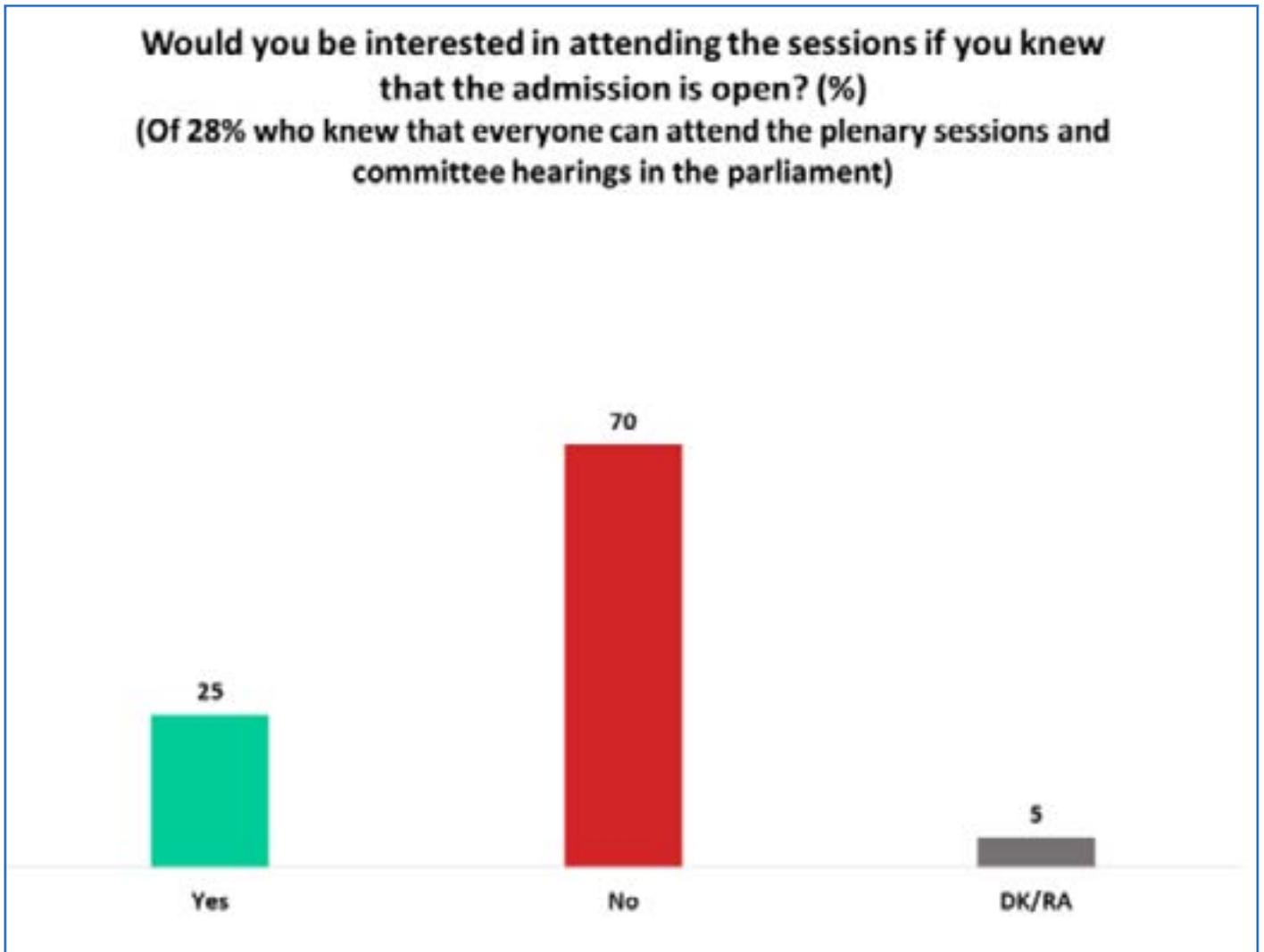


⁹ Our organization also commissioned a public opinion poll carried out by CRRC in February-March 2020, which encompassed all of Georgia. Within the framework of the research, 1,763 people were surveyed using the random selection method.

Did you know that everyone can attend the plenary sessions and committee hearings in the parliament? (%)



Diagram 4.



5. RECOMMENDATIONS

The Parliament of Georgia adopted the first Open Parliament Action Plan in 2015. Since then, there have been positive steps forward in raising transparency of the legislature's work and citizen participation in the legislative processes. Furthermore, it is important to note that the Parliament is actively cooperating with civil society organizations. This collaboration has a positive impact on the legislative process.

In spite of the aforementioned, significant problems still persist in regard to parliamentary transparency that are not in line with the principles of Open Parliament, such as complicated access to the parliamentary building and issues related to the enforcement of the Code of Ethics.

- Despite the adoption of the Code of Ethics by Parliament, the statute of the Ethics Council is yet to be approved and all of the positions have not been filled. As a result, the Council is unable to receive and deliberate on complaints, essentially leaving the violations of the Code of Ethics unenforced. It is important for the composition of the Ethics Council to be complete so that the provisions of the Code of Ethics are enforced;
- One of the significant issues of the Code of Ethics is the lack of effective sanction mechanisms. In spite of our recommendations, in case of a violation the Ethics Council only addresses the MP with a note of recommendation. Furthermore, the decision of the Ethics Council is published on the official website of the Parliament, with a small description of the violation and indicating the names of the offenders;
- The Parliament of Georgia should simplify the procedures for entry into the building of the Parliament. Citizens should be able to gain entry after passing a security check only, without a pass. The Parliament should also create an online mechanism that would allow citizens to book a visit to a parliamentary session;
- The Parliament should provide timely and complete responses to FOI requests from non-governmental organizations and citizens;
- The Parliament should timely update its official website as the current version does not provide interested persons with simple and complete access to parliamentary information;
- The website of the Parliament should have a video archive so that interested persons have the opportunity to gain access to the recordings of parliamentary sessions.