



Recommendations of the Institute for Development of Freedom of Information on the Open Parliament Georgia Action Plan 2016-2017

1. Elaboration of a Feedback Mechanism for Comments Left on Draft Laws

Current Situation: As of today, individuals are able to leave comments on draft laws on the website of the Georgian Parliament. This commitment was initiated by IDFI and was included in the Open Parliament Georgia Action Plan 2015-2016.

However, given the fact that there is no mechanism for providing feedback to these comments, one-way submission of comments cannot guarantee proper engagement of citizens in lawmaking processes; as of today, MPs are not obligated to consider or provide feedback to citizen comments.

According to best international practice, in order to ensure the engagement of citizens and stakeholders in lawmaking processes, it is necessary to receive comments as well as to implement feedback mechanisms.

IDFI Recommendation: In 2016, IDFI presented a concept of electronic system for public consultations on draft laws, which was approved by the Permanent Parliamentary Council on Open and Transparent Governance. This concept included implementation of a feedback mechanism and its legal regulations. We believe that this commitment to elaborate a feedback mechanism for comments should be included in the new action plan.

2. Elaboration of a Public Information Module and Simplification of Access to Information on Parliamentary Activities

Current Situation: The Order of the Chairperson of Parliament of Georgia N132/3, dated December 31, 2013, on Approval of Procedure for Proactive Disclosure of Public Information and Standards for Electronic Request of Public Information sets a list of information that shall be published on the Parliament website. However, the Order does not include an obligation to publish information in open data format. The published information is also not structured, which complicates its search and subsequent use.

The Order also does not provide modern standards for electronic request of public information. Meanwhile, in accordance with Commitment 3.1 (posting documents on the Parliament website in an editable format) of the Open Parliament Georgia Action Plan 2015-2016, it is necessary to post

documents on the Parliament website in user friendly, easily editable formats (for example: HTML/MS Word) and minimize publication of PDF documents.

IDFI Recommendation: IDFI recommends creating an integrated module on the Parliament website, where the information defined by the Order of the Chairperson will be published in user friendly (including open data) format, and where the module for electronic request of information will be implemented.

In addition, the Permanent Parliamentary Council on Open and Transparent Governance should be given the authority to annually define the list of additional information and databases that may become accessible by means of this module (e.g., registry of petitions received during the year, registry of draft laws, registry of sessions missed by MPs, database of Parliament visitors, registry of MP expenditures during international visits and so forth).

This module should also include a mechanism for receiving public feedback through opinion polls. This mechanism will help the Council define the information that is important for citizens.

3. Elaboration of a Public Information Reports Monitoring System

Current Situation: In accordance with Chapter 3 of the General Administrative Code of Georgia, each year, on December 10, all public institutions are obligated to submit the so called “December 10 Report” - Public Information Report to the Parliament, the President and the Prime Minister and publish it in the Legislative Herald of Georgia. Submission of this report makes it easier for the government (Parliament, President, and Prime Minister) and the civil society to control the accessibility of public information and the transparency and accountability of public institutions.

Unfortunately, research conducted by IDFI and other non-governmental organizations revealed that year after year only the number of information requests changes in these reports, without improvement of existing flaws. In most cases, data included in the reports is incomplete, does not comply with the requirements of the General Administrative Code of Georgia and, therefore, does not reflect the real situation regarding freedom of information. Submission of these reports is only formal in nature and neither legislative nor executive bodies generalize, study, monitor or supervise the data included in these reports.

IDFI Recommendation: IDFI suggests elaborating a parliamentary oversight mechanism that will facilitate monitoring of the reports submitted by public institutions. A platform where public institutions will post their data in accordance with the requirements of the December 10 reports will give the Parliament an opportunity to simplify the processing and generalization of this data, produce and publish relevant statistics and prepare a report.

At the same time, citizens and stakeholders will be able to detect irregularities or discrepancies in the submitted reports and request clarification, correction of the data or, in case of intentional falsification of information, request the use of relevant sanctions. This platform will become an important preventive mechanism in terms of increasing the effectiveness of public information reports and carrying out parliamentary oversight activities.

4. Elaboration of a Public Petitions System

Current Situation: Petition is a written request of a group of individuals, which concerns state or general problems and is submitted to the Chairperson of the Parliament. Upon submission, a petition is registered in a special registration journal. It is forwarded to a relevant committee or interim commission for consideration, which makes one of the following decisions: 1. Reviews the petition at the plenary session of the Parliament; 2. Forwards the petition to the relevant ministry, agency; 3. Deems it unreasonable to discuss the petition.

In order to discuss the petition at the plenary session of the Parliament, relevant committee or interim commission presents a conclusion on petition to the Bureau of the Parliament. **In the event the petition is sent to the ministry or other relevant agency, within one month, the latter introduces the decision to the author of petition or relevant committee or interim commission.** After review of the petition, the Parliament adopts a decree, resolution or other decision.

According to the official data, from December 20, 2012 until July 12, 2016, only 19 petitions were registered in the name of the Chairperson of the Parliament of Georgia. This number points to a significant lack of trust and awareness of the society in relation to this important mechanism of civil participation and parliamentary oversight.

Recommendation: IDFI suggests creating an electronic mechanism for submission and tracking of petitions Based on best international practice (e.g., New Zealand, Germany, UK).