



## RULE OF LAW

### EFFECTIVENESS OF COMMITTEES OF INQUIRY IN LIGHT OF PARLIAMENTARY CONTROL

The “Rule of Law” Human Rights NGO has prepared a research entitled “Effectiveness of Committees of Inquiry in Light of Parliamentary Oversight” within the framework of the “Participatory Democracy in Action” Project. The project is implemented by Transparency International Anti-Corruption Center (TIAC) NGO in partnership with “Martuni Women's Community Council” NGO and “Political Dialogue” NGO with the financial support of the European Union.

The following issues were raised during the research: 1) to find out whether there are rules guaranteeing the effectiveness of the activities of the committees of inquiry and whether they comply with the best international practices; 2) what should be improved or changed to increase the efficiency of a committee of inquiry; and 3) whether the mentioned tool of parliamentary control can cross the administration of justice.

The research showed that 11 committees of inquiry were established in the National Assembly from 2017 to this day, of which only two completed their work with a report. At the time of the research three committees were functioning; the National Assembly has not approved the number of members of two committees, and the other four committees are not actually functioning, without completing their work. The effectiveness of the committees of inquiry that had completed their work is highly debatable because in one case the National Assembly only acknowledged it, and, secondly, the effectiveness of Chairperson and members of the committee was assessed as ineffective. Thus, the committees of inquiry of the National Assembly cannot be considered as an effective tool of parliamentary control, neither in legislative nor in practical terms.

During the meetings and discussions with the representatives of the legislature, we found out that the following problems exist for the legislature: the short terms of the activities of a committee of inquiry, the lack of accountability, the difficulties in obtaining information from the executive, as well as the insufficiency of sectoral experts and staff. The MPs found that the results of the activities of a committee of inquiry should be monitored, in order to establish whether or not the committee's work resulted in reform programs and legislative initiatives.

Taking into account during the research the international experience and the domestic regulations, we have proposed to reconsider the procedure for forming a committee of inquiry, because pursuant to the current regulations the parliamentary minority has no opportunity to launch the activities of a committee. In the process of setting up committees and gathering evidence, the right of the parliamentary majority to veto may render meaningless the right of the minority to set up committees of inquiry and to consider issues of public interest.

We have proposed to expand the powers of a committee and define the regulations regarding a person's obligation to appear before the committee and present the truth. A person may be held liable for perjury and for presenting false documents, as well as he/she may refuse to give explanations if the matter in question concerns himself/herself or a close relative.

The legal bases and procedures for the NA to accept the report of the committee of inquiry and to reject the report are missing in the legal regulations. The report should also make recommendations for the agencies that are responsible for developing policy on the issue under consideration. Such procedures and legal bases can significantly improve the nature of NA's control over the response to the report of the committee of inquiry, accountability and the carrying out of the report.

We deemed it necessary to improve the accessibility of the activities of the committees of inquiry for the public, including for non-state actors. The National Budget for the National Assembly can provide funding for the committees to meet the needs of their activities, for example, to engage sectoral experts.

One of the main reasons for termination of the activities of committees of inquiry is the non-observance of the timeframes for the consideration of the case. Given that the legislative initiative on doubling the terms of operation of the committees is in circulation, we consider it necessary to withdraw it, because the actions taken by the committees do not contain any type of work that may require a maximum of another year's time period. This assertion is based on the public activities of the committees of inquiry, their sittings, the process of gathering evidence, etc.

In cases where the term of operation of a committee of inquiry may be protracted in the collection of evidence or additional work, these areas may be reformed, for example, by setting shorter deadlines for the submission of evidence or providing for procedures for the engagement of experts or support team assisting the committee in their work.