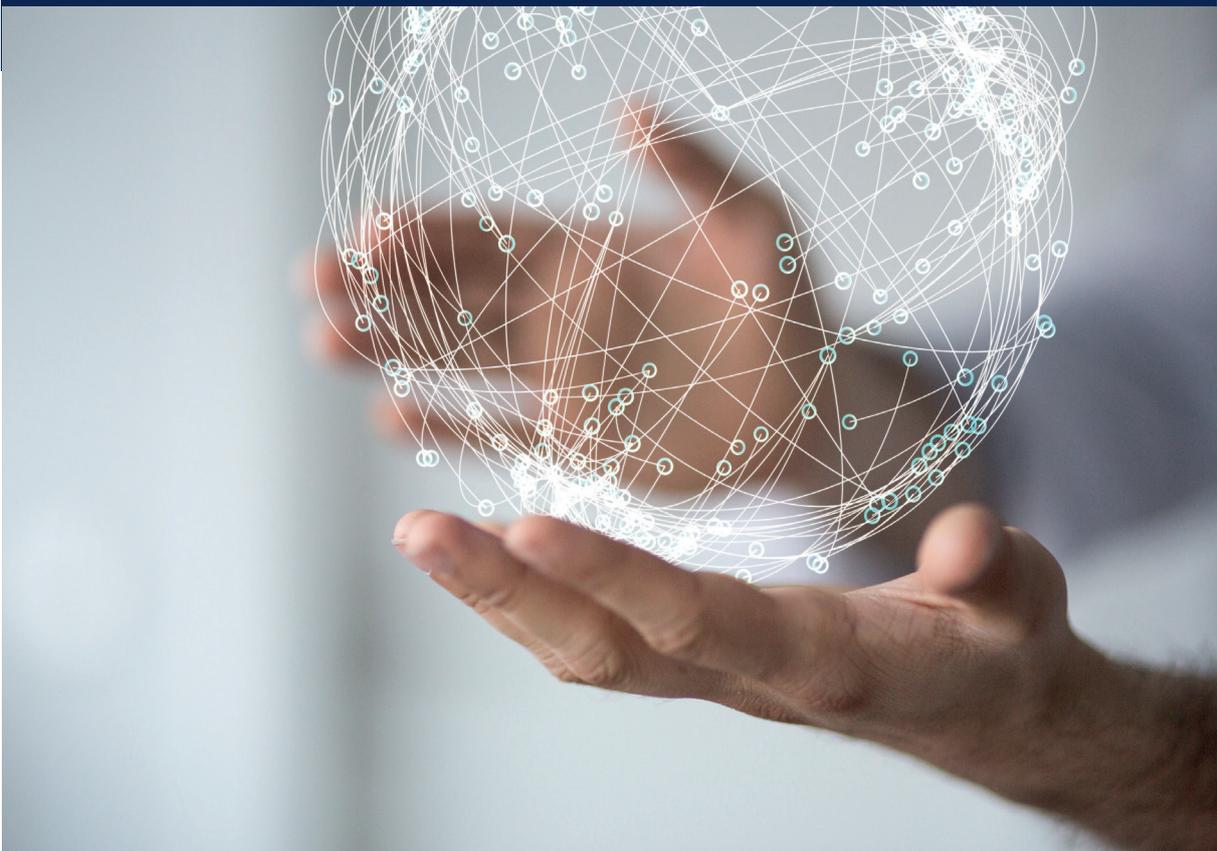


SGI

Sustainable
Governance
Indicators

2014 Legislative Actors' Resources Report

Parliamentary Resources, Obtaining Documents, Summoning
Ministers, Summoning Experts, Task Area Congruence, Audit
Office, Ombuds Office



Indicator

Parliamentary Resources

Question

Do members of parliament have adequate personnel and structural resources to monitor government activity effectively?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The members of parliament as a group can draw on a set of resources suited for monitoring all government activity effectively.
- 8-6 = The members of parliament as a group can draw on a set of resources suited for monitoring a government's major activities.
- 5-3 = The members of parliament as a group can draw on a set of resources suited for selectively monitoring some government activities.
- 2-1 = The resources provided to the members of parliament are not suited for any effective monitoring of the government.

United States

Score 10

The resources of the U.S. Congress substantially surpass those of any other national legislature. First of all, there are three large congressional agencies that perform research and analysis, independently of the executive branch: the Congressional Budget Office (CBO); the Congressional Research Service (CRS); and the Government Accountability Office (GAO). The CBO, a nonpartisan body, is the most credible source of budget analysis in the government. Secondly, each congressional committee has a sizable staff, divided between the majority and the minority parties. In addition, each member of Congress has personal staff, ranging from about 14 personnel, including at least one or two legislative specialists for a member of the House, to more than 50, with several legislative specialists, for a senator from a large state.

The magnitude of Congress's resources reflects three features: One, Congress is constitutionally independent of the executive, and thus seeks to avoid depending on it entirely for information and analysis. Secondly, Congress's own structure has traditionally been decentralized, with much of the legislative work done in committee. And thirdly, individual members are politically independent of the parties, and use staff both for participating in policymaking and for providing electorally beneficial services to constituents. In many cases, legislative decisions are a product of staff-only negotiations.

Australia

Score 9

Members of the Parliament have considerable resources at their disposal for monitoring government activity and obtaining relevant information to advance policymaking. The Parliamentary Library is well-resourced with many skilled researchers and is able to respond to requests rapidly, putting together reports on policy issues at the request of members. In addition, each senator or member may hire employees in four full-time electorate officer positions. In addition, members who have a second electorate office at Commonwealth expense may hire employees in an additional full-time electorate officer position. Individual members of parliament do not, however, receive allowances to fund independent research.

Belgium

Score 9

While Belgium is classified as a constitutional monarchy, it should actually be considered a parliamentary democracy. Parliament is very powerful. During the political crisis, when the government could not initiate law proposals, Parliament took over the steering of government without much problem. Thanks to Belgium's strong party system, information flows well between the government and Parliament. As party heads are central figures in any political agreement, they can coordinate action at each level. Individual members of parliament as well as party parliamentary groups are also well-supported by state-funded expert staff and by parliamentary assistants – their overall level of resources is thus high, even if there is often a high level of party discipline in the federal Parliament.

In addition, Parliament can summon any person, even ministers, to request information. It can initiate special investigations (commissions d'enquête), and the Audit Office (Cour des Comptes), which monitors all Belgian institutions, is a collateral institution of the federal Parliament.

Czech Republic

Score 9

In the Czech Republic, members of parliament (MPs) can draw on a set of resources for monitoring government activity. MPs have a budget for assistants and expertise; parliamentary committees have an office staff of two to three and a secretary; and there is a parliamentary library and a parliamentary research institute. The Parliamentary Institute provides factual information on how issues are resolved in other countries. It provides summaries of processes for parliamentary elections in other countries, of EU

legislation, of economic policy developments in EU member states and of economic and social developments in the Czech Republic. Some of this information is easily available elsewhere while some requires analysis and translation of documents from other languages. The Parliamentary Institute also puts together information quite rapidly on themes that are of immediate concern, such as an analysis and comparative study of the effects of having a directly elected president, which was available for legislators debating the issue.

Finland

Score 9

The resources for members of parliament to obtain information were greatly improved in the 1990s through the creation of a parliamentary assistant system; every MP thus was given a personal assistant. At the time of writing some 190 assistants work in parliament (there are 200 MPs). The assistants perform a variety of tasks, some of which relate closely to the procurement of information and general expertise. MPs are assisted also by the Information and Communication Department, which includes the Library of Parliament, the Research Service and the Parliament Information Office. The Library of Parliament employs 45 people and maintains three service entities: collection services, reference and archival services, and information services.

Additionally, the Research Service supplies information, documents, publications and other materials that are required by MPs and other actors involved in parliamentary work. As the MPs are members of, on average, two parliamentary committees, they benefit from the information and knowledge of various experts that are regularly consulted in committee hearings.

Citation:

<http://lib.eduskunta.fi/Resource.ph x/library/organization/people.htx>

<http://web.eduskunta.fi/Resource.ph x/parliament/aboutparliament/organizationchart.htx?ct=e0>

Germany

Score 9

The German Bundestag has adequate personnel and structural resources to monitor government activity effectively. Members of parliament can conduct their own research or obtain information from independent experts. The parliamentary library and the parliamentary research unit respectively have staffs of 175 and 450 individuals. Every member of parliament receives a monetary allowance allowing him or her to maintain two offices and employ on average two experts. Although some other OECD countries do provide still greater resources, this is sufficient for monitoring the government's primary activities.

Lithuania

Score 9 The members of parliament as a group have adequate personnel and structural resources to monitor government activities in an effective way. They have resources including personal staff; personnel assigned to parliamentary committees, commissions and other structures; and access to the Parliamentary Research Department. Expenses incurred by calling experts for testimony or consultation can be reimbursed. Despite these resources, political parties are frequently unable to engage in professional parliamentary oversight. Parties that form a part of governing coalitions are often unwilling to engage in self-monitoring, while opposition parties are frequently incapable of constructive external oversight. Although the Lithuanian parliament does not commission independent research, it can produce internal conclusions or reports, or invite experts to various parliamentary meetings. In addition, the parliament utilizes the results of audit reports produced by the National Audit Office.

Poland

Score 9 The Chancellery of the Sejm provides sufficient resources to members of parliament (MPs) for the effective monitoring of government activities. MPs have permanent support staff and can draw on the Sejm's library and the expertise of the Sejm's Bureau of Research (BAS). The BAS covers not only legal issues but publishes a newsletter, discussion papers and a peer-reviewed quarterly Law Review (*Zeszyty Prawnicze BAS*). Many of its expert reports are of high quality and are used outside parliament.

Slovenia

Score 9 Slovenian members of parliament (MP) command sufficient resources to perform their jobs effectively and to monitor government activity. Each MP has a personal budget for education and literature acquisition as well as access to research and data services provided by the Research and Documentation Section. Parliamentary groups, which require a minimum number of three MPs, are entitled to additional resources in terms of finances and staff.

Sweden

- Score 9** MPs can monitor all aspects of government activities. They can find some support for these and other activities from the parliament's (riksdagen) administrative support (riksdagens utredningstjänst, or RUT). RUT conducts inquiries requested by groups of MPs. Individual MPs in Sweden receive rather little administrative support; instead, support is given to groups of MPs and to the political party organizations within Parliament.

Denmark

- Score 8** Parliamentary committees have staff, as do political parties. The Parliament also has its own library, but not a research unit. The total parliament staff is about 400, which is not huge. More than a quarter of staff are secretaries, a little less than a quarter are academic staff, followed by security personnel and IT staff. In general, the MPs depend a lot on the government for information and expertise. To gather information they use hearings, independent sources, as well as contacts in interest organizations and think-tanks. But there is no tradition in Denmark for major independent investigations initiated by the parliament. This can weaken its power in the political game vis-a-vis the government. Party discipline is also a strong factor in Danish politics, which can weaken individual members' possibilities.

Citation:

Anders Henriksen, "Folketinget er for svagt i forhold til regeringen," Politiken. 24 August 2010. <http://politiken.dk/debat/kroniken/article1042660.ece> (accessed 26 April 2013).

Folketinget, Beretning om Folketingsåret 2011-12. http://www.ft.dk/Folketinget/~media/Aarsberetning_2011-12/Aret%20der%20gik%20i%20Folketinget%202011-12.pdf.ashx (accessed 26 April 2013).

Folketinget, Personalepolitisk redegørelse 2011. http://www.ft.dk/Folketinget/~media/Pdf_materiale/Pdf_download_direkte/Personalepolitisk_redegoerelse/personalepolitisk_redegoerelse_2011.pdf.ashx (accessed 26 April 2013).

Estonia

- Score 8** Compared to many countries, the Estonian national parliament (Riigikogu) has a rather modest support structure. All administrative staff are employed by the Chancellery of the national parliament and can be divided into three categories. The first category includes analysts working in the research department who provide expert advice and produce reports. In 2011 – 2012, the staff of the research department carried out 21 studies. However, because of a small budget and limited personnel (15 persons), studies are typically very small. In addition to its in-house experts, the national parliament can also order studies from universities or private companies. In

recent years, five studies of this kind were performed. The second category of support resources is the administrative staff employed by the permanent committees. Typically there are three to five advisers per committee. The third group are advisers of parliamentary fractions. In total, there are 40 people working for fractions. MPs can use a reading room in the parliamentary building and the National Library, which also serves as a parliamentary library, is located nearby. MPs also possess monthly allowances that they can use for ordering expert analyses, studies or informative overviews.

Israel

Score 8

In the year 2000, two major steps – the anchoring of the Knesset's legal advisory department and the establishment of the Knesset research center – strengthened the Knesset's position relative to the executive branch. These institutions quickly joined the Knesset's committees, archive and library as primary tools in monitoring the government's major activities. In particular, the research center supplies Knesset members with current and detailed reports on various topics, aiding Knesset members' ability to represent their constituencies' agendas and critically review the executive's policy. Along with these institutional features, each Knesset member is entitled to employ two assistants, who often engage in independent research on behalf of their parliamentarian employer. Legislators' oversight role has also been aided by recent government reforms making information more accessible, and by information provided by outside experts and lobbyists.

However, the Israeli executive still tends to operate in a centralist and nontransparent manner, interfering with the Knesset's oversight role. The Arrangements Law is a prime example of this problem, as it is widely agreed that this legislative package is too complex to allow the Knesset to develop a understanding of its ramifications in the time provided for the vote. Various reform proposals have been submitted on this issue, but a solution has yet to be accepted.

Citation:

"Information and research in the Knesset," Knesset website (Hebrew)

Parliament editorial staff, "In the Knesset corridors," IDI website (September 2010) (Hebrew)

Shapira, Asaf, "A decade to the Knesset's research and information center," IDI website (September 2010) (Hebrew)

"Correction: Debate on'Hok Ha-Hesderim 2013," Open Knesset website (Hebrew)

Ben-David, Lior, "A comparative survey on the status, function and employment conditions of parliamentary assistants," Knesset research institute 4.11.2004 (Hebrew)

Italy

Score 8 Members of parliament can draw on significant resources of highly qualified personnel to monitor the activities of the government. Whether MPs are really interested in doing this systematically is another matter, as the allowances for it often are treated as additional income and not invested in monitoring government activity.

Luxembourg

Score 8 Luxembourg members of parliament (MPs) balance a heavy workload with dual mandates and other professional activities, including municipal councils and/or professional employment. According to the regulations of the unicameral Chamber of Deputies, members can employ a personal assistant and recuperate some costs within the limits of eligible expenses. MPs can consult with external experts as part of the functioning of parliamentary commissions. MPs have access to a central state computer system to review databases, surveys, reports, agendas and other important information.

Citation:
Règlement de la Chambre des Députés du 6.12.2012

Norway

Score 8 Members of parliament do not have personal staff, but can draw on support from general staff allocated to each party and paid for by parliament. The number of general staff members is related to party size. Legislators, all whom serve on committees, are also supported by committee staff; most of the legislative work is in fact done in committee. The parliamentary library is well regarded by representatives for its ability to provide support in research and documentation. Support resources are not lavish, but neither do they represent an impediment the effective functioning of parliament or its individual members. The parliament has a limited capacity to independently collect and analyze information, but routinely asks the government to answer questions and to provide additional information.

France

Score 7

French legislators have fewer resources at their disposal than, for instance, their American colleagues, but they are reasonably equipped should they wish to make use of all facilities offered. In addition to two assistants, whom parliamentarians can freely choose, they receive a fixed amount of funds for any expenditure. There is a good library at their disposal, and a large and competent staff available to help individuals and committees. These committees can also request the support of the Court of Accounts or sectoral bureaucracies, which are obliged to provide all information requested. There are still problems, centered on the long tradition of parliamentarians holding several political mandates. Three-quarters of parliamentary members are also elected local officials, and many of them dedicate more time to local affairs than to parliamentary activities. Absenteeism is one of the major problems of the French parliament.

Austria

Score 6

The two-chambered Austrian parliament, in which the National Council (Nationalrat) or lower house holds more power than the Federal Council (Bundesrat), is divided along two main cleavages. First, the strength of political party groupings within the parliament reflect the results of direct national elections (in the National Council) as well as indirect provincial elections (in the Federal Council). Second, the formation of coalitions creates a government and a parliamentary opposition.

All party groups that have at least five members in the National Council can use infrastructure (office space, personnel) paid by public funds and provided by parliament. All party groups are represented on all committees, in proportion to their strength. In plenary sessions, speaking time is divided by special agreements among the parties, typically according to the strength of the various party groups.

Only the ruling majority can launch parliamentary investigations. This majority can be indirectly forced to accept the creation of an investigative committee by public pressure exerted by the media and the opposition.

Individual members' ability to use resources independently of their respective parties has improved in recent years. Members of parliament can now hire a small number of persons for a personal staff, which is funded by the parliament as such and not by the party. This improves members' independence. However, this independence is still limited by the strong

culture of party discipline, which is not defined by explicit rules but rather by the party leadership's power to nominate committee members and electoral candidates.

Canada

Score 6

In principle, parliamentary committees have the right to receive government documents in the course of their deliberations, but these documents often arrive incomplete and redacted because of confidentiality considerations, or too late to enable the committee to make effective use of them. Members of the House of Commons and the Senate have access to the research services of the staff of the Library of Parliament, and these staffers are responsible for drafting parliamentary committee reports. There are limited resources for commissioning studies from outside experts. One important source of information for parliamentarians has been the Office of the Parliamentary Budget Officer, but the future effectiveness of this office is uncertain. The current government has made considerable use of "omnibus" budget bills to legislate in a wide range of policy areas that are not related to the measures announced in the federal budget, effectively subverting parliament's duty to examine the government's agenda and hold it to account.

Croatia

Score 6

The resources upon which the members of the Croatian parliament or Sabor can rely are limited.

Parliamentary committees are supported by some parliamentary staff. The Sabor has an Information and Documentation Department that keeps track of the Sabor's legislative activity and responds to queries for information from MPs and parliamentary staff about bills in progress and transcripts of plenary sessions. There is also a parliamentary library with various collections in the fields of law, politics, history, economics and sociology. However, the support staff for individual MPs is relatively small, as the budget of the Sabor allows for a secretary for every parliamentary group and one additional advisor for every 15 group members. Moreover, the Sabor does not have an office for policy analysis, and the staff of the Sabor is characterized by formal-legalistic thinking.

Greece

Score 6

Members of the Greek parliament are granted full access to the well-resourced library of the parliament. They are also entitled to hire two scientific advisors who are paid out of the parliament's budget. MPs select these advisors and it is not uncommon for them to hire family members or friends who in effect do administrative and secretarial rather than research work.

Nevertheless, each party represented in parliament has its own scientific support group, funded by the annual funds given by the state to parties as part of regular party financing through the state budget.

In the past, the Greek parliament commissioned the publication of research reports and academic work useful for policymaking, although this was not systematic and depended on the preferences and predispositions of the speaker of the parliament. Nowadays, owing to the ongoing economic crisis, few if any monetary allowances are channeled to independent research.

Netherlands

Score 6

A comprehensive study on the information exchange between the States General and government in the Netherlands over the past 25 years concludes: "In a mature democracy the primacy of information provision to parliament ought to be in the hands of parliament itself; but in the Netherlands in 2010 *de iure* and *de facto* this is hardly the case. *De iure* the dominant interpretation of Article 68 of the Constitution boils down to the fact that, in the end, it is government that decides whether or not certain information is provided to parliament. *De facto* the information arena in which the Cabinet and the parliament operate is largely defined and controlled by the Cabinet."

This state of affairs reflects the necessity to form coalitions so that a majority of the States General usually supports the government of the day. As an institution the States General is not necessarily a unified actor.

And as an institution, the States General's resources are modest as well. Dutch members of parliament in large parliamentary factions do have one staffer each; MPs of smaller factions have to share just a few staffers. MPs of coalition parties are usually better informed than opposition MPs. MPs do have the right to summon and interrogate ministers; the quality of the question-and-answer game is typified as: "Posing the right questions is an art; getting correct answers is grace." Oversight and control in the Dutch

States General is the prerogative of the departmentally organized permanent parliamentary committees, usually composed of MPs with close affinity to the policy issues of the department involved. Policy and program evaluations are conducted by the departments themselves, or by the National Audit Chamber (which has more information rights than the States General). Another more standardized mechanism is annual Accountability Day, when the government reports on its policy achievements over the last year. Direct day-to-day contacts with officials are fuzzy and unsatisfactory due to the nature and interpretation of guidelines, and more formal hearings between MPs and departmental officials are practically unknown. Only in the case of formal parliamentary surveys or investigations may MPs hear officials under oath – but this is considered an extraordinarily heavy instrument, to be used only exceptionally. Formally, the States General may use the expertise of the advisory bodies, but this is closely supervised by the minister under whose departmental responsibility the advisory bodies function. Only the Rathenau Institute (for scientific and technological issues) works for the States General exclusively.

Citation:

Guido Enthoven (2011), *Hoe vertellen we het de Kamer? Een empirisch onderzoek naar de informatierelatie tussen regering en parlement*, Eburon

New Zealand

Score 6

While New Zealand parliamentary members (MPs) are not generously equipped with financial or personnel resources to monitor government activity, they do have access to party research units. Other personnel available to individual MPs include an executive assistant (in Parliament) and electorate staff, with constituency members being more generously funded than those on the party lists.

Citation:

K.-U. Schnapp and P. Harfst, *Parlamentarische Informations- und Kontrollressourcen in 22 westlichen Demokratien*, *Zeitschrift für Parlamentsfragen*, 36 (2005), pp. 348–70.

Portugal

Score 6

The Assembly of the Republic does have a robust committee structure and system composed of standing and ad hoc committees, as well as committees to assess implementation of *Plano do Governo* and *Orçamento do Governo*. Moreover, it can call members of the executive to explain issues and has some degree of autonomy in terms of its budget allocations. However, there remains a substantial lack of expert support staff. Members of the Assembly generally do not have their own staff, and there is little expert support they

can rely on. As such, the Assembly's capacity to monitor government activity is largely contingent on the members of the parliament's own expertise and expertise.

Romania

Score 6

The Romanian Parliament has a Department of Parliamentary Studies and Community Law, which offers members of parliaments research support and library access and which can prepare research reports at the request of members of the Standing Bureaus of the two chambers, as well as of the leaders of the parliamentary groups and of the chairs of the parliamentary committees. However, a common complaint with respect to the Parliament's resources is that the latter are channeled to activities such as building maintenance, rather than those directly involving the main functions of a national legislature. Independent MPs have few material resources and little expertise available and often rely on assistance from former MPs or political party staff rather than independent experts.

Slovakia

Score 6

In Slovakia, members of the unicameral National Council (MPs) have some resources to monitor government activity. Most of the MPs have a support staff of at least two persons, and there is a parliamentary library (with about 65,000 books) and the Parliamentary Institute – a research unit providing expertise for parliamentary committees, commissions and individual MPs. However, the quality of the Parliamentary Institute's analysis is limited, so MPs tend to rely on party resources.

Turkey

Score 6

The administrative organization of the Grand National Assembly of Turkey consists of departments that support the Speaker's Office. The conditions of appointment of the administrators and officers are regulated by law (Law 6253, 1 December 2011). The administrative organization (including the research services department and the library and archives services department) is headed by the secretary general and is responsible for providing information as well as bureaucratic and technical support to the plenary, the bureau, committees, party groups and deputies; informing committees about bills and other legislative documents and assisting in the preparation of committee reports; preparing draft bills in accordance with deputy requests; providing information and documents to committees and

deputies; coordinating relations and legislative information between the Assembly and the general secretary of the president, the Prime Minister's Office and other public institutions; organizing relations with the media and public; and providing documentation, archive, and publishing services (Article 3, Law 6253). Although the budget of the Assembly is part of the annual state budget, it is debated and voted on as a separate spending unit. The Assembly prepares its own budget without negotiation or consultation with the government; yet, it does follow the guidelines of the Ministry of Finance.

The Turkish parliament has improved both human resource services and technical infrastructure as to better support the work of its members of parliament. According to a 2010 World Bank report, the major deficiency of parliamentary work is the ability of budget office experts to collect, evaluate and provide a technical summary of relevant materials in a timely fashion; this was explained partially by a lack of standardization in financial documents (specifically in statistics), and partially by a lack of expert capacity. The parliamentary research unit as well cannot meet demands for information. In short, monitoring the government's activities is dependent on an individual parliamentary member's ability to reach the needed resources quickly.

Citation:

Nakamura, Robert, and Omer Genckaya. 2010. "Assessment for the Turkish Grand National Assembly in Support of the Implementation of the Public Financial Management Act." Report to the World Bank. Turkish Parliament: Grand National Assembly of Turkey, Research Center, Ankara, 2012.

United Kingdom

Score 6

Westminster MPs have relatively few resources at their disposal in terms of personnel capable of monitoring government activity. Parliamentary parties have few additional resources and therefore can provide little support. In addition, if a party is in government, a substantial part of their MPs will be (junior) members of the government and therefore not too keen to monitor themselves.

Parties in opposition are granted some public funds to hire additional researchers to fulfill their duties of controlling the government. But in terms of resources this is still not much compared to those the governing parties can call on through the ministerial bureaucracy.

Citation:

European Parliament / Directorate-General for Research 2000: Comparison of organizational and administrative arrangements in EU national parliaments; http://edz.bib.uni-mannheim.de/daten/edz-ma/ep/00/budg110_en.pdf

Chile

Score 5

The National Congress is endowed with a multidisciplinary staff of consultants in order to support deputies and senators in their representative, legislative and control functions as well as in the field of congressional diplomacy. Nevertheless, this support tends to be asymmetric in comparison with the ministerial capacities to analyze and investigate. The control function of the National Congress is based on the Chamber of Deputies (Cámara de Diputados). This function tends to operate as a reaction to journalistic complaints in combination with political conflicts rather than a real control of the government's accomplishment.

Hungary

Score 5

Members of parliament have access to funds to consult with outside advisors, and the National Assembly has a good library and even a small research section. However, these resources have not been sufficient to keep up with the government's hectic manner of policy-making. In the parliamentary term at the time of writing, the National Assembly adopted more than 500 bills and made hundreds of other decisions. Moreover, some laws have been amended dozens of times, and the Orbán government has often sent draft bills to be voted on a Monday to parliamentary members as late as Friday afternoon. For the small and ideologically fragmented opposition, it has been difficult to monitor the frenetic legislative activity of the Orbán government.

Ireland

Score 5

The Oireachtas Library and Research Service manages the Irish parliamentary library. The service's primary users are the individual members of the houses of the Oireachtas, committees and staff of the houses.

Whereas ministers recruit advisors and experts, there is no system of internships that allows members to recruit researchers and there is no tradition of members or groupings commissioning and publishing evaluations of government activity. The main resource available to members for monitoring government activity is the committee system. This allows members to call expert witnesses and explore the implications of proposed legislation. The resources available to these committees appear adequate for their purpose.

Mexico

Score
value_6

Mexico has an unusual electoral system in that all members of Congress are prohibited from running for re-election. This system was intended to bring legislators closer to civil society, but it has had unanticipated consequences. Mainly, it has weakened the legislative role and increased the power of party bosses. The most senior members of the largest political parties now largely control Congress. They tend to control the careers of more junior congressional members because the effect of Mexico's strong no re-election rule prevents members of Congress from using their constituency as a political base. In turn, members tend to lack resources and legislative scrutiny is often perfunctory. Similarly members have little incentive to take a deep interest in lawmaking because their term as incumbents is so short. Moreover, good legislative performance, when it happens, often goes unrewarded.

South Korea

Score 5

MPs have a staff of nine. These comprise four expert staff, three administrative staff and two interns. Given the large amount of topics covered by MPs, this staff is scarcely sufficient, but it is enough to cover the focus areas of the MP. The parliamentary library is one of the best libraries in Korea. The National Assembly exerts the power of monitoring and supervising the administration through an existing system of investigation about national affairs, which can be called regular or provisional.

Spain

Score 5

Spanish deputies and senators can draw on a set of resources suited for selectively monitoring some government activities but they cannot control effectively all dimensions of public policy. Resources for obtaining or generating self-produced or independent information and expertise are very limited, without real parliamentary research units or think tanks. Members of the bicameral General Courts do not even have an individual assistant, and the small number of expert staff is shared with other deputies or senators. Economic resources for the commission of independent research are also scarce.

Switzerland

- Score 5** The Swiss parliament is not broadly professionalized. Officially, it is still a militia parliament, meaning that legislators serve alongside their regular jobs. However, this is far from reality. Almost 90% of members use more than a third of their working time for their political roles. Legislators' incomes have also been increased over time. On average, the various components of remuneration total more than CHF 100,000 annually (about €85,000). However, legislators do not have personal staffs, and the parliamentary services division offers only very limited research services, though legislators do have access to the parliamentary library. Thus, in comparative perspective, MP resources are very limited.

Bulgaria

- Score 4** The Bulgarian legislature has a budget of less than one tenth of 1% of national income, with more than three-quarters of that being spent on deputies' salaries, current maintenance and capital expenditures. Thus the resources available to deputies in terms of expert staff, administrative support and independent research are very limited. This means that the capacity of the National Assembly to effectively monitor the policies and activities of the executive is also limited. This limitation is not structural, but rather of a political character, since the Bulgarian legislature has full discretion over the budget and could secure the resources for enhanced monitoring.

Cyprus

- Score 3** The House of Representatives' moderately sized staff primarily provides administrative and secretarial support. A research, studies and publications division appears to perform activities related to drafting and publications and organizes events rather than producing genuine expert research or study reports. Deputies each have a personal research assistant, but the quality of the assistants' research output has never been assessed.

The parliament has a rich library that remains largely unused. Independent research is rarely commissioned. Information about government activities is obtained by specialized committees that invite members of the executive or administration officials to attend their meetings.

Iceland

Score 3

Ordinary parliamentarians in Iceland have access to some experts employed by the parliament. While the 28-person Committee Department (Nefndasvið) is tasked with informing, consulting with and assisting the Althing's standing committees, individual members can also turn to this department for assistance. However, a department of this size, primarily servicing the committees, is not sufficient as source of information for more than 50 out of 63 parliamentary members (eight to 12 are generally ministers, and have access to other resources). The 2007 – 2009 coalition government enabled parliamentary members in constituencies outside the capital area to hire half-time personal assistants to improve their access to information and expertise. However, this policy was ended soon after the collapse in 2008, due to the need to cut costs in the parliament.

Japan

Score 3

Parliamentarians in Japan do not have the means to do an independent assessment of policy proposals. Each parliamentarian can employ three public secretaries, who are paid through an annual fund totaling JPY 20 million (about €150,000 in spring 2013), and who are primarily used for the purposes of representation at home and in Tokyo. The lower house has a Legislative Bureau tasked with supporting parliamentarians in their legislative work, but the total staff size of about 80 individuals is far too small to cover all relevant policy fields competently. The National Diet Library is the country's premier library, with support of parliament among its primary objectives. However, its role is quite limited beyond responding to general information queries, offering seminars, and other general tasks.

Recent debate on parliamentary reform has focused on reducing the number of seats (for financial and other reasons). Providing legislative actors with additional resources is unlikely to be on the agenda anytime soon, as the political system is designed to have bills drafted elsewhere.

Malta

Score 3

Apart from library access and support staff, members of parliament can call on no other sources to support their legislative work. Staff members are too few in number and their primary duties keep them occupied. Members of the unicameral House of Representatives are part-time legislators and, with the exception of ministers and some parliamentary secretaries, continue with

private employment once elected. From time to time, members of permanent parliamentary committees seek support from outsiders, such as academics and specialists, but this too is not enough sufficient to truly help. A lack of resources too has caused the delay in setting up a process of evaluation for EU legislation.

Citation:

Camilleri, I. Parliament is out of touch with Brussels. No feedback to Brussels' documents. Times of Malta 14/06/11

Latvia

Score 2

Parliament does not have adequate resources to monitor government activity effectively. Some expertise is available from parliamentary committee staffers, personal administrative support staff and the parliamentary library. This does not allow for substantive policy analysis in most cases, or for the independent production of information. There are no monetary allowances earmarked for the commission of independent research.

Indicator

Obtaining Documents

Question

Are parliamentary committees able to ask for government documents?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Parliamentary committees may ask for most or all government documents; they are normally delivered in full and within an appropriate time frame.
- 8-6 = The rights of parliamentary committees to ask for government documents are slightly limited; some important documents are not delivered or are delivered incomplete or arrive too late to enable the committee to react appropriately.
- 5-3 = The rights of parliamentary committees to ask for government documents are considerably limited; most important documents are not delivered or delivered incomplete or arrive too late to enable the committee to react appropriately.
- 2-1 = Parliamentary committees may not ask for government documents.

Czech Republic

Score 10

Czech parliamentary committees may ask for almost all government documents. Governments usually respect committee requests and tend to deliver the documents in time.

Estonia

Score 10

Parliamentary committees have the legal right to obtain from the government and other executive agencies the materials and data necessary to draft legal acts and evaluate draft law proposals made by the government. The commission can also invite civil servants from the ministries to participate in commission meeting in order to provide additional information or explain governmental position. According to available information, the executive and its agencies generally provide requested information.

Finland

Score 10

Reports drafted by committees provide the basis on which parliament takes nearly all of its decisions. Committees prepare government bills, legislative initiatives, government reports and other matters for handling in plenary sessions. Given these tasks and functions, it follows that the government is

expected to report in full its motives for proposing legislation, and that committees are able to obtain the desired documents from the government upon request.

Germany

Score 10

The German Bundestag is a “working parliament” – that is, parliamentary committees are of pivotal importance in formulating and preparing legislative initiatives. Outside their law-preparation activities, they also serve an oversight role with respect to government ministries. Committees can invite the ministers responsible for their sectoral policy areas to hearings, and have the right to ask for governmental information. The ministries' expert staffers are always present at committee hearings, often outnumbering the actual parliamentary committee members. Most documents can be accessed directly by any committee member. Nonetheless, the ministerial bureaucracy tries to withhold information in cases where the opposition may try to use it to support criticisms of the government or prepare policy alternatives. Moreover, there are some restrictions on which documents can be provided. Yet most documents are made public and can be accessed in a variety of ways, including at larger libraries and on the Internet. In an important ruling on 12 September 2012, the FCC's Second Senate strengthened the information rights of German parliamentary representatives regarding the European Stability Mechanism Treaty (ESM), as government officials had previously been reluctant to keep the Bundestag informed on this issue, citing professional secrecy.

Greece

Score 10

Members of parliament have the right to request the supply of government documents and frequently exercise this right. Documents are normally delivered in full, within one month, from the competent ministry to the parliament. Restrictions apply to documents containing sensitive information on diplomatic, military or pertinent to national security issues, which ministers may decide to withhold from the parliament.

Citation:

The supply of government documents to the parliament is regulated by article 133 of the Standing Orders of the Parliament. Information on this regulation is available at <http://www.hellenicparliament.gr/Vo-uli-ton-Ellinon/Kanonismos-tis-Voul-is/article-133/>. Accessed on 04.06.2013.

Latvia

Score 10 The Saeima has the right to obtain documents from the government, and no problems have been observed in the exercise of this right.

Poland

Score 10 Parliamentary committees have both de jure and de facto full access to government documents. MPs may demand information from government officials, either written or verbal, at the sitting of the Sejm plenary or at a committee meeting.

Sweden

Score 10 Parliamentary committees (or indeed any person) have the right to review all public documents in Sweden unless they are classified or are part of an ongoing decision-making process.

In this respect, the Swedish system leaves very little to be desired. The problem has been the execution of these rights. In the annual reviews conducted by the Parliamentary Committee on Constitutional Affairs (KU) during the past several years, the committee has severely criticized the government's central office (regeringskansliet) for not providing documents, or for being exceedingly slow in doing so. The media, too, has been critical of the government in this respect.

Switzerland

Score 10 Parliamentary committees, as well as members of parliament, have access to government documents and receive copies of these promptly upon request. Legislators have also electronic access to the majority of government documents.

United States

Score 10 The legislature's right to obtain government documents is well established in the U.S. system of government and congressional committees have subpoena power to request documents. However, this power is sometimes

limited by claims of executive privilege – a constitutionally recognized entitlement that protects White House and agency internal communications in limited circumstances. In 2013, the White House supplied congressional investigators with more than 100 pages of email messages that had been exchanged between the White House, the State Department, and the CIA, in a controversy over allegedly misleading White House statements about the terrorist attack in Benghazi, Libya. Although the executive branch often withholds classified information from general release to members of Congress, the members of the House and Senate Intelligence Committees have top-secret clearance to sensitive secrets. In any case, for most issues, the information that Congress needs for policymaking or oversight of administration does not fall under any plausible claim of executive privilege or security restriction. In these cases, Congress can obtain almost any information that exists. Within very broad limits, Congress can also ask departments and agencies to gather data or perform studies when it finds existing information insufficient.

Australia

Score 9

The legislature has strong powers, deriving from both Section 49 of the constitution and the Parliamentary Privileges Act, that require the executive arm of government to provide Parliament with information. As parliamentary bodies, these powers are vested in parliamentary committees. There are only a very few acceptable reasons for refusal. A minister or other member of the executive who refuses to turn over requested documents can be held in contempt of the parliament.

Belgium

Score 9

Parliamentary committees are de facto able to obtain essentially all documents they need, as long as documents are not deemed highly confidential. The more sensitive areas include domestic and foreign security, in particular with the police and intelligence services, for which two special regular parliamentary committees have been set up. These powers become even stronger when a parliamentary committee is set up to initiate a parliamentary investigation. This however often leads to a strategy of not collecting data on sensitive issues to avoid having to disclose sensitive information. This does of course imply that government policymaking out of circumstance is pursued a bit in the dark.

Denmark

Score 9

Parliament is entitled and granted access to most government documents. There are internal ministry documents, however, that are not made available. However, ministers and ministries know that it is politically important to heed parliament requests. Documents may be stamped confidential, but, in general, most committee documents are publicly available.

Citation:

Henrik Zahle, *Dansk forfatningsret 1: Institutioner og regulering*. Copenhagen: Christian Ejlers' Forlag, 2005.

Folketinget, *Håndbog i Folketingsarbejdet*. Okotober 2011.

http://www.ft.dk/Dokumenter/Publikationer/Folketinget/~/_media/Pdf_materiale/Pdf_publicationer/Folketinget/H%C3%A5ndbog%20i%20folketingsarbejdet_web_7%20MB.pdf.ashx (accessed 24 April 2013).

France

Score 9

Committees have free access to all requested documents. However, areas such as national security, the secret service or military issues are more sensitive. The government might be reluctant to pass on information but, worse, could be tempted to use information limitations to cover up potential malpractices. For instance, in the past the PMO had at its disposal substantial amounts of cash that could partially be used for electoral activities of the party in power. No information was available about where the money actually went. In the same vein, it is only during the Sarkozy presidency that the president's office budget became transparent and accessible to parliamentary inquiry.

Japan

Score 9

Government documents can be obtained at the discretion of legislative committees. There are typically no problems in obtaining such papers in a timely manner. As the internal culture of committees varies, depending for instance on the personality of the chairperson, the actual utilization of this right differs among committees.

Lithuania

Score 9

Members of parliament have the right to obtain information not only from the government itself but also from various government agencies, enterprises and other public-sector organizations. When carrying out their oversight function, parliamentary committees can request information and relevant documents from ministries and other state institutions. These are normally delivered in full and within an appropriate time frame. There are some restrictions concerning the access of information considered to be sensitive for reasons of state. In addition, information from ongoing pretrial investigations and other investigations cannot be provided if this could harm the investigations.

Luxembourg

Score 9

Information flows freely between the government and parliament. There is no withholding of information in parliament, as opposition members one day may be tomorrow's coalition partner. Parliamentary queries (questions parlementaires) are a popular and effective way for members of parliament to obtain information from the government or to gain insight into specific topics. Even with respect to sensitive issues, only few restrictions exist. Recent scandals over the state Secret Service (Service de renseignement de l'Etat luxembourgeois, SREL) have shown that there are some domains where the free flow of information is not guaranteed. Parliament is not duly and regularly informed about the functioning of the SREL, despite the fact that a parliamentary enquiry committee had been formed at the end of 2012 to review SREL activities that occurred 20 years ago.

Citation:

<http://www.luxembourg.public.lu/catalogue/generalites/tout-savoir/tout-savoir-2010-DE.pdf>

Urbany S. (2013), Nach der Gangsterjagd. SREL-Untersuchungskommission. Eine Zwischenbilanz: http://www.forum.lu/pdf/artikel/7582_327_Urbany.pdf

New Zealand

Score 9

The Cabinet manual defines the right of committees to ask for government documents. All documents have to be delivered in full and within an appropriate time. There are limitations with regard to classified documents.

Citation:

Cabinet Manual: Providing Information to Select Committees: <http://cabinetmanual.cabinetoffice.govt.nz/8.66> (accessed May 8, 2013).

Norway

Score 9

Parliamentary committees have the de facto power to obtain government documents. The procedures for doing so are fast and effective. The parliamentary right of access to information is a very strong norm, which most members of the government are very careful not to violate. They thus work to ensure that the parliament is provided with adequate and timely information. Oral proceedings and consultations are sometimes used to supplement written procedures. There are no limitations to this right of access, except in specific cases of secrecy, which are not widespread. However, even in these cases, parliament has an extended foreign relations committee which has access to classified security information.

Portugal

Score 9

The government is obliged to respond within 30 days to requests for information from the Assembly of the Republic. While there is no data on how it responds specifically to requests from parliamentary committees, delivery of information to requests from members of parliament can be untimely or incomplete. Thus, in the first legislative session of the XII legislature, from 20 June 2011 to 25 July 2012, 6,525 questions and requisitions were made by MPs, of which 1,498 (23%) were unanswered. However, this appears to reflect a lack of institutional capacity to answer the questions rather than a deliberate attempt to conceal information from the Assembly. Moreover, it is likely that committee requests are answered more promptly and fully than those of individual MPs.

Citation:

(1) Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 1ª Sessão Legislativa (20 de junho 2011 a 25 julho de 2012)"

Austria

Score 8

In government documents obtained by recently called investigative committees, significant portions were redacted, ostensibly for the purpose of protecting privacy. This demonstrated that committees are entitled to obtain documents, yet that the government can create significant limitations in access to parts of these documents.

Currently, all parliamentary committees have the power to ask for any kind of document. However, documents deemed "secret" can only be consulted in a special parliamentary room, and cannot be copied.

Canada

Score 8 In principle, parliamentary committees have the right to receive government documents in the course of their deliberations, but these may arrive incomplete and redacted because of confidentiality considerations, or too late to enable the committee to make effective use of them.

Chile

Score 8 Congressional committees or individual deputies can request documents, which must be delivered by the government within legally defined time limits. Those deadlines are generally met by the government's office, but there are de facto limitations in the exercise of control, as the party or coalition with a majority in a certain topic can block the minority's request. Until recently, obtaining information from state-owned companies or the Ministry of Finance was difficult.

Italy

Score 8 Italian committees are comparatively powerful. They can significantly amend legislation and they have extensive oversight powers. Committees have the right to ask for documents from the government. Delivery of the documents may not always be prompt, but there is no significant evidence that the government fails to comply.

Slovenia

Score 8 In Slovenia, parliamentary committees have the right to ask for almost all government documents, and they can discuss any document in sessions either open or closed to the public. However, governments have sometimes delivered draft bills and other documents at the last minute or with considerable delay, thereby infringing on the work of the committees and obstructing public debate on the proposals.

South Korea

Score 8

Parliamentary committees are legally and de facto able to obtain the documents they request from the government. The government is required to deliver these documents within 10 days of a request. However, documents pertaining to commercial information or certain aspects of national security can be withheld from the parliament. Lawmakers can also summon as witnesses the officials concerned. Bureaucrats are sometimes reluctant to offer the documents and information in an effort to protect their organizational interests.

Spain

Score 8

According to Article 109 of the Spanish Constitution, the General Courts may request any kind of information or help they may need from the ministries, or from any other authorities of the central public administration or the autonomous regions “for the better fulfillment of the parliamentary duties.” Requests for information are made through the speaker. The information and documentation requested from the government must be made available within a period not exceeding 30 days and in the manner most suitable to the applicant. If this is not done, “the legally justified reasons preventing the supply of such information” must be provided. This legal margin allows the government not to deliver some important documents (for example, on the grounds of secrecy) or to deliver them incomplete or late to the parliamentary committee. Furthermore, although every member of a committee is in principle entitled to request any information or document, they can only do it “with the prior knowledge of their respective parliamentary group.” Access to documents may also vary depending on the ministry. Documents generally arrive in time and in full, but occasional examples of obstacles exist (for example, a report by the Ministry of Industry on the safety of a future radioactive waste storage facility dated January 2013 was not delivered to a minor opposition party deputy who challenged the veracity of the report.

United Kingdom

Score 8

The “Osmotherly Rules” define the rights of select committees to obtain government documents. Like many internal parliamentary rules, however, they remain informal and cannot be legally challenged. However, documents are rarely held back and will thus be made available to committees. There are occasional disputes with government over the provision of specific information, and committees will then have to order the production of

government documents. Their rights are thus not formally limited, but there is sometimes a political struggle between the committee and the government, although the struggle is usually mediated by the fact that the government party also has the majority on the committee, and party political motives thus rarely come into play. Freedom of Information requests can additionally be used to obtain documents, but this does not include documents that affect national security or public interests. The media reinforce parliamentary scrutiny through their strong influence and the keen interest they take in committee findings that challenge government.

Bulgaria

Score 7

Under the Rules of Organization and Procedure of the National Assembly (article 26), parliamentary committees can obtain any documents from any public or private person in the country. A chairperson of a standing committee is obliged to acquire such documents if one third of the members of the committee ask for them. Thus on paper, parliamentary committees have full access to government documents. In the executive branch, access is also possible for individual members of parliament through the institution of the “parliamentary questions” put to the executive. In practice, representatives of the executive can delay the execution of these requests, because responsibilities are not clearly specified and sanctions are not defined. There have been numerous instances of such delays.

Croatia

Score 7

According to Article 115 of the Standing Order of the Croatian Parliament or Sabor, any working bodies of the Sabor may “seek a report and data from Ministers of State or officials who administer the operations of other state administrative bodies,” and ministers are obliged “to report on issues and affairs within the authority of the Ministries or other state administrative bodies, to submit a report on the execution and implementation of laws and other regulations and the tasks entrusted to them, to submit data at their disposal, or data they are obliged to collect and record within the scope of their duties, as well as records and other documents necessary to the work of Parliament or its working body, to respond to posed questions.” However, these rights are seldom used de facto. The most commonly used supervisory mechanism are oral or written questions to the government. In 2012 for example, members of parliament posed 1,006 written and 135 oral questions to the prime minister or to individual ministers. On average, the ministries respect the legal deadline and reply within 30 days.

Iceland

Score 7

Iceland's Information Act (Upplýsingalög, No. 140/2012) grants standing parliamentary committees the right to request almost all government documents needed in the course of their work. However, they cannot force the government to give up classified documents. Exempted documents include minutes, memos and other documents from cabinet meetings, letters between the government and experts for use in court cases, and working documents marked for government use only (except those containing a final decision about a case or information that cannot be gathered elsewhere). The government can restrict access to documents if exceptional public interests are at stake, such as the security and defense of the country, international relations or business agreements (as when government institutions are in competition for a contract). The parliament's Committee on Foreign Affairs has a special legal status that allows it to request government documents it needs in order to fulfill its legal obligations. The chair of the committee and the foreign minister can require that the committee's work and discussions be kept confidential. The Budget Committee can also request the government documents it needs to fulfill its legal obligations.

In a widely discussed case relating to what has been called "the most expensive telephone call in Icelandic history," the Central Bank refused to release the recording or transcript of a telephone conversation between the prime minister and the Central Bank governor that took place just before the crash of 2008, despite repeated requests from a parliamentary committee. This dispute had not been resolved at the time of writing. Hence, the right to request documents clearly does not always translate into the right to obtain them.

Citation:
The Information Act (Upplýsingalög nr. 142/2012)

Ireland

Score value_6

Parliamentary committees have the power to send for persons, papers and records; to require attendance by ministers in order discuss current policies and proposals for legislation; and to require the attendance of principal officeholders in bodies that are funded by the state. The issue of access to government documents by committees has not been contentious in recent years.

Israel

Score 7 Legally, the executive must provide information to Knesset committees upon request, unless this information is confidential. De facto, the law contains no specific provision concerning the provision of false information.

The parliament has only general means of addressing this issue, such as seeking to pass a motion of no confidence. However, this option does not provide a solution to the daily problem of receiving reliable information from the government.

Mexico

Score 7 Congress is a highly influential organization in Mexico, although its internal organization is rather hierarchical. As with many other things in Mexico, obtaining documents is as much about politics as it would be unwise for the executive branch to alienate a member of Congress who would probably be acting with party support. It may be that Congress could close ranks against an outsider, but congressional committees mostly vote on party lines.

Romania

Score 7 According to Article 111 of Romania's Constitution "the Government and other agencies of public administration shall, within the parliamentary control over their activity, be bound to present any information and documents requested by the Chamber of Deputies, the Senate, or parliamentary committees through their respective presidents." However, this access is limited in case of documents containing classified information especially with respect to national security and defense issues.

Turkey

Score 7 According to Article 98 of the constitution, the Grand National Assembly of Turkey exercises its supervisory power over the government through asking questions, conducting inquiries, sponsoring general debates, offering motions of censure or starting parliamentary investigations. A question is a request for information which is addressed to the prime minister or ministers, and is to be answered verbally or in writing on behalf of the Council of Ministers. In that sense, according to Article 41 of the parliamentary rules of procedure, parliamentary committees or commissions may ask the ministries

to provide any information relevant to their sphere of duty. However, in practice some parliamentary inquiry committees that deal with security or military issues have not been able to collect information from security forces. Some invited public officials, mainly military officers, have not attended parliamentary inquiry committee meetings.

Hungary

Score 6

Traditionally, parliamentary committees have enjoyed far-reaching access to government documents. However, the new standing orders of the National Assembly, as adopted with the 2012 Act on Parliament, do not regulate the access of parliamentary committees to government documents. In practice, the Orbán government has sometimes used its parliamentary majority to restrict access to government documents. For instance, getting access to documents in the committee for the oversight of secret services has become a point of contention.

Netherlands

Score 6

Government has to provide correct information to the States General (Article 68 of the constitution), but members of parliament frequently encounter defensive information provision made in order to protect “ministerial responsibility to parliament” and a “free consultative sphere” of Council of Ministers decision-making and civil service advice to ministers. Making internal memos, policy briefs (e.g., on alternative policy options), interdepartmental policy notes or counter-expertise by external consultants available to the States General would supposedly infringe on the policy “intimacy” necessary for government-wide policy coordination, as well as on the state’s interests. As political scientist Hans Daalder summarized: “In practice, it is the ministers that decide on the provision of information requested, also parliamentary requests, to the extent the government deems it desirable.”

Citation:

Guido Enthoven (2011), *Hoe vertellen we het de Kamer? Een empirisch onderzoek naar de informatierelatie tussen regering en parlement*, Eburon

Slovakia

Score 5

In Slovakia, parliamentary committees have the right to ask for almost all government documents. However, the second Fico government, like the first one, delivered draft bills and other documents with considerable delay, thereby infringing on the work of the committees.

Cyprus

Score 4

The government has no constitutional obligation to make documents available to the parliament. In practice, parliamentary oversight is performed by addressing questions to line ministers on specific issues. In some cases, an ad-hoc investigative committee may ask for more in-depth information.

The Law on the Deposition of Data and Information to Parliamentary Committees gives committees the right to ask for official information and data. However, the wording of this law is cautiously formulated; under its terms, officials attending a committee hearing are obliged to tell the truth or to provide genuine documents, and are not allowed to hide relevant knowledge or documents. It also establishes penalties for misinforming or misguiding a committee.

Critically, attending a meeting if invited is not made mandatory by this law. Thus, obtaining documents is dependent on the summoned officials' willingness to attend a hearing, as well on minister's discretionary power to approve a document's release. The law's enforcement and efficiency depend on the sensitivity of the issue at hand.

Malta

Score 4

Members of parliamentary committees may demand documents from the government, but the latter is not obliged to comply. In a number of cases documents demanded by members of the Public Accounts Committee, to cite just one example, were denied with the justification that the documents revealed commercially sensitive information, even though the businesses involved were publicly funded. On other occasions, access to information was denied after a vote, facilitated by the fact that the government party enjoys a majority on committees.

Indicator

Summoning Ministers

Question

Are parliamentary committees able to summon ministers for hearings?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Parliamentary committees may summon ministers. Ministers regularly follow invitations and are obliged to answer questions.
- 8-6 = The rights of parliamentary committees to summon ministers are slightly limited; ministers occasionally refuse to follow invitations or to answer questions.
- 5-3 = The rights of parliamentary committees to summon ministers are considerably limited; ministers frequently refuse to follow invitations or to answer questions.
- 2-1 = Parliamentary committees may not summon ministers.

Australia

Score 10

Committees have the legal right to summon ministers to appear before committee inquiries, but in practice compulsion to appear is uncommon. Under the principle of comity, a house of Parliament does not seek to compel the attendance of members of that house or another house. It is common, however, for members, including ministers, to appear by invitation or by request before committees, to assist with committee inquiries.

Belgium

Score 10

Ministers are regularly summoned to parliamentary committees. The rights of committees do not appear to be restricted. This is reinforced by the fact that, in regular times most parliamentary members (majority and opposition alike) have little chance in seeing their own proposals pass in Parliament. Therefore they concentrate much of their activities on spoken "question hours" and on written questions (which must be answered by the minister in charge), which can attract media attention and thus improve a member's media visibility.

However, when the attention of the media is keen on a topic, it is frequent that one sees an important minister replaced by a (less important) state secretary during questioning.

Czech Republic

- Score 10** In the Czech Republic, ministers and the leading personnel of major state institutions are obliged to attend committee meetings and answer questions when asked. According to the rules, ministers are also required to present draft bills to the affected committees. If the ministers send officials below the rank of deputy ministers, committees may, and often do, refuse to discuss a legislative proposal.

Denmark

- Score 10** Committees regularly summon ministers for meetings, called consultations (samråd). These meetings are key elements of how the Danish parliamentary system works. At consultations, MPs get much of their information for the legislative process. At the same time, the meetings are where the People's Assembly exercises its parliamentary control of the government.

Citation:

Henrik Zahle, Dansk forfatningsret 1: Institutioner og Regulering, 2005.

Henrik Zahle, Dansk forfatningsret 2: Regering, forvaltning og dom, 2004.

Estonia

- Score 10** Permanent committees have the right to request participation of ministers in committee meetings in order to obtain information. However, there is no information how regularly committees use this possibility.

In addition, MPs can individually forward to the ministers written questions and interpellations, which must be answered publicly at the plenary sessions of the national parliament within 20 days.

Finland

- Score 10** Committees are able to summon ministers to hearings and do so regularly. Committee meetings usually begin with a presentation by a ministry representative. Ministers can take part in committee meetings and debates, but cannot be regular members of the committee. Furthermore, when deemed necessary, committees invite the ombudsman, the deputy ombudsman or their representatives to a formal hearing as experts on questions of legislative drafting.

Citation:

<http://www.oikeusasiamies.fi/Resour ce.phx/ea/english/ombudsman/work/hearings.htm>

Germany

Score 10 Parliamentary committees' right to summon ministers is established by the Basic Law. The Basic Law also gives members of the federal government or the Bundesrat the right to be heard in front of the plenum or any committee.

Latvia

Score 10 Members of parliament have the right to pose questions to ministers and summon them to the Saeima to answer questions. At least five signatories are required for such a request. Ministers generally comply with parliamentary requests.

Parliamentary committees have the right to request information from ministries, as well as to summon ministers to committee meetings.

Lithuania

Score 10 Parliamentary committees are able to summon ministers and the heads of most other state institutions (with the exception of court judges). Invited persons, which also attend parliamentary commissions and other groups, typically answer questions posed by the members of the Seimas and provide other relevant information. In some cases, vice-ministers or other authorized civil servants can serve as substitutes for ministers. However, rather than being used as a forward-looking mechanism, this instrument of parliamentary control is often restricted to the explanation of government activities on an ex-post basis.

Norway

Score 10 Parliamentary committees may summon ministers for appearances. Ministers regularly respond to invitations and answer questions. In addition, there is a weekly session in parliament where legislators can ask questions directly to the ministers.

Poland

Score 10 Ministers and heads of the supreme organs of state administration (or their representatives) are obliged to take part in committee meetings whenever issues are discussed that fall within their domain. No restrictions are observed in practice. A group of 15 MPs or a parliamentary group has the right to ask for up-to-date information from a member of the government. The Sejm then issues opinions, desiderata and suggestions on this report, comments which are not legally binding but in a worst case scenario, may lead to a vote of no confidence against a minister and possibly his or her dismissal.

Sweden

Score 10 Parliamentary committees summon ministers who appear and respond to questions. This is most frequently the case with the annual review conducted by the Parliamentary Committee on Constitutional Matters, but has been used by other committees, too. The hearings occur regularly and are often broadcast by public service television. The results of the hearings are published and accessible to everyone.

Switzerland

Score 10 Parliamentary committees can summon ministers for hearings. Formally, this request is not binding. However, for political reasons, ministers typically respond to these requests, and answer the committees' questions.

United States

Score 10 Executive officials do not appear on the House or Senate floor. However, department secretaries and other high level officials of the executive branch appear with great frequency and regularity, essentially on request, before legislative committees and subcommittees. In the context of an investigation, committees sometimes subpoena executive branch members to make an appearance. Most appearances are voluntary, however, motivated by the desire to maintain strong relationships with the congressional committee. The resulting burdens on high-level executives become considerable, with congressional appearances and the required preparation taking up a significant share of executives' time. Congress uses testimony from executive officials both in evaluating proposals for new legislation and in

“oversight,” that is, the reviewing and evaluation of administrative performance. In recent years, however, the oversight has been highly partisan. Indeed, executive performance has generally been subject to serious inquiry and evaluation when one or both chambers of Congress have been controlled by the president’s opposition party.

Canada

Score 9 Ministers are normally expected to appear before parliamentary committees, but are not legally required to do so, and sometimes decline for various reasons. In recent years, ministers have all too often sent their deputy ministers to appear before parliamentary committees.

Chile

Score 9 In August 2005, a constitutional reform (Ley No. 20,050) established the process of ministerial interpellation. Committees in the Chamber of Deputies and the Senate have the right to summon ministers for questioning about matters concerning their area. The ministers are obliged to attend. The effectiveness of this new instrument of congressional control depends on the quality and quantity of information otherwise accessible to the National Congress. During the period under review, the Minister of Education was accused of having ignored his constitutionally defined responsibility to answer to the legislature and was therefore removed.

Greece

Score 9 The rights of committees are plentiful and are often exercised. Ministers are regularly summoned to committees but they are obliged to appear in front of a committee only if two-fifths of the committee members require them to do so. There are a few restrictions with regard to information given to the committees by the Minister of Defense and the Minister of Foreign Affairs. The latter may restrict his or her comments only to armaments supplies, while the latter is not obliged to give information on any ongoing negotiations or talks in which Greece still participates.

Citation:

The summoning of ministers is regulated by article 41A of the Standing Orders of the Greek parliament. Information on this procedure is available (in Greek) at <http://www.hellenicparliament.gr/Vo-uli-ton-Ellinon/Kanonismos-tis-Voul-is/article-41a/>. Accessed on 05.06.2013.

Iceland

Score 9

Parliamentary committees can legally summon ministers for hearings, but seldom do so. The foreign minister usually attends or is summoned to meetings of the parliamentary Committee on Foreign Affairs. The cabinet parties at any given time have a majority in the parliament, and therefore also in all parliamentary committees. Even in the turbulent times after the 2008 economic collapse, no minister was summoned to speak in front of a hearing.

The Special Investigation Committee (SIC), which was created by the Icelandic parliament in December 2008 to investigate and analyze the processes leading to the collapse of the three main banks in Iceland, summoned several ministers and ex-ministers during its 2009 – 2010 period of activity.

The most striking example of a high official being held accountable was the 2012 trial of former Prime Minister Geir Haarde before the High Court of Impeachment, following his 2010 indictment by the Althing. Haarde was found guilty on one count of having showed serious negligence as prime minister in the years and months before the economic collapse in 2008, but was not punished.

Italy

Score 9

Article 143 of the Chamber of Deputies' rules of procedure enables parliamentary committees to summon ministers for hearings. Similar rules apply for the Senate. Summoning ministers is a regular practice, and ministers normally comply with such requests.

Japan

Score 9

Committees may request the attendance of ministers and lower-ranking top ministry personnel, such as senior vice-ministers, among others. Under the DPJ-led governments, appointed politicians rather than senior bureaucrats were expected to interact directly with parliament.

Luxembourg

Score 9 Interaction between the executive and the parliament is generally straightforward. Every member of parliament (MP) can introduce parliamentary questions (both written and oral) to ministers. Questions are addressed to the parliamentary president. Within one month, the responsible ministers have to respond and deliver more or less detailed information about policy decisions or activities of their departments. Questions and answers are fully published on the Chamber of Deputies website. Every Tuesday there is a lively question and answer session covering a broad range of relevant issues posted by opposition parties.

Throughout the parliamentary period of 2011 and 2012, 650 questions were submitted. In addition to the unrestricted exercise of parliamentary questions, spontaneous exchanges between ministers and MPs are frequent. In the last 30 years, only four investigative parliamentary committees were put in place. In this case, parliament enjoys extensive rights, comparable to those of an investigating judge.

Citation:
www.chd.lu
Lijphardt, A. (1999), *Patterns of Democracy*, Yale University

Mexico

Score 9 Under Article 93 of the constitution, parliamentary committees have the right to summon ministers, which happens quite a lot in practice.

Netherlands

Score 9 Parliamentary committees may invite ministers to provide testimony or answer questions. Outright refusal to answer such a request occurs only rarely. In such instances the States General can exert moral pressure, and the relationship between the minister refusing an invitation and the States General might suffer. Ministers will usually accept invitations to avoid this. Nevertheless, ministers often do not answer the questions in a forthright manner, as parliamentarians might wish. If a minister happens to be abroad at the time he or she is invited to appear, a substitute might appear instead. Every week, parliamentarians have the opportunity to summon ministers and pose a seemingly unlimited number of questions. In the period under investigation, the government has been confronted with an increasing number of motions to appear before the States General or respond to

questions. For instance, the number of motions submitted by States General members increased from 1,170 in 2006 to 3,679 in 2011. And the number of written questions increased from 1,772 in 2006 to 3,055 in 2011.

Citation:

Nederlandse Nieuwsmonitor, 2011. Regeert de waan van de dag? De interactie tussen Parlement en media (www.nieuwsmonitor.net/d/110/Parlement_en_Media_2011_2_pdf)

Tweede Kamer, Jaarcijfers 2011 (www.tweedekamer.nl/images/Jaarcijfers_2011_118-227352.pdf)

Portugal

Score 9

Ministers must be heard at least four times per legislative session in their corresponding committee. Additionally, committees can request ministers to be present for additional hearings. A committee request requires inter-party consensus. However, each parliamentary group may also unilaterally request ministerial hearings. These vary from one to five per session, depending on the size of the parliamentary group. Ministers accede to requests for their attendance at hearings.

Romania

Score 9

Parliamentary committees can summon ministers to their meetings, and if they do so, the minister's participation is mandatory. For example, Foreign Minister Titus Corlăţean was summoned by the foreign affairs committees of the two chambers of the Romanian Parliament following the Algerian hostage crisis in January 2013 and presented a report about the Romanian state's reactions during the crisis. However, at the minister's request, the committee agreed that the meeting would be closed to the press.

Slovenia

Score 9

The right of parliamentary committees to summon ministers is enshrined in the Rules of Procedure of the National Assembly of Slovenia. Ministers regularly follow invitations; if they are unable to attend in person, they can also authorize state secretaries to represent them. Ministers are also obliged to answer questions from members of parliament, either in oral or written form, and this obligation is largely respected in practice.

South Korea

- Score 9** The parliament has the constitutional right to summon ministers for participation in hearings. This right is frequently used. Regular investigation of government affairs by the parliament is effective in monitoring ministers. While the parliament can summon and question ministers, the role of the minister in the Korean system is relatively weak. The professional bureaucracy in Korea, however, is trained to be loyal to the president. In addition, the ruling party and ministers could make a collusive deal not to invite ministers or cancel the hearings on politically controversial issues.

Austria

- Score 8** The legal ability to summon ministers is in practice limited by the majority that the government parties have in all committees. As the majority party groups tend to follow the policy defined by the cabinet, there typically little interest in summoning cabinet members, at least against the minister's will.

While this de facto limitation can be seen as part of the logic of a parliamentary system in which the government and the parliamentary majority are essentially a single political entity, it is given additional influence by Austria's high level of party discipline.

France

- Score 8** Committees can summon ministers for hearings, and frequently make use of this right. In exceptional cases, ministers can refuse to attend. Given the supremacy and the discipline of the majority party in parliament during the Fifth Republic, such a refusal does not result in serious consequences.

New Zealand

- Score 8** It is common practice that ministers follow invitations to visit select committee meetings, but occasionally they refuse to do so. This follows a guideline that committees can request but not require that a minister appear before them. Only the House of Representatives itself can compel members to attend a committee if they do not do so voluntarily.

Citation:
Officials and Select Committees – Guidelines (Wellington: States Services Commission 2007).

Slovakia

Score 8

The right of parliamentary committees to summon ministers is enshrined in Article 85 of the Slovak constitution. In practice, however, committees make little use of this right.

Spain

Score
value_6

According to Article 110 of the Spanish Constitution, the committees of both the Congress of Deputies and the Senate “may summon members of the government” to ask them questions. This also means that ministers and top officials are entitled to attend committee meetings and to be heard. Two important limitations to this mechanism of control exist: the first one is that at least 70 deputies or one fifth of the members of a committee need to make the request – that is to say, only the two main parties Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) acting collectively can invite a minister.

The second limitation is that those initiatives are subsequently voted on – in the Bureau of Congress and the Board of Spokesmen – and the party supporting the government, which is always disciplined and easily able to get a majority of votes, may reject some of the requirements made by the opposition. Since 2011, the government enjoys an absolute majority and, even if petitions summoning ministers are rarely rejected, the PP controls the timing of the minister’s attendance and has delayed hearings on some sensitive topics. Nevertheless, the mechanism is frequently used, and once approved, ministers are obliged to answer questions raised in these sessions. Ministers are regularly summoned by the committees overseeing their policy areas (see “Task Area Congruence”), and it is quite common for ministers themselves to voluntarily request to be allowed to report on matters relating to their respective departments.

United Kingdom

Score 8

Ministers can be summoned to parliamentary committee hearings, but they cannot be forced to attend, because ministers have to be MPs, and MPs cannot be forced to attend any meeting. However, the Osmotherly Rules recommend that ministers accept invitations to a hearing as an act of respectful courtesy, and thus ministers will usually accept an invitation to a hearing in a select committee. It would be headline news and damaging to

the minister in question if they refused to appear before a committee on anything remotely controversial. The prime minister and key aides traditionally refuse to appear before a select committee, but have appeared before the Liaison Committee, which is composed of the chairs of all the other committees.

Bulgaria

Score 7

Legally, parliamentary committees have the power to summon ministers and the prime minister, and under the Rules of Organization and Procedure of the National Assembly, the latter are obliged to comply. Also, when a minister or the prime minister is being asked a parliamentary question, he has to respond in person in the National Assembly in due time. However, in practice in both cases there is no sanction for non-compliance except the possible loss of reputation and political image. Members of the executive can afford to ignore such summons indefinitely, often blaming other duties and obligations. On many occasions they do comply, but frequently only after significant delays, and sometimes never.

Ireland

Score 7

Parliamentary committees do not directly have the power to summon ministers, but the Dáil Committee on Procedures and Privileges, which is chaired by the chief whip of the government, may delegate to a committee the power to require a minister or minister of state to attend a meeting to discuss policy, or proposed primary or secondary legislation (before it is published) or to hear the views of the committee before attending a meeting of the EU Council. Thus, in practice, the government controls who can be compelled to attend hearings.

Moreover, there are limitations on the range of issues on which ministers can be questioned. Neither ministers nor civil servants can be asked about cabinet-level decision-making, apart from procedures and administrative issues.

However, cabinet ministers regularly attend committees and assist them with their work.

In 2012 the government approved the drafting of legislation to provide for the Oireachtas to undertake inquiries within the existing constitutional framework, which may include, among other matters, setting up inquiries that hold the current government to account.

Israel

Score 7

Parliamentary committees are able to summon ministers. According to the basic law on the Knesset, every committee may require a minister to appear. The minister is obliged to attend the meeting or send a representative in his or her stead, and must provide the required information.

In general, officials invited by committees tend to attend meetings as requested, and provide information as needed. However, ministers and other public figures do occasionally refuse requests, or even provide false information. Committees have no real power to exact sanctions in these cases. Moreover, committees have no power to force a minister to provide information at a specific time, so as to enable the preparation of a committee meeting. Periodic clashes between the Knesset and the executive have emerged over these issues.

Citation:

"The Legislature's Authority to Inquire Information, and the Obligation to Provide True Information," Knesset Research and Information Center (December 2002). (Hebrew)

Malta

Score 7

Prior practice shows that a parliamentary committee may be precluded from calling any minister or member of parliament before it if a majority vote by members present decides against allowing the individual's presence on the committee. This happened in 2012 within the Public Accounts Committee, when government members demanded and through a vote won the right to decide by vote which witnesses should be called before the committee. As the government enjoys a majority on these committees, appearing or not appearing when summoned depends very much on one's colleagues. In addition, a minister involved in a particular issue could be on; or if a minister was heading up a committee, he could preclude witnesses, even including himself, from being called. This case was observed in 2012 during an investigation into power stations. In 2012 as well this method of procedure was approved by the house speaker, who ruled that committees have the authority to devise their own rules.

Turkey

Score 7

According to Article 30 of the parliamentary rules of procedure, the prime minister or ministers can attend committee meetings as a representative of the government without invitation, and may talk on the subject matter at

hand. However, the prime minister or ministers may also delegate a senior civil servant to be his or her representative at a committee meeting. Moreover, all parliamentarians and members of the Council of Ministers can attend and participate in committee meetings but have no right to submit a motion of amendment or to vote on the subject matter. If relevant, the committee may ask a minister to explain a government position, but he or she is not required to comply with this invitation if there is no legal obligation. Nevertheless, parliamentary committees are not able to summon ministers for hearings, but the responsible minister may voluntarily decide to participate in a meeting. Normally, the committees are briefed by high-ranking ministerial bureaucrats.

Croatia

Score 6

Parliamentary committees can summon ministers for hearings, but rarely do so. In 2012, for instance, the right was not used at all.

Cyprus

Score 5

The constitution contains no provisions making the executive power accountable to the House of Representatives. Article 79 stipulates that the president “may address” or “transmit his views” to the House or a committee “through the ministers.” Moreover, ministers “may follow the proceedings, [...] make a statement to, or inform” the House or a committee on issues within their sphere of responsibility. Thus, from the legal point of view, the parliament is very weak, and has no power to summon executive officials or command the provision of documents. In practice, however, ministers are regularly invited to provide committees with information on issues relating to their mandate. Ministers rarely decline invitations to appear, and if ministers are unavailable, other high administration officials often represent the line ministries and provide the information or data requested. Thus, though attendance is up to the discretion of the executive, government members usually respond positively to committee invitations.

In 2012, the minister of commerce refused to attend committee meetings after deputies at a previous hearing behaved toward her in a manner she found insulting. This dispute was settled after a meeting with the president of the House of Representatives.

Hungary

Score 5

The new standing orders of the National Assembly as of the review period stipulate, as before, that ministers have to report personally to the parliamentary committee(s) concerned at least once a year. However, they no longer mention the right of parliamentary committees to summon ministers for other hearings as well. Departing from previous practice, committees have rarely invited ministers to committee hearings under the Orbán government.

Indicator

Summoning Experts

Question

Are parliamentary committees able to summon experts for committee meetings?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Parliamentary committees may summon experts.
- 8-6 = The rights of parliamentary committees to summon experts are slightly limited.
- 5-3 = The rights of parliamentary committees to summon experts are considerably limited.
- 2-1 = Parliamentary committees may not summon experts.

Australia

Score 10

Parliamentary committees conduct inquiries, to which experts are always invited to give evidence. Experts are also sometimes compelled to appear before committee inquiries.

Austria

Score 10

Parliamentary committees have no formal limits in terms of summoning experts. Every party, including the opposition (i.e., the committee's minority parties), can nominate or invite experts it deems qualified. Expert hearings are held quite regularly.

However, this opportunity is not used in the best possible way. The twin factors of party discipline and Cabinet dominance over the parliament's majority mean that independent expert voices do not ultimately have great influence.

Bulgaria

Score 10

Under the Rules of Organization and Procedure of the National Assembly, parliamentary committees are able to invite experts who are under an obligation to assist members of parliament in performing their duties. Experts are obliged to provide to the committees any information and documents that the latter require for their work. While experts cannot be obliged to attend the meetings of the committees, in practice, the incentives for experts are to respond promptly to such invitations due to the prestige these invitations carry and to the opportunity they provide for having an input in the legislative process.

Canada

- Score 10** Parliamentary committees have the right both legally and de facto to summon any expert they choose to provide testimony. In turn, experts have the right to decline the invitation. Committees cannot compel experts to testify.

Croatia

- Score 10** Croatia is one of the rare countries where experts can be named as outside members of parliamentary committees, and this has become a regular practice. The Committee for International Relations, the Committee for European Integration and the Committee for Internal Affairs and national security are the only exceptions from this rule. Some civil society actors, such as Citizens Organize to Oversee Voting (Građani organizirano nadgledaju glasanje, GONG), insist on open access for experts to all committees through a transparent summoning process.

Czech Republic

- Score 10** In the Czech Republic, parliamentary committees may and often do summon experts.

Estonia

- Score 10** Parliamentary committees are able to summon experts for committee meetings, which they do regularly and to an increasing extent. Each committee decides which experts to call in a particular matter. Besides ministerial representatives, researchers from universities or think tanks and NGO activists involved in draft law preparatory work, are often invited. The scope of hearings varies depending on the public interest and priority of the issue under investigation.

Finland

- Score 10** Parliamentary committees are able to summon experts for committee meetings, and they do it regularly and to an increasing extent. A committee starts its work by hearing experts; each committee decides which experts to

call in a particular matter. Besides ministerial representatives, other individuals, who have either assisted in preparatory work or speak for agencies, organizations and other interested parties of importance in the issue, are involved. The scope of hearings varies greatly. In some cases only one expert may be called, but in major legislative projects a committee may hear dozens of experts. Data from earlier research show that the committees in 1938 consulted advisers in 59% of all cases on which they prepared reports; the corresponding figure was 94% in 1960 and a full 100% in 1983. The number of experts consulted has likewise been increasing.

Citation:

"Committees"; <http://web.eduskunta.fi/Resource.php x/parliament/committees/index.htm>

France

Score 10 The parliamentary committees can summon as many experts as they wish as often as they need in all matters, and they often make use of this right.

Germany

Score 10 Parliamentary committees are able to hold public hearings at any time, and can summon experts to attend them. This mechanism is regularly used. Rule 70 Section 1 of the Rules of Procedure of the German Bundestag states that "(f)or the purpose of obtaining information on a subject under debate, a committee may hold public hearings of experts, representatives of interest groups and other persons who can furnish information. Where an item of business has been referred to it, the committee responsible shall be obliged to hold such hearings if one-quarter of its members so demand." Experts are often able to influence parliamentary discussions and bring about changes in the draft laws, thus enhancing the quality of lawmaking.

Iceland

Score 10 Independent experts are frequently asked to appear before standing parliamentary committees. In the wake of the dramatic events of 2008, committees have more frequently summoned experts, mainly in the person of lawyers, economists, and finance and banking experts. In the Althing's work on the new constitution, political scientists were asked for advice and counsel, as they had been during the work of the Constitutional Council.

Ireland

Score 10 There are no restrictions on summoning expert witnesses to their meetings.

Norway

Score 10 Each party represented on a parliamentary committee has the right to invite experts to appear at committee hearings. This kind of invitation is becoming increasingly common, with experts coming from interest organizations, NGOs, businesses and academia to present information and views on various issues and policy proposals. Moreover, the parliament has a group of independent experts who assist legislators by collecting and analyzing information.

Poland

Score 10 Parliamentary committees have the right to invite experts to give statements on hearings on particular issues or to take part in normal committee proceedings. The invitation of experts, ranging from academic scholars to representatives of lobbying groups and nongovernmental organizations, is common practice, and their input is invaluable. Compared to the past, experts now take their role more seriously and do not primarily feature as lobbyists.

Sweden

Score 10 Parliamentary committees may certainly summon experts. They do not usually do so as part of the regular deliberation of the committees, but rather in the form of a public hearing on some specific issue.

Switzerland

- Score 10 Parliamentary committees are free to invite experts to provide testimony at hearings.

Turkey

- Score 10 According to Article 30 of the parliamentary rules of procedure, committees are legally able to summon experts from non-governmental organizations, universities or the bureaucracy to provide testimony without limitation. During the review period, parliament made de facto use of this right, for example in committees to investigate past military coups, the events in Tunceli (Dersim) in 1937 – 1938, and the Uludere deaths in December 2011.

United Kingdom

- Score 10 Parliamentary committees may summon expert witnesses who will usually provide any evidence willingly. Should they decline to do so, committees then have the power to order a witness to attend, though this would be exceptional.

Committees may also summon actors involved in an issue being investigated by a committee. For example, the examination by the Treasury Committee (in February 2009) of the deposed chairmen and chief executives of the Royal Bank of Scotland and HBOS following the public bailout of their banks, or of press barons in the context of the Leveson Inquiry into phone hacking by journalists.

United States

- Score 10 The invitation of outside experts to testify at committee hearings is an established, highly routine practice in the legislative process. The transcripts of hearings are published, and testimony from a variety of qualified witnesses is expected in a competent committee process. Although congressional norms call for permitting both parties to select witnesses, some committee chairs in the current era severely limit the minority-party witnesses, resulting in a selection of witnesses strongly biased in favor of the majority-party position.

Belgium

Score 9 Experts are regularly invited and questioned in parliamentary committees. The rights of committees do not appear to be restricted. Experts are often called upon, for instance, when committees are addressing so-called ethical laws (involving issues of euthanasia, adoption rights for same-sex couples, religious-related disputes, and so on) or institutional reforms. There are some de facto restrictions as to the names and range of experts invited, as the decision in principle to query expert advice must be validated by an absolute majority of committee members. This gives a de facto veto power to the majority parties.

Chile

Score 9 Congressional committees may summon any civil servant to interview as a subject-area expert. Private experts can also be invited, but in fact the National Congress lacks the financial funds to pay for the assistance of prominent private experts. However, there is a group of 50 to 60 specialists from a variety of subject areas affiliated with the Library of the National Congress whose task it is to offer professional support to the members of congress in their law-making, representative, diplomatic and oversight tasks.

Denmark

Score 9 Normal committee meetings take place behind closed doors. However, committees can decide to hold open meetings – including ones without the minister present – and invite experts from outside, as well as civil servants and representatives from interest organizations to explore and discuss issues. Such meetings are also open to the press. Committees may also decide to conduct larger hearings, sometimes in cooperation with the Danish Board of Technology. Such hearings normally take place in the room in which the former second chamber of the Danish parliament, the Landsting, met until it was abolished by the new constitution in 1953. To learn more about the issues they legislate, MPs also to go on study trips and take part in conferences.

Citation:

Folketinget, Håndbog i Folketingsarbejdet. Oktober 2011.

http://www.ft.dk/Dokumenter/Publikationer/Folketinget/~media/Pdf_materiale/Pdf_publicationer/Folketinget/H%C3%A5ndbog%20i%20folketingsarbejdet_web_7%20MB.pdf.ashx (accessed 24 April 2013).

Greece

Score 9

The rights of regular committees are not at all limited. In fact, they may, if they wish, summon experts from ministries, from universities, NGOs and from professional associations. At various points in 2011 – 2013 experts have been summoned to the competent committee. Examples include high-ranking EC officials of Greek origin who have briefed the European Affairs Committee and university professors who have briefed the Committee on Cultural and Educational Affairs on university reforms.

It is doubtful, however, that the summoning of experts to committee meetings has had any significant affect on the quality of parliamentary work. This is not the unfortunate outcome of a lack of expertise, but is related to a culture of over-politicization of all issues debated in committees and the plenary of the parliament. There is very little, if any, agreement between government and opposition, who tend to clash head on, regardless of the policy issue at hand and even if there is consensus among experts that policy choices are very limited. This pattern reflects the long-term polarization in the Greek party system. Until 2011, the aforementioned polarization was evident in the repeated acute parliamentary debates between the center-right New Democracy party and the center-left Pan-Hellenic Socialist Party (PASOK). In 2011 – 2013 a similar, if not even more accentuated trend was observed in the confrontation between the New Democracy, which led a tripartite coalition, and the radical left party SYRIZA (Synaspismós Rizospastikís Aristerás or Coalition of the Radical Left).

Citation:

Summoning experts to regular committees is regulated by article 38 of the Standing Orders of the Greek parliament.

Hungary

Score 9

According to the new standing orders (as of the review period) of the National Assembly, all parliamentary factions can invite experts, and the committee sessions are open to the public. In practice, however, the overwhelming majority of Fidesz in the National Assembly and the hectic pace of legislation have reduced the involvement of experts to a mere formality.

Israel

Score 9

Parliamentary committees have the power to invite experts or any interested party to meetings, as described in Section 6 of the Knesset regulations. However, these figures are not obliged to attend, as opposed to civil servants or representatives of the executive. In addition, outside experts are not obliged to answer committee members' questions. Their testimony does not take the form of evidence, and has no official status. Nevertheless, parties who appear before Knesset committees are generally interested in voicing their opinions so as to persuade committee members of the validity of their viewpoints. Thus, they usually cooperate.

Citation:

Shapira, Asaf, "Citizens in the Parliamentary Committees," Israeli Democracy Institute, (September 2010). (Hebrew).

"The authority of the Legislature to Inquire Information, and the Obligation to Provide True Information," Knesset Research and Information Center (December 2002). (Hebrew).

Italy

Score 9

Parliamentary regulations provide for the right of committees to invite any person able to provide important information. The rights of committees are not limited, and committees frequently use this opportunity to summon experts. This also reflects the fact that the Italian committee system plays a more prominent role in the legislative process than do committees in other European parliamentary regimes.

Lithuania

Score 9

When considering draft legislation, parliamentary committees can receive and consider comments from experts. Committees can also invite experts to participate in special hearings focusing on draft legislation, or engaging in a parliamentary oversight function. Committees can establish preparatory working groups whose membership can involve experts or scientists. The extent to which experts are involved in the activities of parliamentary committees varies by specific committee and policy issue.

Luxembourg

Score 9

The consultation of experts and representatives of interest groups regularly takes place in the work of different standing commissions. Domestic and foreign experts as well as other lobbyists and concerned groups in civil society may be invited to participate in commission meetings. Under particular circumstances of public interest, experts are invited to parliament to introduce subjects and to offer professional opinions. In the case of important policy reform projects, the government usually asks for advice from reputable foreign institutes, being aware of the limited knowledge within the country. (For example, a German and then a Swiss institute were consulted over psychiatry reforms in health care.) Such policy projects are implemented by a specific parliamentary commission, and a budget allowance was made to support outsourcing.

Citation:

Rapport d'activité de la session parlementaire 2011-2012

Règlement de la Chambre des Députés du 6.12.2012

Malta

Score 9

Parliamentary committees may summon experts to make presentations or help committees evaluate policies under discussion or shed light on issues under investigation.

Mexico

Score 9

Congressional committees frequently summon experts, including international ones, and often take their input seriously. Indeed, there is evidence that experts play a considerable role in the legislative process. This aspect of governance mostly works well.

Netherlands

Score 9

Parliamentary committees can and often do invite experts to answer questions, or to facilitate the parliamentarian committee members in asking questions and interpreting the answers. Limited finances are usually the only real constraint on the number of experts summoned.

Citation:

G. Enthoven (2011), Hoe vertellen we het de Kamer, pp. 475ff

New Zealand

Score
value_6

Select committees may summon experts. The only restriction is with regard to public servants who need the approval of their minister to attend committee meetings

Citation:
Officials and Select Committees – Guidelines (Wellington: States Services Commission 2007).

Romania

Score 9

Parliamentary committees may summon experts to their meetings but the presence of experts is not mandatory.

Spain

Score 9

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” University scholars, think tank analysts and practitioners are sometimes invited for consultation. The rights of parliamentary committees to send invitations are not limited by any legal or de facto constraint and, even if those hearings with independent experts have not been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying practices), the truth is that requests have increased in recent years, particularly at the beginning of the legislative process or in specialized subcommittees.

Portugal

Score 8

Parliamentary committees are generally free to request the attendance of experts at committee meetings.

Slovakia

Score 8

In Slovakia, parliamentary committees may invite experts. However, this is not a very common practice and has not been exercised significantly under

either government in the period under review.

Slovenia

Score 8 Parliamentary committees in Slovenia may invite experts or form expert groups in charge of helping to draft legislative proposals. The set up of these expert groups is the standard procedure when constitutional changes are proposed. Under the Janša government, the number of invited experts declined slightly, as the center-right governing coalition was less interested in expert advice and perceived most experts as allies of the opposition.

South Korea

Score 8 Parliamentary committees are legally and de facto able to invite experts to hearings. In fact, expert hearings are quite frequent. However, there have been quite a few cases where civilian experts refuse to attend the hearing, making various excuses.

Cyprus

Score 7 The law on the Deposition of Data and Information to Parliamentary Committees gives committees the power to summon officials or private persons to provide documents or data. The obligation to attend committee meetings, which is connected with the obligation to provide genuine data and information, is not definitively established in the law.

Japan

Score 7 Under Article 62 of the constitution, the Diet and its committees can summon witnesses, including experts. Summoned witnesses have the duty to appear before parliament. The opposition can also ask for witnesses to be called, and under normal circumstances such requests are granted by the government. However, the use of expert testimony in parliamentary committees is not widespread; experts, academic and otherwise, are relied upon more frequently within the context of government advisory committees, in particular at the ministry level.

Latvia

Score 7 Parliamentary committees are able to invite experts to committee meetings, but have no power to make attendance mandatory. Parliament relies on the pro bono participation of experts in order to compensate for its own lack of substantive capacity and lack of resources for pay for outsourced expertise.

Indicator

Task Area Congruence

Question

Are the task areas and structures of parliamentary committees suited to monitor ministries effectively?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The match between the task areas of parliamentary committees and ministries as well as other relevant committee structures are well-suited to the effective monitoring of ministries.
- 8-6 = The match/mismatch between the task areas of parliamentary committees and ministries as well as other relevant committee structures are largely suited to the monitoring ministries.
- 5-3 = The match/mismatch between the task areas of parliamentary committees and ministries as well as other relevant committee structures are partially suited to the monitoring of ministries.
- 2-1 = The match/mismatch between the task areas of parliamentary committees and ministries as well as other relevant committee structures are not at all suited to the monitoring of ministries.

Finland

Score 10

A total of 15 permanent special parliamentary committees and the Grand Committee prepare government bills, legislative initiatives, government reports and other matters for handling in plenary session. Reforms of the committee system in the early 1990s aimed at achieving a better fit between the task areas of parliamentary committees and ministries. The fit as of the review period is almost perfect, with committees thematically bound within the scope of a corresponding ministry. The Grand Committee is in practice a committee mainly for the handling of EU-related matters.

Australia

Score 9

The number of parliamentary committees exceeds the number of government departments (ministries). Partially this is because there are a number of committees concerned with internal matters of Parliament, such as parliamentary privileges, procedure and publications. In general, the task area of each "externally oriented" parliamentary committee is confined to one government department, but some government departments have more than one committee monitoring their activities. Usually, the demarcation between task areas of committees that oversee the same department is clear and does not create problems of non-cohesive action by Parliament.

Bulgaria

Score 9 During the 2009 – 2013 parliamentary term, there were 16 ministries and 14 standing parliamentary committees with ministerial oversight. In 12 cases, the task areas of ministries and standing committees were in alignment. Two individual committees were tasked with oversight for two ministries each – one with the foreign affairs and defense ministries, the other with the education, youth and science ministry as well as the physical education and sports ministry. In both cases, covering two ministries did not represent a real problem since the task areas were thematically related and no major controversies over these areas emerged during the term.

Czech Republic

Score 9 The parliamentary Rules of Procedure do not prescribe a particular distribution of subject areas among committees. Instead, distribution is based on custom, tradition and ad hoc decisions by the Chamber of Deputies and its organizational committee. During the 2010 – 2013 parliamentary term, 14 out of the 18 parliamentary committees covered only one ministry. The fact that task areas have not fully coincided has not infringed upon parliamentary oversight of the government.

Estonia

Score 9 There are 11 permanent committees in the parliament that by and large match the structure of government, which is also composed of 11 ministries. Besides task areas matching areas of ministries, there is also a committee of European affairs that monitors the entire national EU policy. Cultural and educational affairs are merged within the cultural committee, which may have resulted in a work overload because education has been heavily reformed in recent years and substantial number of draft laws has been passed by the parliament.

Germany

Score 9 In general, the task areas of parliamentary committees and ministries coincide. But because the Basic Law provides for the establishment of several committees that do not have a ministerial counterpart (including the

Committee on the European Union; the Petitions Committee; the Parliamentary Control Panel), this is not always the case. Furthermore, several committees sometimes deal with matters that are the responsibility of a single ministry (e.g., the Committee on Internal Affairs and the Sports Committee both monitor activities performed by the Federal Ministry of the Interior), and a single committee sometimes deals with matters that are not clearly assigned to a single ministry. Rule 63 of the Rules of Procedure of the German Bundestag provides guidelines for in cases in which multiple committees share responsibilities. Nonetheless, parliamentary committees' most important task areas fully coincide with those of the ministries, enabling effective monitoring.

Japan

Score 9 The Diet's standing committees (17 in both the lower and upper houses) closely correspond to the sectoral responsibility of the government's major ministries. Indeed, the areas of committee jurisdiction are defined in this manner. The portfolios of the ministers of state cover special task areas and are in some cases mirrored by special committees (e.g., on consumer affairs, Okinawa and Northern Territories, science and technology, etc.). Special committees can and have been set up to deal with current (or recurring) issues; for example, following the 3/11 disasters, special committees on Reconstruction after the Great East Japan Earthquake and on Investigation of Nuclear Power Issues were established.

Netherlands

Score 9 In the present government there are 11 ministries and 13 (fixed) parliamentary committees (vaste kamercommissies). Only the prime minister's department of general affairs does not have a dedicated parliamentary committee, but there are fixed committees for interdepartmental policymaking on aggregate government expenditure, European affairs and foreign trade and development aid. Parliamentary committees usually have 25 members, representing all political parties with seats in the States General; they specialize in the policy issues of their dedicated departments and inform their peers (i.e., tell them how to vote as part of the voting discipline per party). The number of public and non-public committee meetings is approximately 1,700 per year.

Citation:
Tweede Kamer, Jaarcijfers 2011, pp. 8-9

Norway

Score 9 The overlap between the organization of the parliament and the government is not perfect. There are 13 parliamentary committees, as opposed to 17 ministries in addition to the Office of the Prime Minister. Some parliamentary committees therefore have a slightly broader task and mandate than others.

Poland

Score 9 The number of committees exceeds the number of ministries. However, some committees deal exclusively with internal parliamentary issues, such as the Deputies' Ethics Committee, and most ministries, including the more important ones, have one matching committee, a so-called branch committee. The distribution of subject areas among committees does not infringe upon parliament's ability to monitor ministries.

Slovakia

Score 9 In both terms of the Slovak National Council in the period under review (2010 – 2012 and 2012 –), there have been more parliamentary committees than ministries (19:14), and two committees (the European Affairs Committee and the Committee for Human Rights and Minorities) have had several ministerial counterparts. However, committees have covered all ministerial task areas and the control responsibilities for major issues have not been split, so that the division of subject areas among committees has not hampered the parliamentary control of ministries.

South Korea

Score 9 The task areas of parliamentary committees and ministries mostly correspond: there are 16 standing committees which examine bills and petitions falling under their respective jurisdictions, and perform other duties as prescribed by relevant laws. With the exception of the House Steering Committee and the Legislation and Judiciary Committee, the task areas of these parliamentary committees correspond with the respective ministries. As a consequence of the strong majoritarian tendency of the political system and the system of government in particular, committees dominated by the governing parties tend to go soft on the monitoring of ministries, whereas committees led by opposition parliamentarians are more serious about their responsibilities. However, in general, the Korean legislature is a "committee parliament" and the committees are quite effective and efficient.

Citation:

The National Assembly of the Republic of Korea, http://korea.na.go.kr/int/org_06.jsp

Croissant, Aurel 2014. Das Politische System Südkoreas, in: Derichs, Claudia/Heberer, Thomas (Hrsg.), Die politischen Systeme in Ostasien, 3., überarbeitete Auflage, Wiesbaden (i.E.).

Sweden

Score 9

There is a high degree of congruence between government departments and parliamentary committees, but no perfect overlap. This is of course no coincidence. Ensuring that the committee system matches the GO's organization in departments is essential to the efficiency of both institutions. Furthermore, the GO and the Riksdag staff have regular meetings to ensure that the parliament and individual committees are not overloaded with government bills, but that there is a steady flow of bills across the year.

United States

Score 9

The structure of committees in the House and Senate largely reflects the structure of the executive branch. When deviations occur, the adverse effect on the ability of the House and Senate to monitor executive activities and performance is modest. But there are also effects on the burdens of oversight for the agencies. Agencies will sometimes face hearings and investigations from several committees from both chambers that have jurisdiction over an agency or program,. Indeed, committees compete for the publicity that comes with investigating a highly salient topic. Because members of Congress develop large stakes in monitoring and influencing particular programs, however, the structure of the congressional committee system often functions as a serious barrier to appropriate reorganization of the executive branch.

Members of Congress oppose reorganizations that would disrupt their committee- and subcommittee-based relationships with particular programs and their constituencies, and such resistance is frequently a fatal obstacle to reorganization. In the example of financial regulatory reform, committee jurisdiction stood in the way of organizational reform because the proposed abolition of the Office of Thrift Supervision would have resulted in a committee losing its jurisdiction. Earlier, committee jurisdiction was a barrier to creating the Department of Homeland Security. Both chambers created Homeland Security Committees. In the end, the department's collection of programs assembled from several different organizational locations has faced hearings and investigations from dozens of congressional committees and subcommittees.

Austria

Score 8 Though parliamentary committees outnumber ministries, the task areas of parliamentary committees are identical to the tasks of the ministries with only minor exceptions.

Belgium

Score 8 The number of parliamentary committees in the Chamber of Deputies is slightly larger than the number of ministries. Several committees are created to keep track of exactly the same area as that of a given ministry (such as defense, justice, finance or external affairs). Other committees can be more specific than the ministry (such as committees on economic and business law, Dexia, rail security or tax reform) or instead are meant to be broader when several dimensions are involved (a committee on the financial crisis, or on constitutional reforms). Committees are thus largely able to monitor ministries, but the head of a given ministry is only accountable to his or her minister.

Canada

Score 8 There are currently 24 standing or permanent committees of the House of Commons and 18 standing committees of the Senate, as compared to 26 government departments. Consequently, there is nearly a one-to-one relationship between the number of House committees and departments. Parliamentary committees are thus largely capable of monitoring departments.

Croatia

Score 8 In the current parliament or Sabor there are 28 general committees and two special committees – one for the fight against corruption, the other in charge of overseeing security services. Accounting for committees established for dealing with internal parliamentary affairs such as the Credentials and Privileges Committee, the Interparliamentary Cooperation Committee or the Petitions and Appeals Committee, the task areas of the parliamentary committees largely match those of the 22 ministries.

Denmark

Score 8

The committee structure largely corresponds to the structure of ministries. The Ministry of Social Affairs, for instance, corresponds to the social affairs committee in the People's Assembly (Folketing). The Ministry of Taxation corresponds to the fiscal affairs committee in the assembly. Other committees, for instance, deal with energy, defense, culture, environment, health and education, and all know who "their" minister is. A few committees do not have such an easy parallel, such as the European Affairs committee. Although the Ministry of Foreign Affairs is responsible for coordinating EU policy, the European Affairs committee will have consultations (samråd) with all ministers that take part in EU council meetings, and seek a mandate for upcoming negotiations in the council. So this creates some internal coordination problems in the People's Assembly, between the European Affairs committee and the committees dealing with the substance of EU legislation (fagudvalg).

Citation:

Folketinget, Håndbog i Folketingsarbejdet. Oktober 2011.

http://www.ft.dk/Dokumenter/Publikationer/Folketinget/~media/Pdf_materiale/Pdf_publicationer/Folketinget/H%C3%A5ndbog%20i%20folketingsarbejdet_web_7%20MB.pdf.ashx (accessed 24 April 2013).

Finn Laursen, "The Role of National Parliamentary Committees in European Scrutiny: Reflections based on the Danish Case," in Katrin Auel and Arthur Benz, eds. *The Europeanisation of Parliamentary Democracy*. Abingdon: Routledge, 2006, pp. 110-125.

Italy

Score 8

The tasks of committees and ministries mostly coincide. However, there are a few cases where more than one ministry is overseen by a single committee (for instance, this happens with the Presidency of the Council and the Ministry of the Interior, for the Ministries of Cultural Affairs and Education, and for the Ministries of the Environment and Public Works). Parliamentary committees have instruments at their disposal enabling the effective monitoring of ministry activity.

Committees meet frequently and their members are assisted by highly qualified technical personnel. However, parliamentarians are not always interested in fully exploiting these possibilities. Often they prefer to concentrate on issues with high media visibility or of local relevance rather than on the more important administrative processes taking place far from the spotlight.

Lithuania

Score 8 There is extensive congruence between the current structure of 15 parliamentary committees and the primary areas of competence of Lithuania's 14 ministries. However, there are a few mismatches. On the one hand, some ministries (Economy, Transport and Communications) and other state institutions are monitored by a single Economics committee. On the other hand, there are several horizontal parliamentary committees (including the committees on Audit, European Affairs, Information Society, and Human Rights). Thus, the composition of parliamentary committees allows government policy to be monitored on both a sectoral and horizontal basis. Committees meet on a regular basis, but the bulk of most committee activities are related to the consideration of draft legislation. The amount of attention is given to exercise of the parliamentary oversight function depends on the particular committee. For instance, 63% of all issues discussed by the Rural Affairs committee in the 2000 – 2004 period were related to its oversight function, as compared to just 10% of issues discussed by the Committee on Budget and Finance.

Citation:

Alvidas Lukošaitis, "Parlamentinės kontrolės įgyvendinimas Lietuvoje: metodologinės pastabos apie trūkinėjančią "šeiminko-samdinio grandinę"//Politologija. 2007, nr. 2

Luxembourg

Score 8 Parliamentary committees and ministries are well coordinated and parliamentary monitoring is satisfactory. Ministers appear regularly before committees in charge of their field, and communication is good. With a growing number of ministries (19 at the time of writing) and ministers (15 at the time of writing) over the years, the number of parliamentarians has still not increased (60). In each committee, only 12 members of parliament work together; over the years their workload has expanded considerably, which has made the running of standing committees more challenging. Multiple memberships of MPs in committees are a common practice.

Portugal

Score 8 In the XII legislature (which began in June 2012) there are 12 permanent committees, which matches the number of ministers in the current government. That is not to say there is a direct correspondence – indeed, some committees monitor more than one minister – but all of the ministries and ministers are monitored. It should also be noted that the Assembly of the

Republic created a special committee – the Comissão Eventual para Acompanhamento das Medidas do Programa de Assistência Financeira a Portugal – specifically to monitor Portugal's ongoing implementation of the terms of the Memorandum of Understanding (MoU).

Slovenia

Score 8 The Slovenian parliament has two kinds of working bodies – committees, which normally cover the work of ministries, and commissions, some of them standing, which deal with more specific issues such as the rules of procedure, the supervision of intelligence and security services or the national minorities. In the parliamentary term starting in January 2012, the tasks areas of ministries and committees have largely matched. Only one committee, the Committee on EU Affairs, has lacked a clear ministerial counterpart, and the ministry without portfolio responsible for Slovenes living abroad has been covered by a commission. Only two of about 10 commissions – the Commission for Petitions, Human Rights and Equal Opportunities and the Commission for National Communities – have dealt with several ministries.

Switzerland

Score 8 The Swiss government has only seven ministries, and all attempts to enlarge this number has failed due to political opposition within parliament. Hence, most of the seven ministries have responsibility for many more issue areas than in other democracies. Both the first and the second parliamentary chambers have nine committees dealing with legislation and two committees with oversight functions (such as the Finance Committee, which supervises the confederation's financial management). Four other committees have additional tasks (such as the Drafting Committee, which checks the wording of bills and legal texts before final votes). Thus, the task areas of the parliamentary committees do not correspond closely to the task areas of the ministries. Nonetheless, this does not indicate that the committees are not able to monitor the ministries.

Chile

Score 7 The oversight role of the Chilean legislature lies mainly with the Chamber of Deputies and its 26 committees. These coincide in part with the 22 line ministries, but there are various exceptions in which a single committee is responsible for the domain of various ministries, or one ministry's area of

responsibility is distributed across multiple committees. It should be noted that Chile is not a congressional system, and thus ministers are not directly accountable to the Chilean congress. Therefore, the degree of control exercised by the congressional committees is naturally rather weak.

Citation:

Quantity and name of the permanent parliamentary committees: http://www.camara.cl/trabajamos/comisiones_tipo.aspx?prmT=P

Greece

Score 7

There are of 17 ministries in Greece today, whereas there are just six regular parliamentary committees (called "Standing Committees"). This creates a task mismatch as there are more ministries than committees. Yet the tasks matched to different committees are not incompatible and do not cause concern. Task areas are related and are jointly carried out. For instance, there is a Standing Committee on Cultural and Educational Affairs and a Standing Committee on National Defense and Foreign Affairs.

The problem with monitoring ministries in Greece is more substantive than procedural. It is connected to the glancing attention ministers – as well as most of the media – pay to instances of control exerted on the government by the parliament; the sparse information channeled from ministries to parliamentary committees; and the very uneven and sometimes decorative participation of members of parliament in committee meetings. In short, even though, as is the case with parliaments all over the world, competences have been transferred from the plenary of the Greek parliament to the regular committees (which examine new bills of law) in reality this has not necessarily improved the quality of legislation and parliamentary control.

Citation:

Information on the number, competences and tasks of regular committees of the Greek parliament in English is available at [http://www.hellenicparliament.gr/en /Koinovouleftikes-Epitropes/Katigories](http://www.hellenicparliament.gr/en/Koinovouleftikes-Epitropes/Katigories). Accessed on 07.06.2013.

Spain

Score 7

There is nearly exact correspondence between the number and task areas of the 13 ministries and those of the Congress of Deputies' 17 regular legislative committees. In fact, the restructuring of ministerial portfolios in 2011 was immediately mirrored by a reorganization of the composition and names of the permanent legislative committees in the Congress. The only exceptions are the International Development, Culture and Equality committees, which do not match up with any single ministry (development policy is conducted from the Foreign Ministry, culture policy from the

Education Ministry and equality policy from the Health and Social Services ministry), and the split of the task areas for the Ministry of Finance into two different committees: Budget, and Finance and Public Administration. For all the others, each parliamentary committee corresponds to one existing ministry.

The Constitutional Committee, aside from the other functions its name denotes, monitors the activities of the Government Office (Ministerio de la Presidencia, GO). Nonetheless, even if the task areas of parliamentary committees and ministries fully coincide, the legislature fails to monitor ministries effectively on the basis of factors which are connected to the much broader structural features of the Spanish parliamentary system such as the electoral system, party discipline or the constitutional powers of the executive.

Turkey

Score 7

There are 17 standing committees in the Grand National Assembly of Turkey, which are generally established in parallel with structure of the ministries. Except for committees established by special laws, the jurisdiction of each committee is not expressly defined by the rules of procedure. Committees do not however independently monitor ministry activity; they do examine draft bills. During discussions, committees may also supervise the ministry activity indirectly.

United Kingdom

Score 7

Every government department is shadowed by a committee in the House of Commons (20 at the time of writing). The remit and number of committees adapts to reflect changes in the makeup of the government. House of Lords select committees focus on broader topics and are less directly matched to departmental task areas, but cover important areas – one example being the European Union Select Committee, which in turn has subcommittees that cover specific topics from an EU perspective such as economic and financial affairs or the environment. However, the capacity of committees to monitor effectively is limited due to a lack of resources and limited continuity in membership (e.g., the House of Lords rules oblige members to be rotated off a committee after four years, although from direct observation of the work of its committees this does not seem to weaken them). Also, the number of reports they issue massively exceeds the time available on the floor of the House to debate them and, despite increased efforts by the committees to publicize them, not all reports achieve much media coverage.

Ireland

Score 6

In keeping with commitments contained in the Programme for Government, the number of parliamentary committees was reduced from 25 to 16 in June 2012. The aim was to strengthen the committee system by ending its role as a haven for disappointed non-ministerial members of the governing party. The Investigations, Oversight and Petitions Committee has been established and it will be chaired by a member of the opposition.

Further reforms were introduced in June 2012 including dissolving and reorganizing a number of administrative committees to reprioritize resources towards those dealing with government departments.

However, the reduction in the number of committees means that committees that were previously assigned on a one-to-one basis to monitor the work of government departments will now have to account for the work of as many as three departments. In one case – the Committee on Environment, Transport, Culture and the Gaeltacht – 21 members of the lower house and six senators, will supervise the work of three ministers and five junior ministers.

Israel

Score value_6

The structure of the ministries and the parliament's committees diverges significantly. The Knesset has 12 committees, while the number of ministries has shifted over time. In addition, three parliamentary committees – the Committee on the Status of Women and Gender Equality, the House Committee and the State Control Committee – deal with issues not explicitly related to ministerial work.

This lack of correspondence undermines the ability of the Knesset to monitor the executive. Committee members are unable to examine their assigned subjects in as deep and comprehensive a manner as might be possible if they were focused on a single ministry.

As an example, the government in power during the 2009 – 2013 period had the largest number of ministers in Israel's history: 30 ministers and nine deputy ministers were appointed by Prime Minister Benjamin Netanyahu. The government that took office in March 2013 dramatically reduced the size of the cabinet to 22 ministers and eight deputy ministers.

According to the coalition agreement, the new government will ultimately change the law to limit the number of ministers to 18, prohibit the

appointment of ministers without portfolio, and limit the number of deputy ministers to a maximum of four. This may help create more congruence between ministerial and parliamentary-committee structures.

Citation:

Freidberg, Chen, "Monitoring of the Executive by the Parliament in Israel - Potential and Function," Doctoral Dissertation (2008) (Hebrew).

Kenig, Ofer, "The New Israeli Cabinet: An Overview of the 33rd Government of Israel," Israeli Democracy Institute. (March 2013).

Kenig, Ofer, "Coalition Building in Israel: A Guide for the Perplexed," Israeli Democracy Institute. (February 2013).

Knesset Committees, The Knesset Site

New Zealand

Score 6

The New Zealand House of Representatives is too small to establish as many select committees as would be necessary to fully correspond to the number of ministries. At the time of writing there are 18 select committees, which have to face 58 portfolios, led by 20 Cabinet ministers, four ministers outside Cabinet and four support party ministers.

Citation:

Directory of Ministerial Portfolios (Wellington: Department of the Prime Minister and Cabinet 2012).

Ministerial List (Wellington: Department of the Prime Minister and Cabinet 2013).

Cyprus

Score 5

Under the constitution, only 10 ministerial portfolios can exist; however, this number was increased to 11 with the creation of a Ministry of Education that took over the tasks of the Communal Assembly, which was dissolved in 1964. In the present House of Representatives, there are 16 committees, one for each ministry plus others dealing with specific cross-ministerial matters or important sectors. According to the House's activity report for the 2011 – 2012 session, committees held 711 meetings overall, with individual groups meeting from 29 (the Human Rights and Equal Opportunities committee) to 87 (Finances and Budget) times.

Given the small number of deputies overall (56), combined with the fact that most committees have nine members, deputies generally participate in at least three committees. This may be an impediment to properly following all committee work or to effectively monitoring the work of line ministries. It has also led to a chronically low committee-meeting attendance rate.

Iceland

Score 5

During the period under review, the initial 12 ministries of the state administration were merged into a total of eight ministries. The 12 parliamentary committees whose areas of responsibility coincided almost fully with the original 12 ministries were also reduced to eight. In the process, however, the degree of congruence was reduced. At the end of the 2009 – 2013 mandate period, only four of the eight standing parliamentary committees fully coincided with ministry responsibilities: the Economic Affairs and Trade Committee coincided with the Ministry of Finance, Economy and Commerce; the Industrial Affairs Committee coincided with the Ministry of Industries and Innovation; the Foreign Affairs Committee coincided with the Ministry of Foreign Affairs; and the Welfare Committee coincided with the Ministry of Welfare. Others did not coincide. Two of the standing parliamentary committees have a special role with respect to the government. The committee responsible for financial issues and budget preparation has the authority to request information from institutions and companies that ask for budgetary funding. The Committee on Foreign Affairs has advisory status vis-à-vis the government regarding all major international policies, and the government is obliged to discuss all major decisions concerning international affairs with the committee. Parliamentary committees rarely oppose or contradict the ministries, as the government parties have a majority in the committees. Thus, the fact that the task areas of parliamentary committees and ministries nearly coincide is not a guarantee of effective monitoring, as the majority and chairperson of every committee belong to the governing parties. Minority members from the opposition benches can, however, use the committees as a venue to voice their opinions.

Mexico

Score 5

There are far more committees than members of the Cabinet. This is negative from the point of view of effective monitoring. Yet there are more significant obstacles to the effectiveness of congressional committees than their official scope. The most notable limitation is the no re-election rule, which, as mentioned above, prohibits consecutive terms of service. Virtually every congressional member is effectively a newcomer in respect of policy scrutiny. Moreover, the dominant role of the established party elites makes it hard for any congressional member to achieve a reputation for independent-mindedness. There are therefore few mavericks in Mexican politics.

Romania

Score 5

The number of commissions in the Senate and Chamber of Deputies is roughly in line with the number of ministries in the government, which should in theory facilitate a proper match between committees' and ministries' task areas. In some issue areas – such as foreign affairs or European affairs – this match is indeed achieved. However, in other areas the control capacity of the legislature is reduced by the incomplete match between ministries and parliamentary committees. Thus, the task areas of the Committee on Health and Family of the Chamber of Deputies overlap with both the Ministry of Health and the Ministry of Labor, Family and Social Protection, while the latter ministry also falls under the supervision of the Committee for Labor and Social Protection. Similarly, the Committee for Defense, Public Order, and National Security oversees task areas from both the Ministry of National Defense and the Ministry of Administration and Interior, while the latter ministry also overlaps with the Committee for Public Administration Territorial Planning and Ecological Balance (which in turn is also expected to monitor the Ministry of Environment and Forests). This multiple overlap between the responsibilities of parliamentary committees and ministries undermines the clarity of responsibility and therefore the proper legislative monitoring of ministries.

Hungary

Score 4

The reduction in the number of ministries has not been accompanied by a reduction in the number of parliamentary committees. The result has been a strong mismatch between the task areas of ministries and committees. The fact that ministries are covered by several committees, sometimes with large overlaps, has complicated the monitoring of ministries.

Latvia

Score 4

The task areas of the parliamentary committees poorly match the task areas of the ministries. Only the ministries of Finance and Foreign Affairs and the Department of Justice have a 1:1 match, respectively with the Budget and Finance Committee, the Foreign Affairs Committee and the parliament's Committee of Justice. The Ministry of Agriculture reports to only a single committee; however, this committee oversees three other ministries. In all other cases, ministries report to multiple committees, and committees oversee multiple ministries' task areas.

Citation:

1. List of Parliamentary Committees:

http://titania.saeima.lv/Personal/Deputati/Saeima11_DepWeb_Public.nsf/structureview?readform&type=3&lang=LV

2. Composition of the Cabinet of Ministers: <http://www.mk.gov.lv/en/mk/sastavs/?lang=1>

Malta

Score 4

Up until March 2013, Malta's parliament maintained six permanent committees. In April 2013, the government established the Committee for Economic and Financial Affairs. With the exception of this committee and the Foreign Affairs Committee, committees do not match individual ministries. Malta can be said to have only one monitoring parliamentary committee in the true sense, the Public Accounts Committee. The Social Affairs Committee looks at social issues rather than monitoring government social policy, and its reports focus on emerging social issues rather than offer a formal policy review; any monitoring that this committee does is indirect. The Foreign Affairs Committee follows the same pattern, with the exception that this committee is responsible for the ratification of foreign treaties. Here some monitoring of ministerial policies does take place, but much of the work is taken up by a review of legislation from the European Parliament. This leaves the committee little time for the proper monitoring of foreign policy. The other three committees – the Privileges Committee, the Parliamentary Affairs Committee and the Committee for the Consideration of Draft Bills – are mainly concerned with parliamentary affairs rather than the monitoring of ministerial work.

France

Score 3

There is no coincidence between the structures of ministries and those of parliamentary committees. The number of parliamentary committees is limited to eight (six until the 2008 constitutional reform) while there are 25 to 30 ministries. This rule was meant as, and resulted in, a limitation of deputies' power to follow and control closely and precisely each ministry's activity. The 2007 – 2008 constitutional reform permitted a slight increase of committees, and allowed the possibility to set up committees dealing with European affairs.

Indicator

Audit Office

Question

To what extent is the audit office accountable to the parliament?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The audit office is accountable to the parliament exclusively.
- 8-6 = The audit office is accountable primarily to the parliament.
- 5-3 = The audit office is not accountable to the parliament, but has to report regularly to the parliament.
- 2-1 = The audit office is governed by the executive.

Australia

Score 10

The Auditor-General is responsible, under the Auditor-General Act 1997 (the Act), for providing auditing services to Parliament and public sector entities. The Australian National Audit Office (ANAO) supports the Auditor-General, who is an independent officer of Parliament. The ANAO's purpose is to provide Parliament with an independent assessment of selected areas of public administration, and to provide assurance about public sector financial reporting, administration, and accountability. This task is done primarily by conducting performance and financial statement audits.

Austria

Score 10

The Austrian Court of Audit (Rechnungshof) is an instrument of parliament. The office reports regularly to parliament, and parliament can order it to perform specific tasks. As a consequence, the parliamentary majority determines how to handle audit reports, and in cases of doubt, the majority inevitably backs the Cabinet. Thus, the main vehicle by which to force the government to react in a positive way to audit reports is public opinion. If a specific audit report formulates a specific criticism, the government's primary incentive to respond is its interest in preserving its public reputation.

The president of the Court of Audit is elected by parliament for the period of twelve years. This gives the president a certain degree of independence. At the moment of election by the National Council, he or she is the product of the majority. But as this figure cannot be reelected, and as parliamentary majorities often change in the course of 10 years, the president and his or her office in fact enjoy a significant degree of independence.

Belgium

Score 10

Established by the constitution (Article 180), the Audit Office (Cour des Comptes/Rekenhof) is a collateral body of the Parliament. It exerts external controls on the budgetary, accounting and financial operations of the federal state, the communities, the regions, the public service institutions that depend upon them and the provinces. Some public firms are also concerned (in 2013, the public transport firm De Lijn was auditedFehler! Hyperlink-Referenz ungültig.). Its legal powers allow the Audit Office much independence and wide autonomy to fulfil its mandate. The members of the Audit Office are elected by members of parliament. Office reports are public and presented to Parliament along with the accounts of the state. The federal Audit Office regularly attracts media attention for its critical remarks over the management of public entities or services (such as over the roads in Wallonia).

Citation:

<https://www.ccrek.be/EN/Presentation/Presentation.html>

Canada

Score 10

The auditor general is appointed by Parliament on the advice of the prime minister for a 10-year term. Once in place, however, auditor generals have virtually a free hand in deciding who to audit and when. The Office of the Auditor General is accountable to Parliament, and the removal of an auditor general requires the approval of both the House of Commons and Senate.

There have been few instances when either Parliament or its Public Accounts Committee were able to direct the work of the Office of the Auditor General.

Denmark

Score 10

The national audit office (Rigsrevisionen) is an independent institution under the authority of parliament. It examines the soundness of state accounts and assesses whether institutions have applied funds in the best possible ways. Its work is highly respected.

Citation:

Hentik Zahle, Dansk forfatningsret, 2.

Website of national audit office: <http://www.rigsrevisionen.dk/composite-6.htm> (accessed 24 April 2013).

Finland

Score 10

Legislative accountability is advanced by the audit office being accountable to parliament and being an integrated part of parliament. Formerly, parliamentary oversight of government finances was performed by parliamentary state auditors. However, this institution has been abolished. In its place is the parliamentary Audit Committee, which was created by combining the task of parliamentary state auditors with the related functions of the administrative and audit section of the Finance Committee. The office of the parliamentary state auditors has also been replaced by the National Audit Office of Finland, which is an independent expert body operating in affiliation with parliament. Its task is to audit the legality and propriety of the state's financial arrangements and compliance with the state budget. Specifically, the office is expected to promote the exercise of parliament's budgetary power and the effectiveness of administration and it also oversees election and party funding. The office is directed by the auditor general who is elected by parliament. With about 140 employees, the office comprises the financial audit unit, the performance audit unit, the executive management support unit and the administration and information units.

Citation:

"National Audit Office"; <http://www.vtv.fi/en>

"The Audit Committee"; <http://web.eduskunta.fi/Resource.php x/parliament/committees/audit.htm>

Germany

Score 10

The Federal Court of Audit (FCA) is a supreme federal authority, and thus an independent body which is not overseen or otherwise constrained by government or parliament. The FCA is subject only to the law, and provides assistance to both the federal parliament and the federal government in the course of their decision-making. According to the Basic Law, FCA members have the same independence as the members of the judiciary, and its task is to monitor the budget and the efficiency of the state's financial practices. The FCA submits its annual report directly to the Bundestag, the government and the Bundesrat. The Bundestag and Bundesrat jointly elect the FCA's president and vice-president, with candidates nominated by the federal government. According to the FCA's website, around 1,300 court employees "audit the (state) account and determine whether public finances have been properly and efficiently administered," while the FCA's "authorized officers shall have access to any information they require" (Federal Budget Act Section 95 Para. 2).

Iceland

Score 10 Iceland's National Audit Office is fully accountable to the parliament. It reports to parliament and performs its important function quite effectively, given its significant manpower constraints and inadequate funding. These latter issues mean that a vast majority of the agencies under its jurisdiction have never been subjected to an audit. No significant strengthening of the office's staffing or financial resources has occurred in recent years. Its total staff has fallen from 49 individuals in 2009 to 42 in 2012.

New Zealand

Score 10 The controller and auditor general is appointed by the governor general on the advice of Parliament and is fully accountable to it. The Office of the Auditor General consists of the following departments: Accounting and Auditing Policy, Legal Group, Local Government, Parliamentary Group, Performance Audit Group and Research and Development. Its scope of functions relates not only to central government but also to local government. The legal basis is the Public Audit Act 2001.

Citation:

All about the Controller and Auditor-General (Wellington: Office of the Auditor-General 2012).

Norway

Score 10 Norway has a national audit office, an independent statutory authority that is responsible to parliament. Its main task is to audit the use of government funds to ensure they are used according to parliamentary instructions. The audit office has 500 employees, and its governing council is made up of members of the main political parties. Decisions of the audit office have consistently been consensual.

Poland

Score 10 Poland's auditing office, the Supreme Audit Office (Naczelna Izba Kontroli, NIK), is an efficient and effective institution accountable exclusively to the Sejm and whose independence is respected. The NIK chairperson is elected by the Sejm for six years, so that his or her term does not coincide with the term of the Sejm. The Senate has to approve the Sejm's decision. The Supreme Audit Office has wide-ranging competencies and is entitled to audit

all state institutions, government and local government administrative units, together with corporate bodies and nongovernmental organizations that pursue public contracts or receive government grants or guarantees. The NIK can initiate monitoring proceedings itself or do so at the request of the Sejm, its bodies or representatives (e.g., the speaker of the Sejm, the president or the prime minister). Its activities also include auditing the state budget.

United Kingdom

Score 10

The National Audit Office (NAO) is an independent office funded directly by Parliament. Its head, the comptroller and auditor general, is an officer of the House of Commons. The NAO works on behalf of Parliament and the taxpayer to scrutinize public spending and is accountable to the Public Accounts Committee (PAC).

United States

Score 10

The General Accountability Office (GAO) is the independent nonpartisan agency of the U.S. Congress charged with auditing activities. It is responsive to Congress alone. The GAO undertakes audits and investigations upon the request of congressional committees or subcommittees, or if it is mandated by public laws or committee reports. The GAO also undertakes research under the authority of the Comptroller General. In addition to auditing agency operations, the GAO analyzes how well government programs and policies are meeting their objectives. It performs policy analyses and outlines options for congressional consideration. It also has a judicial function in deciding bid protests in federal procurement cases. In many ways, the GAO can be considered a policy analysis arm of Congress. The executive branch also has significant audit functions. The Office of Management and Budget (OMB) handles routine, detailed auditing of budget implementation. In addition, there are 73 offices of Inspector General (IG), assigned to various departments and agencies. The IGs have auditing functions and operate with significant independence from their agencies. Thus, there is an auditing office that is responsible exclusively to the legislature, plus additional auditors with other forms of independence from the executive.

Bulgaria

Score 9 According to the National Audit Office Act, the audit office is independent and reports to parliament. Its president and two vice presidents are appointed by parliament for six (president) and seven (vice presidents) years, so that their terms do not coincide with those of parliament. The audit office is not responsible to any other government institution, and is obliged to submit all its reports to the National Assembly. It has demonstrated its independence from government several times.

Croatia

Score 9 The Auditor General is elected by the parliament or Sabor for an eight year mandate and can be removed by the Sabor only if he or she is unable to conduct his or her work or is convicted for a criminal act. The Audit Office reports to the Sabor at the end of every fiscal year. It undertakes a broad range of audits and acts independently.

Ireland

Score 9 The Office of the Comptroller and Auditor General (OCAG) reports to the lower house of parliament. The OCAG attends meetings of the lower house's Public Accounts Committee (PAC) as a permanent witness. The results of the OCAG's independent examinations are used for PAC enquiries.

The PAC's effectiveness is enhanced by having the OCAG's reports as a starting point, and in turn the OCAG's scrutiny gains significantly in impact and effectiveness because its reports are considered by and used as a basis for action by the PAC. The PAC examines and reports to the lower house as a whole on its review of accounts audited by the OCAG. This process ensures that the parliament can rely on its own auditing processes and capacities.

Israel

Score 9 Israel's State Comptroller position is defined by a basic law; section 6 of this law specifies that this entity is responsible only to the Knesset and is independent from the executive. In terms of funding, the comptroller has a greater degree of independence from the executive than the judiciary, since

the comptroller's budget is determined by the Knesset's Finance Committee, and the judiciary's budget by the finance minister and the minister of justice.

The Knesset appoints the comptroller and can dismiss officeholders. The parliament's State Control Committee deals with the comptroller's reports, and works alongside the comptroller. However, some comptrollers, including former officeholder Micha Lindenstrauss, have argued that the audit office should instead act as an independent authority, parallel to the executive, the legislature and the judiciary.

One of the main issues bearing on the question of the State Comptroller's independence is the distinction between reports and opinions. Reports are procedures initiated by the comptroller's office itself, according to the office's goals and missions and responding to the office's evaluation of current needs. Opinions are commissioned by the Knesset, the Knesset Audit Committee or the executive. By law, the comptroller is required to issue opinions when requested to do so by these bodies.

Citation:

Tamir, Michal, "The state Comptroller: A Critical Look," Israel Democracy Institute. (2009). (Hebrew).

The State Control Committee, The Knesset website

The State Comptroller and Ombudsman's Speech, Herzliya Conference website, (February 2012). (Hebrew).

Text of the Basic Law: State Comptroller (English)

Luxembourg

Score 9

The Chamber of Auditors was upgraded in 1999 to become the Court of Auditors, which manages the finances of state administration. While keeping a low profile, the Court acts to effectively control government spending, including that of ministries, public administration and other state services. It can audit the use of public funds and subsidies granted to public and private entities. The Court essentially works to control the effectiveness and efficiency of public spending, yet it is not authorized to express its opinion on the political wisdom of public spending. Its scrutiny completes the ongoing work done by internal auditors in each ministry. The Court's main interlocutor is parliament, and it takes on cases or projects on its own or through parliamentary instructions.

Citation:

Annual reports and special reports are accessible: www.courdescomptes.lu

Malta

Score 9

The National Audit Office is an independent office and reports exclusively to parliament; its reports as well are presented to parliament. Both the Auditor General and his deputy are appointed by a resolution of the House, which requires the support of no less than two-thirds of all its members. The audit office also supports the work of the Public Accounts Committee; however, the office has limited means at its disposal.

Citation:

National Audit Office Report– a useful annual tool. *The Independent* 05/12/12

Audit office finds shortcomings in government controls. *The Independent* 03/12/12

Mexico

Score 9

The federal Superior Audit Office was set up in 2001 to help the Chamber of Deputies, the lower house of the National Congress. The Supreme Court has subsequently made it clear that the audit office is to be considered an arm of Congress, and not an autonomous agency as such. In practice, the audit office shows a high degree of independence. This situation has not changed since 2010. The audit office is accountable to parliament exclusively. Over the last decade, the audit office has become stronger in technical terms.

Romania

Score 9

The Court of Accounts is an independent institution in charge of conducting external audits on propriety of money management in the institutions of the state. The Parliament adopts the budget proposed by the Plenum of the Court and appoints the members of Court but cannot remove them. The president of the Court (currently former Prime Minister Nicolae Vacaroiu who has been serving since 2008) is appointed by Parliament from among the counselors of account for a period of nine years, which means that while they tend to be appointed on a partisan basis, they are not always from the same party as the parliamentary majority. The Court of Accounts submits to the Parliament its annual and specific reports, which are then debated in the legislature after being published in the Official Gazette. The annual public report articulates the Court's observations and conclusions on the audited activity, identifies potential legal infringements and prescribes measures. Moreover, a commission set up in this respect by the two Chambers of the Parliament audits the Court of Accounts' budget. While the institution is efficient, and the auditors are well-trained, the accountability process has occasionally suffered from delays.

Slovenia

Score 9

According to Article 150 of the Slovenian Constitution, the Court of Audit is the supreme auditing authority in all matters of public spending. The Court of Audit is an independent authority accountable exclusively to Parliament. The Court of Audit scrutinizes the performance of both national and local governments and all legal persons established or owned by them. The chairman and the two vice-chairmen are elected by the Parliament for nine years – with secret ballots – and the office reports regularly and whenever requested to the Parliament. The Court of Audit has far-reaching competencies and enjoys a good reputation. However, its position is somewhat limited by a lack of resources. While it can propose its own budget to the legislature, the ultimate decision on the Court's resources rests with the Parliament.

Chile

Score 8

Chile's General Comptroller (Contraloría General de la República) has far-reaching competences, and is invested with strong political and legal independence. The officeholder is nominated by the president, and must be approved by a three-fifths majority vote in the Senate. The comptroller has oversight power over all government acts and activities, and investigates specific issues at the request of legislators serving in the Chamber of Deputies. The office presents an annual report simultaneously to the National Congress and the president. The National Congress has the right to challenge the constitutionality of the comptroller's work.

Sweden

Score 8

For a long time, Sweden was one of the few countries where the audit office reported to the government and not to the parliament. In order to conform to international standards, such as the International Organization of Supreme Audit Institutions (INTOSAI), this institutional arrangement was changed in 2003. The audit office now reports primarily to the parliament, but also to some extent to the government.

Citation:
www.riksrevisionen.se

Switzerland

Score 8 Switzerland's Audit Office is an independent and autonomous body. It supports the Federal Assembly and the Federal Council through the production of analyses and reports. The chairman of the Audit Office is elected by the Federal Council; this election has to be confirmed by the Federal Assembly. In administrative terms, the Audit Office falls under the authority of the Finance Ministry.

France

Score 7 Parliament does not have its own audit office, except for a special body called the Office Parlementaire d'Évaluation des Choix Scientifiques et Technologiques, which is responsible for analyzing and evaluating the impact of technology. In practice, its role has been rather limited.

Instead, the Court of Accounts is now at the disposal of any parliamentary request and can act both as auditor and advisor. While much progress could be made to fully exploit this opportunity, it is noticeable that collaboration between the two institutions has improved since the court presidency was given to two prestigious former politicians. Improvements also resulted from the decision by former President Sarkozy to appoint the then chairman of the finance and budget committee of the National Assembly to the post, a position which for the first time had been reserved for the opposition party.

Lithuania

Score 7 The National Audit Office is accountable to the Seimas and the president. The auditor general is appointed by the Seimas based on a nomination by the president. The parliament's Committee on Audit considers financial-, compliance- and performance-audit reports submitted by the office, and prepares draft parliamentary decisions relating to the implementation of audit recommendations. The office also cooperates with other parliamentary committees. Heads of the Committee on Audit have increasingly used audit reports for political purposes, especially after an opposition-party member was appointed to this post.

Netherlands

Score 7

The Netherlands' Court of Audit is the independent organ that audits the legality, effectiveness and efficiency of the national government's spending. The court reports to the States General and government and its members are recommended by the States General and appointed by the Council of Ministers. Parliament frequently consults with this institution, and in many cases this leads to investigations. Investigations may also be initiated by ministers or deputy ministers. However, such requests are not formal due to the independent status of the Court of Audit. Requests by citizens are also taken into account. Every year, the Court of Audit checks the financial evaluations of the ministries. The reports by the Court of Audit are publicly accessible and can be found online and as parliamentary publications (Kamerstuk). Through unfortunate timing in view of (more) important political developments, in recent years such evaluations played only a minor role in parliamentary debates and government accountability problems.

Citation:

http://www.rekenkamer.nl/Over_de_Algemene_Rekenkamer

Slovakia

Score 7

The Supreme Audit Office of the Slovak Republic is an independent authority accountable exclusively to the National Council. The chairman and the two vice-chairmen are elected by the unicameral National Council for seven years each, and the office reports regularly and whenever requested to the Council. There is an informal agreement that the chairman should be suggested by the parliamentary opposition. Despite a long vacancy, caused by the inability of the current opposition to agree on a candidate, the Audit Office has maintained its independence (Jancsics 2012). However, it has not made full use of its far-reaching competencies and has often argued very formalistically.

Citation:

Jancsics, Dávid, 2012: Corruption Risks in the Visegrad Countries. Visegrad Integrity System Study. Budapest, p. 47.

Spain

Score 7

Article 136 of the Spanish Constitution regulates the Audit Office (Tribunal de Cuentas or, literally, Court of Audit) as the organ that exercises the function of auditing the state's accounts and the financial management of the entire public sector. This office is accountable primarily to the bicameral General

Courts, although is not an integral or exclusive part of it. The office's members are appointed by a qualified majority agreement of the two main parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts (see "Party Financing").

State and public sector accounts are submitted annually to the Audit Office, which sends an annual statement of its auditing activities to the General Courts, identifying where applicable any infringements that in its opinion may have been committed, or any liabilities that may have been incurred. Most state public sector organizations deliver their accounts to the Audit Office for inspection, although many of them do so with delays. Subsequently, the annual audit statements are also published very late (in 2013 the report for 2008 was published). The audit function, which politically connects the Audit Office with the General Courts, refers to the subjection of the public sector to the principles of legality, efficiency and economy, in connection with the execution of the revenues and expenses budgets. The results of the office's procedures are expressed in reports, motions and notes addressed to the General Courts through the Joint Committee of the Congress of Deputies and the Senate for Relations with the Audit Office.

Citation:

www.tcu.es (official website)

Czech Republic

Score 6

The Supreme Audit Office (Nejvyšší kontrolní úřad, SAO) is an independent agency which audits the management and performance of state property, institutions and the national budget. Its functioning is regulated by the constitution, whereby the president and vice-president of the SAO are appointed for the period of nine years by the president of the Czech Republic, based on propositions from the lower house of the parliament. The appointment and the office's activities can be affected by political tensions and conflicts, as happened in the period under study, when the position was vacant for more than one year. This was due to charges brought against the previous head of the SAO, Frantisek Dohnal, over his refusal to release documents for an audit concerning the office's financial management – a move he justified with allegations that the parliamentary committee lacked the appropriate competence. Dohnal was sentenced to prison in 2012 as a result, and terminated from office, as stipulated by law. The president of the republic appointed the new president of the SAO only on 22 March 2013. Dohnal continued legal action against a fine imposed by Parliament and a court upheld his case in March 2013.

Hungary

Score
value_6

According to law, the Hungarian State Audit Office is accountable only to the legislature. However, the Orbán government has used its parliamentary majority to take control of it. It has made a former Fidesz member of parliament head of the institution, and has also replaced the office's vice president and other top officials. Still, the office has acted relatively independently and has monitored the government's activities in some detail.

Estonia

Score 5

The Estonian parliament does not possess its own audit office. Instead it relies on the National Audit Office (NAO), which is an independent institution defined by the national constitution. According to the constitution, the NAO is not a part of any branch of power, but remains independent of them all. Although the reports of the NAO are aimed at the national parliament, the government and the public, the parliament remains the first client. The Auditor General annually reports to the parliament on government budgetary discipline and spending. Thus, with regard to the parliament, the NAO is an information agency of sorts.

Greece

Score 5

The audit office is an institution independent of the government and the parliament. It has a double nature: it is both a court that intervenes to resolve a limited number of disputes related to the implementation of administrative law (e.g., civil service pensions) and a high-ranking administrative institution entrusted with the oversight of all expenses incurred by public services. The public services that fall within the jurisdiction of the audit office include ministries and public bodies whose function is monitored by ministries.

The staff of the audit office is composed of judges who follow a career path comparable to that of judges of the Greek court system. At the end of the year, the audit office is obliged to submit to the parliament an annual financial statement and the state's balance sheet.

However, the only sense in which the audit office may be understood as being accountable to the parliament relates to the appointment of its president and vice presidents: they are selected by a high-ranking parliamentary body consisting of the president and the vice presidents of the Greek parliament, but it is the government which makes their final

appointment, as in the case of the high-ranking judges in the rest of courts in Greece. After being appointed, audit court judges are not accountable to the government or the parliament and in fact enjoy the same tenure and independence as their counterparts in the highest civil and criminal court (Areios Pagos) and the highest administrative court (Symvoulío tis Epikrateias).

Citation:

Information on the Greek audit office in English is available at www.elsyn.gr/elsyn/root.jsp. Accessed on 07.06.2013.

Italy

Score 5

General auditing functions are conducted in Italy by the Court of Accounts (Corte dei Conti), which oversees all administrative activities. The court regularly reports its findings to the parliament, but cannot be said to be accountable to the parliament as it is an independent judicial body. The court can review *ex ante* the legitimacy of executive acts (although its decisions can be overruled by the government), and is responsible for the *ex post* review of the management of the state budget. The court oversees the financial management of publicly funded bodies. It is protected from political influence; its judges remain in office until they are 70 years old, and cannot be removed without cause. Judges are nominated through national competitive exams, and members of the court nominate the court president. The court has a highly skilled professional staff. Citizens may access court decisions via the internet, at no cost, shortly after decisions are rendered.

The parliament also has its own offices for checking the budgetary accounts provided by the government. This body plays a particularly important role during the budgetary session, and enables the parliament to have its own independent source of information in evaluating government proposals.

Japan

Score 5

The Board of Audit of Japan is considered to be independent of the executive, the legislature and the judiciary system. It submits yearly reports to the Cabinet, which are forwarded to the Diet along with the Cabinet's own financial statements. The board is free to direct its own activities, but parliament can request audits on special topics. Since 2005, the board has been able to forward opinions and recommendations in between its regular yearly audit reports.

In October 2012, the board revealed that a significant quantity of funds earmarked for the reconstruction of the devastated areas of northeastern Japan had been misspent, fulfilling its independent watchdog function in this high-profile case.

Latvia

Score 5

The State Audit Office (SAO) is Latvia's independent and collegial supreme audit institution. The office has a constitutionally guaranteed independence of the Saeima and the executive. It reports its plans and findings to parliament, which has full access to all audit findings. However, the SAO does not audit the Saeima itself. The parliament's Public Expenditure and Audit Committee has this responsibility. In 2012, NGOs and citizens called for the Saeima to subject itself to an external audit, either from the SAO, or an independent auditor. The speaker of parliament publicly rejected these proposals. A citizens' petition was circulated in 2012 aiming to place the issue on the parliamentary agenda, but failed to achieve the 10,000 signatures needed for such an act.

Citation:

1. OECD (2009), Review on Budgeting in Latvia, p. 204 and 223, Available at: <http://www.oecd.org/countries/latvia/46051679.pdf>, Last assessed: 17.05.2013
2. Valts Kalniņš (2011), Assessment of National Integrity System, p.116, Published by DELNA, Available at: http://www.transparency.org/whatwedo/pub/national_integrity_system_assessment_latvia, Last assessed: 21.05.2013.

South Korea

Score 5

The audit office is a constitutional agency that is accountable to the president. It regularly reports to the parliament. The National Assembly regularly investigates the affairs of the audit office, as it does other ministries.

Portugal

Score 4

The Tribunal de Contas or supreme audit office (SAO) is totally independent of the Assembly of the Republic and the executive. It is part of the judicial system, on an equal level with the rest of the judicial system. However, while not accountable to the Assembly, it must report to it regularly.

Turkey

Score 4

According to Article 160 of the constitution, the Court of Accounts is charged on behalf of parliament with auditing all accounts related to revenues, expenditures and properties of government departments that are financed by the general or subsidiary budgets.

The parliamentary Final Accounts Committee reviews its own accounts annually. The Court of Accounts reports to parliament but is not accountable to it. The parliament, from a list compiled by its Plan and Budget Commission, elects the Court's president and members. The Cabinet of Ministers however appoints court rapporteurs and prosecutors. In the review period, several pieces of legislation relating to the revised law on the Court of Accounts (Law 6085, 19 December 2010) were adopted and strengthened external audits in general. The parliament thus needs to ensure adequate follow-up of audit reports from the Court of Accounts. However, the July 2012 amendments to Article 35 of the Court of Accounts law curtails the powers of the Court, since it limits the auditors' scope in overseeing the financial activities of state institutions. While the Constitutional Court did reverse the amendments, arguing that the amendments had made activities less transparent, the dispute at the time of writing is still ongoing.

Cyprus

Score 3

The auditor general is an independent officer appointed by and reporting to the president. Though a member of the public service, her or she has a status equivalent to that of a Supreme Court justice. The auditor's annual report is presented to the president, who "shall cause it to be laid" before the parliament. Thus, the parliament has no authority over the auditor general. The audit office has the responsibility to review "all disbursements and receipts, and audit and inspect all accounts of moneys and other assets administered, and of liabilities incurred, by or under the authority of the Republic." This gives it the power to audit the House of Representatives as well as executive bodies.

Indicator

Ombuds Office

Question

Does the parliament have an ombuds office?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The parliament has an effective ombuds office.
- 8-6 = The parliament has an ombuds office, but its advocacy role is slightly limited.
- 5-3 = The parliament has an ombuds office, but its advocacy role is considerably limited.
- 2-1 = The parliament does not have an ombuds office.

Austria

Score 10

The Austrian Ombudsman Board (Volksanwaltschaft) has three chairpersons, with one nominated by each of the three largest party groups in parliament. Parliament is required by law to select these nominees. This prevents the ombuds office from being run solely by persons handpicked by the ruling majority. The Ombudsman Board is a parliamentary instrument and reports regularly to the legislature. The chairpersons are elected for a period of six years.

Denmark

Score 10

In 1955, Denmark became the third country in the world, after Sweden and Finland, to introduce the institution of the ombudsman. The ombudsman is appointed by Parliament, and the office is an independent institution. Citizens can complain to this office about decisions made by public authorities. The office, which had a staff of 88 in 2011, can also begin investigations on its own initiative and visit institutions. In 2011, the office concluded 4,922 cases, substantially investigated 1,001 and rejected 3,921. The institution produces an annual report.

Distinguished law professors have held the position of ombudsman. Criticisms from the ombudsman normally lead to a change in practice or decisions. In short, the ombudsman's views have very high credibility and respect.

Citation:

Henrik Zahle, Dansk forfatningsret 2.

The Danish Parliamentary Ombudsman, Annual Report 2011. http://beretning2011.ombudsmanden.dk/english/annual_report_2011/ (accessed 24 April 2013).

Finland

Score 10

Parliament has an ombudsman office, consisting of one ombudsman and two assisting ombudsmen. Established in 1920, this office is the second oldest in the world, and has a staff of more than 60 people. The officeholders are appointed by parliament, but the office is expected to perform its duties in a neutral manner and is independent of parliament. The office reports once a year on its activities to parliament. Citizens may bring complaints to the office over decisions by authorities, civil servants and others who perform public duties. The number of complaints decided on by the ombudsman has been increasing, with 4,543 cases initiated in 2011.

Citation:

<http://www.ombudsman.fi/english>

Hungary

Score 10

On 1 January 2012, the Ombudsman Office was reorganized. Instead of four ombudsmen, just one has remained to now be called the Ombudsman of Basic Human Rights. Ombudsman Máté Szabó has been active in his independent role of not just protecting human rights but also the democratic constitutional order in general. By strongly monitoring government activities, he has turned regularly to the Constitutional Court, asking for control of parliamentary acts, decisions and government rulings. His activities have represented some of the few remnants of a system of checks and balances in government, but his time in office will end in 2013. Szabó's tenure and the office itself can be considered one of the last strongholds of Hungarian democracy.

Iceland

Score 10

The office of the Parliamentary Ombudsman (Umboðsmaður Alþingis), established in 1997, takes up cases both on its own initiative and at the request of citizens and firms. It is independent in its work, efficient and well regarded. The office has a staff of 11, including seven lawyers.

Norway

Score 10

Norway has a parliamentary ombudsman whose task is to investigate complaints from citizens concerning injustice, abuses or errors on the part of the central or local government administrations. The ombudsman is also tasked with ensuring that human rights are respected, and can undertake independent investigations. Every year, this office submits a report to parliament about its activities. In general, the ombudsman is active and trusted.

Poland

Score 10

The Polish ombuds office, the Commissioner for Citizens' Rights, is an independent state organ and is accountable exclusively to the Sejm. It has substantial investigative powers, including the right to view relevant files or to contact the prosecutor general. Because of its strong engagement for citizens' rights ever since its creation in 1987, the ombuds office has traditionally held a good reputation. This reputation suffered however as a consequence of the controversial views on issues such as homosexuality and the death penalty held by Janusz Kochanowski, the commissioner elected in January 2006 but who died in the Smolensk air crash in 2010. Kochanowski's successor, lawyer and former Sejm member Irena Lipowicz, has managed to restore the office's good reputation. She has paid special attention to the rights of the disabled and the elderly. However, the effectiveness of the ombuds office has suffered as while it has been assigned new tasks in the field of anti-discrimination policy, it is lacking equivalent funds to perform the new tasks properly.

Sweden

Score 10

It is fair to say that Sweden invented the ombudsman institution. Sweden currently has seven ombudsmen who focus on the following: legal matters, gender equality, consumer matters, discrimination, discrimination on the basis of sexual orientation, matters related to disability and matters related to children.

The ombudsman for legal matters (JO), which has been around the longest, is appointed by the parliament, while the government appoints the other ombudsmen. Some of them are their own agencies.

Assessing the effectiveness of the ombudsmen is a difficult task. Their mission is not only to follow up on complaints but also to form opinion in their area of jurisdiction. Their position in the political system and in society appeared to be quite strong during the review period.

Australia

Score 9

A Commonwealth Ombudsman was established in 1977. Its services are available to anyone who has a complaint about an Australian government agency that they have been unable to resolve. Its charter states that it will investigate complaints where appropriate, deal with complaints in an impartial and effective way, achieve fair outcomes, seek appropriate remedies, and promote improved administration by Australian government agencies. Its services are free of charge.

Belgium

Score 9

The independent federal ombuds office was established in 1995. The goal of the office is to have direct contact with citizens and inform them of the administrative process if need be and collect complaints against the administration. Parliament elects members of the ombuds office, but after their election, ombudsmen are totally independent and autonomous from government. The office reports every year to Parliament and the report is made public (7,682 complaints and information demands were addressed in 2011). However, the ombudsman's role is only informative and deals with facilitation or advocacy; he or she has no coercive power.

Some difficulties occur when a complaint touches upon an issue which concerns both federal and regional or community authorities. Regional authorities have their own ombudsmen, most of who were also installed in the 1990s and early 2000s, so some overlaps occur.

Greece

Score 9

The ombuds office, which was founded in Greece in 1997 by the current serving European Ombudsman, Professor Nikiforos Diamandouros, is widely recognized as one of the most well-organized and -staffed public services in the country. The Greek ombudsman is selected and appointed by a group of high-ranking parliamentarians from the Greek parliament, and is obliged to report to the parliament by submitting an annual report.

The ombuds office has generally been popular with citizens. It receives and processes complaints from citizens who are frequently caught in the web of the sprawling Greek bureaucracy. In fact, it acts as an intermediary in citizen–administration relations. Depending on the complaint at hand, the ombuds office can intervene with the central, regional and local bureaucracy. The staff of the ombuds office cannot force the administration to act in accordance with the law or in agreement with the citizen's complaint, but it can pressure the government to change existing legislation and can also inform the prosecutor's office of any criminal offences committed by administrative employees and officials in the course of discharging their duties.

Citation:

Information in English on the Greek "ombuds office" is available at <http://www.synigoros.gr/?i=stp.en>. Accessed on 07.06.2013.

Luxembourg

Score 9

Since the launch of the Ombuds Office in May 2004, residents, among them more foreigners than nationals, have sought guidance from this government office. The ombudsman deals with some 900 requests per year and issues recommendations to the government and parliament, but cannot bring issues to the courts, similar to other ombuds institutions. The ombudsman is responsible to parliament. The first ombudsman of Luxembourg was a former minister and a former judge at the Human Rights Court (Council of Europe).

Luxembourg nationals have plenty of recourse when problems with government administration arise, but the situation is not as smooth for foreigners. Even though the country's labor market is the most transnational in the European Union, there are still numerous obstacles for Luxembourg migrants. Thus for years, the ombudsman dealt with a number of migration issues.

Among the existing institutions that offer ombuds services (the Ombuds Office, the office for children's rights, the office for equality rights (based on EU directives 2000/43 and 2000/78) and the human rights commission), the Ombuds Office is best equipped in terms of budget and staff and is most frequently used. The office has a good track record of finding solutions to problems, has issued a number of recommendations and monitors the implementation of the office's recommendations. One of the factors for the office's success might be the preference of citizens to use mediation instead of the courts, a typical occurrence in societies with a strong tradition of consensus. Since February 2012, former Member of Parliament and Secretary of State Lydie Err has assumed the role of ombudsman.

Citation:
<http://www.ombudsman.lu/equipe.html>

Netherlands

Score 9

The National Ombudsman is a “high council of state” on a par with the two houses of the States General, the Council of State and the Netherlands Court of Audit. Like the judiciary, the high councils of state are formally independent of the government. The National Ombudsman’s independence from the executive is increased by his/her appointment by the States General (the Second Chamber or Tweede Kamer). The appointment is for a term of six years, and reappointment is permitted. The National Ombudsman was established to give individual citizens an opportunity to file complaints about the practices of government before an independent and expert body. Where the government is concerned, it is important to note that the National Ombudsman’s decisions are not legally enforceable. The ombudsman publishes his or her conclusions in annual reports. The government is not obliged to act upon these reports, but – owing to the public nature of the office – the ombudsman acts as an efficient mechanism for parliamentary control of the government. The present ombudsman is increasingly critical of the way government treats its citizens. The most recent report was entitled “My Unintelligible Government,” and it is stated that overbureaucratization severely disadvantages socially weaker citizens.

Citation:
De Nationale Ombudsman, Mijn onbegrijpelijke overheid. Verslag van de Nationale ombudsman over 2012.
<http://www.nationaleombudsman.nl/?gclid=CMpv8vGltrcCFclZ3godZH0AkQ>

New Zealand

Score 9

New Zealand was the fourth country in the world to establish an Office of the Ombudsman (in 1962). The office is highly effective in terms of formally or informally resolving complaints. In 2011 – 2012, more than 10,000 complaints were handled. Organizational reform has been under discussion for a number of years because of an ever-increasing caseload. In addition, there is an even older tradition of dealing with petitions in Parliament.

Citation:
Annual Report of the Ombudsman (Wellington: Office of the Ombudsman 2012).

Czech Republic

Score 8

The Office of the Public Defender of Rights (Ombudsman) continues to serve as a vital protector of civil rights. In 2011, the office registered 6,987 complaints – a 10% increase from 2010. Of the complaints received, 62% were within the Ombudsman's mandate and 38% beyond it. The structure of complaints received by legal area has not significantly changed over time. Complaints in the area of social security are prevalent, especially in regard to pensions and social benefits. The second most numerous groups of complaints refer to construction and regional development, closely followed by the third set of issues related to the army, police and imprisonment. The data available for 2012 confirms these trends. The Public Defender of Rights delivers quarterly reports and annual reports on activities to the Chamber of Deputies, including recommendations on where laws could be changed. It produces detailed reports on cases it investigates, indicating when laws have been transgressed to the extent that the damaged parties have a solid basis for seeking redress. This frequently leads to a positive reaction from the official body.

Israel

Score 8

In Israel, the State Comptroller also serves an ombudsman role. In 1971, the Knesset made an amendment in the basic law on the State Comptroller, which authorized this office to investigate complaints from the public, enable it to examine the public administration more closely.

Under existing law, any citizen may file a complaint free of charge if he or she believes she has been directly or indirectly harmed by an act or an activity; if an act is against the law, without lawful authority, or violates principles of good governance; or if an act is unduly strict or clearly unjust.

The number of complaints submitted under this provision has risen every year. Complaint volume nearly doubled between 2005 and 2011. In 2012, more than 15,000 complaints were submitted, with 29% deemed justified after review.

Citation:

The State Comptroller and the Ombudsman site

Adato, Edna & Alon Gideon, "A Record Number of Complaints to the Ombudsman Office; 29 percents were justified," Israel Hayom. (March 2012). (Hebrew).

Lithuania

Score 8 The Seimas has several ombuds offices, including the general Ombudsmen's Office, with two appointed ombudspersons, and the special ombudsman's offices on Equal Opportunities and Children's Rights. These institutions supervise state institutions, with a particular focus citizens' human rights and freedoms. They engage in public advocacy on behalf of citizens, and initiate certain actions. However, the effectiveness of the ombuds offices is limited by a combination of three main factors: citizens' limited interest in pursuing complaints through these offices; the offices' own reactive attitude toward investigations; and the occasional unwillingness of state institutions to implement the offices' recommendations.

Slovakia

Score 8 In addition to the Petitions and Complaints Office of the National Council, there is an independent ombudsman, the Public Defender of Rights, who is accountable exclusively to the Council. The Public Defender is elected by the Council for a term of five years and reports regularly to it. In March 2012, Jana Dubovcová, a former judge and one of the most vocal critics of the current state of the Slovak judiciary, took the position from Pavel Kandráč. In the first annual report under her leadership, she complained about a lack of resources. As a result, the National Council refused to approve the report.

Slovenia

Score 8 In addition to the Commission for Petitions, Human Rights and Equal Opportunities of the Parliament, there is an independent ombudsman, who is accountable exclusively to Parliament. The Ombudsman is elected by the Parliament for a term of six years and reports regularly to Parliament. Zdenka Čebašek Travnik, ombudsman between 2007 and 2013, enjoyed a good reputation and was quite effective in settling issues, but decided not to run for re-election for personal reasons. As with previous ombudspersons, Travnik's role was limited occasionally by the lack of interest from Parliament and the inactivity of the responsible ministries. Travnik's successor, Vlasta Nussdorfer, was elected with a broad majority (82 out of 90 votes) in February 2013.

Spain

Score 8

Article 54 of the Spanish Constitution established the Office of the Ombudsman (Defensor del Pueblo) as a high commissioner's office whose holder is appointed by the legislature to respond to requests, and to protect and defend basic rights and public freedoms on behalf of all citizens. He or she is authorized to supervise the activities of the government and administration, expressly forbidding any arbitrariness. The ombudsman is elected by both houses of the General Courts for a five-year period (thus avoiding coinciding with the legislative term of four years) by a qualified majority of three fifths. The office is not subjected to any imperative mandate, does not receive instructions from any authority (including the General Courts), and performs its functions autonomously. The officeholder enjoys immunity and inviolability during his or her time in the post.

During the period under review, the Ombudswoman Soledad Becerril appeared several times in the General Courts. Her mandate covers all central government authorities, the autonomous regions and local governments. The ombudsman is authorized to appeal before the Constitutional Court and may also initiate any habeas corpus proceeding. The ombuds office publishes annual reports for the General Courts and "monographic reports" on particular themes, as well as recommendations regarding the public administration's legal duties toward citizens.

According to the last annual report, most of the complaints are related to the functioning of the Spanish judiciary; some cases of alleged abuse by the police; the need for better protection of undocumented migrants; inefficiencies in education grants and scholarships; the bureaucratization of the health care system and errors detected in the levy of taxes. The advocacy role of the Spanish ombudsman is limited by several factors: (1) a lack of resources, (2) inadequate collaboration on the part of some public administrative departments, and (3) its incapacity to ensure that the administration complies with its recommendations.

Citation:
www.defensordelpueblo.es/en/index.html

Bulgaria

Score 7

There is a national ombuds office (the Ombudsman of the Republic of Bulgaria), which is not part of parliament, but is elected by parliament for five years. The Ombudsman is independent in its activities and is subject only to the national constitution, laws and international treaties adopted by Bulgaria.

Other than putting arguments to the relevant administrative body and making its opinion public, however, the office has no powers. According to its report to the National Assembly, in 2012 the Ombudsman gave assistance to more 14,138 people. The office investigated the complaints of 5,549 of them. Most of the complaints made in the last few years (1,202 in 2012, or 23% of all the complaints in that year) related to public utilities (mobile and landline phone operators; electricity, heating and water providers). Dissatisfaction with public utilities played a major role in sparking off mass demonstrations in February 2013, which led to the resignation of the GERB government and the holding of early parliamentary elections. The fact that the Ombudsman has been approached on matters of widespread public concern indicates that it is seen as a legitimate advocate of citizen rights and the public interest, though its activities (as well as those of other public bodies) were not sufficient to prevent public dissatisfaction from spilling over into open protest.

Germany

Score 7

The standing parliamentary Petitions Committee is provided for by the Basic Law. As the “seismograph of sentiment” (annotation 2 Blickpunkt Bundestag 2010: 19; own translation), the committee deals with requests and complaints addressed to the Bundestag based on every person’s “right to address written requests or complaints to competent authorities and to the legislature” (Basic Law Art. 17). It is able to make recommendations as to whether the Bundestag should take action on particular matters. Nonetheless, its importance as a citizens’ advocate and initiator of governmental action in response to public concerns is limited, and it is sometimes viewed as a largely symbolic institution. However, the committee at least offers a parliamentary point of contact with citizens. Two additional parliamentary ombudsmen are concerned with the special issues faced by patients and soldiers.

Ireland

Score 7

The Office of the Ombudsman investigates complaints about the administrative actions of government departments, the health service executive and local authorities. Ireland largely follows the Scandinavian ombudsman model. The ombudsman acts in the public interest as part of an overall system of checks and balances, as representing and protecting the people from any excess or unfairness on the part of government. The ombudsman reports to parliament at least twice a year.

Only twice in 25-year history of the Office of the Ombudsman have its recommendations been rejected by government. In 2009 the ombudsman was invited to appear before the relevant parliamentary committee to explain her views on the matter. The fact that this sort of conflict has arisen so rarely, and when it did it attracted so much publicity, is evidence that the office generally operates effectively and has its findings accepted by parliament.

In addition to the main Office of the Ombudsman, there are separate ombudsmen for the Garda Síochána (the national police force), financial services, children, insurance, the army, the press and for pensions. These offices are effective in listening to the concerns of citizens in their dealings with government agencies.

Malta

Score 7

The ombudsman is elected by a two-thirds majority of the House of Representatives and as a government institution, is held in high esteem with the public. The Ombudsman Office is not empowered however to deal with human rights complaints, and its recommendations are not binding. Existing limitations include the fact that members of parliament do not get to formally debate reports from the ombudsman when they are presented to the House.

Citation:

Aquilina, K. Strengthening the Ombudsman's office. Times of Malta 14/08/12

Mexico

Score 7

Mexico established an ombudsman's office in 1992. The office is generally respected, and the ombudsman can, and sometimes does, criticize government policy. In 2007, the ombudsman publicly advised President Calderón not to use the army in counternarcotics activities. Calderón nevertheless sent troops in, which provoked an ongoing discussion on the army's domestic tasks. More recently, the limited de facto power of the institution has become visible particularly in the field of domestic security (e.g. drug crime, human right abuses). In short, while Mexico has an independent and respected ombudsman's office, it is not necessarily powerful.

United Kingdom

Score 7

The British Parliament has a Parliamentary and Health Service Ombudsman (PHSO), which looks into complaints if “government departments, their agencies and some other public bodies in the United Kingdom – and the NHS in England – have not acted properly or fairly or have provided poor services.” The PHSO can only be dissolved by an address by both houses. The resources of the PHSO are limited, with 435 full-time staff, as is their remit and their access to certain files (e.g., no formal power to see cabinet papers). Reports issued by the ombudsman are susceptible to judicial review by the courts. It is a function that seems to have faded from public visibility after being quite prominent when introduced in the 1960s. More than two thirds of the 26,358 complaints investigated in the last year concerned health service matters.

Citation:

PHSO (2013) 'Aiming for impact: annual report and accounts 2012-13'

Canada

Score 6

The federal government (unlike certain provinces such as Ontario) does not have an organization called an ombuds office, but it does have certain organizations that are functional equivalents. These include the Access to Information Office and the office responsible for the protection of whistleblowers. The advocacy role of these organizations is limited, however. Other mechanisms that more informally fulfill an ombuds role include departmental units responsible for investigating appeals of decisions related to social programs such as employment insurance and pensions, and the offices of members of Parliament, which act as champions for the interests of their constituents.

Croatia

Score 6

The institution of the People's Ombudsman was introduced with a special constitutional law in 1992, and the first ombudsman started his mandate in 1994. According to Article 2 of The Ombudsman's Act, the Ombudsman is “a commissioner of the Croatian Parliament for the promotion and protection of human rights and freedoms laid down in the Constitution, laws and international legal acts on human rights and freedoms accepted by the Republic of Croatia.” He is appointed by the Croatian parliament or Sabor for a term of eight years with the possibility for reappointment. In practice, most government institutions do not react promptly to the Ombudsman's requests, so that over 70% of them are pending.

United States

Score 6

Congress does not have an ombuds office, as such. Its members, who cultivate close ties with their state or district constituencies, effectively function as a collective ombuds office. Members of Congress each have several staff members – some located in Washington, D.C., and some in their respective state or district – who deal full-time with constituents' requests for service. The total number of staffers engaged in constituency service is at least in the range of 2,000-3,000 individuals. A weakness of this arrangement is that it is somewhat informal and the coordination and management of staffers is left up to the individual congressional office. Government agencies do not suggest that clients encountering difficulties contact their senator or representative for assistance, and the constituency service staff does not develop specialized expertise, except for the most common categories of request (e.g., social security payments, visas for relatives). In addition, because the acquisition of experience is massively disaggregated, without systematic collating of information from 535 congressional offices, congressional staff are less able to identify general problems with policy or administration than an actual ombuds office would be.

Japan

Score 5

While there is no national-level ombuds office as such, the two houses of parliament handle petitions received through their committees on audit and administrative oversight. Citizens and organized groups also frequently deliver petitions to individual parliamentarians.

Another important petition mechanism is located in the Administrative Evaluation Bureau of the Ministry of Internal Affairs and Communications. This body serves as Japan's representative in the Asian Ombudsman Association. The bureau runs an administrative counseling service with some 50 local field offices that can handle public complaints, as well some 220 civil servants engaged in administrative counseling. In addition, about 5,000 volunteer administrative counselors serve as go-betweens.

Citation:

Asian Ombudsman Association: AOA Fact Sheet - Administrative Evaluation Bureau, Japan, http://asianombudsman.com/ORC/factsheets/2010_4_22_FINAL_JAPAN_Fact_Sheet_Member_Profile.pdf

South Korea

Score 5

The Korean parliament does not have an ombuds office. Under the Lee administration, the government's ombuds office was merged with the civil rights and anti-corruption agency into the Anti-Corruption and Civil Rights Commission of Korea (ACRC). This commission is accountable to the president. People can petition the government directly without approaching the parliament and the ombudsman. However, recent legislative reforms (2012) strengthened the autonomy of the ACRC.

In addition, the Foreign Investment Ombudsman (FIO) system was first introduced on October 26, 1999, under the Foreign Investment Promotion Act. The FIO is commissioned by the president on the recommendation of the Minister of Trade, Industry and Energy, via the deliberation of the Foreign Investment Committee. Until 2008, the FIO also headed the grievance settlement body, which was supporting the duties of the ombudsman through the collection and analysis of information concerning the problems foreign firms experience in Korea. In addition, it also has the authority to request cooperation from the relevant administrative agencies and recommend the implementation of new policies to improve the foreign investment promotion system, and also carry out other necessary tasks to assist foreign-invested companies in solving their grievances.

Citation:

Office of the Foreign Investment Ombudsman, <http://www.i-ombudsman.or.kr/eng/au/index.jsp?num=3>

Romania

Score value_6

The ombudsman is appointed for a five-year term by both chambers of parliament, to which it reports every year or at their request, and is responsible for the settlement of petitions and complaints against public institutions. The Romanian Ombudsman's competences – such as the capacity to challenge a non-promulgated law at the Constitutional Court and refer laws and ordinances to the Constitutional Court on grounds of unconstitutionality – are critically important given the government's frequent use of emergency ordinances. Even though according to Law 35/1997 the Ombudsman can only be fired for violating the constitution or other laws, in July 2012, the Social Liberal Union (USL) fired the Ombudsman, Gheorghe Iancu, on grounds that his actions had been politically motivated (he was seen as a supporter of President Băsescu). The ombudsman's position was filled on a temporary basis by a former Social Democratic Party (Partidul Social Democrat, PSD) member of parliament, Valer Dorneanu, until the appointment in January 2013 of Anastasiu Crisu. Given that Crisu was

appointed on a partisan basis by the ruling USL, it remains highly unlikely that he will play an active role in controlling the powers of the executive and safeguard the system's checks and balances.

Turkey

Score 4

A law establishing a Turkish ombudsman was adopted in June 2012, and in December 2012, parliament swore in Mehmet Nihat Ömeroglu as head of the office. The ombudsman reviews lawsuits and administrative appeals (with respect to the rule of law and human rights) and ensures that public administration is held accountable. The mandate of the office, however, does not cover administrative actions of military personnel. The law says that the ombudsman is accountable to parliament; yet it does not have the right to conduct inquiries on its own initiative.

The Parliamentary Petition Committee reviews citizens' petitions and refers them to the relevant authority, if applicable. Moreover, the Human Rights Investigation Commission has the authority to receive, investigate and review complaints on issues of human rights. The Commission on Equal Opportunities for Women and Men is entitled to review complaints about violations of gender equality.

Chile

Score 2

Parliament does not have a formal ombuds office. Efforts to establish such an office failed twice under former governments. However, the National Congress and its members listen informally (but not systematically) to concerns expressed by citizens and public advocacy groups, inviting them to congressional hearings. In general terms, direct democratic elements in Chile are quite weak.

Cyprus

Score 2

Cyprus has no constitutionally established ombudsman's office. Law 3/1991 introduced the Office of the Commissioner for Administration, with the serving commissioner appointed by president upon the recommendation of the Council of Ministers, and upon prior approval by the parliament. The commissioner presents an annual report to the president, with comments and recommendations. A copy is made available to the Council of Ministers and to the parliament. Investigative reports, monthly activity reports and reports

on the failure to comply with recommendations in connection to a case investigated are also submitted to the cabinet and the parliament.

The commissioner does not have oversight power over the House of Representatives, the president, the Council of Ministers, courts including the Supreme Court, or a variety of other officials and ministers.

Estonia

Score 2 The Estonian parliament does not have an ombuds office. To raise an issue or forward a concern, citizens have to contact their MP. If a citizen wants to get information regarding the functioning and work of the parliament, an information request can be submitted (including online submission).

France

Score 2 Parliament has no ombuds office, but plays a key role in the functioning of the (former) Ombudsman office. Until 2011, the médiateur (ombudsman) could intervene in malpractices and administrative problems at the request of individuals but only through the mediation of a parliamentarian. The purpose was to try to solve as many problems as possible through the intervention of elected representatives, and to ask the ombudsman to step in only if the issue could not be addressed or solved in a satisfactory way. In 2011, the office was merged with other independent authorities to form a new body (Le Défenseur des Droits). It is still early to assess the impact of this reform. However, it has not affected the role of parliamentarians in the process.

Italy

Score 2 Italy does not have a national ombuds office. Some functions are performed by regional ombudsman offices. Through questions and interviews, members of parliament perform with significant vigor an analogous advocate's function with regard to issues and complaints raised by citizens.

Latvia

Score 2 The Saeima does not have its own ombuds office, but does have a committee for ethics and petitions. Latvia does have an independent Ombudsman, created in 2007 through a reorganization of the Latvian National Human Rights Office. From 2007 to 2011, this ombuds office was

plagued by internal problems, budget cuts, perceptions of inefficiency, and passivity. In 2011, a leadership change brought about greater activity and visibility. The Ombudsman is charged with taking citizens' complaints, monitoring human rights, and proposing governmental action to address systemic issues. Since 2011, the ombuds office has been active in monitoring social-care facilities for the disabled, closed institutions, access-to-justice failings, issues of equal access to free education and discrimination against women, and has helped raise public awareness of hate speech. In 2012, the Ombudsman received 1,533 complaints regarding civil and political rights, including 106 discrimination complaints and 624 complaints regarding social and economic rights. The Ombudsman reports annually to parliament.

Citation:

1. Ombudsman of Latvia (2012), Report on the Conference Regarding Progress Evaluation of 2012, Available at (in Latvian): http://www.tiesibsargs.lv/files/2012_gada_konferences_materi%C4%81li/runa_janos_2012_tiesibsarga_konferences_pases_konference_12122012.pdf, Last assessed: 21.05.2013

Switzerland

Score 2 There is no ombuds office at the federal level in Switzerland. Some cantonal administrations do have an ombuds office, however.

Portugal

Score 1 Portugal does not have a parliamentary ombudsman. There is however a judicial ombudsman (Provedor de Justiça), which is situated in the judicial system. It serves as the advocate for citizens' interests.

This report is part of the Sustainable Governance Indicators 2014 project.

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