

**SGI** Sustainable  
Governance  
Indicators

## 2015 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: 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.

### 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** Belgium is a parliamentary democracy. During the political crisis of 2010-2011, when the government could not form, the parliament took over policymaking from 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 through ad hoc committees, and the Audit Office (Cour des Comptes/Rekenhof), which monitors all Belgian institutions, is a collateral institution of the federal parliament.

## Czech Republic

**Score 9** In the Czech Republic, members of parliament 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 persons and a secretary; and there is a parliamentary library and a parliamentary institute. The Parliamentary Institute acts as a scientific, information and training center for both chambers of parliament, its members and general leadership. The institute also holds an European Affairs Department, which handles a document database for information coming from EU institutions and other matters related to the European Union.

## Finland

**Score 9** The resources for MPs to obtain information were greatly improved in the 1990s through the creation of a parliamentary assistant system. Currently, 190 assistants work in a parliament of 200 sitting 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 has 45 employees 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.phx/library/organization/people.htm>

## Germany

Score 9

The German Bundestag has adequate personnel and structural resources to effectively monitor government activity. 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 (about €6,000 per month) allowing him or her to maintain two offices and employ, on average, two experts. About 2,500 experts are currently working in the German Bundestag, and roughly the same number are working at the constituency level. Parliamentary groups also have resources to commission independent research studies.

## Lithuania

Score 9

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). In addition to researching legal issues, the BAS 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. Additional resources are available to parliamentary party groups for organizational and administrative support, and for hiring expert staff. Parliamentary groups must have a minimum of three MPs.

## 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, RUT). RUT conducts inquiries requested by groups of MPs. Individual MPs in Sweden receive rather little administrative support; instead, support is given 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 parliamentary staff were 410 in 2012, 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 ask written and oral questions of ministers, and 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 2012-13.

[http://www.ft.dk/Folketinget/~media/Pdf\\_materiale/Pdf\\_download/Aarsberetning/Aarsberetning\\_2012-13](http://www.ft.dk/Folketinget/~media/Pdf_materiale/Pdf_download/Aarsberetning/Aarsberetning_2012-13) (accessed 22 October 2014).

Folketinget, Personalepolitisk redegørelse 2011.

[http://www.ft.dk/Folketinget/~media/Pdf\\_materiale/Pdf\\_download\\_direkte/Personalepolitisk\\_redegoerelse/personalpolitisk\\_redegoerelse\\_2011.pdf.ashx](http://www.ft.dk/Folketinget/~media/Pdf_materiale/Pdf_download_direkte/Personalepolitisk_redegoerelse/personalpolitisk_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 2013 – 2014, the staff of the research department carried out six studies, or less than a third of the previous assessment period's load. Also, because of budget and personnel limitations (10 advisers in total), studies are typically very small. In addition to in-house experts, the national parliament can also commission studies from universities or private companies on a public-procurement basis. In recent years, three studies of this kind were performed, which is also fewer than in previous periods. 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 the political advisers of parliamentary fractions. In total, there are 40 people working for the parliamentary party groups. 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 to order expert analyses, studies or informative overviews.

## Israel

Score 8

Two major elements are meant to strengthened the Knesset's position relative to the executive branch: the Knesset's legal advisory department and the Knesset research center. The Knesset's archive and library are also used to monitor the government's major activities and each member of parliament (MP) is entitled to employ two assistants, who often engage in independent research on behalf of their employer. The legislators' oversight capabilities have 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, especially regarding budget and finance. The Arrangements Law is a prime example of this problem, as it is widely agreed that this legislative package is too complex to allow Knesset members to develop an understanding of its ramifications in the time and conditions provided for the vote. In 2013, a MP filed a suit against the Ministry of Finance claiming it de facto revoked the budget plan by using unapproved financial transfers. The Supreme Court instructed both sides to seek solutions outside of the courts.

Citation:

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

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

Zerahia, Zvi, "The treasury is deliberately holding out information from PMs so we can't supervise it", TheMarker 7.1.2014: <http://www.themarker.com/news/1.2210843> (Hebrew)

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

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

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

"Is Bagatz mocking the petition against the treasury?," Globes website 18.6.2014: <http://www.globes.co.il/news/article.aspx?did=1000947260> (Hebrew).

## Italy

Score 8

Members of parliament can draw on significant resources of highly qualified personnel to monitor the activities of the government. The permanent staff of both chambers is quite large and is selected through highly competitive mechanisms. Most staff members possess legal expertise. The parliamentary staff regularly produces studies on issues and reforms under discussion. The two chambers also have extensive libraries at their disposal. Members of parliament also have at their disposal some resources for personal parliamentary assistants. The selection of these assistants is much less merit-based and their quality highly variable. Whether in general MPs are really interested in using systematically the available resources for monitoring the government is another matter. Probably only a minority take frequent advantage of these resources.

## 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. In practice, the parliamentary groups instead employ a pool of assistants who work for all the MPs of their group, rather than each MP having his or her own assistant. MPs can consult with external experts as part of the functioning of parliamentary commissions. They 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

[http://www.legilux.public.lu/leg/textescoordonnes/guides/procedure\\_leg\\_regl/0\\_SOMMAIRE.pdf](http://www.legilux.public.lu/leg/textescoordonnes/guides/procedure_leg_regl/0_SOMMAIRE.pdf)

## 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.

## Austria

Score 7

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.

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 that is funded by parliament 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.

A significant step was taken in 2014 to improve the National Council's capacity. The right to install an investigating committee, which has been the prerogative of the ruling majority, has now become a minority right. Considering the rather strict party discipline in Austria's parliament, this must be considered a significant improvement of parliamentary democracy.

## 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.

## Greece

### Score 7

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. However some members of parliament 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 that is funded by the state budget.

Nowadays updated academic advice is available also through two recently founded institutions. The first is the Office of the Budget, a policy-oriented committee of university professors with economic expertise who work under the auspices of the parliament. They are independent of any influence of the Ministry of Finance and periodically publish academic reports on the Greek economy and the finances of the state. The second is the Foundation of the Parliament, which is headed by a former law school professor. This is a more scientific-oriented foundation focusing on institutions and constitutional matters.

## Netherlands

### Score 7

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.

Recently, parliament has used the instrument of a parliamentary investigation more frequently (Financial System: 2010-2012; Building Societies: 2012-2014; Fyra (non) high speed train): 2013-2015).

## 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. Parliamentary committees or individual MPs can also request audits from the Auditor General of Canada, although the ultimate decision about what to audit rests with the Auditor General. The Office of the Auditor General is an officer of Parliament that is independent of the government; its mandate is to provide parliament with objective, fact-based information and expert advice on government programs and activities, with the ultimate goal of holding the federal government to account for its handling of public funds. Another important source of information for parliamentarians is the Office of the Parliamentary Budget Officer.

It is unclear how effective this monitoring is in practice, however. 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** Members of the Croatian parliament or Sabor have limited resources. 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.

## 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 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 the chairs of the parliamentary committees. However, a common complaint is that the parliament's resources are channeled to activities such as building maintenance rather than to those directly involving the main functions of a national legislature. Independent legislators have access to few material resources; moreover, little expertise is readily available, and lawmakers often rely on assistance from former parliamentarians or political-party staff rather than independent experts.

## Slovakia

Score 6

Members of the National Council have some resources enabling them to monitor government activity. Most parliamentarians 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 legislators. However, the quality of the Parliamentary Institute's analysis is limited, so lawmakers tend to rely on party resources.

## Spain

Score 6

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 of the same party. Economic resources for the commission of independent research are also scarce.

For example, with regard to scrutiny of European policymaking (an area that can be easily compared to other EU member states' national parliaments), the Spanish Joint Committee of the Congress and the Senate for European Affairs has at its disposal only two legal clerks, a librarian and three administrative personnel. And despite growing demands for greater parliamentary involvement in EU affairs since the entry into force of the Lisbon Treaty (with the introduction of an "early warning system" to control the proportionality of new European legislation), budgetary restrictions have prevented any change with regard to human and financial resources. In the same vein, the Spanish General Courts were the last national parliament in the EU-27 to open an office in Brussels.

Citation:

Kölling, M. and I. Molina. 2015. "The Spanish National Parliament and the European Union: Slow Adaptation to New Responsibilities in Times of Crisis". In *The Palgrave Handbook of National Parliaments and the European Union*, eds. C. Hefftlar et al. London: Palgrave Macmillan.

## 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 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 550 deputies are provided with 505 primary and 456 secondary advisors and 509 clerks. A total of 32 experts and 66 clerks are assigned to the various party groups. The Turkish parliament has improved both its human-resources services and technical infrastructure, thus providing greater support for members' work. However, capacity development remains a major problem. The parliamentary library and research unit cannot effectively meet demands for information.

Citation:

TBMM İdari Teşkilatı 2013 Faaliyet Raporu, [http://www.tbmm.gov.tr/docs/TBMM\\_baskanligi\\_idari\\_teskilati\\_2013\\_faaliyet\\_raporu.pdf](http://www.tbmm.gov.tr/docs/TBMM_baskanligi_idari_teskilati_2013_faaliyet_raporu.pdf) (accessed 5 November 2014)

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](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** Hungarian MPs have some funds for professional advice. The Hungarian parliament has a good library and even a small research section. However, these resources have not been sufficient to keep up with the Orbán governments' hectic style of policymaking, with its unprecedentedly high number of legislative decisions. The Fidesz parliamentary party group has often provided legislators with draft bills slated for a Monday vote as late as the preceding Friday afternoon. For the small and ideologically fragmented opposition, it has thus been rather difficult to monitor the Orbán government's legislative activity. Thus, it is the political process, rather than the parliamentary resources per se, that establishes bottlenecks and undermines effective monitoring.

## 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 advisers and experts, there is no system of internships that allows members to recruit researchers and 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.

Citation:

A statement of the services available from the Oireachtas Library and Research Services is provided here:

<http://www.oireachtas.ie/parliament/media/housesoftheoireachtas/libraryresearch/others/LRSStatementofServicesapprovedbyCommission2012.pdf>

## Mexico

**Score 5** Mexico has had an unusual electoral system, in that all members of Congress were until recently prohibited from running for reelection. This system was intended to bring legislators closer to civil society, but it 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 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 tended to lack resources

and legislative scrutiny was often perfunctory. Similarly, members have had little incentive to take a deep interest in lawmaking, because their term as incumbents was so short. Moreover, good legislative performance, when it happened, often went unrewarded.

However, beginning in 2015, legislators will be allowed reelection up to an overall maximum of 12 years. While it is impossible to foresee all consequences to this change, the intention is to increase legislators' independence. The PAN, which is now the main opposition, was highly supportive of the reform, which it believes will strengthen democratic accountability and congressional autonomy.

## South Korea

Score 5

Members of Parliament (MP) have a staff of nine, comprising 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 MPs' focus areas. The parliamentary library is one of the best libraries in South 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 regular or provisionary. Investigation about national affairs by National Assembly is a very powerful institution, but very skeptical on the effectiveness. The National Assembly monitors too many policy cases. Some lawmakers abuse and misuse this period to promote their own personal political performance in front of mass media.

## 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 parliamentary assistant, but their exact duties and output have never been published or assessed.

The parliament has a rich library that remains little used. 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.

Citation:

1. Press Comments on Parliamentary Work, <http://cyprus-mail.com/2014/05/03/our-view-fall-of-grace-for-ethics-report-on-financial-meltdown/>

## Iceland

**Score 3** Parliamentarians have access to experts employed by the parliament. While the 28-person Committee Department (Nefndasvið) is tasked with assisting the parliament's standing committees, individual members can also turn to this department for assistance. However, the limited capacity of the Committee Department, combined with its primary mandate to assist the parliament's standing committees, restricts its ability to effectively assist more than 50 of the total 63 MPs. Although, ministers also have access to other resources. The 2007 to 2009 government enabled MPs, whose constituencies are located outside of the capital area, to hire half-time personal assistants. The aim of this was to improve MPs access to information and expertise. However, this policy was ended after the 2008 economic collapse, due to parliamentary budget cuts.

## Japan

**Score 3** Parliamentarians in Japan do not have the means to independently assess policy proposals. Every MP can employ three public secretaries, who are paid through an

annual fund totaling JPY 20 million (about €140,000 in November 2014), 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. Members of permanent parliamentary committees seek support from outsiders such as academics and specialists, but this is rarely sufficient to overcome the real gaps in resources. The lack of resources has also caused a delay in setting up a process for evaluating 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 limited expertise is available from parliamentary committee, personal administrative support and parliamentary library staff. This does not allow for substantive policy analysis or the independent production of information. There are no monetary allowances available for the commission of independent research. The Latvian parliament is the only legislature in the Baltic Sea Region with no institutional research capacity.

## 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 currently available information, the executive and its agencies are generally forthcoming with requested information.

#### Finland

- Score 10 Reports drafted by committees provide the basis for legislative 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 great importance in preparing and discussing 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 policy areas to hearings, and have the right to ask for governmental information. Furthermore, in committee hearings, parties are allowed to invite their respective experts. Nonetheless, the ministerial bureaucracy sometimes 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 regarding the provision of documents on the grounds of various forms of legally prescribed confidentiality, for example nondisclosure of official and commercial secrets. But most documents are made public and can be accessed in a variety of ways, including larger libraries and the Internet. In an important ruling on September 12, 2012, the FCC’s Second Senate strengthened the information rights of German parliamentary representatives regarding the European Stability Mechanism Treaty (ESM). Government officials had previously been reluctant to keep the Bundestag informed on this issue, claiming executive secrecy.

## Greece

Score 10

Members of parliament may 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 national security issues.

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/Vouli-ton-Ellinon/Kanonismos-tis-Voulis/article-133/>. Accessed on 04.06.2013.

## Latvia

Score 10

The parliament 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. Members of parliament may demand information from government officials, either in written or verbal form, at the sitting of the Sejm plenary or at a committee meeting. These requests are usually complied with.

Citation:

Kotnarowski, M., R. Markowski, M. Wenzel, M. Żerkowska-Balas. 2014. Democratic Audit of Poland 2014. (available in Polish at [www.dap.swps.pl](http://www.dap.swps.pl))

## 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 enabling them access 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 to be 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 Parliament.

## Austria

- Score 9 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.

## 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 regarding 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. Oktober 2011.

[http://www.ft.dk/dokumenter/publikationer/folketinget/haandbog\\_i\\_folketingsarbejdet\\_2011.aspx](http://www.ft.dk/dokumenter/publikationer/folketinget/haandbog_i_folketingsarbejdet_2011.aspx) (accessed 22 October 2014).

## 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.

## 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 October 9, 2014).

## 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.

## 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.



## Luxembourg

**Score 8** In general, information flows freely between the government and parliament. In the cases where such flows are seen as incomplete, 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. There is no deliberate withholding of information within the parliament itself, as the opposition parties of today may be tomorrow's coalition partner. However, a few restrictions exist concerning sensitive issues or classified information. Recently, this has been the case with the scandals over the state's Secret Service (Service de renseignement de l'Etat luxembourgeois, SREL). 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:

Urbany, S. (2013), Nach der Gangsterjagd. SREL-Untersuchungskommission. Eine Zwischenbilanz, [http://www.forum.lu/pdf/artikel/7582\\_327\\_Urbany.pdf](http://www.forum.lu/pdf/artikel/7582_327_Urbany.pdf)

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

Kirps, J. (2014), La passion du secret, in: forum, no. 337, pp. 20-21

## 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, the Bratušek government 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 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 to avoid delivering some important documents (for example, on the grounds of secrecy), or enables it to deliver the documents incompletely or late.

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 on time and in full, but obstacles are occasionally erected.

## 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 the serving government.

## Bulgaria

**Score 7** Under the Rules of Organization and Procedure of the National Assembly, 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. The institution of “parliamentary questions” put to the executive also gives individual members of parliament access to the executive branch. 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.

## Iceland

*Score 7* The Information Act (Upplýsingalög, No. 140/2012) grants standing parliamentary committees the right to request government documents relating to their work, with the exception of 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, excluding those containing a final decision about a case or information that cannot be gathered elsewhere.. The government can restrict access to documents if it can make a case that there is an exceptional public security risk, such as national security, international relations or business agreements. The Committee on Foreign Affairs has a special legal status, which allows it to request government documents that would enable it to fulfill its legal obligations. The chair of the committee and the foreign minister can decide to keep the discussions and decisions of the committee confidential. The Budget Committee can also request the government documents it needs to fulfill its legal obligations.

In a case relating to the so-called most expensive telephone call in Icelandic history, the Central Bank refused to comply with a parliamentary committee request to

release the recording or transcript of a telephone conversation, which took place shortly before the 2008 economic collapse, between the prime minister and the Central Bank's governor. This dispute remains unresolved demonstrating that the right of parliamentary committee's to request access to information is not the equivalent of a right to obtain information.

Citation:

The Information Act (Upplýsingalög nr. 142/2012)

## Ireland

Score 7

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.

A major test of the effectiveness of the parliamentary committee system will be the performance of the Oireachtas Joint Committee of Inquiry into the Banking Crisis, which was slated to begin public hearings in December 2014.

Citation:

The scope and structure of the Banking Inquiry are set out here:

<http://www.oireachtas.ie/parliament/media/Relevant-Proposal-to-the-Committees-on-Procedure-and-Privileges-of-Dail-Eireann-and-Seanad-Eireann.pdf>

## Israel

Score 7

According to Israel's basic laws the executive must provide information to Knesset committees upon request, unless information is considered confidential. However, the law contains no specific provisions for enforcement in cases of insufficient or inaccurate information. Thus, the parliament has only general or disproportionate means of response, such as passing a motion of no confidence. This option does not provide a solution to more mundane problems, such as receiving reliable information from the government.

Citation:

Fridberg, Chen, "The Knesset committees from an oversight perspective: Chronicle of a failure foretold?", *Studies in Israel's revival* 20 (2010) 49-79:

<http://in.bgu.ac.il/bgi/iyunim/20/a3.pdf> (Hebrew)

Zerahia , Zvi, "The treasury is deliberately holding out information from PMs so we can't supervise it", *TheMarker* 7.1.2014: <http://www.themarker.com/news/1.2210843> (Hebrew)

## 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 often a political question, particularly since no Mexican government has held a congressional majority since 1997. However, it is generally unwise for the executive branch to alienate members of Congress, who typically act with party support. It may be that Congress could close ranks against an outsider, but congressional committees mostly vote on party lines.

## Portugal

**Score 7** 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 third legislative session of the XII legislature, from 15 September 2013 to 25 July 2014, a total of 2,141 questions and requisitions were made by MPs, of which 1,238 (58%) went unanswered. This rate of response is lower than in both the first and second legislative sessions, which respectively had a 77% and 72% response rate.

However, this response rate 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:

Divisão de Informação Legislativa e Parlamentar, Assembleia da República, “Atividade Legislativa - XII Legislatura, 3ª Sessão Legislativa (15 de setembro de 2013 a 25 julho de 2014),” available online at: [http://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas\\_Actividade\\_Parlamentar\\_XIILeg/ActividadeLegislativa\\_XII\\_3.pdf](http://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas_Actividade_Parlamentar_XIILeg/ActividadeLegislativa_XII_3.pdf)

## 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.

## 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

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houndmills, Basingstoke: 174-182.

## Turkey

### Score 6

According to Article 98 of the constitution, the Grand National Assembly of Turkey exercises its supervisory power over the government by posing written and oral questions, conducting inquiries, sponsoring general debates, offering motions of censure or starting parliamentary investigations (Articles 96-113 of the Rules of Procedure). Parliamentary committees or commissions may ask the ministries to provide any information relevant to their sphere of duty (Article 41 of the Rules of Procedure). 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.

The allegations of corruption made against former ministers of the 61st government offer a more recent and quite typical example of how parliamentary-inquiry committees malfunction. A parliamentary commission was created to probe the allegations in December 2013. The formation of the commission took longer than expected due to the government party’s delaying tactics before the presidential elections. A total of 62 files ostensibly detailing corruption were sent to parliament and then returned to the prosecutor’s office, after which only 32 files were resubmitted to the parliament. Recently, the prosecutor assigned to the matter dropped the case, asserting a lack of evidence.

## Citation:

Rules of Procedure of the Grand National Assembly of Turkey, [http://global.tbmm.gov.tr/docs/rules\\_of\\_procedure\\_en.pdf](http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf) (accessed 5 November 2014)

Ruling party eventually nominates deputies for corruption commission, *Hürriyet Daily News*, 26 June 2014, <http://www.hurriyetdailynews.com/ruling-party-eventually-nominates-deputies-for-corruption-commission.aspx?pageID=449&nID=68329&NewsCatID=338> (accessed 5 November 2014)

Merve Tahiroğlu, Turkey's Inquiry into Corruption Charges Will Change Little, 12 May 2014, <http://www.defenddemocracy.org/media-hit/turkeys-inquiry-into-corruption-charges-will-change-little/#sthash.IY3PjmJl.dpuf> (accessed 5 November 2014)

## Hungary

### Score 5

Traditionally, parliamentary committees in Hungary enjoyed far-reaching access to government documents. However, the new standing orders of the Hungarian parliament, as adopted under the 2012 Act on Parliament, do not regulate the access of parliamentary committees to government documents. In practice, the Orbán governments have used its parliamentary majority to restrict access to government documents, even for discussion within parliamentary committees. The denial of documents on issues of public procurement and/or European transfers, both prominent issues, has been justified by appealing to the private-business interests involved. In 2014, there was a significant fight over obtaining documents in the committee tasked with oversight of the secret services. In the case of the U.S. visa affair, the government had not as of the time of writing released documents or information on the institutions and persons involved (particularly the National Office of Tax and Customs (NAV) and its president, Ildikó Vida).

## Slovakia

### Score 5

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

## Cyprus

### Score 4

The government and the broader public administration have no constitutional obligation to make documents available to the parliament. In practice, parliamentary oversight is performed by addressing questions to line ministers or other office holders 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. However, some exceptions are allowed. 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 Ministers and the top 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 appropriate committees. If the ministers send officials below the rank of deputy minister, 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/Resource.phx/ea/english/index.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 answer questions before parliament. 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.

Groups comprising at least 15 MPs and parliamentary party groups have the right to ask for up-to-date information from members of the government. The Sejm then issues opinions, desiderata and suggestions on these reports. The comments are not legally binding, but in a worst case scenario may lead to a vote of no confidence against a minister, and even to his or her dismissal. Parliamentarians tend to make proper use of their means for obtaining information, but sometimes complain about the substantive quality of the government's responses.

## 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. Except for very few cases, ministers will appear in parliamentary committees when summoned.

The hearings occur regularly and are often broadcasted 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.

## 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 (Law 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 former 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 is summoned and usually attends meetings of the Committee on Foreign Affairs. The relative representation of each party across and within parliamentary committees reflects the relative representation of each party in the parliament

The Special Investigation Committee, which was created in December 2008 to investigate the processes that led to the collapse of Iceland's three main banks, summoned several ministers and ex-ministers over the course of 2009 to 2010.

The most notable example of a prominent politician being held accountable was the 2010 indictment of Prime Minister Geir Haarde by parliament, which led to a trial in 2012 before the High Court of Impeachment. Haarde was found guilty on one count of negligence relating to his tenure as prime minister before the 2008 economic collapse. He was found guilty of neglecting to hold cabinet meetings, during the first months of 2008, on important issues relating to the economic collapse. This obligation is stated in paragraph 17 of the Constitution. Despite being found guilty, Haarde was not given a custodial sentence and was appointed ambassador to the US in 2014.

## 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.

## 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. On Tuesdays, when the parliament convenes, there can be a lively question and answer session covering a broad range of relevant issues posted by opposition parties.

In the 2012 – 2013 parliamentary period, 549 questions were submitted. In addition to the unrestricted exercise of parliamentary questions, informal 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:

Lijphardt, A. (1999), *Patterns of Democracy*, Yale University

<http://chd.lu/wps/wcm/connect/ba007e0e-5993-4957-adf8-6590d9c6ed2c/R>

apport\_2012-

2013\_internet.pdf?MOD=AJPERES&CACHEID=ba007e0e-5993-4957-adf8-6590d9c6ed2c

<http://www.wort.lu/de/lokales/fragestunde-im-parlament-kein-schuldirektor-in-sicht-4fd805c3e4b078f0332c0727>

## 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. Nevertheless, ministers often do not answer the questions in a forthright manner. Every week, parliamentarians have the opportunity to summon ministers and pose a seemingly unlimited number of questions.

Citation:

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houndmills, Basingstoke: 174-182.

## 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. If they do so, the minister's participation is mandatory.

## 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, and frequently exercises the right, to summon ministers to appear before parliamentary hearings. Regular investigation of government affairs by parliament is effective in monitoring ministers. While the parliament can summon and question ministers, the role of the minister in the South Korean system is relatively weak. The professional bureaucracy, 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 is 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.

This may change when, presumably in 2015, for the first time in Austria's parliamentary history, opposition parties will make use of the innovations of 2014 and establish investigating committees – even against the will of the governing majority.

## 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.



## Ireland

Score 8

The powers and scope of Oireachtas committees of inquiry are set out in the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, which was signed into law in July 2013. The act provides for Oireachtas inquiries, consistent with the Supreme Court's judgment in the *Abbeylara* case. The scope of legitimate parliamentary inquiries that can now be carried out is broad. The legislation expands the scope of evidence that civil servants may give, thus enabling committees to develop a full narrative of events for the purpose of establishing facts.

The Banking Inquiry has been established under this act, and has power to require ministers or ministers of state to attend hearings to discuss the policy for which they are officially responsible. However, this power is circumscribed by the principle of cabinet confidentiality, which is enshrined in the constitution. 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 ordinary parliamentary hearings.

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

Citation:

For a discussion of the thorny issue of how the Constitutional provision for Cabinet Confidentiality will impinge on the work of the Banking Inquiry see the July 2014 post by Dr Conor O'Mahony on the

Constitution Project @ UCC website:

'Cabinet Confidentiality and the Banking Inquiry'

<http://constitutionproject.ie/?p=342>

## 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).

## Spain

Score 8 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. First, 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, the 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 these initiatives are subject to a vote in the Bureau of Congress and the Board of Spokesmen, and the party supporting the government, which is always disciplined and easily able to obtain a majority of votes, may reject some of the requirements made by the opposition. Since 2011, the government has held 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 the initiatives are 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 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, although the answers given to committees can be bland. Ministerial questions in plenary sessions of parliament complement the work of committees, and can be quite sharp in tone. The prime minister and key aides traditionally refuse to appear before select committees, 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, these executive-branch figures are obliged to comply. When a minister or the prime minister is asked a parliamentary question, he or she has to respond in person in the National Assembly in due time. However, in practice, 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 using other duties and obligations as an excuse for their lack of response. On many occasions they do comply, but frequently only after significant delays, and sometimes never.

## Israel

**Score 7** Parliamentary committees are able to summon ministers. According to the “Basic Law: The Knesset”, every committee may require a minister to appear before it, and the minister is obliged to attend the meeting or send a representative to provide the required information. Officials that are invited by committees generally attend meetings as requested. However, ministers and other public figures do occasionally refuse requests or provide insufficient information. Committees have no real power to enforce sanctions in these cases. Moreover, they are not currently authorized to force a minister to provide information at a set date in order to better prepare for meetings, causing periodic conflicts between the Knesset and the government.

Citation:

Lis, Jonathan, “Instead of an investigation committee, a decoration committee: In the Knesset they are jealous of American congress”, Haaretz 7.9.2014: <http://www.haaretz.co.il/news/politi/premium-1.2426295> (Hebrew)

“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.

## Slovakia

- Score 7** 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. Given its comfortable majority (83 out of 150 seats) in the parliament, Smer-SD effectively controls the majority of all important committees, as well as the legislative process.

## 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. 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. While parliamentary committees are not able to summon ministers for hearings, the responsible minister may voluntarily decide to participate in a meeting. Normally, the committees are briefed by high-ranking ministerial bureaucrats.

Citation:  
Rules of Procedure of the Grand National Assembly of Turkey,  
[http://global.tbmm.gov.tr/docs/rules\\_of\\_procedure\\_en.pdf](http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf) (accessed 5 November 2014)

## Croatia

- Score 6** Parliamentary committees can summon ministers for hearings, but rarely do so.

## 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. However, there have been cases in the past where ministers declined invitations when the subject touched upon a contentious matter, or for other personal reasons.

## Hungary

### Score 5

The standing orders of the Hungarian parliament stipulate that ministers have to report personally to the parliamentary committee(s) concerned with their issue area at least once a year. However, they do not guarantee parliamentary committees the right to summon ministers for other hearings as well. Departing from the previous practice, committees have rarely invited ministers under the Orbán governments. Although the number of ministries has declined and ministers have covered larger policy areas, individual ministers have not been summoned more often.

## 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 the committees with any information and documents that the latter require for their work. While experts cannot be obliged to attend the committee meetings, these invitations carry considerable prestige and an opportunity to have an input in the legislative process, thus providing incentive to respond promptly.

## 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 to this rule. Some civil-society actors, such as Citizens Organize to Oversee Voting (Građani organizirano nadgledaju glasanje, GONG), insist that committees' use of experts be fully open through the use of 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 can 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, 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 with each committee deciding which experts to call. Besides ministerial representatives, other individuals – who have either assisted in preparatory work or represent specific agencies, organizations and other interested parties – 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 shows that the committees in 1938 consulted advisers in 59% of all cases on which they prepared reports. The corresponding figure for 1960 was 94% and 100% in 1983. The number of experts consulted has likewise been increasing.

Citation:

<http://web.eduskunta.fi/Resource.phx/parliament/committees/index.htm>

Dag Anckar, "Finland: Dualism and Consensual Rule", in Erik Damgaard, ed.: *Parliamentary Change in the Nordic Countries*, Oslo: Scandinavian University Press, 1992, pp. 182-186.

## 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 "for 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 or ministerial drafts 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. Following the 2008 economic collapse, committees have more frequently summoned experts, particularly lawyers, economists, and finance and banking experts. Furthermore, political scientists were asked to give advice relating to the drafting of a new constitution. However, no substantive minutes are recorded of expert testimonies before parliamentary meetings. There have been examples documented of experts making outlandish statements in their testimonies (Gylfason, 2014).

Citation:

Gylfason, Thorvaldur (2014), *Tvöfalt líf — Allir segjast vera saklausir ... samtali við Þráin Bertelsson, Tímarit Máls og menningar*, 4. hefti.



## 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 non-governmental organizations, is a common practice, and their input is valued. Experts take their role more seriously now than was the case in the past, and do not primarily play a lobbying role. Nevertheless, the selection of experts consulted could be improved.

## 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 mass killings in Tunceli (Dersim) in 1937 and 1938, and the Uludere incident of December 2011.

Citation:

Rules of Procedure of the Grand National Assembly of Turkey,

[http://global.tbmm.gov.tr/docs/rules\\_of\\_procedure\\_en.pdf](http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf) (accessed 5 November 2014)

## 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. Hearing transcripts 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. October 2011.

[http://www.ft.dk/Dokumenter/Publikationer/Folketinget/~/media/Pdf\\_materiale/Pdf\\_publicationer/Folketinget/H%C3%A5ndbog%20i%20folketingsarbejdet\\_web\\_7%20MB.pdf.ashx](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. They summon experts from ministries, universities, NGOs and professional associations. Examples include high-ranking EC officials who have briefed the European Affairs Committee and university professors who have briefed the Committee on Cultural and Educational Affairs on university reforms.

However, government and the opposition tend to disagree on everything, 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 which, since the elections of 2012, has become very acute due to the clash between the coalition government of the center-right New Democracy and center-left PASOK and the opposition of the radical left Syriza party.

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 standing orders of the Hungarian parliament, all parliamentary factions can invite experts, and the sessions of the committees are open to the public. In practice, however, Fidesz's overwhelming majority and the hectic pace of legislation have reduced the involvement of experts to a mere formality.

## Israel

- Score 9 Parliamentary committees are entitled to invite experts or any interested civilian to meetings, as described in Section 6 of the Knesset regulations. However, these figures are not obligated to attend, as opposed to civil servants or representatives of the executive. In addition, independent experts are not compelled to answer committee members' questions. Their testimony does not hold as evidence, and has no official status. Nevertheless, citizens who appear before Knesset committees are generally interested in voicing their opinions in order to transmit their viewpoints to decision-makers and the public. In such cases they usually choose to cooperate.

Citation:

Freidberg, Chen and Atmor, Ronen, "How to improve the Knesset's position as a legislator and a supervisory body?" The Israel Democracy Institute 2013: <http://www.idi.org.il/media/2438022/00321913.pdf> (Hebrew).

Shapira, Asaf, "Citizens in the Parliamentary Committees," The Israel 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** Consultation with experts and representatives of interest groups regularly takes place in the course of various standing commissions' work. 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. For example, at the beginning of the legislative period 2013, an audit company was engaged to develop a multi-year budget plan, specifically looking for potential savings.

Citation:

Règlement de la Chambre des Députés du 6.12.2012

<http://chd.lu/wps/wcm/connect/ba007e0e-5993-4957-adf8-6590d9c6ed2c/R>

apport\_2012-

2013\_internet.pdf?MOD=AJPERES&CACHEID=ba007e0e-5993-4957-adf8-6590d9c6ed2c

## 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 parliamentary committee members in asking questions and interpreting the answers. Limited finances are usually the only real constraint on the number of experts summoned. Toward the end of this review period (5 November 2014), French economist Thomas Piketty addressed the Dutch parliament's finance committee on issues regarding income inequalities and wealth.

Citation:

R.B. Andeweg & G.A. Irwin (2014), *Governance and Politics of the Netherlands*. Houndmills, Basingstoke: 163-174.

## New Zealand

Score 9 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).

## Portugal

Score 9 Parliamentary committees are generally free to request the attendance of experts at committee meetings.

## 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 constraint; however, hearings featuring independent experts have not been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying

practices). Requests to summon experts may have increased in number in recent years, particularly at the beginning of the legislative process or in specialized subcommittees, but this is still a rare practice. The fact that, in general terms, the human staff and financial resources of the Spanish parliament are highly restricted, hampers a more systematic involvement by experts in law-making.

## 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 the second Fico government.

## Slovenia

**Score 8** Parliamentary committees in Slovenia may invite experts or form expert groups in charge of helping to draft legislative proposals. Such expert groups are typically established when constitutional changes are proposed. Under the Bratušek government, the number of experts invited declined slightly, as the governing coalition showed little interest in the opinions of experts supporting the opposition's positions and views.

## South Korea

**Score 8** Parliamentary committees are legally able to, and frequently do, invite experts to parliamentary hearings. However, there have been several cases where civilian experts have refused to attend these hearings. For example, where a hearing is dealing with a controversial issue, the ruling party tends to discourage experts from attending the hearing.

## 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.

In practice, interested parties are invited to present their views, but no tradition of inviting independent experts or seeking their written comments has been established.

## Citation:

1. Law on the Deposition of Data and Information to the House of Representatives and to Parliamentary Committees, L.21(I)/1985, [http://www.cylaw.org/nomoi/enop/non-ind/1985\\_1\\_21/full.html](http://www.cylaw.org/nomoi/enop/non-ind/1985_1_21/full.html) (in Greek)

## 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 resources.



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 plenary sessions. Reforms of the committee system in the early 1990s aimed to improve the alignment of parliamentary committees and ministries responsibilities. These reforms have been highly successful and committees are thematically bound within the scope of a corresponding ministry. The Grand Committee is in practice a committee for the handling 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 For the last several parliamentary terms, Bulgaria has maintained standing parliamentary committees that closely follow the structure of the Council of Ministers. Whenever a parliamentary committee covers areas under the competencies of more than one ministry, these areas are typically closely related – for instance, foreign affairs and defense, youth and sports, or the various economic sectors.

## 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. From 2010 to 2013, as well as during the term under review, 14 of the 18 parliamentary committees have 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. In addition to task areas that correspond to ministry portfolios, there is also a committee of European affairs that monitors the national EU policy. Cultural and educational affairs are both addressed by the cultural committee. This may imply a work overload, as several important education reforms have stalled.

## Germany

Score 9 In general, the task areas of parliamentary committees and ministries coincide. However, this is not always the case since 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). Furthermore, several committees sometimes deal with matters that are within 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. Nonetheless, parliamentary committees' most important policy 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, 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 12 (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:  
Commissies (tweedekamer.nl, consulted 6 November 2014)

## Norway

- Score 9** The overlap between the organization of the parliament and the government is not perfect, but broad enough to enable parliamentarians to keep the ministers accountable.

## Poland

- Score 9** The number of Sejm committees exceeds the number of ministries. However, some committees, such as the Deputies' Ethics Committee, deal exclusively with internal parliamentary issues. Most ministries, including the more important ones, have only

a single oversight committee, a so-called branch committee. The distribution of subject areas among committees does not infringe upon parliament's ability to monitor ministries.

## Portugal

Score 9

In the XII legislature (which began in June 2012) there are 12 permanent committees, which roughly matches the number of ministers (13) 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. 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). This committee was eliminated in September 2014, after the end of the bailout period.

## Slovakia

Score 9

During the period under review (2013 – 2014), the Slovak National Council had more parliamentary committees than there were ministries (by a ratio of 19 to 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; thus, the division of subject areas among committees has not hampered parliamentary oversight of ministries. Fico's cabinet shifts have made some changes; for example, the post of deputy prime minister for human rights and National Minorities was abolished, and a post created for a deputy minister of investment. Thus, the parliament's Committee for Human Rights and National Minorities no longer corresponds with a ministry.

## 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 respective ministries. As a consequence of the strong majoritarian tendency of the political system, committees dominated by the governing parties tend to be softer on the monitoring of ministries, whereas committees led by opposition parliamentarians are more confrontational. However, in general, the 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](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.

## 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 tax reform or railways safety) or instead are meant to be broader when several dimensions are involved (there was 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. While some committees deal with internal parliamentary affairs such as the Credentials and Privileges Committee, the Interparliamentary Cooperation Committee and 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 Parliament (Folketinget). 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 have strong ties to the applicable minister.

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 Parliament, 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/haandbog\\_i\\_folketingsarbejdet\\_2011.aspx](http://www.ft.dk/dokumenter/publikationer/folketinget/haandbog_i_folketingsarbejdet_2011.aspx) (Accessed 22 Oktober 2014).

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). The Seimas also has several standing commissions, some of which are related to policy areas assigned to the Lithuanian ministries (especially the energy commission, the most active of these bodies). 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 committee activities are related to the consideration of draft legislation. The workload of individual committees in the legislative process varies substantially, with the committees on legal affairs, state administration and local authorities, social affairs and labor, and budget and finance accounting for about 55% of the legislative review work delegated to the committees. The amount of attention 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. Although the number of ministries has grown over the years to reach 20 ministries and 15 ministers, the number of parliamentarians has still not increased beyond 60 members. Each committee has just 12 members. Over the years their workload has expanded considerably, which has made running standing committees more challenging. MPs are often members of more than one committee.

Citation:

<http://www.gouvernement.lu/3313489/20131204->

OECD (2010), Better Regulation in Europe: Luxembourg, <http://www.oecd.org/gov/regulatory-policy/betterregulationineuropeluxembourg.htm>

## 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 2012 – 2014 parliamentary term, the task areas of ministries and committees largely matched. Only one committee, the Committee on EU Affairs, lacked a clear ministerial counterpart, and the ministry without portfolio responsible for Slovenes living abroad was covered by a commission. Only two out of about 10 commissions – the Commission for Petitions, Human Rights and Equal Opportunities and the Commission for National Communities – dealt with several ministries. Although the number of government ministries has increased under the Cerar government, the structure of parliamentary working bodies has not changed in the new legislative term. As a result, the Committee for Internal Affairs, Public Administration and Local Government and the Committee for Infrastructure, Environment and Spatial Planning now oversee more than one ministry each.

## 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 (currently) 28 permanent 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 parliamentary system, and thus ministers are not directly accountable to the Chilean National 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](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, but tasks 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 is connected to the sparse information channeled from ministries to parliamentary committees; and the sometimes decorative participation of members of parliament in committee meetings. Even though competences have been transferred from the plenary of the Greek parliament to the regular committees (which examine new bills of law), this has not 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>. 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 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 – even in name – to a single 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 18 standing committees in the Grand National Assembly of Turkey, which are generally established in parallel with structure of the ministries. The most recent such committee, the Security and Intelligence Commission, was established in spring 2014. Except for committees established by special laws, the jurisdiction of each committee is not expressly defined by the rules of procedure. Committees do not independently monitor ministry activity, but do examine draft bills. During discussions, committees may also supervise the ministry activity indirectly. The Plan and Budget Commission is the most overloaded group, as every bill possesses some financial aspect. The degree of professionalization on the part of committee members is not high.

Rules of Procedure of the Grand National Assembly of Turkey, [http://global.tbmm.gov.tr/docs/rules\\_of\\_procedure\\_en.pdf](http://global.tbmm.gov.tr/docs/rules_of_procedure_en.pdf) (accessed 5 November 2014)

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 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 Program 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.

## New Zealand

### Score 6

The New Zealand House of Representatives is far 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 some 13 select committees, which have to face 59 portfolios, led by 21 Cabinet ministers, five ministers outside Cabinet, two support party ministers, and one parliamentary under-secretary from a support party. On average, select committees have 9 members, with numbers fluctuating between 7 and 12.

Citation:

Ministers: <http://www.dpnc.govt.nz/cabinet/ministers> (accessed October 9, 2014).

Select committees: <http://www.parliament.nz/en-nz/pb/sc> (accessed October 9, 2014).

## Cyprus

### Score 5

The constitution provides for only 10 ministerial portfolios. However, the number of ministries was increased to 11 when a Ministry of Education was created and assigned 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 2012 – 2013 session, committees held 545 meetings overall, with individual groups holding between 19 (the Human Rights and Equal Opportunities committee) and 59 (Finances and Budget) meetings.

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

Citation:

1. Activity Report for 2012 - 2013 season, House of Representatives, 2014, <http://www.parliament.cy/images/media/assetfile/Apolog2014.pdf> (in Greek).

## Iceland

### Score 5

Since the new government came to power, only four of the eight standing parliamentary committees fully coincided with ministry responsibilities: the Economic Affairs and Trade Committee (Efnahags- og viðskiptanefnd) coincided with the Ministry of Finance and Economic Affairs (Fjármála- og efnahagsráðuneytið); the Industrial Affairs Committee (Atvinnuveganefnd) coincided with the Ministry of Industries and Innovation (Atvinnuvega- og nýsköpunarráðuneytið); the Foreign Affairs Committee (Utanríkismálanefnd) coincided with the Ministry of Foreign Affairs (Utanríkisráðuneytið); and the Welfare Committee (Velferðarnefnd) coincided with the Ministry of Welfare (Velferðarráðuneytið). Others did not coincide and the Ministry of Welfare was split up between two ministers by the new government.

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 the ministries, as party affiliation of committee members reflects the parliamentary dominance of the governing parties. Thus, the fact that the task areas of parliamentary committees and ministries nearly coincide is not a guarantee of effective monitoring. Minority members from the opposition benches can, however, use the committees as a venue to voice their opinions.

## Israel

### Score 5

Knesset committees are currently ill-structured to efficiently monitor the government. The structure of the ministries and the parliament's committees diverges significantly. The Knesset has 12 committees, while the number of ministries shifts according to political agreements (currently 22 ministries). In addition, since parliamentary committees are divided by themes and not by ministerial responsibilities they often struggle to gather and coordinate information. High turnover rates of representatives also makes it difficult to control professional and bureaucratic information. Although the number of committees is average in international comparison, the combination of a small number of PMs (120) and the usually wide coalitions results with only two thirds of all PMs available to sit on committees regularly. Some members of the Knesset may find themselves sitting on 5 to 6 committees, inevitably impairing the committees' supervisory capabilities.

#### Citation:

Freidberg, Chen, "Monitoring of the executive by the parliament in Israel - potential and function," Doctoral Dissertation (2008) (Hebrew).

Freidberg, Chen and Atmor, Ronen, "How to improve the Knesset's position as a legislator and a supervisory body?" The Israel Democracy Institute 2013: <http://www.idi.org.il/media/2438022/00321913.pdf> (Hebrew).

Kenig, Ofer, "The new Israeli cabinet: An overview of the 33rd government of Israel," Israel Democracy Institute. (March 2013).

Kenig, Ofer, "Coalition building in Israel: A guide for the perplexed," Israel Democracy Institute. (February 2013).

Knesset Committees, The Knesset Site

## Malta

### Score 5

Until March 2013, Malta's parliament maintained six permanent committees. In April 2013, the government established the Committee for Economic and Financial Affairs. In 2014, the parliament also established a Committee on Health. These committees as well as the Foreign Affairs Committee are parallel to individual

government ministries. Malta can be said to have only one monitoring parliamentary committee in the true sense, the Public Accounts Committee. Any monitoring the other committees perform is indirect and tangential. The Foreign Affairs Committee is responsible for the ratification of foreign treaties, but much of its work is devoted to reviewing legislation from the European Parliament.

## 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 has been the one-term limit for legislators, which is in the process of being modified. However, the period of transition is likely to be a long one.

## 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. In theory, this should 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 legislature's oversight capacity 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 (to a total of nine) has not been accompanied by a reduction in the number of parliamentary committees (17 since May 2014). The result has been a strong mismatch between the task areas of ministries and committees. The fact that ministries have been 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 Ministry of Finance, the Ministry of Foreign Affairs and the Department of Justice have an equivalent parliamentary committee. These committees being the Budget and Finance Committee, the Foreign Affairs Committee and the Committee of Justice. While the Ministry of Agriculture reports to only a single committee, 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](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=>

## 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 or state secretaries. 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.

The Court of Audit has become outspoken in the debates concerning political oversight. For example, when in 2014 it became known that a number of parties had violated legal financial limits during the 2014 electoral campaign, the Court publicly pointed to its limits in looking into such matters and called for this to be improved.

## 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 (for instance: in 2013, the public transportation firm De Lijn was audited). 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. The work is made public via various reports, some of which also attract quite a lot of media attention. Its work is highly respected and can lead to policy action. This was seen recently, for

instance, with the report on the principles for the valuation of housing underlying the tax levied on housing values (ejendomsværdiskatten).

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, which is accountable to 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 affiliated to 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. 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.phx/parliament/committees/audit.htx>

## Germany

Score 10

The Federal Court of Audit (FCA) is a supreme federal authority, and thus an independent body which is not overseen by government or parliament. According to the Basic Law, FCA members enjoy the same degree of independence as the members of the judiciary. Its task is to monitor the budget and the efficiency of 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). The FCA tends to demonstrate its independence by generating critical and substantive reports that include several examples in which the government has wasted taxpayers' money.

These reports receive considerable media attention. Each federal state has their own independent courts of audits with equal competencies related to the state budgets.

Citation:

<https://www.bundesrechnungshof.de/en/veroeffentlichungen/bemerkungen-jahresberichte-en/dateien/2014-spring-report>.

## Iceland

**Score 10** Iceland's National Audit Office is fully accountable to parliament. Considering its substantial human and financial resource constraints, the National Audit Office performs its functions quite effectively. These constraints, however, mean that a majority of the agencies under its jurisdiction have never been audited. No significant strengthening of the office's financial resources has occurred in recent years, while its staff numbers have been reduced from 49 in 2009 to 42 in 2013.

## 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 Supreme Audit Office (Naczelna Izba Kontroli, NIK) is an efficient and effective institution whose independence is respected. It is accountable exclusively to

the Sejm. The NIK chairperson is elected by the Sejm for six years, ensuring 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 bodies and local-government administrative units, as well as corporate bodies and non-governmental 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 its representatives (e.g., the speaker of the Sejm, the national president or the prime minister). The office is also responsible for 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.

## 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

The Knesset's auditing functions are divided between three main institutions: the state comptroller, the state auditing committee and the Knesset internal auditing department (with the state comptroller being independent and legally anchored in a basic law that acknowledges its importance). The Knesset committee for state auditing is in charge of following up on reports issued by the state comptroller. While the state comptroller enjoys independence and adequate resources, it does not hold sanctioning power. Instead, its mandate ends with submitting its findings and the establishment of an advisory committee for implementing its recommendations in the audited office. Its responsibility to audit financial contributions during elections, however, is accompanied by external judicial sanctioning.

The law establishes the state comptroller as exclusively accountable to the Knesset. Accordingly, while the Judiciary's budget is determined by the treasury and the Ministry of Justice, the state comptroller's budget is allocated by the Knesset's finance committee. Some argue that the state comptroller could benefit from further institutional independence since, for example, current arrangements allow the Knesset to request an investigation into a specific area. While understandable, this may undermine the office's ability to set an independent agenda and strategic yearly plans.

#### Citation:

Avital, Tomer, "The State Comptroller: In recent years there has not been actual auditing of the Knesset's administration", *Calcalist* 11.5.2010: <http://www.calcalist.co.il/local/articles/0,7340,L-3404250,00.html> (Hebrew).

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: <http://www.cour-des-comptes.lu/cour/fr/en/index.html>

## 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

2013 A Challenging year for the National Audit Office. *Malta Today* 12/03/14

## 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 the propriety of money management by state institutions. The parliament adopts the budget proposed by the court's plenum and appoints the court's members, but cannot remove them. The president of the court (currently former Prime Minister Nicolae Vacaroiu, who has served in this position 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

its annual and specific reports to the parliament, 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 activities, identifies potential legal infringements and prescribes measures. In 2014, the Court of Accounts played a pivotal role in shedding light on the massive corruption scandal in which successive governments purchased Microsoft software licenses at 30% to 40% above market prices.

## 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 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 – on the basis of 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 regarding the Court's resources rests with parliament.

## Bulgaria

Score 8

A new Audit Office Act was adopted in 2014 in Bulgaria, changing the office's governance structure. Under the new law the audit office remains ostensibly independent and reports to parliament. However, the practical independence of the office was called into question by the adoption of the new law, as it served as an excuse for the early termination of the mandates of the existing audit office leadership. Thus, in the future, every parliamentary majority will be able to exert pressure on the audit office simply by threatening that its mandate will be terminated through the pro-forma adoption of a new law.

## 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.

## Czech Republic

Score 8

The Supreme Audit Office (SAO) is an independent agency which audits the management and performance of state property, institutions and the national budget. In doing so, it has also paid special attention to examining the financial resources provided to the Czech Republic from the EU budget. The functioning of the SAO 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 proposals from the lower house of parliament. In addition, the SAO prepares at the request of the Chamber of Deputies, the government and individual ministries, comments and opinions on proposed legal regulations, especially those concerning the budget, accounting, statistics, auditing, tax and inspection activities. The SAO observes carefully whether and how the government and those being audited approach the outcomes of audits and whether they accept and fulfill measures to remedy shortcomings. Following parliamentary criticisms that the government had not been addressing issues in SAO reports, amended rules in 2013 required the government to invite the SAO president to deliberations of audit conclusions; the SAO has also the right to give its opinion on accepted measures. In 2014, the measures discussed to curb corruption included the strengthening of the competences and the autonomy of the National Audit Office. However, no political agreement exists so far on the issue.

## France

Score 8

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's presidency was offered 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.



## 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](http://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.

## 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. The leaders of the parliamentary Committee on Audit at one time used audit reports for political purposes, especially after an opposition-party member was appointed to its head. However, this practice has been discontinued in the 2012 –2016 parliament following the appointment of a member of the ruling coalition to lead this committee.

## 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. By selecting key issues per departmental domain, the Court of Audit hopes to improve its efficacy.

Citation:

[http://www.rekenkamer.nl/Over\\_de\\_Algemene\\_Rekenkamer](http://www.rekenkamer.nl/Over_de_Algemene_Rekenkamer)

## Spain

Score 7

Article 136 of the Spanish Constitution regulates the Audit Office (Tribunal de Cuentas or, literally, Audit Court) as the organ that exercises the function of auditing the state's accounts and the financial management of the entire public sector. Public accounts are submitted annually to the Audit Office, which sends an annual statement of its auditing activities to the parliament, 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. As a consequence, the annual audit statements are also published very late. The results of the office's procedures are also expressed in reports, motions and notes addressed to the bicameral General Courts through the Joint Committee of the Congress of Deputies and the Senate for Relations with the Audit Office.

The office is accountable primarily to the parliament, although is not an integral or exclusive part of it. The office's members are appointed by a qualified majority agreement between the two main parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts (see “Party Financing”). In fact, the Audit Office has in the past been slow to investigate the big financial scandals engulfing the Spanish political parties, and in 2014 faced accusations not only of inefficiency but also of nepotism when hiring its own staff. Thus, even if the Audit Office is accountable to the parliament, this does not mean that the parliament can fully rely on its auditing capacities.

Citation:

[www.tcu.es](http://www.tcu.es) (official website)

## Hungary

Score 6

According to the law, the Hungarian State Audit Office is accountable only to the parliament. However, the second Orbán government used its parliamentary majority to take control of this body. It appointed a former Fidesz legislator as head of the institution, and also replaced the vice president and other top officials. Nevertheless,

the audit office has acted relatively independently, and has monitored the government's activities in some detail.

## Italy

### Score 6

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.

In April 2014, the parliament created the Parliament Budgetary Office (Ufficio parlamentare di bilancio), which is tasked with assessing the government's macroeconomic and fiscal forecasts and monitoring compliance with national and European fiscal rules. This new 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.

## Slovakia

### Score 6

The Supreme Audit Office of the Slovak Republic (NKU) is an independent authority accountable exclusively to the National Council. The chairman and the two vice-chairmen are elected by the 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 proposed by the opposition. Since NKU Chairman Ján Jasovský's term expired in 2012, Fico's Smer-SD has successfully prevented the election of a new chairman. The March 2014 ballot was cancelled by the president of the National Council, who argued that the opposition did not propose a suitable candidate. The unclear situation at the top of the NKU has undermined its independence. During the period under review, the body has not made full use of its far-reaching competences, and has often argued in very technocratic and formal way.

## 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 the use of public funds and 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 is both a court that intervenes to resolve disputes related to the implementation of administrative law (e.g., civil service pensions) and a high-ranking administrative institution supervising expenses incurred by ministries and public entities.

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 submits to the parliament an annual financial statement and the state's balance sheet.

The audit office's president and vice presidents 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. 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 rest of courts.

Citation:

Information on the Greek audit office in English is available at [www.elsyn.gr/elsyn/root.jsp](http://www.elsyn.gr/elsyn/root.jsp). Accessed on 07.06.2013.

## 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 2013, the board revealed that a significant quantity of funds earmarked for the reconstruction of the devastated areas of northeastern Japan, namely 1.3 trillion yen (ca. 9.1 bn Euro in November 2014) or 11% of the budget already used, had been misspent, fulfilling its independent watchdog function in this high-profile case.

Citation:

Asahi Shimbun, Audit Board: 1.3 trillion yen in post-quake recovery funds diverted elsewhere, 01.11.2013, <http://ajw.asahi.com/article/0311disaster/recovery/AJ201311010069>

## Latvia

Score 5

The State Audit Office is Latvia's independent and collegial supreme audit institution. The office is constitutionally independent of parliament and the executive. It reports to parliament, which has full access to all audit findings. However, the State Audit Office does not audit the parliament itself. The parliament's Public Expenditure and Audit Committee has this responsibility. In 2012, NGOs and citizens called for the parliament to subject itself to an external audit, either from the State Audit Office 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.

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](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 of other ministries. The demand to put the audit office under the leadership of National Assembly to strengthen the autonomy of the audit office from political power has gained more support.

## 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 the Grand National Assembly 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 Council of Ministers, however, appoints court rapporteurs and prosecutors. During the review period, the parliament amended Law No. 6085, weakening the court's external-audit function.

#### Citation:

Fikret Bila, Sayıştay'ı daha etkisiz kılacak teklif, Milliyet daily newspaper, 21 April 2013, <http://www.milliyet.com.tr/sayistay-i-daha-etkisiz-kilacak>

teklif/siyaset/siyasetyazardetay/21.04.2013/1696253/default.htm, (accessed 5 November 2014)

Nebi Yılmaz, Sayıştayın Raporlama Görevi ve Sayıştay Raporları, Sayder, January-March 2011, <http://www.sayder.org.tr/e-dergi-sayistayin-raporlama-gorevi-ve-sayistay-raporlari-11-10.pdf>, (accessed 5 November 2014)

## Cyprus

### Score 3

The auditor general is an independent officer appointed by and reporting to the president of the republic, and 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 both the House of Representatives and all the various bodies of the executive.

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 approximately 100 in 2014, can also begin investigations on its own initiative and visit institutions. In 2012, the office concluded 4,297 cases, substantially investigated 686 and rejected 3,611. The institution produces an annual report.

In a recent special report on IT solutions in the public sector the office found that there had been a number of cases where IT solutions had not measured up to requirements in administrative law.

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

Citation:

Henrik Zahle, Dansk forfatningsret 2.

The Danish Parliamentary Ombudsman, Annual Report 2012.  
<http://beretning2012.ombudsmanden.dk/english/ar2012/> (accessed 22 October 2014).

Web site of the Danish Parliamentary Ombudsman: <http://en.ombudsmanden.dk/> (accessed 22 October 2014).

“Public Sector IT Solutions. Administrative Law Requirements,”  
[http://en.ombudsmanden.dk/publikationer/public\\_sector\\_it\\_solutions\\_september\\_2014\\_/](http://en.ombudsmanden.dk/publikationer/public_sector_it_solutions_september_2014_/) (accessed 22 October 2014).

## Finland

- Score 10** Parliament has an ombudsman office, consisting of one ombudsman and two deputy ombudsmen. Established in 1920, it is the second oldest ombuds office in the world and employees more than 60 people. The officeholders are appointed by parliament, but the office is expected to be impartial and independent of parliament. The office reports to parliament once a year. Citizens may bring complaints to the office over decisions by public authorities, public officials and others who perform public duties. The number of complaints decided on by the ombudsman has increased from 4,543 cases in 2011 to 4,975 in 2013. A total of 74 matters have been investigated and resolved on the initiative of the ombudsman himself.

Citation:

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

## Iceland

- Score 10** The Parliamentary Ombudsman (Umboðsmaður Alþingis), established in 1997, investigates 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 12 staff members, including eight 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 been accorded a good reputation. However, this



reputation suffered somewhat 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 (who subsequently 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 the institution has been assigned new tasks in the field of anti-discrimination policy, but lacks sufficient new funds to perform the 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.

Citation:

<http://www.ombudsman.gov.au/>

## 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 (6609 complaints and information demands were addressed in 2013, which is lower than 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 whom were also installed in the 1990s and early 2000s, so some overlaps occur.

## Greece

### Score 9

The ombuds office is one of the most well-organized 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 receives and processes complaints from citizens who are frequently caught in the web of the sprawling Greek bureaucracy. Depending on the complaint at hand, the ombuds office can intervene with the central, regional and local bureaucracy. The staff of the ombuds office 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 the parliament. The first ombudsman of Luxembourg, Marc Fischbach, was a former minister and a former judge at the Human Rights Court of the 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/doc/doc\\_accueil\\_151.pdf](http://www.ombudsman.lu/doc/doc_accueil_151.pdf)

[http://www.ombudsman.lu/doc/doc\\_loi\\_31.pdf](http://www.ombudsman.lu/doc/doc_loi_31.pdf)

<http://www.editus.lu/fr/mediateur-du-gd-du-luxembourg-ombudsman-luxembourg-371077>

<http://www.tageblatt.lu/nachrichten/luxemburg/story/96646291>

## 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 2012 report was entitled “My Unintelligible Government,” and it is stated that overbureaucratization severely disadvantages socially weaker citizens. The 2013 National Ombudsman report, entitled “Person-focused, or not...? Digital or not...?” is a critical evaluation of (digitized) governmental service provision to citizens. The Dutch government has also created a special ombudsman for children's rights.

Citation:

De Nationale Ombudsman, Mijn onbegrijpelijke overheid. Verslag van de Nationale ombudsman over 2012.

De Nationale Ombudsman, Persoonlijk...of niet? Digitaal...of niet? (jaarverslag.nationaleombudsman.nl, consulted 6 November 2014)

<http://www.nationaleombudsman.nl/?gclid=CMPv8vGltrcCFcIZ3godZH0AkQ>

## 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 2012 - 2013, more than 13,000 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 2013).

## Czech Republic

Score 8

The Office of the Public Defender of Rights (ombudsman) continues to serve as a vital protector of civil rights. The number of complaints by citizens reached around 8,000 in 2012 and in 2013, but has since risen in 2014. 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 ombudsman 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. In its 2013 report, the office advocated measures such as the closing of gaps in legal protections over employee privacy, better information rights for welfare claimants, shifting the burden of proof in discrimination disputes to defendants and the introduction of *actio popularis* in discrimination cases.

## Israel

Score 8

The State Comptroller also serves as the state ombudsman. Under this role, the office is authorized to investigate complaints raised by the public regarding ministries, local authorities, state institutions and government corporations. Citizens may file a complaint free of charge if they believe that they were directly or indirectly harmed by an act or an activity of the government; 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. Their volume nearly doubled between 2005 and 2013. In 2013, more

than 14,000 complaints were submitted, with 31.6% deemed justified after review. The office is internally audited on a yearly basis with the results accessible online.

Citation:

“The Ombudsman yearly review number 40 for 2013”, The State comptroller website: <http://www.mevaker.gov.il/he/Reports/Pages/251.aspx?AspxAutoDetectCookieSupport=1> (Hebrew)

The State Comptroller and the Ombudsman official website: <http://www.mevaker.gov.il/sites/Ombudsman/Pages/default.aspx?AspxAutoDetectCookieSupport=1> (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, but as a group the ombuds offices lack sufficient legal authority to act as a single national institution for human rights. However, new draft legislation regarding the Seimas ombudsmen was under discussion in the parliament at the time of writing. The effectiveness of these ombuds offices has depended on the interplay of several factors. First, citizens have shown at best mixed interest in pursuing complaints through these offices, although the number of complaints has been increasing in recent years (the largest number of complaints was registered in 2013). Second, the offices have recently adopted a more proactive attitude toward investigations, focusing on the most significant violations of human rights (e.g., in prisons and other detention facilities). Third, state or municipal institutions are still occasionally unwilling 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. Dubovcová has taken a quite proactive role with regard to anti-discrimination issues. She acts independently, for instance by taking a critical position toward the government in a case involving the excessive use of force by Slovak police officers in the Roma settlement of Budulovská.

## Slovenia

**Score 8** In addition to the parliament's Commission for Petitions, Human Rights and Equal Opportunities, 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 the legislature. Zdenka Čebašek Travnik, who served as ombudsman between 2007 and 2013, enjoyed a good reputation and was quite effective in settling issues, but decided not to run for reelection for personal reasons. As with previous ombudspersons, Travnik's role was occasionally constrained by the lack of interest from parliament and the inactivity of the ministries. Travnik's successor, Vlasta Nussdorfer, was elected in February 2013 with the broadest majority yet seen in the country's short parliamentary history (82 out of 90 votes), but has faced problems similar to those of her predecessor.

## Spain

**Score 8** Article 54 of the Spanish Constitution regulates 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 ombudsperson 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 is granted immunity and inviolability during his or her time in the post.

During the period under review, Ombudswoman Soledad Becerril (appointed in 2012) appeared several times in the General Courts. The ombudsperson 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 complaints were related to the crisis and the cutbacks, including issues relating to housing and mortgages; the sale of preferred stock to small savers; and inefficiencies in the education and health care systems. There are also complaints about the functioning of the Spanish judiciary; some cases of alleged abuse by public officials against immigrants; and errors detected in the levy of taxes.

Approximately 75% of the recommendations made by the Spanish Ombudsman are accepted by the public administration. However, its advocacy role is slightly limited by several factors: 1) a lack of resources, 2) inadequate departmental collaboration during the investigation stage or during implementation of the

recommendations, and 3) some self-restraint by the current Ombudswoman, who is a former member of the Popular Party.

Citation:

[www.defensordelpueblo.es/en/Documentacion/Other/Documentos/Annual\\_Report\\_Summary\\_2012.pdf](http://www.defensordelpueblo.es/en/Documentacion/Other/Documentos/Annual_Report_Summary_2012.pdf)

## 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, the Ombudsman gave assistance to 17,775 people in 2013. The office actively investigated 7,318 of these complaints. Most of the complaints made in the last few years (27% of the complaints in 2013) related to public utilities (mobile and landline phone operators; electricity, heating and water providers). 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. In 2013 the Ombudsman exercised its right to appeal to the Constitutional court on three occasions.

## 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 requests and complaints made by patients and soldiers.

## Hungary

Score 7

Hungary has an Ombudsman of Basic Human Rights, which is elected by parliament. Since the abolishment of “actio popularis” (a provision giving all citizens the right to access the Constitutional Court), the ombudsman has been an important gatekeeper between the population and the Constitutional Court. The term of Máté

Szabó, the much-respected ombudsman elected in 2007 under the Gyurcsány government, expired in September 2013. His successor, László Székely, has behaved in a less independent manner; as a consequence, the ability of the ombudsman to function as a check on the government has been undermined. While Szabó sent 17 issues to the Constitutional Court in his last year, Székely sent just two issues in his first year (one was the dispute regarding leasing land to foreigners, an issue also discussed by the European Commission). While Székely has dealt with many important issues, he has not raised his voice in the Ökotárs affair, even though most legal experts found the investigation by the Control Office of Government (Kormányzati Ellenőrző Hivatal, KEHI) to be unconstitutional.

## 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

On the Strengthening of the Ombudsman Institution: A Proposal by the Office of the Parliamentary Ombudsman January 2014 [Ombudsman.org.mt](http://Ombudsman.org.mt)

## 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 counter-narcotics 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-rights 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 some 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 or she is appointed by the Croatian parliament or Sabor for a term of eight years, and can be reappointed. In practice, most government institutions do not react promptly to the Ombudsman's requests, with requests often left pending for considerable time.

## Ireland

**Score 6** 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 the 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 national police force (the Garda Síochána Ombudsman Commission, GSOC), financial services, children, insurance, the army, the press, and pension issues. These offices are effective in listening to the concerns of citizens in their dealings with government agencies.

During 2014, whistleblowers made serious allegations of misconduct against the police force. In July, newspapers carried a story about the office of the GSOC having been bugged. In the controversy that ensued, it was perceived by the public that the minister for justice violated the independence of the GSOC. This murky affair eventually led to the resignation of both the minister for justice and the Garda commissioner, damaging the public's perception of the effectiveness of an important ombudsman's office.

## 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 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 to 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. In addition, because the acquisition of experience is massively disaggregated, without any systematic collation of information from the 535 congressional offices, congressional staff are less able to identify general policy or administration problems 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 can 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, available from: [http://asianombudsman.com/index.php?option=com\\_content&view=article&id=133&Itemid=199&lang=en](http://asianombudsman.com/index.php?option=com_content&view=article&id=133&Itemid=199&lang=en)

## South Korea

Score 5

The South Korean parliament does not have an ombudsman office. Under the previous Lee Myung-bak administration, the government's ombudsman 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 or the ombudsman. However, legislative reforms in 2012 strengthened the autonomy of the ACRC.

In addition, the Foreign Investment Ombudsman (FIO) system was first introduced on 26 October 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 South 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>

## Turkey

Score 4

A law establishing a Turkish ombudsman office, called the Public Monitoring Institution (KDK), was adopted in June 2012 and went into force in December 2012. The office is located within the Parliamentary Speaker's Office, and is accountable to parliament. The ombudsman reviews lawsuits and administrative appeals (from the perspective of human rights and the rule of law) and ensures that the public

administration is held accountable. In 2013, a total of 7,638 petitions arrived at the Ombudsman; by September 2014 it had addressed 2,170 out of that year's 3,502 received complaints. According to the KDK itself, several main obstacles hamper the efficacy of its work. First, the degree of compliance with its decisions has been low, with only 20% of its released decisions having been obeyed by public administrative bodies. Second, under the current law, the KDK cannot conduct inquiries on its own initiative. Moreover, the mandate of the office does not cover administrative actions performed by military personnel.

The Parliamentary Petition Committee reviews citizens' petitions (a total of 4,568 in 2013) and refers them to the relevant authority, when appropriate. The Human Rights Investigation Commission has the authority to receive, investigate and review complaints on human-rights issues. The Commission on Equal Opportunities for Women and Men is entitled to review complaints regarding violations of gender equality.

Citation:

The Ombudsman Institution (2014) 'The Chief Ombudsman Annual Press Conference', [http://www.ombudsman.gov.tr/en/content\\_detail-322-779-the-chief-ombudsman-annual-press-conference.html](http://www.ombudsman.gov.tr/en/content_detail-322-779-the-chief-ombudsman-annual-press-conference.html) (accessed 10 December 2014)

T.C. Kamu Denetçiliği Kurumu 2013 Yılı Faaliyet Raporu, [http://www.ombudsman.gov.tr/contents/files/pdf/faaliyet\\_rap.pdf](http://www.ombudsman.gov.tr/contents/files/pdf/faaliyet_rap.pdf)  
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## Italy

Score 3

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

Citation:

Russo, F. & M. Wiberg (2010). Parliamentary Questioning in 17 European parliaments: Some steps towards comparison. *The Journal of Legislative Studies*, vol. 16(2), pp. 215-232

## Romania

Score 3

Following the dismissal of Gheorghe Iancu as ombudsman in July 2012, the ombuds office has undergone a period of instability and ineffectiveness. Thus, Anastasiu Crisu, whose appointment in January 2013 was criticized as partisan by both the opposition and the European Commission, resigned in December 2013 after challenging only one of the government's 114 emergency ordinances (OUGs). The role was taken over in April 2014 by Victor Ciorbea, a former prime minister and National Liberal Party senator. However, despite petitions from opposition parties and civil-society groups, he failed to bring the highly controversial OUG 55/2014,

which gave mayors and county/local-council members a firm 45-day deadline to change their political affiliation, to court. This act invited criticism of Ciorbea, who was charged by the opposition and civil-society members with being no more than a government puppet.

## 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 the president of the republic upon the recommendation of the Council of Ministers, 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 failures to comply with previous recommendations are also submitted to the cabinet and the parliament.

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

## 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.

## Latvia

### Score 2

The parliament does not have its own ombuds office, but does have a committee for ethics and petitions. An independent ombuds office was created in 2007 following the reorganization of the Latvian National Human Rights Office. From 2007 to 2011, the 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 ombuds office is charged with investigating 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 2013, the ombuds office received 2,563 complaints, of those 1524 regarding civil and political rights. The ombuds office reports annually to parliament.

#### Citation:

1. Ombudsman of Latvia Annual report (2013) Available at (in Latvian): [http://www.tiesibsargs.lv/files/content/Tiesibsarga\\_2013\\_gada\\_zinojums\\_FINAL.pdf](http://www.tiesibsargs.lv/files/content/Tiesibsarga_2013_gada_zinojums_FINAL.pdf), Last assessed 21,10.2014

## Portugal

### Score 2

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.

## Switzerland

### Score 2

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

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