



# Legislative Actors' Resources Report

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

## Sustainable Governance Indicators 2017

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 staff resources of the U.S. Congress substantially surpass those of any other national legislature. First, there are three large congressional agencies that perform research and analysis: the Congressional Budget Office (CBO); the Congressional Research Service; and the Government Accountability Office. 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: First, Congress is constitutionally independent of the executive, and thus seeks to avoid depending on it entirely for information and analysis. Second, Congress's own structure has traditionally been decentralized, with much of the legislative work done in committee. And third, individual members are politically independent of the parties, and use staff both for participating in policymaking and for providing electorally beneficial services to constituents.

Importantly, Congress has cut staff personnel significantly in recent years. This reflects an increasing reliance on ideologically oriented think tanks for policy advice and centralization of control in the party leadership. The role of individual members and committees in policymaking has been diminished. Nevertheless, Congress's staff levels remain unmatched in the world.

## 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. However, individual members of parliament do not receive allowances to fund independent research.

## Belgium

Score 9 Belgium is a parliamentary democracy. During the political crisis of 2010 – 2011, when the government was unable to be formed, 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. Members of parliament 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 members of both chambers of parliament. The institute also holds a 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 Parliamentarians' resources for obtaining information were greatly improved in the 1990s through the creation of a parliamentary assistant system. Currently, some 165 assistants work in a parliament of 200 sitting legislators. Additionally the office of the parliament employs a staff of about 440 people. However, critics have recently argued that this system has become too comprehensive and expensive. The assistants perform a variety of tasks, some of which relate closely to the procurement of information and general expertise. Members of parliament are also assisted 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 about 40 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 legislators each serve on an average of two parliamentary committees, they also benefit from the information and knowledge provided by the various experts regularly consulted in committee hearings.

Citation:

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

<https://www.eduskunta.fi/FI/tietoeduskunnasta/Organisaatio/eduskunta-tyonantajana/Sivut/default.aspx>

## 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 €16,000 per month) allowing him or her to maintain two offices and employ, on average, two experts. The German Bundestag has a staff of around 2,600, while roughly the same number work at the constituency level. Parliamentary groups also have resources to commission independent research studies. Compared to the United States, German MPs' structural and personnel resources are modest.

## 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, in part due to the parliament's heavy focus on lawmaking. For instance, during its 2012 to 2016 term, the parliament passed more than 2,500 legislative acts. 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 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. It is also often the case that members of parliament employ their party colleagues or other persons as advisers or assistants on the basis of trust rather than because these individuals have a particular expertise.

## 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 thus also used outside parliament.

## Slovenia

**Score 9** Slovenian members of parliament command sufficient resources to perform their jobs effectively and to monitor government activity. Each member of parliament 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 members of parliament. In the period under review, only four members of parliament did not belong to a parliamentary group.

## 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. In 2015, the total parliamentary staff was 420, 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 within interest organizations and think tanks. There is, however, 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).

Året der gik i Folketinget: Beretning om Folketingsåret 2014-2015. [http://www.ft.dk/Folketinget/~media/PDF/om\\_folketinget/Aarsberetning/Aarsberetning\\_2014\\_15/Året%20der%20gik%20i%20Folketinget%202014-15.pdf.ashx](http://www.ft.dk/Folketinget/~media/PDF/om_folketinget/Aarsberetning/Aarsberetning_2014_15/Året%20der%20gik%20i%20Folketinget%202014-15.pdf.ashx) (Accessed 17 October 2016).

Folketingets administration, [http://www.ft.dk/Folketinget/Folketingets\\_administration.aspx](http://www.ft.dk/Folketinget/Folketingets_administration.aspx) (Accessed 1 December 2016).

Jørgen Grønnegård Christensen and Jørgen Elklit (eds.), *Det demokratiske System*. 4. udg. Chapter 4. Hans Reitzels Forlag, 2016.

## 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 information sheets and study reports. Because of budget and personnel limitations (14 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 2015-2016, two studies of this kind were performed, fewer than in previous periods. The second category of support resources is the administrative staff employed by the permanent committees. Each committee typically has three to five advisers. The third group is made up of the individual parliamentary groups' political advisers. In total, there are

31 people working for the six parliamentary party groups. Legislators can use a reading room in the parliamentary building and the National Library, which also serves as a parliamentary library, is located nearby. Members of parliament also possess monthly allowances that they can use to order expert analyses, studies or informative overviews.

## Israel

### Score 8

Two major departments are meant to strengthen the Knesset's position relative to the executive branch: the Knesset's Legal Advisory department and the Knesset Research Center. The Research Center is tasked with equipping the Knesset's members, committees and various departments with information and analysis to meet the requirements of their parliamentary work. The Research Center is a massive producer of documents, providing over 300 documents in 2015, 88% specifically requested by MKs or committees. The Legal Advisory department also provides research services to MKs. In 2016, the department researched various policy issues at the request of MKs, producing, for example, an international comparison of protections for domestic violence victims as well as a assessment promoting "green roofs." The Knesset's archive and library are also used to monitor the government's major activities. Since 2015, each MK is entitled to employ three assistants. These assistants often engage in independent research on behalf of their MK. 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. In addition, MKs may demand that government employees provide information directly, within the framework of the committee system, in parliamentary questions, or other established frameworks.

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.

#### 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", The Marker 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).

"The MK's will get a third Parliamentary Assistant. How much will that cost us?" The Marker 28/10/2015: <http://www.themarker.com/news/1.2761401> (Hebrew)

Knesset Research Center Summary of 2015 <http://www.knesset.gov.il/mmm/data/pdf/m03718.pdf> (Hebrew)

Knesset Legal advisory department (list of legal research) <http://main.knesset.gov.il/Activity/Info/Pages/LegalDeptSurveys.aspx>

## 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. A special office of the parliament (the Ufficio Parlamentare di Bilancio, Upb), created in 2015 following the Fiscal Compact Treaty and successive decisions of the European Council, is now responsible for providing parliamentarians with a detailed evaluation of the government's fiscal proposals. The two chambers have extensive libraries at their disposal. Members of parliament also have at their disposal resources for hiring 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 fully utilizes these resources.

Citation:

<http://www.upbilancio.it/>

<http://www.upbilancio.it/rapporto-sulla-programmazione-di-bilancio-2016-2/>

## Luxembourg

**Score 8** Luxembourg's members of parliament (MPs) must 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. In addition, 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

Reimen, Frank, and Jeannot Krecké. *Die Abgeordneten-kammer: Theorie und Praxis parlamentarischer Kontrolle*. Passerelle, 1999

## 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. The parliament has increasingly exercised its right to hold hearings.

## 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. Also, recently a new subgroup in the parliament was founded which is checking laws for economic costs and benefits.

## Canada

### Score 7

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. In May 2011, the House of Commons Committee on Procedure and House Affairs found the government of Stephen Harper in contempt of Parliament “for refusing to disclose enough information about the cost of several big-ticket items.” In 2013, the Office of the Parliamentary Budget Office took the same government to court over its refusal to fully comply with almost half of all information requests and access to information requests. Although the court upheld the PBOs right to demand information, a 2014 report from the Office stated that it did not have enough data to analyze 40% of government programs.

The Liberal government has indicated its intention to provide more influence, resources and autonomy to parliamentary committees. A House of Commons committee put forward a number of legislative suggestions that would give more monitoring resources to members of parliament. It is too early to say whether or not they will be accepted and if monitoring will be improved.

## 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 both in the plenary sessions and within the specialized committees.

## 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 adviser who are paid out of the parliament's budget. However, many members of parliament hire family members or friends who, in effect, do administrative and secretarial rather than research work. This practice was continued in the period under review. 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 other institutions. The first is the Office of the Budget, a policy-oriented committee of university professors with economic expertise who work independent of the government. They have published policy reports on the prospects of the Greek economy which diverge from official government predictions. There is also the more academically-oriented Foundation of the Parliament, focusing on historical issues and constitutional matters. In the period under review, both institutions were vehicles for the expression of a pluralism of opinions.

Parliamentary committees are also quite active in organizing hearings and in discussing a variety of issues. However, the parliament lacks a research unit (like for example the Congress Research Service or the Research Service of the House of Commons Library) that could provide members of parliament with expert opinion.

## Japan

**Score 7** Parliamentarians in Japan have substantial resources at their disposal to independently assess policy proposals. Every member of parliament can employ one policy secretary and two public secretaries, who are paid through an annual fund totaling JPY 20 million (about €176,000). However, in many cases these secretaries are primarily used for the purposes of representation at home and in Tokyo. Both houses of parliament have access to a 560-staff-member Research Bureau tasked with supporting committee work and helping in drafting bills. A separate Legislative Bureau for both houses, with around 160 staff members, assists in drafting members' bills and amendments. The National Diet Library is the country's premier library, with parliamentary support among its primary objectives. It has a Research Bureau with over 190 staff members whose tasks include research and reference services based on requests by policymakers and on topics of more general interest such as decentralization, foreign constitutions or science and technology issues. For such research projects, the library research staff collaborates with Japanese and foreign scholars.

Notably, the substantial available resources are not used in an optimal way for the purposes of policymaking and monitoring. The main reason for this is that the

Japanese Diet tends toward being an arena parliament, with little legislative work taking place at the committee level. Bills are traditionally prepared inside the parties with support from the national bureaucracy. Ruling parties can rely on bureaucrats to provide input and information, while opposition parties can at least obtain policy-relevant information from the national bureaucracy.

Citation:

Jun Makita, A Policy Analysis of the Japanese Diet from the Perspective of 'Legislative Supporting Agencies', in Yukio Adachi, Sukehiro Hosono and Iio Jun (eds), *Policy Analysis in Japan*, Bristol: Policy Press 2015, pp. 123-138  
Junko Hirose, Enhancing our Role as the "Brains of the Legislature": Comprehensive and Interdisciplinary Research at the National Diet Library, Japan, paper for the IFLA Library and Research Services for Parliaments Section Preconference 2014, [http://www.ifla.org/files/assets/services-for-parliaments/preconference/2014/hirose\\_japan\\_paper.pdf](http://www.ifla.org/files/assets/services-for-parliaments/preconference/2014/hirose_japan_paper.pdf)

## 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 jure and de facto this is hardly the case. ... 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 of forming 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.

Moreover, the States General's institutional resources are modest as well. Dutch members of parliament in large parliamentary factions 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 General Audit Chamber (which has more information-gathering powers than the States General). Another more standardized mechanism is the 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 formal hearings between MPs and departmental officials are extremely rare. MPs can ask officials to testify under oath only in the case of formal parliamentary surveys or investigations, but this is considered an extraordinarily time-consuming instrument and is used only in exceptional cases. At present, MPs are exploring the possibility of creating a so-called light parliamentary

investigation as a less time-consuming inbetween format that is somewhere between a hearing and an investigation. Formally, the States General may use the expertise of governmental advisory bodies, but this process is closely supervised by the minister under whose departmental responsibility the advisory bodies function. Only the Rathenau Institute (for scientific and technological issues) works exclusively for the States General.

The small Parliamentary Bureau for Research and Public Expenditure does not produce independent research support, instead providing assistance to the parliament.

Citation:

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

<http://www.houseofrepresentatives.nl/administration/organization-chart/parliamentary-bureau-research-and-public-expenditure>

Parlementaire enquêtes (tweede kamer.nl, consulted 10 November 2016)

## Croatia

Score 6

Members of the Croatian parliament (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.

## Mexico

Score 6

Mexico has had an unusual electoral system, in that all members of Congress were until recently prohibited from running for re-election. 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 largely control Congress, though opposition parties tend to punch above their weight. 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 often went unrewarded in local or national politics.

However, since 2015, legislators may be re-elected 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 and professionalization. The National Action Party, which is now the main opposition, was highly supportive of the reform, which it believes will strengthen democratic accountability and congressional autonomy.

## 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. Despite the availability of these resources, opposition parties are placed at a distinct disadvantage relative to the breadth of staff, research and other resources made available to the government and its small support parties. Each of the non-government parties has a research unit, which follows up on MPs' requests, especially in preparation for parliamentary debates.

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 very robust committee structure composed of standing and ad hoc committees, as well as committees to assess implementation of the Plano do Governo and the Orçamento de Estado. 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 do not generally have their own staff, and in most but not all cases, have little ability to rely on expert support. As such, the assembly's capacity to monitor government activity is mainly contingent on the legislators' own expertise. However, during the Costa government there is both a great deal more interest by the members of the assembly and a huge increase in the number of meetings involving the different political parties supporting the Costa government. This does not imply, however, that they have adequate personnel and structural resources, but they do have the energy and the interest.

Citation:

Sergio Goncalves, "Portugal's political stability if Europe's rare pleasant surprise," Reuters June 22, 2016.

## Romania

Score 6 The Romanian parliament has a Department of Parliamentary Studies and EU Policies, 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. When independent experts are called to provide their opinion on various aspects of government activity, these points of view might not be reflected in the reports and studies produced by the department.

## 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). In addition, there is the Parliamentary Institute – a research unit providing expertise for parliamentary committees, commissions and individual legislators. However, most members of parliament tend to rely on other sources of information. Whereas members of parliament from the governing party have access to government organizations such as the Institute for Financial Policy, members of parliament from the opposition parties make heavy use of experts among party members or draw on analyses by think tanks.

## South Korea

Score 6 Members of parliament (MP) have a staff of nine, comprising four policy experts, three administrative staffers and two interns. Given the large amount of topics covered, this staff is scarcely sufficient, but is enough to cover legislators' main areas of focus. The parliamentary library is one of the best libraries in South Korea. The National Assembly monitors the administration through a system of investigation relating to issues of national affairs. Monitoring efforts can be regular or sparked by specific events. The investigation process is a powerful tool, but some observers have criticized it as ineffective, in part because it is too widely used. Some lawmakers abuse and misuse this process to promote their own political fortunes in

the mass media. The effectiveness of parliamentarians' monitoring role largely depends on each lawmaker's individual capabilities.

Tight schedules and the record-high number of agencies monitored by the National Assembly have generated skepticism regarding the effectiveness of legislative audits, one of the body's key functions. Observers familiar with parliamentary affairs have voiced concern that these inspections will be superficial, as lawmakers have little time to study dossiers thoroughly or prepare their questions.

## Spain

### Score 6

Every parliamentary group is assigned funds to hire personnel, with the size of budgets dependent on the party's electoral results. However, the parties often save a portion of this money, using it for other purposes while hiring unexperienced staffers with low salaries. Individual legislators lack even a single exclusive assistant, as the small number of staff members is shared across the parliamentary group (typically with an assistant for every two deputies or senators). Economic resources for the commission of policy research, whether performed internally or externally, are also very scarce. There are no real parliamentary research units or think tanks. The emergence of Podemos and Ciudadanos has livened up things somewhat, but has not introduced real changes.

The scrutiny of European policymaking (an area that can be easily compared to other EU member states' national parliaments) well illustrates the lack of resources: 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 short, Spanish deputies and senators can draw on a set of resources suited for selectively monitoring some government activities, but cannot effectively oversee all dimensions of public policy.

#### 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. Heffler et al. London: Palgrave Macmillan.

## Turkey

### Score 6

The administrative organization of the Grand National Assembly of Turkey (TBMM) 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.

During the review period, the 550 deputies were provided with 482 primary and 465 secondary advisors and 493 clerks. A total of 29 experts and 93 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. Following the 15 July failed coup, several staff members were dismissed from the Assembly.

The 2015 Annual Activity Report of the TBMM identifies the following weaknesses in the country's parliamentary services: transition problems in human resources management, insufficient expertise in some areas, low information technology literacy rates and a low adaptive capacity of personnel for deputy services. So far, internal reforms to address these issues have not been initiated.

Citation:

TBMM İdari Teşkilatı 2015 Faaliyet Raporu, [https://www.tbmm.gov.tr/docs/faaliyet\\_raporu\\_2015.pdf](https://www.tbmm.gov.tr/docs/faaliyet_raporu_2015.pdf) (accessed 1 November 2016)

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

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 furnished 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 ministerial analytical and investigatory capacities. The National Congress' oversight function is based in the Chamber of Deputies. However, this function tends to operate as a reaction to journalistic complaints in combination with political conflicts rather than as a proactive mechanism for monitoring the government's ongoing activity.

## Hungary

Score 5

In principle, members of parliament are provided some funds for professional advice. However, since resources are apportioned according to the share of seats in parliament, the democratic opposition parties receive only a small amount of money. Moreover, 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. For the small and ideologically fragmented opposition, it has thus been rather difficult to monitor the Orbán government's legislative activity. However, activities on the part of the Fidesz majority in parliament and its committees which preclude effective debate and monitoring, constitute the key obstacle to effective parliamentary work.

## 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.

These resources are complemented through the mechanism of Parliamentary Questions. Dáil Éireann allocates time during which deputies may ask questions of members of the government relating to their departments or to matters of administration for which they are responsible. Considerable civil service resources are devoted to researching the answers to these questions, of which a total of 50,000 were processed during 2014. This works out at an impressive average of 300 per deputy.

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>

Michael Gallagher, 'The Oireachtas: President and Parliament', in John Coakley and Michael Gallagher (eds), *Politics in the Republic of Ireland*, 2010.

## 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 parliament has a budget of only a little more than 0.15 % of national public spending. About three-quarters of the budget are used for the remuneration of MPs and administrative staff. As a result, resources available to MPs for expert staff and independent research are very limited. This means that the capacity of the National Assembly to effectively assess and 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 parliament has full discretion over the central government budget and could secure the resources for enhanced monitoring.

## Malta

Score 4

Members of parliament have little resources to support their legislative work. Staff members are too few in number and occupied by their primary duties. MPs work part time as legislators and typically maintain some form of private employment once

elected. Members of permanent parliamentary committees enjoy support from newly appointed research officers as well as academics and specialists. Greater participation of MPs in international conferences has helped bridge the resource gap, but more is required. These developments have improved the process for evaluating EU legislation and other social issues. In 2014, the budget for parliament was increased by €300,000 and new officers were employed in the international relations unit. Meanwhile, a Parliamentary Services Act giving Parliament more control over budget decisions and greater autonomy has been passed and should come into operation over the next few months.

Citation:

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

Its too early to talk about what is in store for me Times of Malta 11/10/2015

MPs express different opinions on pay rise for politicians, full-time parliament proposals. Malta Today 6/01/2015

<http://www.timesofmalta.com/articles/view/20160111/local/new-law-will-make-parliaments-administration-autonomous-of-the.598431>

Parliamentary service Act 2016 Government gazette of Malta 19519

## Cyprus

Score 3

The House of Representatives's new speaker (June 2016) promised reforms in the field of parliamentary resources. Up to now, moderately sized staff provides primarily administrative and secretarial support. A research, studies and publications division appears to perform activities other than producing genuine expert research or study reports. Also, the duties of personal assistants to deputies focus mainly on party-political support. Cooperation agreements have been signed with the University of Cyprus and two private universities, but no information on any joint projects is available.

The parliament has a rich library that remains little used. Independent research is rarely commissioned.

The parliament's specialized committees obtain information on the government's activities by members of the executive or other officials invited to meetings, provide their views and respond to questions.

## Iceland

Score 3

Parliamentarians have access to experts employed by parliament. While the 29-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. Ministers also have access to resources in their ministries. The 2007-2009 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.

## Latvia

### Score 2

Parliament does not have adequate resources to monitor government activity effectively. Some limited expertise is available from parliamentary committee, legal office, personal administrative support and parliamentary library staff. However, this does not allow for substantive policy analysis or the independent production of information. A very small monetary allowance is available for commissioning independent research. The Latvian parliament is the only legislature in the Baltic Sea region with no institutional research capacity.

In 2015, the parliament created the new position of secretary general to serve as the new administrative head of the parliamentary staff. Capacity-building is one of the top priorities identified by the newly appointed secretary general. The parliamentary budget for 2017 has been amended to include resources for the establishment of a small research unit.

## 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 As specified in legislation regarding the rules of procedure of the Chamber of Deputies, Czech parliamentary committees may ask for almost all government documents. Governments usually respect committee requests and tend to deliver the documents on 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.

## 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, but even in such cases a competent committee can inspect some classified documents in closed-door sessions. In sum, members of parliament are usually very demanding regarding information and they press authorities to obtain it.

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. No problems have been observed in the exercise of this right.

## Sweden

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

In this respect, the Swedish system leaves very little to be desired. The problem, instead, 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

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

Significant portions in government documents obtained by newly-formed investigative committees were redacted, ostensibly for the purpose of protecting privacy. This demonstrated that committees are entitled to obtain documents, yet the government can create significant limitations in accessing parts of these documents.



## 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. However, this often leads to a strategy of not collecting data on sensitive issues in order to avoid having to disclose sensitive information. This does of course imply that government policymaking takes place somewhat 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. This is occasionally criticized by some politicians, especially from the opposition. 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 since the Sarkozy presidency that the president's office budget has become transparent and accessible to parliamentary inquiry.

## Germany

- Score 9 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 in an oversight role with respect to government ministries. Nonetheless, the government bureaucracy sometimes tries to withhold information. But most documents are made public and can be accessed. In an important ruling on 12 September 2012, the FCC’s Second Senate strengthened the information rights of German parliamentary representatives regarding the European Stability Mechanism Treaty (ESM). Government officials had previously been reluctant to keep the Bundestag informed on this issue, claiming executive secrecy. The parliamentary control committee and the secret service committee of inquiry had to fight hard to get access to documents and the “Selektorenliste” (list of selectors) to examine whether the Federal Intelligence Service (Bundesnachrichtendienst, BND) had illegally spied on citizens, politicians and organizations. In mid-September, the Green party and the Left party attempted to sue the government through the Constitutional Court for its lack of accountability regarding the Selektorenliste. At the time of writing, the Constitutional Court had not yet adjudicated on the issue.

Citation:

<http://www.tagesschau.de/inland/nsa-selektorenliste-101.html>

## 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.

## 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 security. 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 24, 2015).

## 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.

## Poland

- Score 9 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. Still, opposition members of parliament complain that it is often hard to get detailed information about governmental proposals.

## 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, but there are de facto limitations in the exercise of oversight, as the majority party or coalition can block the minority's request. Until recently, obtaining information from state-owned companies or the Ministry of Finance was difficult.

## Italy

- Score 8 Parliamentary committees are comparatively powerful. They can significantly amend legislation and they have extensive oversight powers. Committees also 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 coalition parties. 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. Furthermore, the prerogative to conduct parliamentary inquiries (enquête parlementaire), according to Article 64 (in conjunction with Article 70) of the constitution, gives the parliament oversight power over the government. Since 1980, the parliament has established four committees of inquiry (in 1980, 1989, 2003 and 2012).

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. For instance, this has been the case with the scandals over the state's secret service (Service de renseignement de l'Etat luxembourgeois, SREL). The Parliamentary Oversight Commission for the State Secret Service (Commission de Contrôle parlementaire du Service de Renseignement de l'Etat) oversees the functioning of the SREL on behalf of the Chamber of Deputies.

### Citation:

Everything you need to know about the Grand Duchy of Luxembourg. Information and Press Service of the Luxembourg Government, 2015. [www.luxembourg.public.lu/fr/publications/c/tout-savoir/Tout-savoir-2015-EN.pdf](http://www.luxembourg.public.lu/fr/publications/c/tout-savoir/Tout-savoir-2015-EN.pdf). Accessed 21 Feb. 2017.

Kirps, Josée. "La passion du secret." Forum.lu, Feb. 2014, [www.forum.lu/pdf/artikel/7796\\_337\\_Kirps.pdf](http://www.forum.lu/pdf/artikel/7796_337_Kirps.pdf). Accessed

21 Feb. 2017.

Rapport de la Commission d'enquête sur le Service de Renseignement de l'Etat. La commission d'enquête sur le Service de renseignement de l'Etat luxembourgeois, 2013. [cbiver.eu/wp-content/uploads/2013/11/123656.pdf](http://cbiver.eu/wp-content/uploads/2013/11/123656.pdf). Accessed 21 Feb. 2017.

Urbany, Serge. "Nach der Gangsterjagd." Forum.lu, Mar. 2013, [www.forum.lu/pdf/artikel/7582\\_327\\_Urbany.pdf](http://www.forum.lu/pdf/artikel/7582_327_Urbany.pdf). Accessed 21 Feb. 2017.

## 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 Cerar government, similar to previous governments, 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.
- The inability to override witnesses' refusal to answer questions must be addressed. Under the current law, the National Assembly can ask prosecutors to charge those who refuse to take the witness stand with contempt of parliament. However, this carries only light penalties, such as fines. The National Assembly should work to reform the hearing system to make it a more effective tool in probing cases of national importance.

## Spain

- Score 8** 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,” updated in October 2014, define the rights of select committees to obtain government documents. Although published in a Cabinet Office document, like many internal parliamentary rules, they are informal and cannot be legally challenged. However, documents are rarely held back and will thus be made available to committees. Only in very specific, pre-defined circumstances are documents withheld from select 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.

Citation:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364600/Osmotherly\\_Rules\\_October\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364600/Osmotherly_Rules_October_2014.pdf)

## Bulgaria

**Score 7** Under the Rules of Organization and Procedure of the Bulgarian parliament, parliamentary committees can obtain any documents from any public or private person in the country. A chairperson of a standing committee is obliged to acquire such documents if one-third of the members of the committee ask for them. Thus, on paper, parliamentary committees have full access to government documents. In practice, some documents are withheld from parliament with arguments about confidentiality or national security. While parliamentary committees are entitled to handle classified information and documents, such a demand would require cumbersome formal procedures such as setting up a specific body to investigate the concrete issue, adopting respective rules and procedures, and ensuring confidentiality. 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 (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.

## 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.

While parliamentary committees were once weak, they have been getting stronger since the 1980s. One comparative ranking of the strength of committee systems in 39 advanced industrial democracies placed Ireland mid-table (Martin 2010).

Citation:

The Committee of Inquiry into the Banking Crisis Final Report January, 2016.

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>

Shane Martin ‘The Committee System’, in Muiris MacCarthaigh and Maurice Manning (eds, 2010) *The Houses of the Oireachtas*. Dublin: IPA.

## Israel

Score 7

According to Israel’s basic laws the executive must attend and provide information to Knesset committees upon request, unless such information is deemed confidential. However, the law contains no specific provisions for enforcement in cases of disobedience nor for insufficient or inaccurate information. Thus, the parliament has

only general or disproportionate means of response, such as passing a motion of no confidence or reporting to the Civil Service Commission. These options do not provide a solution to more mundane problems, such as receiving unreliable 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)  
Knesset Rules of Procedure, Section H, Chapter 7

## 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. During the first session of the thirteenth legislature, held during the current period under review (23 October 2015 to 14 September 2016), parliamentarians issued 2,775 questions of which 55% (1,536) were answered. This marks an improvement vis-à-vis the previous review period when 40% of questions were answered, though still below results in other recent legislatures.

There was also an improvement regarding requests to central government, with 52% of these requests being answered during the period under review. This is a considerable improvement compared to the previous review period when 13% of requests were answered, though still short of the first three sessions of the previous legislature when 58%, 59% and 54% of questions were answered.

As noted in previous reports, this response rate does not appear to reflect a deliberate attempt to conceal information from the Assembly. In general, it is likely that committee requests are answered more promptly and fully than those made by individual legislators.

Citation:

Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 1ª Sessão Legislativa," available online at: [http://www.parlamento.pt/atividadeparlamentar/documents/estatisticas\\_atividade\\_parlamentar\\_xiileg/atividadelegislativa\\_xii\\_1\\_\(14092012\).pdf](http://www.parlamento.pt/atividadeparlamentar/documents/estatisticas_atividade_parlamentar_xiileg/atividadelegislativa_xii_1_(14092012).pdf)

Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 1ª Sessão Legislativa," available online at: [http://www.parlamento.pt/atividadeparlamentar/documents/estatisticas\\_atividade\\_parlamentar\\_xiileg/atividadelegislativa\\_xii\\_1\\_\(14092012\).pdf](http://www.parlamento.pt/atividadeparlamentar/documents/estatisticas_atividade_parlamentar_xiileg/atividadelegislativa_xii_1_(14092012).pdf)

Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 2ª Sessão Legislativa," available online at: [http://www.parlamento.pt/atividadeparlamentar/documents/estatisticas\\_atividade\\_parlamentar\\_xiileg/atividadelegislativa\\_xii\\_2.pdf](http://www.parlamento.pt/atividadeparlamentar/documents/estatisticas_atividade_parlamentar_xiileg/atividadelegislativa_xii_2.pdf)



Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 3ª Sessão Legislativa," available online at: [https://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas\\_Actividade\\_Parlamentar\\_XIILeg/ActividadeLegislativa\\_XII\\_3.pdf](https://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas_Actividade_Parlamentar_XIILeg/ActividadeLegislativa_XII_3.pdf)

Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 4ª Sessão Legislativa," available online at: [https://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas\\_Actividade\\_Parlamentar\\_XIILeg/ActividadeLegislativa\\_XII\\_4.pdf](https://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas_Actividade_Parlamentar_XIILeg/ActividadeLegislativa_XII_4.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. Members of parliament also complain about delays in the provision of documents and information.

## Iceland

### Score 6

The Information Act from 2012 (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 most infamous 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 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. Further, a leaked transcript of the telephone conversation, reported on national television (RÚV), suggests that the bank may have committed legal violations. Even so, the governing board of the Central Bank, appointed by parliament and tasked with ensuring the bank operates in accordance with the law, is not known to have discussed the issues arising from this leak as the minutes of its meetings are not open to the public.

Citation:

The Information Act (Upplýsingalög nr. 142/2012)

## Mexico

Score 6

The constitution invests Congress with significant powers. However, until recently, the independence of Congress was undermined by legislation that blocked congressional members from being immediately re-elected. This ban made congressional members dependent on a few powerful leaders who controlled access to resources. For this political, rather than legal, reason congressional committees voted largely along party lines and legislative scrutiny was generally perfunctory. For example, congressional members are legally entitled to request and scrutinize government documentation under the Freedom of Information Act, but party discipline restricts this in practice. While the ban on being immediately re-elected has been abolished, it is too early to assess the effect of this change on legislative scrutiny.

## Netherlands

Score 6

The government has to provide correct information to the States General (according to Article 68 of the constitution). However, this is often done somewhat defensively, in order to protect “ministerial responsibility to parliament” and a “free consultative sphere” with regard to executive communications. Providing the States General with internal memos, policy briefs (e.g., on alternative policy options), interdepartmental policy notes or advice from external consultants is viewed as infringing on the policy “intimacy” necessary for government-wide policy coordination, as well as on the state’s interests. As political scientist Hans Daalder has noted: “In practice, it is the ministers that decide on the provision of information requested.”

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.

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 public documents. The Orbán governments have used their parliamentary majority to restrict access to public documents, even for discussion within parliamentary committees.

## Slovakia

**Score 5** Parliamentary committees have the formal right to ask for almost all government documents. The main limits stem from the logic of party competition. Smer-SD members of parliament are highly disciplined and do not support opposition members of parliament in their activities. As a result, the committees' access to government documents is limited.

## 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. Also, ad hoc investigative committees 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, this law is cautiously formulated; under its terms, officials attending a committee hearing are obliged to tell the truth or to provide genuine documents. They are not allowed to hide information or documents. Judicial measures for misinforming or misguiding a committee are possible.

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. This is particularly true when the issue under examination is a sensitive one.

Citation:

1. Law on the deposition of data and information to the House of Representatives and parliamentary committees 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)

## Malta

Score 4

Parliamentary committees may request documents from the government, though the government is not obliged to comply. For example, the government could refuse to release documents, because the documents could contain commercially sensitive information or it is too soon to make the information public. The 2015 parliamentary ombudsman report highlighted the need to publish government documents and agreements and for limits of the state's duty to disclose. The ombudsman also stated that in some cases non-disclosure by the executive is totally unjustified citing the example of parliament not being privy to commercial agreements entered into by the public administration.

Citation:

Said Pullicino, J (ed) 2015 The State's Duty to Inform Office of the Parliamentary Ombudsman Annual Report 2015 Parliamentary Ombudsman

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 most parliamentary members (majority and opposition alike) have little chance of seeing their own proposals pass in parliament. Therefore they concentrate much of their time on written questions (which must be answered by the minister in charge), which can improve a member's media visibility.

However, when the media attention on a topic is intense, one frequently sees important ministers replaced by (less important) state secretaries 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. In 2016, the invitation of the Minister of the Interior, which exposed conflicts within the ministry and among the police force, eventually led to the establishment of a Parliamentary Investigation Commission on Police Reform.

## 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, no information on how regularly committees use this ability is available.

In addition, MPs can individually forward written questions and interpellations to the ministers. These must be answered publicly at one of the national parliament's plenary sessions 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:

<https://www.eduskunta.fi/EN/lakiensaaminen/valiokunnat/Pages/default.aspx>

## 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 parliament 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.

## 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, in reviewing and evaluating the administration's 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. This political instrument has been used on various occasions. The effectiveness of this new instrument of congressional oversight depends on the quality and quantity of information accessible to the National Congress through other channels.

## Greece

- Score 9 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. Owing to the ongoing crisis, ministers were frequently summoned



and engaged in acute debates with the opposition in parliament. As expected in a polarized party system, sometimes debates created a spectacle rather than a setting to exchange rational arguments.

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/Vouli-ton-Ellinon/Kanonismos-tis-Voulis/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 Foreign Affairs Committee. The relative representation of each party across and within parliamentary committees reflects the relative representation of each party in parliament.

The Special Investigation Commission, appointed by the parliament in December 2008 to investigate the processes that led to the collapse of Iceland's three main banks, summoned several ministers and ex-ministers during 2009 and 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. He is now Iceland's ambassador to the United States.

## 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 may be a lively question and answer session, covering a broad range of relevant issues posted by opposition parties.

In the 2014 to 2015 parliamentary year, 887 questions were submitted, an increase from 611 questions in the previous parliamentary year. 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:

Lijphart, Arend. *Patterns of Democracy: Government Forms and Performance in Thirty-six Countries*. Yale University Press, 2012.

Rapport d'activité 2015. Ministère d'État, 2016. [www.gouvernement.lu/5870220/2015-rapport-activite-etat.pdf](http://www.gouvernement.lu/5870220/2015-rapport-activite-etat.pdf). Accessed 21 Feb. 2017.

## 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.

## Poland

- Score 9 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, although this is unlikely as long the government's absolute majority remains. Parliamentarians tend to make proper use of their means for obtaining information, but sometimes complain about the substantive quality and level of the government's responses and government parliamentarians' willingness to cooperate.

## 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 interparty 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 According to Article 54(1) of the Chamber of Deputies Regulations, ministers are permitted to attend committee meetings, and "if their attendance has been requested, their presence in the meeting shall be mandatory." Furthermore, ministers are requested to present a work report and strategy of their ministry before committees once per session. Notably, the frequency with which ministers attend committee meetings is not documented. Sometimes ministers send deputies who are not always able to respond to queries raised by parliamentarians.

## Slovenia

- Score 9 The right of parliamentary committees to summon ministers is enshrined in the Rules of Procedure of the Slovenian Parliament. 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. In the first seven months of 2016, members of parliament submitted a total of 951 questions and initiatives to members of the government, and only one of those has not been answered within the requested 30-day period.

## 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 agree not to invite ministers or to cancel hearings on politically controversial issues.

## Sweden

**Score 9** 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. Recently, there was extensive media attention on a couple of instances when former cabinet ministers declined to appear before a parliamentary committee.

The hearings occur regularly and are often broadcasted by public service television. The results of the hearings are published and accessible to everyone.

## 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.

However, in February 2015, for the first time in Austria's parliamentary history, opposition parties made use of the 2014 National Council reform and established a committee to investigate the Hypo-Alpe-Adria bank affair – 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 on the scope of such inquiries. 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.

Cabinet ministers regularly attend committees and assist them with their work. Oireachtas (parliamentary) committees play an increasingly important role in parliamentary business. They can receive submissions and hear evidence from interested groups, discuss and draft legislative proposals, publish minutes of evidence and related documents, and demand the attendance of government ministers.

### Citation:

For a discussion of how a constitutional provision for cabinet confidentiality might 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>

However, the committee's work was not unduly hampered by these considerations.

For the Supreme Court judgment on the powers of Oireachtas Inquiries see

[https://www.google.ie/search?q=abbeylara+case&oq=abbeylara+case&aqs=chrome..69i57.8950j1j7&sourceid=chrome&es\\_sm=122&ie=UTF-8](https://www.google.ie/search?q=abbeylara+case&oq=abbeylara+case&aqs=chrome..69i57.8950j1j7&sourceid=chrome&es_sm=122&ie=UTF-8)

## 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).

## 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 or members of the House of Lords, 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 Bulgarian parliament, 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.

## Croatia

- Score 7** Parliamentary committees can summon ministers for hearings. The Commission for Conflict of Interest in the Exercise of Public Office, and its President Dalija Orešković, has performed extremely effectively as a parliamentary body. The Commission summoned Tomislav Karamarko, deputy prime minister in the Orešković government and leader of HDZ, to investigate documents related to a possible conflict of interest arising from his wife's business cooperation with MOL (a company currently in a serious legal dispute with the Croatian government). The investigation showed that this business cooperation was not in compliance with the

principles of public office. Soon after, Karamarko resigned from his position in the government.

## 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, causing conflicts between the Knesset and government. Committees have no real power to enforce sanctions in these cases. Moreover, they lack the authority to force a minister to provide information at a set date. As a result, some MKs have called for increasing the authority of committees. For example, MK David Bitam from the Likud party, announced having taken the first steps in drafting a policy that would enable the Knesset to sanction public servants if they refuse to appear as requested.

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)

Ataeli, Amichai, “The Evasion and its Punishment”, Yedioth Aharonot, 07.07.2016, <http://www.yediot.co.il/articles/0,7340,L-4825644,00.html> (Hebrew)

## Malta

Score 7

A parliamentary committee may call any minister unless precluded from doing so by a vote within the committee. In 2012, the house speaker ruled that committees have the authority to devise their own rules and approved this method. However, since 2013, ministers have freely appeared before various committees to provide explanations or answer questions.

Citation:

<http://www.timesofmalta.com/articles/view/20150824/local/security-committee-to-discuss-visas-scam.581745>

<http://www.timesofmalta.com/articles/view/20160919/local/public-accounts-committee-expected-to-examine-state-hospital-contracts.625475>

<http://www.timesofmalta.com/articles/view/20160118/local/committee-wrapping-up-long-oil-procurement-debate.599271>

## 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.

## Spain

**Score 7** In 2016, members of the government ignored for the first time in contemporary Spanish history a parliamentary request to offer public explanations about their work. 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. However, in the period January-October 2016, the ministers refused to be summoned by the parliament, stating that they are not accountable as members of a caretaker government.

Nevertheless, under normal circumstances, the mechanism of summoning ministers is frequently exercised. Two important limitations to this oversight mechanism exist. First, at least 70 deputies or one-fifth of the members of a committee need to make the request. 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.

If 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.

## Hungary

**Score 6** 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. Since Fidesz lost its two-thirds parliamentary majority in autumn 2015, however, ministers have appeared more often in parliamentary committees.

## Turkey

**Score 6** 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.

The annual activity reports of the TBMM do not provide any information on how many ministers were summoned and how many times by which parliamentary commission.

During the review period, numerous terrorist attacks occurred both in the southeastern provinces as well as in city centers of Ankara, Istanbul and other western cities. In light of these attacks, opposition figures leveled drastic critiques against officials in charge of the country's security. The Prime Minister and the Minister for the Interior did not assume responsibility, did not step down, or even allow for an independent parliamentary investigation. As such, the government demonstrated a high degree of non-accountability vis-à-vis parliament.

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)

TBMM İdari Teşkilatı 2014 Faaliyet Raporu, [https://www.tbmm.gov.tr/docs/faaliyet\\_raporu\\_2014.pdf](https://www.tbmm.gov.tr/docs/faaliyet_raporu_2014.pdf) (accessed 27 October 2015)

Türkiye Büyük Millet Meclisi 24. Yasama Dönemi Faaliyet Raporu (Yasama, Denetim ve Yönetim), [https://www.tbmm.gov.tr/docs/24yd\\_faaliyet\\_raporu\\_07062015.pdf](https://www.tbmm.gov.tr/docs/24yd_faaliyet_raporu_07062015.pdf) (accessed 27 October 2015)

## Cyprus

### Score 5

The constitution (Art. 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, constitutionally, the parliament is very weak, and has no power to summon executive officials or enforce the provision of documents. In practice, however, ministers and other officials are regularly invited to provide committees with information on issues relating to their mandate. They rarely decline invitations to appear or be represented by high administration officials to provide information or requested data. Thus, though attendance is up to the discretion of the executive, government members usually respond positively to committee invitations. However, there are cases where ministers ignore invitations either when the subject relates to a contentious matter or for other personal reasons.

Citation:

1. The Constitution of Cyprus, [http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY\\_Constitution.pdf](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf)

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 Bulgarian parliament, parliamentary committees are able to invite experts. 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. Since the expert

work is paid and the parliamentary budget for such expenditures is small, committees have to be selective and cannot invite a broad range of experts.

## 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. They do this regularly, and to an increasing extent. Each committee determines which experts to call for each particular matter. In addition to ministerial representatives, researchers from universities and think-tank representatives, 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 do so regularly and even to an increasing extent. A committee starts its work with a recommendation by the committee's own experts on which additional experts to call. This may include ministerial representatives or other individuals who have either

assisted in preparatory work or represent specific agencies, organizations or other interested parties. 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 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:

<https://www.eduskunta.fi/EN/lakiensaaminen/valiokunnat/Pages/default.aspx>

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. The main problem is often related to the absenteeism of members of parliament even in cases of very important issues such as Brexit.

## 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." Experts are often able to influence parliamentary discussions or ministerial drafts and bring about changes in the draft laws.

## 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 ... , samtal við Þránín Bertelsson (Double Life – Everyone proclaims innocense ... , a conversation with Þránín 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. Still, the possibility of having an expert invited who speaks out against the government is very low.

Citation:

Zubek, R. (2015): Coalition Government and Committee Power, in: West European Politics 38(5), 1020-1041.

## 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.

## 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 also often employ experts as specialist advisers.

Committees may also summon actors involved in an issue being investigated by a committee. Examples include 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 bailouts of their banks, of press barons in the context of the Leveson Inquiry into phone hacking by journalists, and of the entrepreneur Philip Green regarding the pension deficit of the BHS store chain.

## 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 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 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.

Citation:  
<https://www.bcn.cl/>

## 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 or other organizations. 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 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

Regular committees 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 (e.g. the consensus on the obvious unsustainability of the pension system and on the destructive impact of party-led politicization on Greek universities). Recurring disagreements in parliamentary committees reflect the long-term polarization in the Greek party system and the wider mistrust and limited social capital available in Greece, a pattern continued in the period under review. In fact, the association of well-known economists, constitutional lawyers and other experts with a government that, barring very few exceptions, has proven totally unable or unwilling to deliver on its pre-electoral promises, after it came to power in January 2015, may have

increased the suspicion of parliamentarians and the wider public toward experts who have used their academic status to win a ministerial post or become government celebrities.

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. The real policy discussions, if any, usually take place not in the parliamentary committees but in the media or at conferences organized by opposition expert groups or NGOs.

## 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. A bill presented in 2016 by MK Yoav Kish (Likud party), would enable committees to punish those who fail to appear after being summoned. 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.

Citation:

Freidberg, Chen and Atmor, Nir, "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).

Kam, Zeev, "Refused to show up in a Knesset committee after summoning? A punishment will follow" NRG 19.4.2016 <http://www.nrg.co.il/online/1/ART2/770/601.html> (Hebrew)

## Italy

**Score 9** Parliamentary regulations provide for the right of committees to invite any person able to provide important information (art. 143, 144 Regolamento Camera dei deputati). They can also ask the government to command special studies from the



National Statistical Office (ISTAT) (art. 145). 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 ongoing commission 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 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 available to support outsourced inquiries. Innovation is often driven by foreign expertise and reports, which overcomes domestic resistance.

For instance, in April 2014, OECD experts invited by the parliament's Commission on Higher Education, Research, Media and Communications were asked to provide a new report reviewing innovation policy. This OECD report, published in April 2015, recommends a new strategy involving both diversification and consolidation.

Citation:

"Mémorial A n° 227 de 2014." Journal officiel du Grand-Duché de Luxembourg, 11 Dec. 2014, [legilux.public.lu/eli/etat/leg/memorial/2014/227](http://legilux.public.lu/eli/etat/leg/memorial/2014/227). Accessed 21 Feb. 2017.

Rapport d'activité 2015. Ministère d'État, 2016. [www.gouvernement.lu/5870220/2015-rapport-activite-etat.pdf](http://www.gouvernement.lu/5870220/2015-rapport-activite-etat.pdf). Accessed 21 Feb. 2017.

## 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, because it provides a source of independent scrutiny.

## Netherlands

- Score 9 Parliamentary committees can and often do invite experts to answer questions, or to facilitate the parliamentarian committee members in asking questions and interpreting the answers. Limited finances are usually the only real constraint on the number of experts summoned.

Citation:

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 According to Article 55(2) of the Chamber of Deputies Regulations, “committees may invite interested persons, representatives of non-governmental organizations and experts from public authorities or from other specialized institutions to attend their meetings. The representatives of non-governmental organizations and the experts may present their opinions on the matters that are under discussion in the Committee, or may hand over documents regarding the matters under discussion to the Committee President.” The frequency with which experts are invited has differed among committees.

## Slovenia

- Score 9 Parliamentary committees in Slovenia may invite experts or form expert groups in charge of helping to draft legislative proposals. Under the Cerar government, the number of experts invited has increased. Parliamentary committees have launched several public expert discussions on important pieces of legislation.

## Slovakia

- Score 8 In Slovakia, parliamentary committees may invite experts. However, this is not a very common practice.

## 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.

## Spain

- Score 8 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.” The rights of parliamentary committees to send invitations to independent experts are not limited by any legal constraint; however,

such hearings have not been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying practices).

Requests to summon experts 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 limited nature of the Spanish parliament's staffing and financial resources prevents systematic involvement in the lawmaking process by university scholars, think-tank analysts and other experts. According to the Congress' website, fewer than 100 experts were summoned during 2015 by the 28 standing committees and the several subcommittees. In 2016, this figure was still lower, but in part accounted for by the presence of an interim government.

## Turkey

Score 8

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. The parliamentary majority of the ruling party and the polarized atmosphere in Turkish public policy, however, silences critical voices and diminishes the impact of independent experts in the policymaking process.

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)

## 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 can be invited to present their views, but inviting independent experts or seeking their written comments is in practice very rare.

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 largely relies on the pro bono participation of experts to compensate for its own lack of substantive capacities and resources. However, committee chairs do have some discretion to pay modest honorariums to external experts.

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 along with 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 parliamentary committees' alignment with ministry 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 of EU-related matters.

### Australia

Score 9

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

## Bulgaria

**Score 9** 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 economy and tourism. As of 2016, 17 parliamentary committees oversee the exact same areas as 18 ministries, the ministries of economy and tourism being under one standing committee. Parliament has also a separate standing committee overseeing the independent regulatory agency in the energy and water resource sector.

## 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. In the current term, there are 14 ministries and 18 parliamentary committees. Fourteen of the 18 parliamentary committees “shadow” governmental ministries. Four additional committees fulfill specific parliamentary roles (organization, mandate and immunity, petitions, control). However, there is not an exact match between the task areas of parliamentary committees and ministries. The Economic Committee covers the agendas of two ministries, the Ministry of Industry and Trade and the Ministry of Transportation. The Committee for European Affairs is dedicated to EU affairs and to oversight of EU legislation, part of the agenda of the Ministry of Foreign Affairs and of the Legislative Council, and cooperates with the European Parliament and the parliaments of other EU member states. The fact that there is not an exact match between the portfolio of ministries and parliamentary committees has not infringed on parliamentary oversight. If necessary, parliamentary committees may establish subcommittees and their number is not limited.

## Estonia

**Score 9** There are 11 standing 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 European Union Affairs Committee that monitors the country’s EU policy. Legal affairs are split between two permanent committees, the Constitutional Committee and the Legal Affairs Committee. Cultural and educational affairs are both addressed by the Cultural Affairs Committee. This may imply a work overload, as both education and social policy have been subject to regular and complex reforms.

All parliamentarians belong to one or more standing committee, which means each committee has about 10 members. The working schedule of the standing committees is established by the Riigikogu Rules of Procedure and Internal Rules Act; committees' work sessions are scheduled three days per week, for a total of 12 hours

## 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 chambers) 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., consumer affairs). Special committees can and have been set up to deal with current (or recurring) issues. In the Lower House, there are currently 10 such committees, for example, on regional revitalization and on the Trans-Pacific Partnership Agreement.

## Netherlands

Score 9

Under the present government, there are 11 ministries and 12 (fixed) parliamentary committees (vaste kamercommissies). Only the prime minister's Department of General Affairs lacks an analogous dedicated parliamentary committee. There are also 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 party voting-



discipline system). There are approximately 1,700 public and non-public committee meetings per year.

Citation:

Commissies (tweedekamer.nl, consulted 6 November 2014)

## Norway

**Score 9** There is considerable overlap between the organization of the parliament and the government, but its not perfect, but broad enough to enable parliamentarians to keep the ministers accountable. Cross-cutting issues regarding EU and European Economic Area concerns have historically posed some challenges.

## Portugal

**Score 9** The Assembly of the Republic has 12 permanent committees, each with a policy focus. Each committee can create sub-committees to work on a specific area or project. Creating a sub-committee requires the prior authorization of the president following consultation with the Conference of Presidents of the Parliamentary Commission. Further, each commission can also create working groups for even more specialized tasks.

In addition, and of greater importance for monitoring government ministries, the assembly can create ad hoc commissions of inquiry. Their specific purpose is to monitor whether the government or a ministry is complying with the constitution and laws, and the policies of the government. These ad hoc commissions of inquiry have investigative power and judicial authority.

## Slovakia

**Score 9** During the second Fico government, 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) had several ministerial counterparts. With the new government the ratio has changed slightly (19 to 13). 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.

## South Korea

**Score 9** The task areas of parliamentary committees and ministries mostly correspond. There are 16 standing committees that examine bills and petitions falling under their respective jurisdictions and perform other duties as prescribed by relevant laws. With the exception of the House Steering Committee and the Legislation and Judiciary Committee, the task areas of these parliamentary committees correspond with the 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. The configuration of government departments is more flexible than that of parliamentary committees, which has undergone very few changes over the last several decades. 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, the structure of the congressional committee system often is a serious barrier to reorganization of the executive branch. In financial regulatory

reform, for example, 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 more or less identical to the tasks of the ministries with only minor exceptions. The National Council's General Committee enjoys a kind of overall competence, including deciding the government's position within the EU Council.

## Belgium

**Score 8** The number of parliamentary committees in the Chamber of Deputies is slightly larger than the number of ministries. Eleven permanent committees address key policy areas that are largely aligned with ministerial portfolios (such as defense, justice, budget or external affairs). Other committees can be more specific than the ministry (such as committees created in the wake of the Volkswagen scandal or on nuclear safety) or instead are meant to be broader when dealing with cross-cutting issues (there has been committees on the financial crisis and on constitutional reforms, for example). Committees are thus largely able to monitor ministries, but the head of a given ministry is accountable only to his or her minister.

Citation:

List and functioning of commissions: [https://www.lachambre.be/kvvcr/pdf\\_sections/pri/fiche/fr\\_12\\_02.pdf](https://www.lachambre.be/kvvcr/pdf_sections/pri/fiche/fr_12_02.pdf)

## Canada

**Score 8** In the last year of the Conservative government, there were 25 standing or permanent committees of the House of Commons and 16 standing committees of the Senate; committees in the House and Senate frequently have mandates that overlap with regard to a specific policy area. The most recent Conservative government under Prime Minister Stephen Harper had 39 ministers, while the Cabinet of the newly elected Liberal government under Justin Trudeau only has 30 members. There are thus more ministries than committees and considerable variation in the number of ministries over time. However, since some Cabinet positions such as the leaders in the House of Commons and the Senate as well as the President of The Queen's Privy Council for Canada have no corresponding department, and some ministers (e.g., the Minister for International Cooperation) head agencies under the umbrella of a department run by another minister, the number of departments in the Canadian government has remained constant at 26. There is, therefore, 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 both parliamentary terms in the period under review, the number of committees has substantially exceeded the number of ministries. This discrepancy stems largely from the existence of committees that deal with internal parliamentary affairs such as the Credentials and Privileges Committee, Interparliamentary Cooperation Committee, and Petitions and Appeals Committee. The task areas of the other parliamentary committees largely match those of the ministries, thus enabling an effective monitoring.

## 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 parliament 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. The Lithuanian Farmers and Greens Union, the largest parliamentary party following the 2016 elections, proposed establishing a cultural committee and abolishing the existing committee on information society. If implemented, these changes will further increase congruence between parliamentary committee structures and government ministries.

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.

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 and communication is adequate. Although the number of ministries has grown over the

years, reaching 20 ministries and 15 ministers, the number of parliamentarians has still not increased beyond 60 members. Each committee has up to 13 members. As such, their workload has expanded considerably in recent years, which has made running standing committees more challenging. In general, MPs are often members of more than one committee.

Citation:

Better Regulation in Europe: Luxembourg. OECD, 2010. [www.oecd.org/gov/regulatory-policy/46592016.pdf](http://www.oecd.org/gov/regulatory-policy/46592016.pdf). Accessed 21 Feb. 2017.

"Ministres." Le portal de l'actualité gouvernementale, [www.gouvernement.lu/3596522/20140328-](http://www.gouvernement.lu/3596522/20140328-). Accessed 21 Feb. 2017.

## Poland

**Score 8** 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.

## 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, lacks a clear ministerial counterpart, and the minister without a portfolio responsible for Slovenes living abroad must answer to a commission. Only two out of about 10 commissions – the Commission for Petitions, Human Rights and Equal Opportunities and the Commission for National Communities – deal 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 two ministries 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 Chilean legislature's oversight function lies mainly with the Chamber of Deputies and its (currently) 29 permanent committees (Comisiones Permanentes) and several ad hoc investigative committees (Comisiones Investigadoras). These permanent committees correlate in part with the 23 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 but a presidential system and thus ministers are not directly accountable to the Chilean National Congress. Therefore, the degree of control exercised by the congressional committees is institutionally 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)

[https://www.camara.cl/trabajamos/comisiones\\_tipo.aspx?prmT=P](https://www.camara.cl/trabajamos/comisiones_tipo.aspx?prmT=P)

Quantity and name of ministers: <http://www.gob.cl/ministros/>

## Greece

### Score 7

There were 17 ministries in Greece until the end of 2014, but owing to the rise to power of Syriza in January 2015, the organization of government was altered. There were 14 ministries in the first Syriza government but, in November 2016, when Prime Minister Tsipras reshuffled his cabinet, he created several additional new ministries, such as the so-called Ministry of Digital Policy and the Ministry of Migration Policy. At the time of writing, this raised the number of Ministries to 18. By contrast, there are just six regular parliamentary committees (called Standing Committees). This discrepancy (18 ministries to 6 committees) creates a task mismatch, but parliamentary scrutiny is 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 owed to 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 legislation), this has not considerably 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 considerable correspondence between the number and task areas of the 13 ministries and those of the Congress of Deputies' 19 standing legislative committees. The exceptions are the international development, culture, equality, climate change and disability committees, which do not match up with any single ministry (development policy is developed by the Foreign Ministry, culture policy by the Education Ministry, climate policy by the Agriculture and Environment Ministry, and both equality and disability policies by the Health and Social Services Ministry). In addition, the Ministry of Finance has split its task areas into budget and finance and public service. For the rest, 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).

Citation:

Índice de Comisiones en Funcionamiento, XII Legislatura  
[www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision)

## Turkey

Score 7

There are 18 standing committees in the Grand National Assembly of Turkey (TBMM), 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. Some committees have overlapping tasks. Committees do not independently monitor ministry activity, but do examine draft bills. During discussions, committees may also supervise the ministry activity indirectly. The State Economic Enterprises Commission does not audit ministries but plays an important role in monitoring developments within their administration. The distribution of the workload of these committees is uneven. The Planning and Budget Commission is the most overloaded group, as every bill possesses some financial aspect. Professionalization among committee members is low. Neither the Strategic Plan nor the Activity Reports of the TBMM emphasize the need to implement effective ministerial monitoring. These committees recently stated their intent to recruit more qualified personnel in certain areas.



Citation:

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

TBMM İdari Teşkilatı 2015 Faaliyet Raporu, [https://www.tbmm.gov.tr/docs/faaliyet\\_raporu\\_2015.pdf](https://www.tbmm.gov.tr/docs/faaliyet_raporu_2015.pdf) (accessed 1 November 2016)

Türkiye Büyük Millet Meclisi 24. Yasama Dönemi Faaliyet Raporu (Yasama, Denetim ve Yönetim), [https://www.tbmm.gov.tr/docs/24yd\\_faaliyet\\_raporu\\_07062015.pdf](https://www.tbmm.gov.tr/docs/24yd_faaliyet_raporu_07062015.pdf) (accessed 27 October 2015)

## 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 is the Science and Technology Select Committee, which in turn has subcommittees that cover specific topics, such as the implications of autonomous mobility or the possible meaning of the withdrawal from the European Union for universities' staff policies.

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

There is a considerable amount of variance in both the number and task congruence of committees across parliaments.

There are 22 regular committees serving the current dáil, which for the most part shadow the main line ministries. In addition, there are also other types of committees, such as special committees (i.e., temporary, subject-specific committees rather than standing committees). These include special committees on the future funding of water resources, the future of healthcare, and housing and homelessness. The latter committee delivered its final report in June 2016 and has ceased its work. In July 2016, as part of the process of reforming the dáil, a new standing committee was established, the Committee on Budgetary Oversight, to help parliament monitor the government's economic and financial policy decisions. The committee has 15 members representing all parliamentary parties. No member of the committee can be a government minister.

## 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 20 cabinet ministers, five ministers outside cabinet, two support party ministers, and one parliamentary undersecretary from a support party. Select committees have an average of 9.5 members, with numbers fluctuating between six and 11.

Citation:

Ministers: <http://www.dPMC.govt.nz/cabinet/ministers> (accessed December 5, 2016).

Select committees: <http://www.parliament.nz/en-nz/pb/sc> (accessed December 5, 2016).

## Romania

**Score 6** The number of committees in the Senate and the Chamber of Deputies is roughly in line with the number of ministries in the government. However, the legislature's oversight capacity is reduced by the incomplete match between ministries and parliamentary committees. For instance, 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, Social Protection and Elderly, while the latter ministry also falls under the supervision of the Committee for Labor and Social Protection. In the period under review, various changes in the portfolios of ministries or committees have increased task area congruence. As a result of the creation of an Independent Committee on the Environment and Ecological Balance (previously part of the Committee for Public Administration and Territorial Planning), the Ministry of Environment and Forests now has a clear counterpart. Likewise, the new Ministry of Regional Development and Public Administration better aligns with the priorities of the Committee for Public Administration and Territorial Planning.

## Cyprus

**Score 5** The constitution provides for 10 ministerial portfolios, increased to 11 when a Ministry of Education was created and assigned the tasks of the Communal Chamber, dissolved in 1965. In the present House of Representatives (80 seats, but only 56 occupied), 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 2015/6 session, committees held 650 (against 746 in 2014/5) meetings overall. The Refugees, Enclaved and Missing Persons Committee held 24 meetings and the Finance and Budget Committee held 82 meetings.

The small number of deputies overall (56), combined with the fact that most

committees have nine members, makes it necessary for each deputy to participate in at least three committees. Since deputies have limited resources, they have difficulty in properly following their committees' work and effectively monitoring the work of line ministries. Measures were announced in July 2016 to fight against low meetings attendance rates.

Citation:

1. Activity Report for 2015-2016 season, House of Representatives, 2016, <http://www.parliament.cy/images/media/assetfile/APOLOGISMOS%202015-2016.pdf> (in Greek).

## Iceland

Score 5

Since the Gunnlaugsson and later Jóhannsson cabinet came to office in 2013, only four of the eight standing parliamentary committees fully coincide with ministry responsibilities: the Economic Affairs and Trade Committee (Efnahags- og viðskiptanefnd) coincides with the Ministry of Finance and Economic Affairs (Fjármála- og efnahagsráðuneytið); the Industrial Affairs Committee (Atvinnuveganefnd) coincides with the Ministry of Industries and Innovation (Atvinnuvega- og nýsköpunarráðuneytið); the Foreign Affairs Committee (Utanríkismálanefnd) coincides with the Ministry of Foreign Affairs (Utanríkisráðuneytið); and the Welfare Committee (Velferðarnefnd) coincides with the Ministry of Welfare (Velferðarráðuneytið). Others did not coincide and the Ministry of Welfare was split up between two ministers by the Gunnlaugsson cabinet.

Two of the standing parliamentary committees have a special role vis-à-vis 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, even if the task areas of parliamentary committees and ministries nearly coincide, that does not guarantee 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 permanent committees, while the number

of ministries shifts according to political agreement and currently holds 29 ministries (headed by 20 ministers). Since parliamentary committees are divided by themes and not by ministerial responsibilities they often struggle to gather and coordinate information. High turnover of representatives also makes it difficult to control professional and bureaucratic information. Although the number of committees is average by international comparison, the combination of a small number of MKs (120) and usually wide coalitions results in only two-thirds of all MKs available to regularly sit on committees. Some MKs 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 Website:

[https://www.knesset.gov.il/deSCRIPTION/eng/eng\\_work\\_vaada.htm](https://www.knesset.gov.il/deSCRIPTION/eng/eng_work_vaada.htm)

"Ministries", Prime Minister's Office Website (Hebrew):

<http://www.pmo.gov.il/IsraelGov/Pages/GovMinistries.aspx>

## Malta

Score 5

In 2016, there are thirteen standing committees, including a health committee, an environment and development planning committee and a new committee focused on European capital of culture 2018. A new petition's committee is also in the offing. These committees as well as the Foreign Affairs Committee are parallel to individual government ministries. The main monitoring committee is the Public Accounts Committee, which is chaired by a member of the opposition. In 2016, committees have become more involved in monitoring ministries but remain primarily focused on policies.

Citation:

<http://www.timesofmalta.com/articles/view/20160118/local/committee-wrapping-up-long-oil-procurement-debate.599271>

<http://www.timesofmalta.com/articles/view/20151024/local/zonqor-university-site-selection-to-be-discussed-during-parliament.589443>

<http://www.timesofmalta.com/articles/view/20150724/local/committee-to-consider-whether-gay-men-should-donate-blood.577877>

## 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 has now been changed. However, it is too early to assess the effect of this change.

## Hungary

- Score 4 The reduction in the number of ministries (to a total of nine) has not been accompanied by a reorganization of parliamentary committees. 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 has complicated the monitoring of ministries. Moreover, the real decision-making center, the PMO, is not covered by any parliamentary committee at all. This constitutes a problem as more and more issues have been dealt with by plenipotentiaries of the prime minister.

## 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=1>

## 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 (up from six in 2008) while there are 25 to 30 ministries or state secretaries. This rule set up in 1958 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

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

Citation:

<https://www.anao.gov.au/about/auditor-general-and-office>

## 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 elections of a new president for the Court in 1992, 2004 and again in 2016 have underlined the possibility for opposition parties to impact these decisions due to the inability of coalition partners to unite behind a common candidate for the presidency.

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 2013 electoral campaign, the Court publicly pointed to its limits in looking into such matters and called for this to be improved.

One problem is the insufficient funding of the Austrian Court of Audit, while, at the same time, an increasing number of tasks are delegated to the court by the governing majority.

## Belgium

Score 10

Established by the constitution (Article 180), the Court of Audit (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 and non-profit organizations are also subject to review (for instance, the Flemish public-transportation firm De Lijn was audited in 2013). Its Court of Audit's legal powers allow it considerable independence and broad autonomy to fulfill its mandate. The members of the Court of Audit are elected by parliament. The Court's reports are public and presented to parliament along with the accounts of the state. The body regularly attracts media attention for its critical remarks regarding the management of public entities or services (such as over the roads in Wallonia).

Citation:

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

<https://www.courdescomptes.be/EN/>

## 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). The issue of valuation of real estate for tax purposes remains a political issue in connection with the government's 2025 plan.

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 tasks performed by the 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 review compliance with the state budget. Specifically, the office is expected to promote the exercise of parliament's budgetary power and the effectiveness of the body's 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 is made up of a financial-audit unit, a performance-audit unit, an executive management support unit, and the administration and information units. Covering long-term objectives, operational emphasis and strategic policies, the current audit strategy covers the period 2013-2020.

Citation:

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

"The

Audit

Committee",

<https://www.eduskunta.fi/EN/lakiensaataminen/valiokunnat/tarkastusvaliokunta/Pages/default.asp>



## Germany

**Score 10** The Federal Court of Audit (FCA) is a supreme federal authority and an independent public body. 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 reports receive considerable media attention.

Citation:

<https://www.bundesrechnungshof.de/de/veroeffentlichungen/bemerkungen-jahresberichte/jahresberichte/2015-weitere-pruefungsergebnisse>

## 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 vast 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 41 in 2015, a total of 16%.

## 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. It is empowered to survey the central government and local governments. 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.

## 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 as 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 (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. The state comptroller is 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. However, its responsibility to audit financial contributions during elections 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 the state administration. While keeping a low profile, the court effectively controls 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 controls 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. Furthermore, the court's main interlocutor is parliament and undertakes cases voluntarily or by parliamentary instruction.

Citation:

Annual reports and special reports are available at:

"Rapports." Cour des comptes du Grand-Duché de Luxembourg, [www.cour-des-comptes.lu/rapports/index.html](http://www.cour-des-comptes.lu/rapports/index.html). Accessed 21 Feb. 2017.

## Malta

Score 9

The National Audit Office is an independent office and reports exclusively 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 Public Accounts Committee has limited means at its disposal and depends on the audit office for support. The work of the office in recent years has increased substantially.

Citation:

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

<http://www.timesofmalta.com/articles/view/20150731/local/national-audit-office-investigation-requests-quadruple.578701>

<http://www.timesofmalta.com/articles/view/20151119/local/PM-welcomes-NAO-s-inquiry-on-visa-claim.592668>

<http://www.timesofmalta.com/articles/view/20160202/local/nao-stands-by-its-findings-in-gaffarena-scandal.600970>

<http://www.timesofmalta.com/articles/view/20160627/local/spend-more-on-primary-health-care-nao-urges-government.616991>

<http://www.timesofmalta.com/articles/view/20151110/local/NAO-finds-25-permits-issued-just-before-poll.591562>

## 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, but remains incapable of fully covering all relevant topics.

## Poland

Score 9

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. For the first time ever, in September 2016, the Sejm did not approve the annual report of the Supreme Audit Office (NIK). 226 members of parliament voted to reject the report, 193 voted in favor of it and 10 abstained. This was a clear signal that the PiS government wants to get rid of NIK governor Krzysztof Kwiatkowski, who was appointed under the previous government.

## 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. Parliament adopts the budget proposed by the court's plenum and appoints the court's members, but cannot remove them. The court president (currently former Prime Minister Nicolae Vacaroiu, who has served in this position since 2008) is appointed by parliament for a nine-year term from among the counselors of account. Thus while court presidents tend to be appointed on a partisan basis, they are not always representing the current parliamentary majority. The court submits to parliament annual and specific reports that are 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. The fact that the Court of Accounts was criticized in 2015 by Prime Minister Ponta and Minister Liviu Dragnea for its excessive audits documents the independence of the court and the quality of its work.

## 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 and high public trust. However, its position is somewhat limited by a lack of both financial and human resources. While it can propose its own budget to the legislature, the ultimate decision regarding the Court's resources rests with parliament.

## Sweden

**Score 9** 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. For all intents and purposes the audit office now reports to the parliament. The mandate and mission of the audit office is such that this represents the only chain of accountability. In this respect, the constitutional role and mandate of the audit office is now in harmony with INTOSAI standard.

The audit office underwent a major crisis during 2016, culminating with the resignation of the three national auditors. This crisis has however not (yet) triggered a revision of the constitutional role of the audit office.

Citation:  
[www.riksrevisionen.se](http://www.riksrevisionen.se)

## Bulgaria

**Score 8** The Audit Office underwent complete overhauls in both 2014 and 2015 through adoption, in both years, of completely new Audit Office Acts, changing the office's governance structure in its entirety. In both cases, the new laws served as an excuse for the early termination of the mandates of the existing audit office leadership. While the present governance structure, established with the act of 2015, has made the office more professional than in the past, the repeated changes have undermined the independence and credibility of the audit office. In the future, every parliamentary majority may be tempted 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. In the period under review, however, the framework has remained stable and the Audit Office has been able to provide its analyses without undue interference from outside.

## 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. In 2015, the debate on strengthening the authority and the autonomy of the National Audit Office continued. In autumn, the government suggested an extension of the SAO's powers to monitor public enterprises and municipal budgets. According to the existing legislation, the SAO controlled only half of the public finance, while the number of legal entities that manage public funds remains out of control. However, the proposed amendment to the constitutional law did not obtain the necessary political support in the parliament.

## 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. Actually, the role of the court has dramatically changed, from a mere control of accounts to a full evaluation of public policies.

## 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 Department of Finance.

## Lithuania

- Score 7** The National Audit Office is accountable to the parliament and the president. The auditor general is appointed by the parliament 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 head it. 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. Some have argued that the committee has become less active in scrutinizing the government's performance as a result. In 2014, 2015 and 2016, the National Audit Office criticized the government's draft budgets for their lack of compliance with fiscal-discipline provisions and poor allocation of government expenditure. However, these criticisms were largely ignored by members of parliament or ministerial officials.

## Netherlands

- Score 7** The Netherlands' General Audit Chamber 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 General Audit Chamber. Requests by citizens are also taken into account. Every year, the chamber checks the financial evaluations of the ministries. Chamber reports 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 in each departmental domain, the General Audit Chamber hopes to improve its efficacy. In addition, there is an evident trend within the chamber, shifting the focus of audits and policy evaluations from “oversight” to “insight.” In other words, the chamber is shifting from ex post accountability to ongoing policy-oriented learning. Unfortunately, this has been accompanied by a substantial reduction in resources for the audit chamber, resulting in a loss of 40 full-time employees and the need to outsource research more.

Citation:

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

P. Koning, Van toezicht naar inzicht, Beleidsonderzoek Online, July 2015

Algemene Rekenkamer, Een toekomstbestendige Algemene Rekenkamer, 13 October 2016 (rekenkamer.nl, consulted 10 November 2016)

## Slovakia

Score 7

The Supreme Audit Office of the Slovak Republic (NKÚ) 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 by the Council. There is an informal agreement that the chairman should be proposed by the opposition. After NKÚ Chairman Ján Jasovský's term expired in 2012, Fico's Smer-SD successfully prevented the election of a new chairman four times. In May 2015, the National Council eventually elected a new chairman, Karol Mitrík. While Mitrík was suggested by one of the opposition parties, he did not muster the support of the majority of the opposition, thus raising doubts about his independence from the government. Among other things, the NKÚ has revealed flaws in the government's e-Health project, has found that hospital tenders violated the law and has announced its intent to audit the management and use of public finances in the Supreme Court.

## Hungary

Score 6

The Hungarian State Audit Office is accountable only to the parliament. The Orbán government has used its parliamentary majority to take control of this body by appointing a former Fidesz parliamentarian to head the institution, and also by replacing the vice president and other top officials. Nevertheless, the Audit Office has monitored the government's activities rather professionally 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. In 2016, this office demonstrated its increased independence by openly contesting some of the government's economic forecasts.

## Spain

### Score 6

The Audit Office (Tribunal de Cuentas) is accountable primarily to parliament, but is not an integral part of it. The Audit Office exercises the function of auditing the state's accounts and the financial management of the entire public sector. However, even if this organ is envisaged by the constitution as a powerful one, parliament cannot fully rely on its auditing capacities. 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 office's members are appointed by a qualified majority agreement between the parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts. In fact, a peer-review report prepared in 2015 by the European Court of Auditors and the Portuguese Audit Office (Tribunal de Contas) criticized their Spanish counterpart's lack of effectiveness *vis-à-vis* the country's political parties. The Audit Office has in the past been slow to investigate the big financial scandals engulfing the Spanish political parties (see "Party Financing"), and has faced accusations not only of inefficiency but also of nepotism when hiring its own staff.

Citation:

Report Peer Review Tribunal de Cuentas of Spain

[http://www.tcu.es/export/sites/default/.content/pdf/transparencia/Report\\_PR\\_2015\\_06\\_23-fim-en.pdf](http://www.tcu.es/export/sites/default/.content/pdf/transparencia/Report_PR_2015_06_23-fim-en.pdf)

## Cyprus

- Score 5** The auditor general is a constitutionally independent officer appointed by and reporting to the president of the republic. He 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 is informed on the auditor general's work. 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 and broader public sector. Over the years, holders of the auditor general office have elevated it to a highly respected authority.

## 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.

## 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 enjoy the same tenure as typical judges and follow a career path comparable to that of other judges. The audit office submits to the parliament an annual financial statement and the state's balance sheet. The submission of some of these financial statements has been delayed.

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.

The audit office has shown that in its bureaucratic and legalistic approach it can largely detach itself from the executive. The audit office had questioned the legality of measures of past governments of ND or PASOK. And in October 2015, it found clauses of the third bailout package, signed by the Syriza-ANEL government, pertaining to cuts in public pensions unconstitutional.

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 2015, the board criticized electricity provider TEPCO, which is responsible for the Fukushima nuclear plant, for misusing considerable funds during the cleanup, fulfilling its independent watchdog function in this high-profile case. In the same year, the Cabinet Secretariat failed to consult with the Board of Audit concerning the Secretariat's notice to government agencies on how to deal with state secrets, raising constitutional issues.

Citation:

Mari Yamaguchi, Board of Audit: Billions of Yen wasted in Fukushima No. 1 cleanup, The Japan Times, 24 March 2015, <http://www.japantimes.co.jp/news/2015/03/24/national/board-of-audit-billions-of-yen-wasted-in-fukushima-no-1-cleanup/>

N. N., Cabinet Secretariat kept Board of Audit out of the loop on special state secrets, The Mainichi, 3 May 2016, <http://mainichi.jp/english/articles/20160503/p2a/00m/0na/007000c>

## 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. Additionally, the parliament has commissioned an external financial audit every year since 2012. In 2012, NGOs and citizens called for the parliament to subject itself to an external audit, performed either by the State Audit Office or an independent auditor, which in addition to addressing financial issues would focus on the

effectiveness, efficiency and economy of the body's operations and processes. 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. Demands to place the audit office under the leadership of National Assembly, thus strengthening the institution's autonomy, have 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 Court's auditing capacity was limited by the Law No. 6085 in 2010, but the Constitutional Court annulled Article 79 regulating the audit of the Audit Court's accounts in 2013. In December 2012, the Court also annulled the provision limiting performance auditing. In December 2013, a new article was added to the Regulation Concerning the Submission of the Public Institutions' Accounts to the Audit Court, which meant that these accounts are to be excluded from the audit of the Court until the end of 2016. Although the Court completed the reviews of 480 public institutions and 77 public enterprises' accounts and found several corrupt transactions in 2014, parliament does not have sufficient capacity to monitor them effectively. In addition, about 15% of defense

expenditures, including several governmental funds related to defense, are not supervised by parliament.

The parliamentary Final Accounts Committee reviews the TBMM's 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.

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)

Transparency International Government Defence Anti Corruption Index, Turkey 2015 Country Summary, <http://government.defenceindex.org/downloads/docs/turkey.pdf> (accessed 27 October 2015).

TC Sayıştay Başkanlığı 2014 Yılı Faaliyet Raporu, <http://www.sayistay.gov.tr/tc/faaliyet/faaliyet2014.asp> (accessed 27 October 2015).

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 initiate investigations on its own and visit other institutions. The ombudsman produces an annual report.

In 2014, the office concluded 4,994 cases: 54.3% were rejected, 34.4% temporarily rejected and 11.3% substantially investigated. A relatively high number of the criticisms from the Ombudsman was directed toward the police and state prisons. Notwithstanding, the highest number of criticisms was directed at municipalities and regions. In 2015, there were 4,999 cases, 1,009 were investigated, 3,019 went through other forms of processing and assistance to citizens, and 832 were rejected for formal reasons.

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, especially in the early years. 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.

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

The Danish Parliamentary Ombudsman. Annual Report 2014. <http://beretning2014.ombudsmanden.dk/english/ar2014/> (accessed 9 October 2015)

The Danish Parliamentary Ombudsman, Annual Report 2015. [http://beretning2015.ombudsmanden.dk/english/annual\\_report\\_2015/](http://beretning2015.ombudsmanden.dk/english/annual_report_2015/) (Accessed 17 October 2016)

"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 employs 59 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 regarding decisions by public authorities, public officials and others who perform public duties. The number of complaints decided on by the ombudsman increased from 4,543 cases in 2011 to 4,975 in 2013, but decreased again to 4,558 in 2014, and increased again to 4,727 in 2015. A considerable number of matters have been investigated and resolved on the initiative of the ombudsman himself.

Citation:

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

<http://www.oikeusasiamies.fi/dman/Document.phx?documentId=dg29116163758950&cmd=download>

## 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, efficient, and generally well regarded. The office has 13 staff members, including nine lawyers. In March 2016, Gallup reported that 52% of its respondents expressed confidence in the Parliamentary Ombudsman compared with 17% confidence in parliament.



## 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 and to send every law to the Constitutional Court. 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, 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. The current Ombudsman Adam Bodnar, a lawyer appointed in September 2015, has become a very active defender of civil and political rights. He called the Constitutional Court on the Anti-Terror Law and on the new laws on high ranking civil servants, the Constitutional Court and the media. He is also fighting for the rights of his own office since the Sejm passed a law on 18 March 2016 that makes it easier to remove the person holding the office of the commissioner.

## 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. There are also ombudsmen in all six states and the Northern Territory, which operate on similar principles, as well as a variety of issue-specific ombudsmen.

Citation:

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

<http://www.smh.com.au/business/consumer-affairs/private-health-insurance-ombudsman-turned-aggrieved-customers-back-to-medibank-20160622-gpovtk.html>

## 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 makes a public report to parliament every year (6,892 complaints and information demands were addressed in 2015, in comparison with 7,018 in 2014). However, the ombudsman's role is only informative and deals with facilitation or advocacy; it 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 ombuds offices, also established in the 1990s and early 2000s. Hence, some overlap occurs.

Citation:

<http://www.federaalombudsman.be/homepage>

## Czech Republic

**Score 9** The Office of the Public Defender of Rights serves as a vital protector of civil rights. It 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. From

2015, it is possible to find the opinions of the Ombuds full text on the internet. In the reporting period, the Ombuds office received a total of 5,282 complaints, of which 1,372 were within the area of social security, 578 covered regional development and construction, and 452 fell within the area of army, police and prison service. In 2015, the government submitted to the Chamber of Deputies an amendment to the Law on the Office of Public Defender of Rights with the aim of expanding its powers, and strengthening its cooperation with other authorities and private entities. During 2016, the proposed act achieved a third reading in the Chamber of Deputies, but has met considerable opposition.

## 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 ombudsman 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 offense committed by administrative employees and officials in the course of discharging their duties. After the previous ombudsman was relieved of her duties in November 2015, a period of inaction followed. Currently a new ombudsman has been appointed, with the support of both government and opposition, and this institution has started functioning again.

#### 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 have sought guidance from this government office. The service is typically used more by foreigners rather than nationals. In 2015, the ombudsman dealt with 743 requests. Similar to other ombuds offices, the ombudsman can issue recommendations to government and parliament, but cannot take issues to court. In addition, 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 the government administration arise, but the situation is not as simple 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, the ombudsman has for years 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 reasons for the office's success might be the preference of citizens to use mediation, instead of contention, 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:

Médiateur. Journal Officiel du Grand-Duché de Luxembourg, 2003. [www.ombudsman.lu/doc/doc\\_loi\\_31.pdf](http://www.ombudsman.lu/doc/doc_loi_31.pdf). Accessed 21 Feb. 2017.

"Rapports annuels." Ombudsman, [www.ombudsman.lu/rapport\\_annuel](http://www.ombudsman.lu/rapport_annuel). Accessed 21 Feb. 2017.

## 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 2015 to 2016, nearly 12,600 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 2015/16 of the Ombudsman (Wellington: Office of the Ombudsman 2016).

## Ireland

Score 8

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.

## 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 doubled between 2005 and 2015. In 2015, more than 15,000 complaints were submitted, with 33.4% deemed justified. The office is internally audited on a yearly basis with the results accessible online.

Citation:

Comptroller and the Ombudsman official website:  
<http://www.mevaker.gov.il/sites/Ombudsman/Pages/default.aspx?AspxAutoDetectCookieSupport=1> (Hebrew).

"The Ombudsman yearly review number 42 for 2015", The State comptroller Website (Hebrew):  
[http://www.mevaker.gov.il/he/Reports/Report\\_542/da3f72c1-a5b1-4c41-9bf6-5e0519b06ade/Report2016\\_Final\\_LR\\_double.pdf](http://www.mevaker.gov.il/he/Reports/Report_542/da3f72c1-a5b1-4c41-9bf6-5e0519b06ade/Report2016_Final_LR_double.pdf)

The State comptroller and Ombudsman of Israel. Website (English):

State

[http://www.mevaker.gov.il/\(X\(1\)S\(5rxc1pa0jpc1qkpdphpupj5p\)\)/En/Pages/default.aspx?AspxAutoDetectCookieSupport=1](http://www.mevaker.gov.il/(X(1)S(5rxc1pa0jpc1qkpdphpupj5p))/En/Pages/default.aspx?AspxAutoDetectCookieSupport=1)

## Lithuania

Score 8

The parliament 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 parliamentary 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 and municipal institutions are still occasionally unwilling to implement the offices' recommendations.

## 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 parliament for a term of six years and reports regularly to the legislature. The current ombudsman, 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). She enjoys a good reputation and is quite effective in settling issues. Her annual reports focus on a wide variety of problems, above all problems with the judiciary, administrative issues and issues with limitations on personal freedom. As with previous ombudspersons, however, Nussdorfer's role has been occasionally constrained by the lack of interest from parliament and the inactivity of the ministries.

## Spain

### Score 8

Article 54 of the Spanish Constitution regulates the Office of the Ombudsperson (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 parliament 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, 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) rarely appeared in parliament, which is a consequence of the presence of the interim government.

Almost 75% of the recommendations made by Spain's Ombudsperson 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:

Informe enero-junio 2016

[https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Avance\\_informe\\_anual\\_enero\\_junio\\_2016.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Avance_informe_anual_enero_junio_2016.pdf)

## United Kingdom

Score 8

The system of ombudsmen has been expanded over the last years. There are now four different ombudsmen that handle complaints about the civil service in each country within the United Kingdom, namely the Public Services Ombudsman for Wales, Scottish Public Services Ombudsman, Northern Ireland Ombudsmen and Commission for Local Administration in England. Further, there is a Parliamentary Health and Service Ombudsman (PHSO) who mainly deals with complaints concerning the National Health Service in England and a Housing Ombudsman who looks at complaints about social housing. However, all ombudsmen's offices are limited in staff, resources and access to information. For example, ombudsmen have no formal power to see cabinet papers.

A parliamentary consultation in 2015 recommended the merger of ombudsmen into one integrated office of the Public Service Ombudsman (PSO).

Citation:

<https://www.gov.uk/government/consultations/public-service-ombudsman>

## 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. The latest available data on the activities of the ombuds office are for 2014, when the Ombudsman gave assistance to 17,818 people in 2014. The office actively investigated 5,010 complaints. Most of the complaints made in the last few years (30% of the complaints in 2014) 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 the office is seen as a legitimate advocate of citizen rights and the public interest. Maya Manalova, who was elected head of the ombudsman office in July 2015, has actively pushed the issues raised in the referendums in 2015 and 2016. However, she has been criticized for her polarizing approach.

## France

- Score 7** 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.

## 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 is limited and largely symbolic. 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, elected by parliament. Unlike its much-respected predecessor, the acting ombudsman, László Székely, has not served as a major check on the government and has not become an important public figure. The Ombudsman Office (AJBH) has been rather busy in small legal affairs – about 130 cases each in 2015 and 2016 – but it has not confronted the government about serious violations of civil and political rights.

## Malta

- Score 7** The ombudsman is elected by a two-thirds majority of the House of Representatives and 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

The Parliamentary Ombudsman The Independent 27/11/2016

Ombudsman against making his own recommendations enforceable by law The Independent 04/01/2016

## Netherlands

Score 7

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 General Audit Chamber. 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 (specifically by the Second Chamber or Tweede Kamer). The appointment is for a term of six years, and reappointment is permitted. Recently, irked by the critical attitude of the former ombudsman, parliament made a series of stumbles, first by nominating a former interest-group leader to the post, who resigned after much public criticism; it then was 13 months before the present ombudsman, a renowned judge, formally took over. 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. The Dutch government has also created a special ombudsman for children's rights. In 2016, the National Ombudsman's public image was negatively affected by an quarrel between the national ombudsman, Reinier van Zutphen, and the activist and widely popular children's ombudsman, Marc Dullaert.

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=CMPv8vGltrcCFclZ3godZH0AkQ>

“Reinier van Zutphen officieel benoemd tot nieuwe ombudsman”, Nu.nl, 3 February 2015

NRC.nl, Straargevecht ombudsmannen, 6 February 2016

## Slovakia

Score 7

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. Dubovcová has taken a quite proactive role with regard to anti-discrimination issues and has been a vocal critic of unlawful detention cells and the excessive use of force by Slovak police officers in Roma settlements. However, most of her critique has been ignored by the authorities. When Dubovcová in May 2016 delivered her annual report on the public defender of rights' activities for 2015, she faced a near-empty parliament. In the newly formed parliamentary committee for human rights, which must approve the Public Defender's Report, the governing parties have a majority. Moreover, the committee includes members of parliament who represent the right-wing L'SNS party and the right-wing populist Sme Rodina party.

## 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. There are two ombuds offices with special mandates, the Office of the Ombudsman for the Department of National Defence and the Canadian Forces, and the Federal Ombudsman for Victims of Crime. 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 (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.

## Mexico

**Score 6** 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, particularly against the backdrop of an unprecedented spread of violence in recent years.

## 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. Congress retains this inefficient organization for dealing with citizens' problems because it enables the legislators to gain individual political credit for providing services – a valuable commodity with the country's candidate-centered (as opposed to party-centered) elections.

## Cyprus

### Score 5

Cyprus has no constitutionally established ombudsman's office. Law 3/1991 introduced the Office of the Commissioner for Administration. The commissioner is appointed by the president of the republic upon the recommendation of the Council of Ministers, subject to 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.

Citation:

The \_\_\_\_\_ Ombudsman's \_\_\_\_\_ office,  
[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index\\_en/index\\_en?opendocument](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_en/index_en?opendocument)

## Japan

Score 5

While there is no national-level (parliamentary) 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.

An important petition mechanism is located in the Administrative Evaluation Bureau of the Ministry of Internal Affairs and Communications. 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. A related mechanism is the Administrative Grievance Resolution Promotion Council, which includes non-governmental experts.

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)

## Turkey

Score 5

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 2014, a total of 5,639 petitions arrived at the Ombudsman and by the end of 2014 it had addressed 6,348 complaints (including the pending cases from 2013). According to the KDK itself, two 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 6,055 in 2015) 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 2014 Yıllık Rapor, [http://www.ombudsman.gov.tr/contents/files/2014\\_kdk\\_y%C3%84%C2%B1l%C3%84%C2%B1k\\_raporu.pdf](http://www.ombudsman.gov.tr/contents/files/2014_kdk_y%C3%84%C2%B1l%C3%84%C2%B1k_raporu.pdf) (accessed 27 October 2015)

TBMM Dilekçe Komisyonu 24. Dönem Faaliyet Raporu, [https://www.tbmm.gov.tr/komisyon/dilekce/docs/faaliyet\\_raporlari/24\\_yd\\_faaliyet\\_rapor.pdf](https://www.tbmm.gov.tr/komisyon/dilekce/docs/faaliyet_raporlari/24_yd_faaliyet_rapor.pdf) (accessed 27 October 2015)

## Italy

Score 3

Italy does not have a national ombuds office. Some functions are performed by regional ombudsman offices (*difensore civico*). 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. 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 former prime minister and senator, Victor Ciorbea, who has not played any substantial advocacy role. In the period under review, the ombudsman did not follow the call by the conservative-liberal PNL to challenge the Constitutional Court on not allowing two round voting procedures in the June local elections. In late September the office of the Ombudsman issued a statement calling for the Ministry of Health to explain the failure to implement the mandatory vaccination bill that had passed in April.

Citation:

A partial list of the cases investigated by the Ombudsman in 2016 is available at: [http://www.avp.ro/sesizari%20din%20oficiu/sesizari\\_oficiu\\_2016.pdf](http://www.avp.ro/sesizari%20din%20oficiu/sesizari_oficiu_2016.pdf)

## Chile

Score 2

Parliament does not have a formal ombuds office. Efforts to establish such an office failed twice under previous 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.

## Estonia

**Score 2** The Estonian parliament does not have an ombuds office. To raise an issue or forward a concern, citizens must contact their member of parliament. If a citizen wants to obtain information regarding the functioning and work of the parliament, he or she can submit information request (off- or online).

Citation:

<http://oiguskantsler.ee/en/estonian-model-of-the-institution-of-the-chancellor-of-justice-0>

## 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 2015, the ombuds office received 1,775 complaints, 997 of which related to civil and political rights. The ombuds office reports annually to parliament.

Citation:

1. Ombudsman of Latvia Annual report (2014) Available at (in Latvian): [http://www.tiesibsargs.lv/files/content/zinojumi/Tiesibsarga\\_gada\\_zinojums\\_%202014.pdf](http://www.tiesibsargs.lv/files/content/zinojumi/Tiesibsarga_gada_zinojums_%202014.pdf), Last assessed 22.11.2015

## Portugal

**Score 2** Portugal does not have a parliamentary ombudsman. However, there is a judicial ombudsman (Provedor de Justiça), which is situated in the judicial system. It serves as the advocate for citizens' interests.

## South Korea

### Score 2

The South Korean parliament does not have an ombudsman office. Under the 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. Legislative reforms in 2012 strengthened the autonomy of the ACRC. What seems evident today is that merging the two institutions (under the authority of the president) has made the ombuds office less transparent.

The country's new anti-graft law, to be implemented by the ACRC, went into effect on 28 September 2016. This law bans public servants, educators and journalists from accepting free meals valued over KRW 30,000 (about \$26.50), gifts worth more than KRW 50,000, or congratulatory or condolence gifts worth more than KRW 100,000. Violators face a maximum sentence of three years in jail and a fine of up to KRW 30 million. This anti-corruption law, which aims to address corruption and irregularities existing in South Korean society, directly affects some 4 million people in the nation.

A Foreign Investment Ombudsman (FIO) system was 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 supported the ombudsman by collecting and analyzing information concerning the problems experienced by foreign firms in South Korea. The FIO 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 companies in resolving their grievances.

Citation:

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

## 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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