TRANSPARENCY INTERNATIONAL
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PARLIAMENTARY OVERSIGHT ASSESSMENT TOOL

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BACKGROUND

Oversight is one of the three main functions of parliament, alongside law making and representation. It is through oversight that the parliament asserts the system of checks and balances on the executive branch of government, and acts as the defender of citizens' interests. It ensures that government policies and actions are both efficient and commensurate with the needs of the public, helps identify misconduct or deficits and allows for remedial actions against the executive.

Several tools and processes are at the disposal of parliament to carry out oversight functions. A non-exhaustive list of these mechanisms includes hearings, written or oral parliamentary questions, interpellations, summons, votes of no confidence, establishing committees of enquiry, lifting of immunity for executive members suspected of wrongdoing, post-legislative scrutiny, and oversight on government budget proposal and spending, among others.[1]

The oversight function of parliament is essential to a healthy democracy as it offers benefits such as increased knowledge and understanding of government policies, improved transparency and performance by government, effective resource allocation and expenditure to ensure good public financial management, as well as more inclusive participation by various stakeholders in public governance issues.[2] According to the Global Parliamentary Report (2017), developed by the Inter-Parliamentary Union (IPU) and United Nations Development Programme (UNDP), "effective oversight, places the people – their needs, their interests and their experiences – at the heart of politics. It improves government performance in all policy areas."[3] As an important component of democratic accountability, parliamentary oversight deserves more attention from various stakeholders including civil society organisations (CSOs).

Transparency International (TI) identifies parliamentary oversight as an area of intervention to enhance accountability by oversight institutions. Based on existing literature and tools, we have developed comprehensive and universally relevant indicators for CSOs and other stakeholders such as parliamentary monitoring organisations and researchers to assess parliamentary oversight in any given country. The exercise will provide a clear understanding on the oversight mandate, performance and impact of assessed parliaments, and supply the evidence base to advocate for improved parliamentary oversight to effectively hold the government to account.

Key resources used to develop the indicator questions include the following:

- The IPU/UNDP's Global Parliamentary Report 2017 titled "*Parliamentary oversight: Parliament's power to hold government to account*". The analysis, conclusions and recommendations in this comprehensive report are based on extensive research involving parliamentarians, parliamentary staff, practitioners of parliamentary development, parliamentary monitoring organisations and many related individuals and organisations from around the world. It is grounded in parliamentary practice and

[1] See https://www.agora-parl.org/resources/aoe/parliamentary-function-oversight

[2] See IPU and UNDP. 2017. Parliamentary oversight: Parliament's power to hold government to account.

[3] IPU and UNDP. 2017. Parliamentary oversight: Parliament's power to hold government to account, p 16.

experience, and describes how oversight actually happens in parliaments.

- IPU's self-assessment toolkit on parliamentary oversight, developed in 2018 and based on recommendations in the Global Parliamentary Report 2017. It seeks to assess parliament's oversight capacity and develop a clear understanding of areas of strength and weakness.
- IPU's self-assessment toolkit for parliaments (2008), which assesses how parliament performs against widely accepted criteria for democratic parliaments.
- Baseline indicators to assess parliamentary performance developed by INTER PARES, a global parliamentary project being implemented by the International Institute for Democracy and Electoral Assistance (International IDEA).
- Hironori Yamamoto (2007) Tools for parliamentary oversight: A comparative study of 88 national parliaments
- Open Budget Survey questions relevant to parliamentary oversight
- Public Expenditure and Framework Assessment indicators relevant to parliamentary oversight

We have redeveloped some of the questions from above sources, as well as developed new questions that were not covered in these toolkits. This assessment tool will allow CSOs and other stakeholders to externally assess the state of parliamentary oversight at any stage of the parliament's lifecycle, and make a contribution to improve oversight mandate, performance and impact in assessed parliaments.

OBJECTIVES

The objectives of the assessment are:

- To assess the quality of parliamentary oversight in terms of mandate, performance and impact. In addition, opportunities available from citizens and CSOs to engage in oversight processes are also assessed
- To generate credible evidence that can be used to advocate for strengthening of parliamentary oversight in areas identified as not doing well.
- To understand the responsiveness from the executive to parliamentary oversight activities

CONDUCTING THE ASSESSMENT

The assessment, in form of a questionnaire, covers six pillars which are relevant to parliamentary oversight in any political system. These pillars are:

(i) Oversight as a priority for parliament;

(ii) Oversight powers and tools for parliament, which looks at various mechanisms such as access to information, summons, oral and written questions, committees of enquiry, vote of no confidence, impeachment, and approval in appointment or dismissal of independent institutions' members.

(iii) Oversight opportunities for opposition and independent MPs;

(iv) Financial oversight

(v) Post-legislative scrutiny

(vii) Relationship with other actors to conduct oversight

In drafting the questionnaire, we have identified the following types of indicators for each pillar in line with the above objectives:

- Part A: Indicators pertaining to the legal framework (*de jure*) that provide authority to parliaments to perform oversight.

- Part B: Indicators concerning to practice (*de facto*) and impact of parliaments in performing oversight activities.

Scores

For questions related to the legal framework (Part A), the scores range from 1 to 5, based on what currently exists in the country's constitution, national laws or parliamentary rules. Researchers conducting the assessment should not base scores on promises or expectations that new legal measures are being developed or discussed as there is a possibility that these measures may never actually come into force. If there is an upcoming law or rule, researchers should score the question as if the law or rule does not exist and indicate the upcoming law or rule in the explanation section provided. All Part A questions across the six pillars can be answered mainly through desk research.

Part B contains two sets of questions, first pertaining to practice and second pertaining to the impact of parliaments in performing oversight activities. These will be completed by researchers based on evidence collected through desk research as well as expert and key informant interviews and focus groups.

For questions on practice, scores are awarded based on a 1-5 scale. There is a main question and various sub-questions, all of which are detailed but can be easily answered by participants using the various evidence collection methods explained earlier. The total score of the main question can be calculated as an average of its sub-questions' scores based on a 1-5 scale, with the following values: 1 = non-existent; 2 = weak; 3 = basic; 4 = strong; 5 = very strong. Decimal average scores should be rounded off to the nearest whole score. For instance, the main question has three sub-indicators with scores 2, 2 and 3. This would give an average score of 2.33, rounding it off to 2 which is recorded as the final score for that main question.

Lastly, for questions concerning the impact of oversight, these do not require a score but a descriptive answer. There are also guiding questions that may be asked to get more information on impact.

Users completing this questionnaire should refer to the text *in italic* providing background information to clarify the question, as well as providing guidance on awarding scores.

Key considerations

Evidence is essential to support the scores or answers given, and for each question, researchers are asked to provide any available sources of information, explanations for the score given, as well as any examples. Where possible, links to the evidence or information should be provided.

The assessment will be completed by researchers based on evidence collected through desk research, expert and key informant interviews and focus groups. Participants in these various evidence-collection methods will include members of parliament, parliament staff (such as in parliamentary secretariats and departments), members of independent institutions as well as external experts (academic or non-academic) and CSOs with experience monitoring parliamentary activities.

A desk review of the relevant existing information is an important part of the data collection process. The main purpose of the interviews and focus groups is to gather information about the actual practice and impact of oversight in the respective pillar. Since this necessarily involves subjective views and assessments, it is of utmost

importance to get a balanced sample of interviews and for the researcher to reflect upon, filter and analyse the data received via the interviews.

Drawing from both internal and external experts is essential to ensure the diversity of participants. It is also important that the researchers ensure fair representation of participants, particularly in terms of political party membership, time in parliament, and inclusion of other under-represented groups such as women and young participants.

It is essential to engage a range of stakeholders (majority and minority MPs, parliamentary staff, other CSOs and external experts) from an early stage. They should be informed about the assessment, timeline and opportunity for them to attend. It may also be worth considering to share with them questions in advance and any accompanying materials to prepare them for the assessment.

The research process could serve as an initial engagement with MPs and other stakeholders on the importance of parliamentary oversight and to push for strengthening of oversight once the findings are available and published. Building rapport with key stakeholders can also help them understand the assessment and what are the outcomes. It is encouraged to emphasise during engagements that this questionnaire is not an examination for parliaments or aimed at apportioning blame, but to help understand where there could be areas for improvement.

Timeline

The exercise consists of two phases. First, the TI chapter will conduct the assessment through desk research, expert and key informant interviews, focus groups and freedom of information requests. The second phase will involve reporting (not more than 15 pages) on key findings, areas for improvement and recommendations. In total, the exercise can take between four to six weeks to complete.

1. OVERSIGHT AS A PRIORITY FOR PARLIAMENT

The Global Parliamentary Report 2017 recommends that parliaments establish oversight as one of their priorities. Such prioritisation is essential for improved government performance and could be a significant signal to government, citizens and other stakeholders that legislatures are committed to holding government to account.[4] For oversight to be a priority, there is need for established legal provisions that stipulate oversight as a main function of parliament, as well as active and willing parliamentarians who show high level of priority and commitment to oversight activities, even in times of national crises such as the current COVID pandemic. The following questions are intended to evaluate whether parliamentary oversight has been established as one of the parliament's main priorities in law and practice, as well as the impact of such prioritisation.

A. LEGAL FRAMEWORK

i. Does the legal framework articulate oversight as one of the main functions of parliament?

☐ *1: The legal framework does not articulate oversight as one of the main functions of parliament.*

☐ *3: The legal framework regulating parliamentary activities mentions oversight, but does not articulate it as a main function of parliament.*

☐ *5: The legal framework articulates oversight as one of the main functions of parliament.*

The evidence for assessment may include specific articles of the constitution, applicable legislation or parliamentary rules of procedure that provide oversight functions as one of its main activities (Parliamentary rules of procedure are also known as standing rules and orders, or simply standing orders. They regulate how parliamentary business is conducted including its oversight functions, the rights and obligations of elected members of parliament, identify the key organs of the institution, and also ensure some form of management of the house is in place).

[4] See IPU's self-assessment toolkit, p 13.

For example, section 42 of the Constitution of the Republic of South Africa provides for the following: "The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinising and overseeing executive action".

ii. Is oversight covered in the strategic objectives or goals of the parliament?

☐ *1: The strategic objectives or goals of the parliament do not focus on oversight*

☐ *3: The strategic objectives or goals of the parliament expressly or impliedly mention providing oversight, but do not include improving or facilitating effective oversight*

☐ *5: The strategic objectives or goals of the parliament expressly or impliedly mention providing oversight, and include improving or facilitating effective oversight*

Please provide evidence for this assessment score:

For example: the four strategic objectives for the national parliament of Solomon Islands (2017-2021) include "[t]o improve the capacity of Parliament to provide effective oversight" Similarly, the UK parliament's four strategic goals until March 2023 include "facilitating effective scrutiny, debate and representation".

B. PRACTICE AND IMPACT

Main question: To what extent has parliament established oversight as one of its main activities? The score for this main question may be calculated based on scores for questions (i) to (iii)

i. In the past 5 years, has the parliament made efforts to train parliamentarians on their oversight functions?

1	3	5
☐	☐	☐

Please provide any evidence for this assessment score (including the number of trainings on oversight facilitated by parliament):

The unique and important role of parliament in overseeing government activities require that they learn and acquire a range of knowledge and skills through trainings, including inductions or workshops (Global Parliamentary Report 2017, p 37). Despite their crucial role, new and old parliamentarians may lack understanding on oversight, for example on parliamentary oversight mechanisms, standards and good practice. This knowledge and skills gap may be addressed by parliament through trainings, which may be developed in-house by parliamentary staff, or by external stakeholders such as CSOs and facilitated in cooperation with parliament.

- *Give a score of **1** if parliament did not at all facilitate trainings for parliamentarians on oversight functions*
- *Give a score of **3** if parliament facilitated trainings on oversight functions, but most of the trainings were voluntary or were organised by partners*
- *Give a score of **5** if parliament facilitated trainings for parliamentarians, and most of the trainings were mandatory*

ii. In the past 5 years, did the parliament review its oversight capacity or performance (strengths, weaknesses, gaps)? IPU

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide evidence for this assessment score:				

The Global Parliamentary Report (p.101) recommends that parliaments assess strengths and weaknesses regarding its oversight function. The review of oversight capacity or performance of parliament helps to ensure that weaknesses and gaps are identified and addressed, thereby enhancing oversight. This may include use of assessment tools developed such as the IPU's parliamentary oversight: A self-assessment toolkit (for example, Zambia assessed its performance and oversight function in 2019 using two of the IPU's toolkits) through or periodic reviews such as annual performance reviews or surveys. Such reviews indicate the commitment by parliament to improve the oversight capacity and performance.

- *Give a score of **1** if the parliament did not at all review its oversight capacity or performance (strengths, weaknesses, gaps) during the past five years*
- *Give a score of **2** if the parliament reviewed its oversight capacity or performance (strengths, weaknesses, gaps) once during the past five years*
- *Give a score of **3** if the parliament reviewed its oversight capacity or performance (strengths, weaknesses, gaps) twice during the past five years*
- *Give a score of **4** if the parliament reviewed its oversight capacity or performance (strengths, weaknesses, gaps) three times during the past five years*
- *Give a score of **5** if the parliament reviews its oversight capacity or performance (strengths, weaknesses, gaps) at least four times during the past five years*

iii. In the past 12 months, what is the percentage of parliamentarians who actively asked questions or probed government on any matter of public interest?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score (including the exact number of parliamentarians who are questions :				

Parliamentary oversight is an ongoing and continuous exercise that should be actively practiced by parliamentarians at all times. Parliamentarians should ask questions and probe government on its activities.

Instructions to users: This is to be answered using evidence collected by parliamentary monitoring organisations in the country, as well as review of parliamentary reports on proceedings such as Hansard

- *Give a score of **1** if no parliamentarians have actively asked questions or probed government on matters of public interest in the past 12 months*
- *Give a score of **2** if less than 25% of parliamentarians have actively asked questions or probed government on matters of public interest in the past 12 months*
- *Give a score of **3** if between 25% and 49% of parliamentarians have actively asked questions or probed government on matters of public interest in the past 12 months*
- *Give a score of **4** if between 50% and 74% of parliamentarians have actively asked questions and probed government on matters of public interest in the past 12 months*
- *Give a score of **5** if 75% or more parliamentarians have actively asked questions or probed government on matters of public interest in the past 12 months*

iv. In the past 5 years, to what extent did the parliament continue exercising its oversight role during national crises?

1	2	3	4	5
☐	☐	☐	☐	☐

Please provide any evidence for this assessment score:

National crises such as the current COVID-19 pandemic create opportunity for imbalance of power between the legislature and executive as the latter takes emergency measures, both short and long-term, to address the crisis. Parliament still needs to monitor and scrutinise the activities by the executive during the crisis. Some of the common oversight mechanisms exercised include: (i) establishment of special parliamentary committee(s) to follow government actions during the crisis; (ii) investigations or reports by permanent parliamentary committees related to government activities during the crisis; (iii) periodic review of state of emergency- particularly during the current COVID pandemic; (v) oral or written questions to ministers on the crisis; (vi) summoning of government officials to give information on the crisis; (iv) passing of motions related to the crisis
For parliamentary oversight during COVID: see INTER PARES Parliamentary responses during the COVID-19 Pandemic – Data Tracker

- *Give a score of **1** if the parliament did not exercise any of the above mechanism during times of national crises in the past five years*
- *Give a score of **2** if the parliament exercised at least (i) or (ii) and any one of the above mechanisms during times of national crises in the past five years*
- *Give a score of **3** if the parliament has exercised at least (i) or (ii) and any two of the above mechanisms during times of national crises in the past five years*
- *Give a score of **4** if the parliament has exercised at least (i) or (ii) and any three of the above mechanisms during times of national crises in the past five years*
- *Give a score of **5** if the parliament has exercised at least (i) or (ii) and any four of the above mechanisms during times of national crises in the past five years*

v. How has parliamentary oversight impacted transparency and accountability of the executive in the last five years?

Please give a descriptive answer:

Please provide an explanation and evidence for the answer:

Negative impact: if the parliament has used its oversight role to support the executive's position and is subservient to it
Positive impact: if the parliament has managed to influence the executive's compliance and performance.

The researcher may consider the following guiding questions:

- *Does the executive currently have strategic objectives or goals related to its accountability to parliament? Or any guidelines for executive response (time of response, detail of response) to parliamentary oversight questions/reports/etc*
- *Has trainings on oversight enabled parliamentarians to improve on their oversight functions, such as quality of questions asked to the executive, work in parliamentary committees?*
- *Have parliamentary reviews on its oversight capacity or performance resulted in improvements, particularly on areas identified as weak?*

2. FORMAL OVERSIGHT POWERS AND TOOLS OF PARLIAMENT

Effective oversight requires that parliament has legal powers and tools to oversee government activities and ensure there are checks and balances against the executive. To ensure effective oversight, parliament needs certain powers that should be made clear in the constitution, applicable laws or rules of procedure. The oversight power is exercise through tools that parliamentarians should make use in practice, for them to hold the government to account. Keeping in mind the variations in parliamentary mandates from one jurisdiction to another depending on the applicable laws and the political system in place (parliamentary, presidential or hybrid political system), the following questions seek to assess the availability of parliamentary powers and tools to oversee government, their utility and impact.

A. LEGAL FRAMEWORK

i. Does the legal framework give authority to parliamentarians to ask oral questions to government officials and an obligation for the officials to respond to the questions?

☐ *1: There are no legal provisions giving authority to parliamentarians to ask oral questions to government officials*

☐ *3: There are legal provisions giving authority to parliamentarians to ask oral questions to government officials, but there is no obligation for the officials to respond*

☐ *5: There are legal provisions giving authority to parliamentarians to ask oral questions to government officials and there is an obligation for the officials to respond to the questions*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, national legislation or parliamentary rules.

ii. Does the legal framework provide doe parliamentarians to submit written questions to government officials, who should respond within a specific period?

☐ *1: The legal framework does not provide authority for parliamentarians to submit written questions to government officials*

☐*3: The legal framework provides authority for parliamentarians to submit written questions to government officials, but does not require that they respond within a specific period*

☐*5: The legal framework provides authority for parliamentarians to submit written questions to government officials, and also require that they respond within a specific period*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, legislation or parliamentary rules.

iii. *Does the legal framework give powers to the parliament to summon ministers and other government officials in chambers (interpellations)?*

☐*1: The legal framework does not give powers to the parliament to summon ministers and other government officials in chambers*

☐*3: The legal framework gives powers to the parliament to summon ministers and government officials in chambers, but there are no sanctions for failure to attend or for giving false information*

☐*5: The legal framework gives powers to the parliament to summon ministers and other government officials in chambers, and there are sanctions for failure to attend and for giving false information*

Please provide evidence for this assessment score:

Ministers and other government officials may be summoned in chambers (also known as interpellations) either a follow-up to written or oral questions that were answered unsatisfactorily, or as an independent procedure on a particular issue – and both usually lead to a debate on the issue. An interpellation is different from ordinary question in that it

addressed matters of national interest and usually requires support from other MPs to be allowed.[5] *Sanctions for failure to attend or giving false information may include censure or a vote of no confidence.*

The evidence for the assessment may include specific provisions in the constitution, national legislation or parliamentary rules of procedure.

iv. *Does the legal framework give parliamentary committees the power to summon government representatives?*

☐ *1: The legal framework does not give powers to parliamentary committees to summon ministers and other government officials*

☐ *3: The legal framework gives powers to parliamentary committees to summon ministers and other government officials, but there are no sanctions for failure to attend or for giving false information*

☐ *5: The legal framework gives powers to the parliament to summon ministers and other government officials in chambers, and there are sanctions for failure to attend or for giving false information*

Please provide evidence for this assessment score:

According to the National Democratic Institute, "'committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the executive branch, including officials".[6] *Summoned persons should be obligated to attend, and failure to attend or attending as well as providing false information should attract sanctions such as censure or vote of no confidence.*
The evidence for the assessment may include specific provisions in the constitution, legislation or rules of procedure.

v. *Does the legal framework give parliament the powers to set up a parliamentary committee of inquiry (special parliamentary committee)?*

☐ *1: The legal framework does not give parliament the powers to set up a parliamentary committee of inquiry (special parliamentary committee)*

[5] Hashimoto 2007, p. 59.
[6] National Democratic Institute. 2007. Toward the Development of International Standards for Democratic Legislatures.

☐*3: The legal framework gives parliament the powers to set up a parliamentary committee of inquiry (special parliamentary committee) with authority to investigate a specific matter, but does not provide for proportional representation of political groups in the committee*

☐*5: The legal framework gives parliament the powers to set up a parliamentary committee of inquiry (special parliamentary committee) with authority to investigate a specific matter, and also provides for proportional representation of political groups in the committee*

Please provide evidence for this assessment score:

The evidence for the assessment may include specific provisions in the constitution, legislation or rules of procedure.

vi. ***NB: There are two questions below, please answer either of the two based on the applicable system in your country.***

Does the legal framework provide parliamentarians with authority to move a vote of no confidence against the government or minister (NB: this question mainly applies to parliamentary and semi-parliamentary types of government)

☐1*: The legal framework does not provide parliamentarians with authority to move a vote of no confidence against the government or minister*

☐3: *The legal framework provides parliamentarians with authority to move a vote of no confidence against the government or minister, but there are no clear provisions on the procedure to be followed*

☐5: *The legal framework provide parliamentarians with authority move a vote of no confidence against individual ministers or the government, and there are clear provisions on the procedure to be followed*

Please provide evidence for this assessment score:

In parliamentary system, the parliament may have powers to establish a government, through a 'vote of confidence' after elections. However, it can also withdraw such confidence, known as "vote of no confidence" against the government or some of its members for failing on their

mandate – with the consequence of a successful vote being removal of all or part of the executive. The legal provisions can be found in the constitution, national laws or parliamentary rules of parliament.

Does the legal framework provide for the impeachment of executive members of government (NB: this question mainly applies to presidential and semi-presidential types of government)

☐*1: The legal framework does not provide for the impeachment of executive members of government*

☐*3: The legal framework provides for the impeachment of executive members of government, but there are no clear provisions on the procedure to be followed*

☐5: *The legal framework provides for the impeachment of executive members of government, and there are clear provisions on the procedure to be followed*

Please provide evidence for this assessment score:

In presidential and semi presidential systems, the head of state or government or ministers can be impeached for breaching their constitutional mandate or committing a serious crime. The legal provisions can be found in the constitution, national laws or parliamentary rules.

vii. Does the legal framework provide powers for parliament to censure a government policy or the conduct of a government minister?

☐*1: The legal framework does not provide powers for parliament to censure a specific government policy or conduct of a government minister*

☐3: *The legal framework provides powers for parliament to censure either a specific government activity or conduct of a government minister, but not both*

☐5: *The legal framework provides powers for parliament to censure a specific government policy as well as conduct of a government minister*

Please provide evidence for this assessment score:

The sources for the assessment include the constitution, national laws or parliamentary rules of procedure

viii. Does the legal framework provide for parliamentary powers to lift immunity of past or present elected officials suspected of wrongdoing?

☐*1: The legal framework does not provide for parliamentary powers to lift immunity of past or present elected officials suspected of wrongdoing*

☐*3: The legal framework provides for parliamentary powers to lift immunity of past or present elected officials suspected of wrongdoing, but not for all officials*

☐*5: Yes, there are legal provisions that provide for parliamentary powers to lift immunity of all past or present elected officials suspected of wrongdoing*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

ix. Does the legal framework require parliament to approve the dismissal of members of independent institutions (such as the judiciary, anti-corruption commission, human rights commission, electoral body, supreme audit institution, ombudsman or public protector)?

☐*1: The legal framework does not require parliament to approve the appointment of members of any independent institution in the country*

☐*2: The legal framework requires parliament to approve the appointment of members in less than half of the independent institutions in the country*

☐*3: The legal framework requires parliament to approve the appointment of members in between 25% and 49% of oversight institutions in the country.*

☐*4: The legal framework requires parliament to approve the appointment of members in between 50% and 74% of oversight institutions in the country.*

☐*5: The legal framework requires parliament to approve appointment of members in 75% or more of independent institutions in the country*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

x. Does the legal framework require parliament to approve the dismissal of members of independent institutions (such as the judiciary, anti-corruption commission, human rights commission, electoral body, supreme audit institution, ombudsman or public protector)?

☐*1: The legal framework does not require parliament to approve the dismissal of members of any independent institution in the country*

☐*2: The legal framework requires parliament to approve the dismissal of members in less than half of the independent institutions in the country*

☐*3: The legal framework requires parliament to approve the dismissal of members in between 25% and 49% of oversight institutions in the country.*

☐*4: The legal framework requires parliament to approve the dismissal of members in between 50% and 74% of oversight institutions in the country.*

☐*5: The legal framework requires parliament to approve dismissal of members in 75% or more of independent institutions in the country*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

xi. Does the legal framework that require parliament to follow up on its oversight actions?

☐ 1: *There are no legal provisions that require parliament to follow up on its oversight actions*

☐ 3: *There are legal provisions that require parliament to follow up on its oversight actions with the executive, but there is no requirement for them to respond within a specific period*

☐ 5: *There are legal provisions that require parliament to follow up on its oversight actions with the executive, who are required to respond within a specific period*

Please provide evidence for this assessment score:

xii. Does the legal framework that require parliament to mainstream gender in their oversight activities?

☐ 1: *There are no legal provisions that provide for mainstreaming of gender in oversight activities*

☐ 3: *There are legal provisions that provide for mainstreaming of gender in oversight activities, but they are not mandatory*

☐ 5: *There are mandatory legal provisions that require mainstreaming of gender in oversight activities*

Please provide evidence for this assessment score:

B. PRACTICE AND IMPACT

This part has two types of question: on practice (a) and impact (b).

The main question for practice (a) is: How effectively does the parliament use various tools and mechanisms to hold the government to account? The assessment score ranges from 1-5 based on the sub-questions provided below.

For questions on impact (b), they require a descriptive answer

Oral questions

i. (a) In the last 12 months, how regularly did parliamentarians use oral questions to elicit information from government officials during plenary sessions? IPU & INTER PARES

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score (including the specific number of questions submitted):				

Oral questions are used by parliamentarians to publicly elicit information from the head of state and/or government, ministers or government officials on a particular issue. Regular oral questions provide the opportunity for parliamentarians to demonstrate relevance, elicit answers from ministers, and keep up with the news cycle in ways that demonstrate its relevance to the population.[7] Question time usually takes place at least once every week when parliament is in session,[8] and may also be known as 'prime minister's hour' or 'ministers' hour'.

- *Give a score of **1** if parliamentarians did not at all use question times to elicit information from government officials*
- *Give a score of **2** if parliamentarians used less than 25% of allocated question times to elicit information from government officials*

[7] See Global Parliamentary Report 2017, p.58.
[8] See Hashimoto, 2007, Tools for parliamentary oversight: A comparative study of 88 national parliaments (p.49-50).

- *Give a score of **3** if parliamentarians used between 25% and 49% of allocated question times to elicit information from government officials*
- *Give a score of **4** if parliamentarians used between 50% and 74% of allocated question times to elicit information from government officials*
- *Give a score of **5** if parliamentarians used 75% or more of allocated question times to elicit information from government officials*

(b) Did the use of oral questions improve government's accountability to parliament over the period?

Please give a descriptive answer:
Please provide any evidence for the answer:

Guiding questions to consider:

- *Were the oral questions focused on matters of public interest?*
- *Did government officials respond to oral questions in a full and accurate manner?*
- *If officials failed to answer or gave false or inaccurate action, what were the actions taken by the parliament?*

Written questions

ii. (a) In the past 12 months, have parliamentarians used written questions to elicit information from government officials that were responded within the required time?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score (including the specific number of written questions submitted by parliament in the past 12 months):				

Written questions are a widely used parliamentary tool that enable parliamentarians to elicit detailed explanations and information from different members of the government. To be effective, the procedures for submission of written questions should be applied consistently in practice (for example, if the questions should be submitted to the presiding officer and

then forwarded to the government for response), and the executive should respond within a specific period in practice.[9]

- *Give a score of **1** if parliamentarians never submitted written questions to government*
- *Give a score of **2** if parliamentarians submitted written questions to government, and less than 25% of the questions were responded within the required time*
- *Give a score of **3** if parliamentarians submitted written questions to government, and between 25% and 49% of the questions were responded within the required time*
- *Give a score of **4** if parliamentarians submitted written questions to government, and between 50% and 74% of the questions were responded within the required time*
- *Give a score of **5** if parliamentarians submitted written questions to government, and 75% or more of the questions were responded within the required time*

(b) Did the use of written questions improve the depth of information received from government?

Please give a descriptive answer:
Please provide any evidence for the answer:

Guiding questions to consider:

- *Were the submitted questions clear?*
- *Did government officials submit requested information to parliament in a full and accurate manner?*
- *If officials failed to answer within stipulated period or gave false or inaccurate action, what were the actions taken by the parliament?*

Summons in chambers

iii. (a) In the past 12 months, did the parliament summon executive members to provide information in chambers (interpellations)?

1	2	3	4	5
☐	☐	☐	☐	☐

[9] See Global Parliamentary Report 2017, p.60; Hashimoto 2007, p. 55, 58.

Please provide any evidence for this assessment score (including the specific number of summons of executive members in chambers, that is interpellations):

Members of the executive may be summoned in chambers (also known as interpellations) either a follow-up to written or oral questions that were answered unsatisfactorily, or as an independent procedure on a particular issue – and both usually lead to a debate on the issue. An interpellation is different from ordinary oral questions in that it addresses matters of national interest and usually requires support from other MPs to be allowed.[10] It may be followed by a vote of censure or vote for a resolution on the matter, or even a vote of no confidence against part or whole of the government.[11]

- *Give a score of **1** if parliament did not summon minister to provide information in chambers*
- *Give a score of **2** if parliament summoned less than 5 executive members in chambers to provide information on a particular matter*
- *Give a score of **3** if parliament summoned between 5 to 10 executive members in chambers to provide information on a particular matter*
- *Give a score of **4** if parliament summoned between 11 to 15 executive members in chambers to provide information on a particular matter*
- *Give a score of **5** if parliament summoned ministers more than 15 executive members to provide information on a particular matter*

(b) Did summoning of executive members in chambers (interpellations) improve transparency and accountability of government on the matter?

Please give a descriptive answer:
Please provide any evidence for the answer:

Guiding questions to consider:

- *If the executive did not comply with summons or gave false or inaccurate action, what were the actions taken by the parliament?*
- *What were the outcomes of interpellations?*

[10] Hashimoto 2007, p. 59.
[11] Hashimoto 2007, p. 60-62.

Summons by parliamentary committees

iv. (a) In the past 12 months, did parliamentary committees summon government officials to provide information during its investigations?

1	2	3	4	5
☐	☐	☐	☐	☐

Please provide any evidence for this assessment score (including the specific number of summons by parliamentary committees in the past 12 months):

Committees are one of the most common parliamentary oversight tool, and their central function involves seeking information on a particular issues from a wide range of individuals and organisations, including public officials. The power to summon government officials is bestowed on both temporary and permanent parliamentary committees- with summoned officials expected to appear before the parliamentary committees.

- *Give a score of **1** if parliament committees never summoned government officials to provide information*
- *Give a score of **2** if less than 25% of parliamentary committees summoned government officials to provide information*
- *Give a score of **3** if between 25% and 49% of parliamentary committees summoned government officials to provide information*
- *Give a score of **4** if between 50% and 74% of parliamentary committees summoned government officials to provide information*
- *Give a score of **5** if 75% or more of parliamentary committees summoned government officials to provide information*

(b) Did summoning of government officials in parliamentary committees improve the quality of information received by parliamentary committees?

Please give a descriptive answer:

Please provide any evidence for the answer:

Guiding questions to consider:

- *Did government officials answer questions posed by parliamentary committees in a full and accurate manner?*
- *If the executive did not comply with summons or gave false or inaccurate information, what were the actions taken by the parliamentary committees?*

Special committees

v. (a) In the past 5 years, has parliament set up special committees when the situation required?

1 ☐	2 ☐	3 ☐	4 ☐	5 ☐	Not applicable ☐
Please provide any evidence for this assessment score (including the exact number of the special committees established):					

"Unlike permanent committees that oversee specific departments, special committees of inquiry may be established during the course of a legislative term or parliamentary session to investigate a specific issue. They typically have powers of investigation that can be used only in relation to the immediate matters of inquiry. Once its investigation is completed and a final report is submitted to parliament, the special committee is disbanded….The process of investigation by a special committee of inquiry, as well as the recommendations that result, can generate significant public attention and political momentum" (Global Parliamentary Report 2017, p 55). For example, after a series of allegations of lack of credibility, impartiality, integrity, and independence against the Independent Electoral and Boundaries Commission (IEBC), the Kenyan parliament established a bipartisan parliamentary select committee to investigate the allegations and make recommendation within 30 days (Global Parliamentary Report 2017, p 55-56).

- *Give a score of **1** if parliament never established a special committee when the situation required setting up of a committee*
- *Give a score of **2** if parliament established a special committees in less than 25% of the time when the situation required setting up of a committee*

- *Give a score of **3** if parliament established a special committees between 25% and 49% of the time when the situation required setting up of a committee*
- *Give a score of **4** if parliament established a special committees between 50% and 74% of the time when the situation required setting up of a committee*
- *Give a score of **5** if parliament established a special committees in more than 75% of the time when the situation required setting up of a committee*
- *Mark **not applicable** if there was no situation which required setting up of a committee*

(b) Have special committees established in the past 5 years improved the quality of oversight?

Please give a descriptive answer:
Please provide evidence for the answer:

Vote of no confidence or impeachment

vi. (a) In the past 5 years, has parliamentarians moved a vote of no confidence or impeachment against executive members (head of state and/or government and ministers) when there was a serious violation of constitutional mandate or serious crimes by the member?

1	2	3	4	5	Not applicable
☐	☐	☐	☐	☐	☐

Please provide evidence for this assessment score (including the exact number of votes of no confidence or impeachment moved):

Executive members of government who do not uphold their constitutional mandate or commit an unlawful conduct may be subjected to a vote of no confidence or impeachment by parliament, which successful may result in the removal of all or part the government. A vote of no confidence and impeachment are powerful tools that ensures accountability of the executive to the legislature. However, this is a "nuclear" option and its overuse in any instance may make governing more difficult rather than improving results (see Global Parliamentary Report 2017, p31). As such, it is mainly useful when there is a serious misconduct.

- *Give a score of **1** if the parliamentarians never moved a vote of no confidence or impeachment when there was a serious violation of constitutional mandate or commission of a serious crime by the executive*
- *Give a score of **2** if the parliamentarians moved a vote of no confidence or impeachment less than 25% of the times when there was a serious violation of constitutional mandate or commission of a serious crime by the executive*
- *Give a score of **3** if the parliamentarians moved a vote of no confidence or impeachment between 25% and 49% of the times when there was a serious violation of the constitutional mandate or commission of a serious crime by the executive*
- *Give a score of **4** if parliamentarians moved a vote of no confidence or impeachment between 50% and 74% of the times when there was a serious violation of the constitutional mandate or commission of a serious crime by the executive*
- *Give a score of **5** if parliamentarians moved a vote of no confidence or impeachment more than 75% of the times when there was a serious violation of the constitutional mandate or commission of a serious crime by the executive*
- *Mark **not applicable** if there was a no serious violation of constitutional mandate or crime committed by the head of state and/or government or ministers*

Censure

vii. (a) In the past 12 months, did the parliament censure ministers or other officials for their misconduct? INTER PARES

1	2	3	4	5	Not applicable
☐	☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:					

A parliamentary censure is an expression of strong disapproval or harsh criticism against conduct by a government official, or against a government policy or decision. It is different from a vote of no confidence in that it does not lead to the dismissal of the official or change of government. Its effects are almost entirely political, as they usually don't have any legal effect but are a powerful tool on disapproving misconduct and bringing it to the attention of the public.

- *Give a score of **1** if parliament never censured ministers or other officials for misconduct such as failure to comply with requests or providing false information*

- *Give a score of **2** if parliament censured ministers or other officials in less than 25% of the times for misconduct such as failure to comply with requests or providing false information*
- *Give a score of **3** if parliament censured ministers or other officials between 25% and 49% of the times for misconduct such as failure to comply with requests or providing false information*
- *Give a score of **4** if parliament censured ministers or other officials between 50% and 74% of the times for misconduct such as failure to comply with requests or providing false information*
- *Give a score of **5** if parliament censured ministers or other officials in more than 75% of the times misconduct such as failure to comply with requests or providing false information*
- *Mark **not applicable** if ministers or other officials have not engaged in misconduct such as failure to comply with requests or providing false information*

(b) What was the impact of the motion(s) of censure, particularly with regards to holding the official accountable outside parliament?

Please give a descriptive answer:
Please provide any evidence for answer:

Guiding questions to consider:

- *Was a censured minister or official disciplined by their supervisory authorities?*
- *What was the reaction of the public to the censure of ministers or other officials?*

Lifting of immunity

viii. (a) In the past 5 years, has the parliament lifted immunity of past or present elected officials who were suspected of wrongdoing? IPU & INTER PARES

1	2	3	4	5	Not applicable
☐	☐	☐	☐	☐	☐

Please provide evidence for this assessment score:

Elected officials such as prime ministers or presidents usually enjoy immunity against criminal and/or civil liability from wrongdoings committed during their time in office. While in some countries, they may become liable after leaving office, in some countries the immunity remains applicable even after leaving office. As such, the lifting of immunity by parliament is an important oversight tool that ensures accountability of the elected officials who may have enjoyed protection from any civil and criminal liability. For instance, the Czech parliament recently lifted immunity of former Prime Minister Andrej Babiš to allow his prosecution in a fraud case.

- *Give a score of **1** if the parliamentarians never lifted immunity of past or present elected officials who were suspected of wrongdoing*
- *Give a score of **2** if parliamentarians lifted immunity for less than 25% of past or present officials who were suspected of wrongdoing*
- *Give a score of **3** if parliamentarians lifted immunity for 25% to 49% of past or present officials suspected of wrongdoing*
- *Give a score of **4** if parliamentarians sometimes lifted immunity for 50% to 74% of past or present officials suspected of wrongdoing*
- *Give a score of **5** if parliamentarians always lift immunity for more than 75% of past or present officials suspected of wrong doing*
- *Mark **not applicable** if no past or present officials was suspected of wrong doing*

Appointment of members of independent institutions

ix. (a) In the past 5 years, has the parliament been meaningfully involved in the appointment of members of independent institutions such as the judiciary, anti-corruption commission, human rights commission, electoral body, supreme audit institution, ombudsman/ public protector?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

Independent state institutions play an important role on holding the government to account, alongside parliament. While members of parliament are elected by the citizens, members of other independent institutions are usually appointed by the executive who may potentially be biased or appoint members whom they may influence. As such, the parliament usually in involved the appointment of the members to ensure (a) unbiased and transparent appointment, which may include public interviews; (b) the independence of the members from the executive party politics and vested interests;(b) representativeness and inclusiveness of the institution, especially with regard to gender, status, ethnicity or origin; and (c) ensuring that members are of sufficient quality and calibre to perform their duties. Depending on the

system, some parliamentarians are involved in interviewing and shortlisting the candidates before appointment by the executive; while in some countries such as the United States a candidate is selected by the president and will be subject to approval by the congress. Meaningful involvement involves parliament's recommendations or decisions having an effect (for example, on which candidate to appoint or if the person should be dismissed).

- *Give a score of **1** if the parliament has not at all been involved in the appointment and/or dismissal of members of independent institutions.*
- *Give a score of **3** if the parliament interviewed candidates for independent institutions (no matter the number of institutions), and their recommendations were considered but without final decision on the appointment*
- *Give a score of **5** if the parliament approved or appointed members of independent institutions in the country*

(b) Has the parliament improved impartiality and fairness in the appointment of members of independent institutions in the past 5 years?

Please give a descriptive answer:
Please provide any evidence for the answer:

Dismissal of members of independent institutions

x. (a) In the past 5 years, has the parliament been meaningfully involved in the appointment of members of independent institutions such as the judiciary, anti-corruption commission, human rights commission, electoral body, supreme audit institution, ombudsman/ public protector?

1 ☐	3 ☐	5 ☐
Please provide any evidence for this assessment score:		

- *Give a score of **1** if the parliament has not at all been involved in the dismissal of members of independent institutions.*

- *Give a score of **3** if the parliament has been involved in the disciplinary hearings of members of independent institutions, and their recommendations were considered but without final decision on the dismissal*
- *Give a score of **5** if the parliament approved the dismissal of members of independent institutions in the country*

(b) Has the parliament improved impartiality and fairness in the dismissal of members of independent institutions?

Please give a descriptive answer:
Please provide any evidence for the answer:

Follow-up

xi. (a) In the past 12 months, has the parliament tracked and followed up on government's responses to its oversight activities?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

The follow-up to oversight activities ensures that action is being taken, without which findings and recommendations by parliaments may remain shelved. It may be a determining factor of the impact of oversight activities in holding the government to account.
For example, "in the United Arab Emirates, if government has not replied to parliamentary recommendations within three months, the Federal National Council sends an official letter to the government to follow up on the government response. Meanwhile, in India, parliamentary committees have a well-established system of tracking their recommendations by way of seeking an 'Action Taken Reply' from government within three months followed by presentation of the 'Action Taken Reply' thereon and the laying of a final 'Action Taken Statement' thereon to parliament. In Spain, government responses to parliamentary

recommendations are published in the Official Journal, and are recorded in a database available to all parliamentarians" (see Global Parliamentary Report 2017, p 54).

- *Give a score of **1** if the parliament never tracked and followed up on government's responses to its oversight activities*
- *Give a score of **2** if the parliament tracked and followed up on less than 25% of the government's responses to its oversight activities*
- *Give a score of **3** if the parliament tracked and followed up on between 25% and 49% of government's responses to its oversight activities*
- *Give a score of **4** if the parliament tracked and followed up on between 50% and 74% of government's responses to its oversight activities*
- *Give a score of **5** if the parliament tracked and followed up on 75% or of government's responses to its oversight activities*

(b)Has follow-up actions by parliament increased the response by government to its oversight activities?

Please give a descriptive answer:
Please provide any evidence for the answer:

Guiding questions to consider:

- *Did ministers and other implementing agencies respond to follow-up actions by parliament in a full and timely manner?*
- *If they failed to comply with the follow-up actions, what were the actions taken by the parliamentary committees?*

Gender mainstreaming

xii. (a) In the past 5 years, has parliament mainstreamed gender in its oversight activities?

IPU

1	2	3	4	5
☐	☐	☐	☐	☐

Please provide any evidence for this assessment score:

"*Parliaments promote gender equality by mainstreaming gender into all parliamentary processes, including oversight of government. Gender mainstreaming in parliaments involves asking questions about the impact that government policies, programmes, budgetary allocations and expenditures will have or have had on women and girls as well as on men and boys. It assesses whether gender-blind or gender-biased assumptions have been made about the beneficiaries of a process or policy, who the process or policy target is, and whether all groups will benefit equitably. In this way, gender mainstreaming is a key tool not only for advancing gender equality but also for effective oversight, for which both men and women MPs bear responsibility. Gender-sensitive oversight involves looking at who performs a process or policy, how it is performed and for what purpose, and, lastly, ensuring that all these aspects promote gender equality. This approach is relevant to oversight of all policy areas, without exception. Gender mainstreaming can help to identify areas where affirmative action or other measures might be required to rectify the ongoing impacts of historical and present-day gender-based discrimination*" *(see Global Parliamentary Report 2017, p 20).*

- *Give a score of **1** if gender issues have not at all been mainstreamed in oversight activities*
- *Give a score of **2** if gender issues have been mainstreamed in less than 25% of oversight activities*
- *Give a score of **3** if gender issues have been mainstreamed in between 25% and 49% of oversight activities*
- *Give a score of **4** if gender issues have been mainstreamed in between 50% and 74% of oversight activities*
- *Give a score of **5** if gender issues have been mainstreamed in 75% or more of oversight activities*

(b) Has parliament's oversight activities influenced the mainstreaming of gender in government policies?

Please give a descriptive answer:
Please provide any evidence for the answer:

Additional questions on parliamentary accountability

- **Are there available legal mechanisms that ensure parliamentarians do not abuse their oversight powers and integrity requirements for them to act with integrity and the best interest of the public? Is there a code of conduct for parliamentarians in place?**

Please give a descriptive answer:
Please provide any evidence for the answer:

- **To what extent have parliamentarians been held accountable for their conduct while engaging in parliamentary work?**

Please give a descriptive answer:
Please provide any evidence for the answer:

3. OVERSIGHT OPPORTUNITIES FOR OPPOSITION AND INDEPENDENT MPS

According to the Global Parliamentary Report, parliamentary oversight is and will remain a political activity.[12] The political nature of oversight is most obviously demonstrated in the opportunities afforded (or not) to the opposition or independent parliamentarians to wield oversight tools, with political space for such opposition or minority parties not afforded everywhere. It is of fundamental importance that the opposition or minority parties in parliament are able to participate fully in oversight of the government. The following questions assess the extent to which oversight opportunities are available to minority or oppositions MPs.

A. LEGAL FRAMEWORK

i. Does the legal framework provide special powers for opposition or independent MPs to exercise oversight over the executive?

☐1: *There are no legal measures providing special powers for opposition or independent MPs to exercise oversight over the executive*

☐3: *There are legal measures providing some of the following powers for opposition or independent MPs to exercise oversight over the executive: proportional number of committees to be headed by opposition or independent MPs; power to present motion of no confidence or disallowance; opposition days (where the opposition can determine the agenda); power to call for a vote; power to attach a minority or dissenting report to a committee report*

☐5: *There are legal measures providing the following special powers for opposition or independent MPs to exercise oversight over the executive: proportional number of committees to be headed by opposition or independent MPs; power to present motion of no confidence or disallowance; opposition days (where the opposition can determine the agenda); power to call for a vote; power to attach a minority or dissenting report to a committee report.*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure. *Parliamentary rules of procedure usually consider a balance between the majority and opposition sides in parliament, and often favour one or more of the main opposition parties in procedures (See "IPU 2008 Tools for parliamentary oversight: A*

[12] IPU and UNDP. 2017, p. 11.

comparative study of 88 national parliaments, p.12).For instance, there may be provisions that require a certain number of parliamentary committees to be headed by opposition or independent MPs, provide powers for opposition or independent MPs to present the motions of no confidence or disallowance, to call for a vote, or attach a minority or dissenting report to a committee report.

See also: Opposition and Legislative Minorities: Constitutional Roles, Rights and Recognition

ii. Does the legal framework provide for independence of parliament from influence by the executive?

☐ 1: *The legal framework does not make provision for independence of parliament from the executive*

☐ 3: *The legal framework provides for structures that support the independence of parliament*

☐ 5: *The legal framework clearly stipulates and makes clear provisions for the independence of parliament.*

Please provide evidence for this assessment score:

iii. Does the legal framework provide immunity for MPs with respect to their freedom of expression during proceedings in parliament?

☐ 1: *No, there are no legal measures that provide immunity for MPs with respect to their freedom of expression during proceedings in parliament*

☐ 3: *There are legal measures that provide immunity for MPs with respect to their freedom of expression during proceedings in parliament, but are not clear on the remedies for violation of immunity*

☐ 5: *There are legal measures that provide immunity for MPs with respect to their freedom of expression during proceedings in parliament, and provide clear remedies for violation of the immunity*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure. For example article 97 of the Constitution of Uganda (article 97) or in specific legislation such as the Powers and Privileges Act in Sri Lanka.

B. PRACTICE AND IMPACT

Main question: To what extent are opposition or independent parliamentarians able to conduct comprehensive and uninterrupted oversight in practice?[13] Please give your assessment score from 1-5, based on the following questions:

i. Does parliament demonstrate its independence from the executive or party positions?

1 ☐	3 ☐	5 ☐
Please provide any evidence for this assessment score:		

- *Give a score of **1** if parliament is completely under the control of the executive with no opportunity to make decisions against the executive.*
- *Give a score of **3** if parliament is independent from the executive but subject to political party positions in parliamentary work*
- *Give a score of **5** if parliament is independent and parliamentarians have acted independent of the executive or political party positions*

ii. In the past 12 months, has any permanent or special parliamentary committees been chaired by opposition or independent MPs? IPU

1 ☐	2 ☐	3 ☐	4 ☐	5 ☐

[13] See also V-DEM indicators - Legislature opposition parties (v2lgoppart)

Please provide any evidence for this assessment score:

Selection of chair for parliamentary committees is done by individual MPs, the whole parliament, speaker of parliament or political parties, depending on the laws and practice in the country. Evidence indicate that the most common way of selecting the committee chair is by the members of the committee, followed by parliament as a whole (Global Parliamentary Report 2017, p 47). Specific opportunities to opposition MPs, such as selecting them to chair some parliamentary committees overall strengthens parliamentary oversight as it opens opportunities for opposition and independent MPs to meaningfully access and use mechanisms at their disposal.

- Give a score of ***1*** *if no permanent or special parliamentary committees has been chaired by an opposition or independent MP in the past 12 months*
- *Give a score of **2** if about 10% of permanent or special parliamentary committees has been chaired by opposition or independent MPs in the past 12 months*
- *Give a score of **3** if about 20% of permanent or special parliamentary committees has been chaired by opposition or independent MPs in the past 12 months*
- *Give a score of **4** if about 30% of permanent or special parliamentary committees have been chaired by opposition and independent MP in the past 12 months*
- *Give a score of **5** if about 40% or more of permanent or special parliamentary committees have been chaired by an opposition or independent MP in the past 12 months*

iii. In the past 12 months, have opposition or independent MPs (individuals and group) been given opportunities to ask oral or written questions?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

Generally, the speaker of parliament plays a significant role in parliamentary oversight, as they have the power to control activities in plenary sessions. For example, they have the power to allow or disallow members of parliament to ask questions, call for a vote as well as present motions of no confidence or disallowance. It is essential that the speakers of parliament give an equal opportunities to all parliamentarians, including opposition or independent MPs.

- *Give a score of **1** if opposition or independent MPs (individuals and group) were never given the opportunity to ask oral or written questions by the speaker of parliament*

- *Give a score of **2** if opposition or independent MPs (individuals and group) were less than 25% of the time given the opportunity to ask oral or written questions by the speaker of parliament*
- *Give a score of **3** if opposition or independent MPs (individuals and group) were between 26% to 49 % of the time given the opportunity to ask oral or written questions by the speaker of parliament*
- *Give a score of **4** if opposition or independent MPs (individuals and group) were between 50% and 74% of the time given the opportunity to ask oral or written questions by the speaker of parliament*
- *Give a score of **5** if opposition or independent MPs (individuals and group) were 75% or more of the time given the opportunity to ask oral or written questions by the speaker of parliament*

iv. In the past 12 months, were opposition or independent MPs given the chance to call for a vote or move a motion by the speaker of parliament?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

Generally, the speaker of parliament plays a significant role in parliamentary oversight, as they have the power to control activities in plenary sessions. For example, they have the power to allow or disallow members of parliament to ask questions, call for a vote as well as present motions of no confidence or disallowance. It is essential that the speakers of parliament give an equal opportunities to all parliamentarians, including opposition or independent MPs.

- *Give a score of **1** if opposition or independent MPs were never given the chance to call for a vote or move a motion by the speaker of parliament*
- *Give a score of **2** if the chances given to opposition or independent MPs by the speaker of parliament to call for a vote or move a motion were less than 25%*
- *Give a score of **3** if the chances given to opposition or independent MPs by the speaker of parliament to call for a vote or move a motion were between 25% and 49%*
- *Give a score of **4** if the chances given to opposition or independent MPs by the speaker of parliament to call for a vote or move a motion were between 50% and 74%*
- *Give a score of **5** if the chances given to opposition or independent MPs by the speaker of parliament to call for a vote or move a motion were more than 75%*

v. In practice, do opposition and independent MPs enjoy immunity with respect to their freedom of expression in plenary or committees? IPU

1	2	3	4	5
☐	☐	☐	☐	☐

Please provide any evidence for this assessment score:

Parliamentary immunity is an essential mechanism that enables MPs to freely express their tasks of overseeing the activities of the government, representing the people, and legislating.[14] Opportunities for oversight by opposition or independent MPs may be restricted when such immunity is not provided to them in practice and are subjected to abuses. They may face arbitrary arrest, politically motivated legal proceedings, undue suspension of their parliamentary mandate, politically motivated bankruptcy proceedings and revocation of the parliamentarian's citizenship, and even murder in extreme cases.[15]

- *Give a score of **1** if opposition and independent MPs never enjoy immunity with respect to their freedom of expression in plenary or committees*
- *Give a score of **2** if opposition and independent MPs in less than 25% of the time enjoy immunity with respect to their freedom of expression in plenary or committees*
- *Give a score of **3** if opposition and independent MPs in 25% to 49% of the time enjoy immunity with respect to their freedom of expression in plenary or committees*
- *Give a score of **4** if opposition and independent MPs in 50% to 74% of the time enjoy immunity with respect to their freedom of expression in plenary or committees*
- *Give a score of **5** if opposition and independent MPs 75% or more of the time enjoy immunity with respect to their freedom of expression in plenary or committees*

vi. In the past 12 months, were MPs able to attach a minority or dissenting report to a committee report?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

According to the Global Parliamentary Report (p.46), oversight opportunities for opposition or independent MPs may be available through attaching a minority or dissenting report to a committee report, as MPs not part of the majority report are able to express their views. While there may be rules for attaching a minority report, this may not be case in practice. For example, the parliamentary committees had rules for attachment of minority report since beginning of democracy in the country, but these were never really followed in practice until a few years ago when the finance committee began the practice (see Global Parliamentary Report, p.54).

- *Give a score of **1** if MPs were not able to attach a minority or dissenting report to a committee report*

[14] See IPU. 2018. Freedom of expression for parliaments and their members: Importance and scope of protection.
[15] IPU and UNDP. 2017, p 25.

- *Give a score of **2** if MPs were able to attach a minority or dissenting report in less than 25% of committee reports*
- *Give a score of **3** if MPs were able to attach a minority or dissenting report in about 25% to 49% of committee reports*
- *Give a score of **4** if MPs were able to attach a minority or dissenting report in about 50% to 74% of committee reports*
- *Give a score of **5** if MPs were able to attach a minority or dissenting report in 75% or more of committee reports*

vii. In the past 12 months, what has been the role of opposition and ruling parties in holding the executive accountable?

Please give a descriptive answer:
Please provide any evidence for answer:

Guiding questions to consider:

- *Have the activities of political parties negatively or positively affected the ability of parliament to hold the executive accountable?*
- *Do political parties have structures that support parliamentarians to hold the government to account*

viii. Have opportunities for opposition and independent MPs increased openness and accountability of the executive in the past 12 months?

Please give a descriptive answer:
Please provide any evidence for answer:

Guiding questions to consider:

- *Did the executive respond parliamentary oversight from opposition or minority MPs in a full and timely manner? For instance, do ministers regularly answer questions*

and deliver documents required by opposite or minority MPs in a complete and timely manner?

- *What were notable achievements by committees chaired by opposition or independent MPs?*

4. FINANCIAL OVERSIGHT

Financial scrutiny is a significant function of parliamentarians around the world. It establishes checks and balances that are crucial for a transparent and accountable government and ensure efficient delivery of public services. As representatives of the people, parliamentarians have an important role to ensure that the nation's priorities are adequately reflected in financial planning and activities by the government. The parliament can potentially intervene at various stages of budget – including formulation, approval and amendment, implementation as well as ex post scrutiny. The following questions seek to understand how parliamentarians provide oversight over public finances.

A. LEGAL FRAMEWORK

i. Does the legal framework require the parliament to approve the budget prepared by the executive?

☐ 1: *The legal framework does not require the parliament to approve the budget prepared by the executive*

☐ 3: *The legal framework requires the parliament to scrutinise but not approve the financial activities of the government*

☐ 5: *The legal framework requires the parliament to scrutinise and approve the financial activities of the government*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

ii. Does the legal framework require parliament to scrutinise expenditure and revenue as well as fiscal policies, medium-term fiscal forecasts, and medium-term priorities? PEFA

☐ 1: *The legal framework does not require the parliament to scrutinise expenditure and revenue as well as fiscal policies, medium-term fiscal forecasts, and medium-term priorities*

☐ 3: *The legal framework requires the parliament to scrutinise expenditure and revenue but not fiscal policies, medium-term fiscal forecasts, and medium-term priorities*

☐ 5: *The legal framework requires the parliament to scrutinise the financial activities of the government to scrutinise expenditure and revenue as well as fiscal policies, medium-term fiscal forecasts, and medium-term priorities*

Please provide evidence for this assessment score:

Parliamentary scrutiny of the budget "should cover review of fiscal policies, medium-term fiscal forecasts, and medium-term priorities as well as the specific details of expenditure and revenue estimates. In certain jurisdictions, the review may be undertaken in two or more stages, possibly involving a gap between review of medium-term aspects and review of the details of estimates for the next fiscal year" (PEFA, 18.1). For example, section 3(1) of the Fiscal Responsibility and Budget Management Act (2003) in India, provides for the following:

> *The Central Government shall lay in each financial year before both Houses of Parliament the following statements of fiscal policy along with the annual financial statement and demands for grants except the Medium-term Expenditure Framework Statement, namely*
> *(a) the Medium-term Fiscal Policy Statement;*
> *(b) the Fiscal Policy Strategy Statement;*
> *(c) the Macro-economic Framework Statement;*
> *(d) the Medium-term Expenditure Framework Statement*.

iii. Does the parliament have the legal authority to amend the budget?

☐ *1: There are no legal provisions authorising the parliament to amend the budget*

☐ *3: There are legal provisions that allow parliament to amend the budget (either increase or modify line items), but with the consent of the minister for finance or the executive*

☐ *5: There are legal provisions that authorise the parliament to amend the budget, without consent of the minister for finance or the executive*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

iv. Is the executive legally required to seek approval from the legislature prior to spending excess revenue (that is, amounts higher than originally anticipated) that may become available during the budget execution period?

☐ 1: *There are no legal provisions that require the executive to seek approval from the legislature prior to spending excess revenue*

☐ 3: *There are legal provisions that require the executive to seek approval from the legislature after spending of excess revenue*

☐ 5: *There are legal provisions that require the executive to seek approval from the legislature prior to spending excess revenue*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

v. Does the legal framework require MPs to approve public debts arrangements?

☐ 1: *There are no legal provisions that require MPs to approve public debts arrangements*

☐ 3: *There are constitutional provisions on approval of public debts arrangements, but not yet aligned with a national legislation*

☐ 5: *There are legal provisions that require MPs to approve public debts arrangements, and they are aligned with a national legislation*

Please provide evidence for this assessment score:

The evidence for the assessment may include provisions in the constitution, applicable laws or in the rules of procedure.

B. PRACTICE AND IMPACT

How strong are parliamentary practices regarding oversight on public finances?

Please give your assessment score from 1-5 based on the following questions:

i. In the past 12 months, how far in advance did the parliament receive the budget proposal ahead of the budget year? Open Budget Survey

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

International standards such as the IMF's Code on Fiscal Transparency (see page 11), provide that the basic practice is 1 month; good practice is 2 months; best practice is at least 3 months given to parliament to undertake in-depth scrutiny of the budget before the start of the financial year.

- *Give a score of **1** if the parliament did not receive the budget proposal ahead of the budget year, or has received the proposal after the budget year had already started*
- *Give a score of **2** if the parliament received the budget proposal less than one month before the start of the budget year*
- *Give a score of **3** if the parliament received the budget proposal between one to two months before the start of the budget year*
- *Give a score of **4** if the parliament received the budget proposal between two to three months before the start of the budget year*
- *Give a score of **5** if the parliament received the budget proposal at least three months before the start of the budget year*

ii. In the past 12 months, did the parliament approve the executive's budget proposal before the start of the fiscal year? Open Budget Survey

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

International good practice recommends that the approval of the budget proposal by the legislature should be before the start of the fiscal year the budget proposal refers to (see IMF Code). This provides the executive with time to implement the budget in its entirety, in particular new programs and policies. In countries where expenditure and revenue estimates are approved separately, for purposes of this question, at least the expenditure estimates must be approved (*Open Budget Survey*).

- *Give a score of **1** if the parliament did not approve the budget at all*
- *Give a score of **2** if the parliament approved the budget more than one month after the start of the budget year*
- *Give a score of **3** if the parliament approved the budget proposal less than one month after the start of the budget year*
- *Give a score of **4** if the parliament approved the budget proposal less than one month in advance of the start of the budget year, but at least by the start of the budget year*
- *Give a score of **5** if the parliament approved the budget proposal at least one month before the start of the budget year*

iii. In the past 12 months, did a specialised budget or finance committee in the legislature examine budget proposal? Open Budget Survey

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

Specialised parliamentary committees play an essential role in overseeing the budget process by providing in-depth analysis on the proposal. Some legislatures have separate committees that examine spending and tax proposals, while others have a single finance committee. A report with the committee's findings and recommendations is intended to inform the debate in the full legislature, therefore it must be published before the legislature has adopted the budget (Open Budget Survey).

- *Give a score of **1** if a parliamentary budget or finance committee did not examine the budget proposal prior to its adoption*
- *Give a score of **2** if a parliamentary budget or finance committee examined the budget (without regard to the time period) but did not publish a report prior to the adoption of the budget*
- *Give a score of **3** if a parliamentary budget or finance committee examined the budget and published a report within a shorter timeframe of less than two weeks prior to the adoption of the budget*
- *Give a score of **4** if a parliamentary budget or finance committee examined the budget proposal and publishes a report with findings and recommendations about a month prior to the budget being adopted*
- *Give a score of **5** if a parliamentary budget or finance committee examined the budget proposal, and it publishes a report with findings and recommendations about more than a month prior to the budget being adopted*

iv. In the past 12 months, did legislative committees, responsible for particular sectors (e.g., health, education, defense, state-owned enterprises etc.), examine spending in the budget proposal related to the sector for which they are responsible? Open Budget Survey

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

"The role of sectoral committees differs across legislatures. Some legislatures do not involve them in the budget approval process, while others do. In addition, the time available for committee analysis differs. A report with the committee's findings and recommendations is intended to inform the debate in the full legislature, so therefore must be published before the legislature has adopted the budget" (Open Budget Survey).

- *Give a score of **1** if sectoral committees never examined the budget proposal.*
- *Give a score of **2** if sectoral committees examined the budget (without regard to the time period), but do not publish a report prior to the adoption of the budget.*
- *Give a score of **3** if sectoral committees examined the draft budget and published a report within a shorter timeframe of less than two weeks prior to the adoption of the budget*
- *Give a score of **4** if sectoral committees examined the budget proposal and published a report with findings and recommendations about a month prior to the budget being adopted*
- *Give a score of **5** if sectoral committees examined the budget proposal and published a report with findings and recommendations about more than a month prior to the budget being adopted*

v. In the past 12 months, did the parliament reflect on the gender-related issues of the budget as well as reviewed a gender budget statement from government?

1	3	5
☐	☐	☐
Please provide any evidence for this assessment score:		

"One important aspect of gender mainstreaming in parliamentary oversight is ensuring that the budget is responsive to the needs of all people, including women and men. There is little point in streamlining the technical aspects of the budget process if the resulting distribution

of national resources is perceived as inadequate or unfair. Indeed, the fundamental purpose of parliament's engagement with the government's budget proposals is to negotiate a nationally equitable settlement. Analysing the budget from a gender perspective is an intrinsic part of ensuring fairness as, by identifying the requirements and contributions individuals make to the economy, it gauges the effects of government policy spending on men and women, and boys and girls. This entails the need for close scrutiny of the outcomes of budgets, and allows for more efficient, better targeted allocation of public expenditure". In Kyrgyzstan, a gender-impact statement is explained during the first reading of the budget proposal, and parliamentarians can make recommendations on gender issues to government agencies before the second reading (see Global Parliamentary Report, p 66).

- *Give a score of **1** if the parliament never reflected on the gender-related issues of a budget or reviewed a gender budget statement from government*
- *Give a score of **3** if the parliament reflected on the gender-related issues of a budget, but did not review a gender budget statement from government*
- *Give a score of **5** if the parliament reflected on the gender-related issues of a budget as well as reviewed a gender budget statement from government*

vi. In the past 12 months, did relevant committees examine debts arrangements by government?

1	2	3	4	5	Not applicable
☐	☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:					

- *Give a score of **1** if a parliamentary committee did not examine any debt arrangements*
- *Give a score of **2** if a parliamentary committee examined debt arrangements but did not publish a report prior to the approval of the arrangement*
- *Give a score of **3** if a parliamentary committee examined debt arrangements and published a report within a shorter timeframe of less than two weeks prior to approval of the arrangement*
- *Give a score of **4** if a parliamentary committee examined debt arrangements and published a report about a month prior to approval of the arrangement*
- *Give a score of **5** if a parliamentary committee examined the debt arrangement and published a report more than a month prior to approval of the arrangement*
- *Mark **not applicable** if there was no debts arrangements by the government in the past year*

vii. In the past 12 months, did a parliamentary committee examine in-year implementation of the enacted budget? Open Budget Survey

1	3	5
☐	☐	☐

Please provide any evidence for this assessment score:

The questions assesses examination of in-year implementation of the budget during the budget execution period (financial year), and does not apply to the scrutiny after the financial year. The in-year monitoring by the parliament depends on frequency that the executive publishes the in-year reports (Open Budget Survey)

- *Give a score of **1** if no parliamentary committee examined in-year implementation of the budget in the last fiscal-year*
- *Give a score of **3** if a parliamentary committee examines in-year implementation of the budget once or twice in the last fiscal year*
- *Give a score of **5** if a parliamentary committee examines in-year implementation of the budget three or more times in the last fiscal year*

viii. In the past 12 months, did the legislature give approval for the executive to spend excess revenue (that is, amounts higher than originally anticipated) that became available during the budget execution period? Open Budget Survey

1 ☐	2 ☐	3 ☐	4 ☐	5 ☐	Not applicable ☐
Please provide any evidence for this assessment score:					

Good practice requires the parliament to approve the executive to spend excess revenue made available during the financial year (for example, through discovery of new minerals) not covered in the approved budget. "If such requirements are not in place, the executive might deliberately underestimate revenue in the budget proposal it submits to the legislature, in order to have additional resources to spend at the executive's discretion, with no legislative control" (Open Budget Survey).

- *Give a score of **1** if the legislature did not give prior approval for the executive to spend excess revenue that became available during the budget execution period*
- *Give a score of **2** if the legislature approved after the executive had already spend excess revenue that became available during the budget execution period*
- *Give a score of **3** if the legislature approved the executive before spending excess revenue that became available during the budget execution period, but only for excessive revenue more than 10% of the annual budget*
- *Give a score of **4** if the legislature approved the executive before spending excess revenue that became available during the budget execution period, but only for excess revenue less than 10% of the annual budget*

- *Give a score of **5** if the legislature approved approval for the executive to spend <u>any excess</u> revenue that became available during the budget execution period*
- *Mark **not applicable** if there was no spending of excess revenue*

ix. In the past 12 months, did a parliamentary committee examine the audit report on the annual budget produced by the supreme audit institution? Open Budget Survey and PEFA

1	2	3	4	5	Not applicable
☐	☐	☐	☐	☐	☐
Please provide evidence for this assessment score:					

A parliamentary committee should examine the annual audit report and produce an official report with findings and recommendations. This question is different from the above one on legislative scrutiny of in-year implementation of the budget. An important issue is timing of the review by the legislature after it received the report (see Open Budget Survey)

- *Give a score of **1** if no committee examined the annual audit report produced by the Supreme Audit Institution*
- *Give a score of **2** if a committee examined the report more than 12 months after its release by the Supreme Audit Institution*
- *Give a score of **3** if a committee examined the report more than 6 months after its release by the Supreme Audit Institution*
- *Give a score of **4** if a committee examined the report between 3 to 6 months after its release by the Supreme Audit Institution*
- *Give a score of **5** if a committee examined the report less than 3 months after its release by the Supreme Audit Institution*

x. In the past 12 months, did the parliament release a report that tracked actions taken by the executive to address audit findings and recommendations? Open Budget Survey

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

- *Give a score of **1** if the legislature did not release a report on the steps taken by the executive to address audit findings and recommendations.*

- *Give a score of **2** if the legislature released a report on what steps the executive had taken to address less than 25% of the audit findings and recommendations.*
- *Give a score of **3** if the legislature releases a report on what steps the executive has taken to address between 25% and 50% of the audit findings and recommendations*
- *Give a score of **4** if the legislature releases a report on what steps the executive has taken to address between 50% and 75% of the audit findings and recommendations*
- *Give a score of **5** if the legislature releases a report on what steps the executive has taken to address more than 80% of the audit findings and recommendations*

xi. Has parliamentary oversight improved the management of financial resources by the executive?

Please give a descriptive answer:
Please provide evidence for the answer

xii. Have findings or reports by parliamentary committees led to responsible ministers or other government officials being held accountable outside parliament (for instance by the executive, anti-corruption commission, law enforcement)?

Please give a descriptive answer:
Please provide evidence for this assessment score:

5. POST-LEGISLATIVE SCRUTINY

Another important dimension within the oversight functions of parliament is monitoring laws that have been passed (post-legislative scrutiny). This scrutiny allows the parliament to determine whether a law has been implemented as intended, has contributed to better regulation, as well as to identify any areas for improvement such as acting to prevent any potential adverse effects of new legislation, and drawing any lessons from the successes and failures.[16] The following questions seek to evaluate the legal mandate and practice of parliaments in providing oversight on laws that have been passed.

A. LEGAL FRAMEWORK

i. Does the legal framework require parliament to scrutinise or review the implementation of legislation?

☐1: *There are no legal provisions that require parliament to scrutinise or review the implementation of legislation*

☐3: *There are legal provisions that require parliament to scrutinise or review the implementation of legislation*

☐ 5: *There are legal provisions that require parliament to scrutinise or review the implementation of legislation and also requires that it takes remedial actions to address unintended outcomes*

Please provide evidence for this assessment score:

ii. Does the legal framework provide for parliamentary powers to request information from the government specifically on the implementation of legislation? Information from WFD

☐1: *There are no provisions that set out parliamentary powers to request information from the government specifically on the implementation of legislation*

☐ 3: *There are legal provisions that set out parliamentary powers to request information from the government specifically on the implementation of legislation, but there is no obligation for the government to comply*

[16] See Franklin De Vrieze 2017. Post-Legislative Scrutiny: Guide for Parliaments. Westminster Foundation for Democracy.

☐ 5: *Yes, there are no provisions that set out parliamentary powers to request information from the government specifically on the implementation of legislation, who should comply with the request*

Please provide evidence for this assessment score:

B. PRACTICE AND IMPACT

Main question: How strong are parliamentary practices regarding using parliament's powers to review the implementation of laws? Please give your assessment score from 1-5 based on the following questions:

i. In the past 5 years, has the parliament tracked and assessed implementation of laws? IPU

1	3	5
☐	☐	☐
Please provide evidence for this assessment score:		

The main mechanisms for post-legislative scrutiny may include requiring responsible ministries to submit reports implementation of new laws; investigations by a parliamentary committee (through public hearings, collection of evidence or in-house research through research or legislative units); and outsourcing investigations to external stakeholders such as other independent institutions (eg Human Rights Commission) or researchers.[17] It can use any or a combination of these mechanisms to track and assess implementation of laws.

- *Give a score of **1** if parliament has not at all tracked and assessed implementation of passed laws*

[17] See Franklin De Vrieze 2017. Post-Legislative Scrutiny: Guide for Parliaments, p 8.

- *Give a score of **2** if parliament has tracked and assessed the implementation of less than 10% of passed laws*
- *Give a score of **3** if parliament has tracked and assessed the implementation of 20% of passed laws*
- *Give a score of **4** if parliament has tracked and assessed the implementation of 20% of passed laws*
- *Give a score of **5** if parliament has tracked and assessed the implementation of 40% or more of passed laws*

ii. In the past 5 years, has parliament (or its committees) engaged with external stakeholders to assess the impact of passed laws? INTER PARES

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide evidence for this assessment score:				

External stakeholders such as citizens, marginalised communities, CSOs, academics and experts usually have valuable information on the impact of passed laws. For example, marginalized communities would have first-hand experience or impression on the impact of passed laws on inclusion, culture, environment etc. As such, it is crucial to engage these stakeholders to gain useful information on whether passed laws have actually achieved intended outcomes.

- *Give a score of **1** if parliament never engages with external stakeholders to assess the impact of passed laws*
- *Give a score of **3** if parliament sometimes engage with external stakeholders to assess the impact of passed laws*
- *Give a score of **5** if parliament always engage with external stakeholders to assess the impact of passed laws*

iii. In the past 5 years, has the parliament recorded and published reports on post-legislative scrutiny?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide evidence for this assessment score:				

- *Give a score of **1** if the parliament did not at all record findings of post-legislative scrutiny*

- *Give a score of **3** if the parliament recorded findings of post-legislative scrutiny but did not publish reports of the findings*
- *Give a score of **5** if the parliament recorded and published its findings on post-legislative scrutiny*

iv. In the past 5 years, has post-legislative scrutiny led to further action by the parliament or executive (e.g. amendment or annulment of laws) to address unintended or negative outcomes?

Please give a descriptive answer:
Please provide evidence for this assessment score:

6. RELATIONS WITH OTHER ACTORS TO CONDUCT OVERSIGHT

Conducting oversight is a core responsibility for all members of parliament. However, they do not bear this responsibility alone: parliament is one of many oversight actors within society (albeit one with a unique constitutional role). Effective oversight requires parliament to work closely with these other bodies, which include audit institutions, national human rights bodies and ombudspersons, as well as civil society organisations. The following questions seek to understand the relationship between parliaments and other public institutions as well as citizens related to its oversight activities.

6.1 RELATIONS WITH OTHER STATE ACTORS

6.1 A. LEGAL FRAMEWORK

Does the legal framework require other oversight institutions to report to parliament?

☐1: *The legal framework does not require any oversight institutions to report to parliament*

☐2: *The legal framework requires less than 25% of the oversight institutions in the country to report to parliament*

☐3: *The legal framework requires between 25 and 49% of the oversight institutions in the country to report to parliament*

☐ 4: *The legal framework requires between 50% and 74% of oversight institutions in the country to report to parliament*

☐5: *The legal framework requires more than 75% of the oversight institutions in the country to report to parliament*

Please provide evidence for this assessment score:

6.1 B. PRACTICE AND IMPACT

Has the parliament established working relationships with oversight institutions and other non-parliamentary actors in practice? Please give your assessment score from 1 to 5 based on the following questions:

i. To what extent has parliament enjoyed regular and beneficial cooperation with oversight actors, such as supreme audit institutions, human rights protectors, ombudspersons and others in the past 5 years?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

"Regular and beneficial cooperation" may include workshops or events, as well as existence of memorandum of understanding or similar administrative coordination instruments

- *Give a score of **1** if the parliament does not at all have regular and beneficial cooperation with oversight actors*
- *Give a score of **3** if the parliament sometimes has regular and beneficial cooperation with oversight actors*
- *Give a score of **5** if the parliament always has regular and beneficial cooperation with oversight actors*

ii. In the past 5 years, did the parliament intervene to address threats to the independence of other independent institutions such as the supreme audit institution, anti-corruption commission or ombudsman?

1	2	3	4	5	Not applicable
☐	☐	☐	☐	☐	☐
Please provide evidence for this assessment score:					

The parliament may intervene to address threats to independence institutions in various ways, such as offering representatives of the bodies the chance to speak to parliament (and

thereby enjoy parliamentary privilege), passing motions (eg motion to censure) and resolutions condemning the threats.

- *Give a score of **1** if the parliament did not at all intervene to address threats to independent institutions*
- *Give a score of **2** if the parliament intervened in less than 25% of the threats to independent institutions*
- *Give a score of **3** if the parliament intervened in about 25% to 50% of threats to independent institutions*
- *Give a score of **4** if the parliament intervened in about 50% to 75% of threats to independent institutions*
- *Give a score of **5** if the parliament intervened in more than 75% of threats to independent institutions*

iii. Has the relationship between parliament and other independent institutions in the past 5 years led to improved oversight on the executive?

Please give a descriptive answer:
Please provide evidence for the answer:

6.1 RELATIONS WITH THE PUBLIC

6.2A LEGAL FRAMEWORK

i. Are there legal provisions for public involvement or engagement by parliament in oversight processes, including accessibility of parliament by citizens and the media?

☐ 1: *No, there are no legal provisions providing for public involvement or engagement by parliament in oversight processes*

☐ 3: *There are legal provisions providing for public involvement or engagement by parliament in oversight processes*

☐ 5: *Yes, legal provisions providing for public involvement or engagement by parliament in oversight processes, including accessibility of parliament by citizens and the media*

Please provide evidence for this assessment score:

For example, article 59 of the Constitution of the Republic of South Africa:

1. The National Assembly must
a. facilitate public involvement in the legislative and other processes of the Assembly and its committees; and
b. conduct its business in an open manner, and hold its sittings, and those of its committees, in public, but reasonable measures may be taken
(i) to regulate public access, including access of the media, to the Assembly and its committees; and
(ii) to provide for the searching of any person and, where appropriate, the refusal of entry to, or the removal of, any person.
2. The National Assembly may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.

ii. Are there legal provisions that provide for petitioning of parliament by citizens on a particular matter of interest?

☐ 1: *There are no legal provisions that provide for petitioning of parliament by citizens on a particular matter of interest*

☐ 3: *There are legal provisions that provide for petitioning of parliament by citizens on a particular matter of interest, but require a specific threshold to be reached for consideration by parliament*

☐ *5: There are legal provisions that provide for petitioning of parliament by citizens on a particular matter of interest, witho*ut requiring a specific threshold to be reached for consideration by parliament

Please provide evidence for this assessment score:

For example, the Constitution of Zimbabwe (article 149) provides citizens with the right to petition parliament to consider any matter within its authority, including the enactment, amendment or repeal of legislation

6.2B PRACTICE AND IMPACT

How well has the parliament established working relationships with non-state actors? Please give your assessment score from 1 to 5 based on the following questions:

i. To what extent does parliament promote public awareness of their oversight activities to the public? IPU

1 ☐	3 ☐	5 ☐
Please provide evidence for this assessment score:		

Promoting public awareness may include activities such as publishing reports, giving media interviews, as well as holding meetings and running awareness campaigns in communities and schools.

- *Give a score of **1** if parliament does not promote public awareness of their oversight activities to the public*
- *Give a score of **3** if parliament sometimes public awareness of their oversight activities to the public*
- *Give a score of **5** if parliament always promote public awareness of their oversight activities to the public*

ii. Does parliament proactively publish information (for example newsletters, social media posts) about opportunities to participate in its oversight activities?

1 ☐	3 ☐	5 ☐

Please provide evidence for this assessment score:

- *Give a score of **1** if parliament does not at all publish information (for example newsletters, social media posts) about opportunities to participate in its oversight activities*
- *Give a score of **3** if parliament sometimes proactively publish information (for example newsletters, social media posts) about opportunities to participate in its oversight activities*
- *Give a score of **5** if parliament always proactively publish information (for example newsletters, social media posts) about opportunities to participate in its oversight activities*

iii. Does parliament (individual MPs, committees or Parliamentary parties) make proactive efforts to consult interest groups (especially marginalised groups) when conducting oversight? IPU

1 ☐	3 ☐	5 ☐
Please provide evidence for this assessment score:		

By proactive efforts, we mean the parliament has its own initiatives that identify and consult interest groups, rather than just responding to requests for consultation. For instance, a parliamentary committee may, when investigating a particular issue, write letters to affected communities and other interested groups asking them for consultation

- *Give a score of **1** if parliament does not at all make proactive efforts to consult interest groups (especially marginalised groups) when conducting oversight*
- *Give a score of **3** if parliament sometimes make proactive efforts to consult interest groups (especially marginalised groups) when conducting oversight*

- *Give a score of **5** if parliament always make proactive efforts to consult interest groups (especially marginalised groups) when conducting oversight*

iv. Does parliament (individual MPs, committees or Parliamentary parties) request information relevant to its oversight activity from the private sector or civil society?

INTER PARES

1	3	5
☐	☐	☐
Please provide evidence for this assessment score:		

- *Give a score of **1** if parliament does not at all request information relevant to its oversight activity from the private sector or civil society*
- *Give a score of **3** if parliament sometimes request information relevant to its oversight activity from the private sector or civil society*
- *Give a score of **5** if parliament always request information relevant to its oversight activity from the private sector or civil society*

v. In the past 5 years, did the parliament respond and acted on citizens' petitions?

1	2	3	4	5
☐	☐	☐	☐	☐
Please provide any evidence for this assessment score:				

In some parliaments, the citizens' petition must reach a certain threshold to get the parliament's attention. For instance, in the UK, a petition with 10,000 signatures get a

response from the government, whereas a petition with 100,000 signatures is considered for debate in Parliament.
For this question, as some countries may not have a threshold, answer as if the threshold had been met.

- *Give a score of **1** if parliament never responded to citizens' petitions*
- *Give a score of **2** if parliament responded and acted on less than 25% of citizens' petitions*
- *Give a score of **3** if parliament responded and acted on between 25% and 49% of citizens' petitions*
- *Give a score of **4** if parliament responded and acted on between 50% and 74% of citizens' petitions*
- *Give a score of **5** if parliament responded and acted on more than 75% of citizens' petitions*

vi. How open are the proceedings of parliament and its committees to the public and media?

1 ☐	3 ☐	5 ☐
Please provide evidence for this assessment score:		

- *Give a score of **1** if the proceedings of parliament and its committees are never open to the public and media*
- *Give a score of **2** if the proceedings of parliament and its committees are open less than 25% of the time to the public and media*
- *Give a score of **3** if the proceedings of parliament and its committees are open between 25% and 49% of the time to the public and media*
- *Give a score of **4** if the proceedings of parliament and its committees are open between 50% and 74% of the time to the public and media*
- *Give a score of **5** if the proceedings of parliament and its committees are open between more than 75% of the time to the public and media*

vii. In the past 12 months, has the parliament accepted written or oral submissions on from external experts, CSOs and individuals in oversight processes? IPU

1	3	5
☐	☐	☐
Please provide evidence for this assessment score:		

- *Give a score of **1** if the parliament never accepted oral or written submissions from external experts, CSOs and individuals in oversight processes*
- *Give a score of **3** if the parliament sometimes accepted oral or written submissions from external experts, CSOs and individuals in oversight processes*
- *Give a score of **5** if the parliament always accepted oral or written submissions from external experts, CSOs and individuals in oversight processes*

viii. Are parliament's premises accessible to marginalised and vulnerable groups, such as women and persons with disabilities?

1	3	5
☐	☐	☐
Please provide evidence for this assessment score:		

- *Give a score of **1** if the parliament's premises are never accessible to marginalised and vulnerable groups, such as women and persons with disabilities*
- *Give a score of **3** if the parliament's premises are sometimes accessible to marginalised and vulnerable groups, such as women and persons with disabilities*
- *Give a score of **5** if the parliament's premises are always accessible to marginalised and vulnerable groups, such as women and persons with disabilities*

ix. Do MPs link parliamentary oversight activities with the needs of their constituencies?

IPU

1 ☐	3 ☐	5 ☐
Please provide evidence for this assessment score:		

As part of their representation function, parliamentarians may be able to link their oversight activities to the needs of their constituencies. For instance, when scrutinising the national budget or the effectiveness of a programme, MPs can look into how the budget proposal would benefit their constituency or how well a programme is working in their own constituencies as policies developed at a national or regional level do not always meet the needs of individual constituencies" (Global Parliamentary Report, 2017, p. 93).

- *Give a score of **1** if MPs never link parliamentary oversight activities with the needs of their constituencies*
- *Give a score of **3** if MPs sometimes link parliamentary oversight activities with the needs of their constituencies*
- *Give a score of **5** if MPs always link parliamentary oversight activities with the needs of their constituencies*

x. Has the parliament's relationship with non-state actors improved impact of oversight?

Please give a descriptive answer:
Please provide evidence for the answer:

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