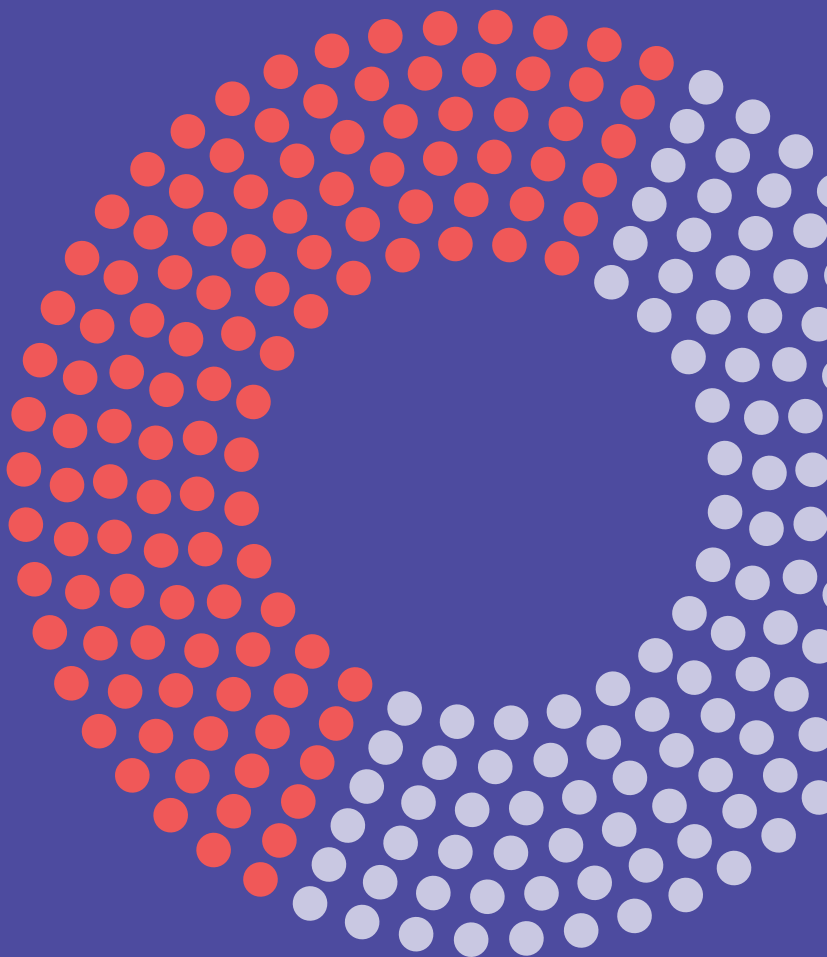




Parliamentary Oversight of the Executive in the OSCE Region

OSCE
ODIHR



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Acknowledgements

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) would like to thank Jovan Jovanovic, ODIHR international consultant, Halfdan Lynge, Senior Lecturer at the University of the Witwatersrand's School of Governance, Fernando Casal Bértoa, Associate Professor in the School of Politics and International Relations at the University of Nottingham, and Dinara Dildabekova, ODIHR international consultant, for their contribution to this publication. Additionally, ODIHR would like to express its gratitude to the Conflict Prevention Centre at the OSCE Secretariat (CPC) and the OSCE Parliamentary Assembly (OSCE PA) for their support and collaboration throughout the preparation of this publication.

Parliamentary Oversight of the Executive in the OSCE Region

Published by the

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

ul. Miodowa 10

00-251 Warsaw

Poland

www.osce.org/odihr

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ISBN: 978-92-9271-359-1

Designed by Dejan Kuzmanovski

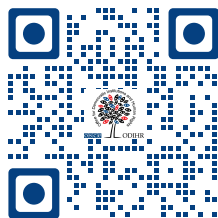


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ABBREVIATIONS

IPU	Inter-Parliamentary Union
MP	Member of Parliament
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
pS(s)	participating State(s)
RoP	Rules of Procedure

GLOSSARY¹

Absolute Majority

An absolute majority is the majority of all MPs (including those who are absent or not voting). Absolute majority vote requires the affirmative vote of a majority of all those eligible to vote in an institution in order to be successful.

Inquiry committees

Committees established to meet temporary needs. The work of inquiry committees produces reports that might be debated and adopted in the plenary.

Adopting reports

The plenary and committees adopt periodic (mostly annual), or extraordinary reports (requested by the parliament) from the government, government institutions or independent monitoring institutions (most frequently, supreme audit institutions and ombuds offices) responsible to the parliament. In some countries, failure to adopt a government annual report equates to a vote of no confidence in the government. The plenary has the final authority to adopt reports.²

Appointment confirmation

Parliament's power to confirm some appointments of the executive.

Committee (parliamentary)

A parliamentary body that is appointed by one chamber (or both, in the case of joint committees in a bicameral parliament) to undertake certain specified tasks and is subordinate to the parent chamber. The parent chamber either refers matters to committees or empowers the latter to choose what issues to examine. Committees can be either permanent or ad hoc.

1 Based on Hironori Yamamoto, *Tools for Parliamentary Oversight*, IPU, 2007; and supplemented by *Guidelines on Democratic Lawmaking for Better Laws*, OSCE/ODIHR, 16 January 2024.

2 This practice exists in some countries. However, linking the non-approval of reports to the potential dismissal of officials such as Ombudspersons may raise concerns about compliance with the Paris Principles, particularly in relation to the security of tenure, which is a fundamental guarantee of the independence of National Human Rights Institutions (NHRIs).

Debate/deliberation

An exchange of speeches that is intended to help MPs reach an informed, collective decision on a subject. Votes are often held to conclude a debate. These may involve passing a proposal or simply registering opinions on a subject. Deliberation means that participants in a debate try to justify their positions with a focus on the common good and are willing to accept better arguments.

Ex ante regulatory impact assessment

A regulatory impact assessment that is conducted during the early stages of the policy cycle for the formulation of new regulatory proposals and that primarily focuses on clearly identifying policy goals and evaluating whether regulation is necessary and how it can be most effective and efficient in achieving those goals.³

Ex post

Ex post is a Latin term which translates as ‘after the fact’. This concept is based on analysis of past performance (as opposed to ex ante). In the parliamentary context, ex post scrutiny can be defined as oversight of events that have already taken place and are checked in a reactive way.

Fact-finding missions and investigations

Committees usually have the power to carry out fact-finding missions and investigations into matters that fall within their scope of competence to gather information useful to their work and to the assembly as a whole. They can either visit sites and institutions to gain a better understanding of an issue or organize hearings. Committees usually have the power to request documents and summon anyone who can provide useful evidence. Committees acting in an investigating capacity produce reports that may be debated and adopted in the plenary. Committees appoint one or more committee members (rapporteurs) to act on their behalf, preparing draft reports or presenting the committee’s report to the plenary.

³ OSCE/ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, p. 170.

Hearings

Procedures used by parliamentary bodies to obtain oral information from people with experience or expertise relevant to the inquiry. Hearings can be either consultative or evidence-taking.

Impeachment

A parliamentary procedure through which high state officials are accused of misconduct in office. Impeachment is usually followed by a trial that establishes a verdict, including the suspension or removal from office of those concerned.

Interpellation

A formulated question about the conduct of the government, ministries or government institutions. It is frequently linked to votes on accountability. Interpellation procedures differ between parliaments.

Motion

A formal proposal by MPs that the parliament initiates a discussion on an issue and takes certain action.

Ombudsperson

An independent official who heads a public institution that handles complaints from the public regarding the decisions, actions or omissions of the public administration.

Permanent committees

Committees that are established for the duration of the legislature according to the Rules of Procedure.

Petition (to parliament)

A direct request to parliament by the public asking it to take some type of action.

Questions

Requests made by an individual MP or a group of MPs for information. Questions can be written or oral.

Question Time

A period in the parliamentary agenda that is allocated for an oral question and answer session between MPs and members of the government and government institutions.

Resolution

A parliamentary motion that has been approved by the assembly.

Statement

A short speech by an MP on any issue.

Supreme audit institution

A state institution that conducts external audits of the state's financial accounts.

Vote of confidence

A parliamentary vote to express confidence in the government. The vote takes place either at the establishment of a new government (investiture) or during the life of the government at the government's request.

Vote of no confidence

A parliamentary vote to withdraw confidence from the government as a whole or from one of its members. Some constitutions require the legislature to designate a new head of government before holding a vote of no confidence, the so-called constructive vote of no confidence.

FOREWORD

Parliamentary oversight is one of the core tasks of parliaments and, alongside their legislative and representative roles, is a fundamental element of any effective system of democratic governance. It is hard to overstate the importance of parliamentary oversight, given that 56 of the 57 OSCE participating States⁴ (pSs) rely on parliaments as fundamental institutions to “ensure that the will of the people serves as the basis of the authority of government”.⁵

The Office for Democratic Institutions and Human Rights (ODIHR) has a mandate from all OSCE pSs to help them “build, strengthen and protect democratic institutions”.⁶ Over four decades, ODIHR has engaged in numerous initiatives related to parliamentary oversight, exploring, among other things, the role of independent institutions and human rights bodies in parliamentary oversight, and parliamentary oversight of the security sector.

There is a great range of institutional frameworks and practices for parliamentary oversight in place across the OSCE area. In this publication, ODIHR presents a comparative study of parliamentary oversight of the executive enshrined in the constitutions and parliamentary Rules of Procedure of 56 OSCE pSs. The study includes examples of good practice and describes approaches that yield effective results.

This is published against the backdrop of growing concern about how to preserve effective oversight of parliamentary democracies. International IDEA's Report on the Global State of Democracy for 2023⁷ showed that a number of parliaments around the world have struggled to exercise their executive oversight functions, and that the effectiveness of parliaments is declining significantly in countries with various different political systems. Parliaments were also challenged by the COVID-19 pandemic; this stretched traditional oversight mechanisms while increasing the trend in some countries for governments to adopt legislation through an expedited procedure without meaningful consultation or oversight. Furthermore, the growing use of new technologies in everyday and parliamentary life brings both risks and opportunities for democratic governance.

4 While the OSCE has 57 participating States, this study covers 56, as Holy See does not have a parliament.

5 [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#) (Copenhagen Document), OSCE, 29 June 1990.

6 OSCE, [Helsinki Document](#).

7 International IDEA, [The Global State of Democracy 2023: The New Checks and Balances](#).

OSCE commitments remain relevant today, and parliaments play a vital role in implementing them. We hope that this publication will contribute to the much-needed framework required to uphold the “form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate”, as unanimously stated by the OSCE pSs in 1990.⁸

Maria Telalian, ODIHR Director

⁸ OSCE, [Copenhagen Document](#).

INTRODUCTION

In many contemporary political systems, there is a growing gap between the formally codified position of parliaments and the increasing dominance of the executive. To preserve the fundamental balance between powers and ensure their separation — central to all democratic political systems— parliaments need to maintain certain instruments for ensuring parliamentary control of the executive. These instruments are usually part of the parliamentary oversight function; an area that is analysed less often than a parliament’s legislative or representative competences. Parliamentary oversight can also be understood as an instrument for ensuring the accountability of the executive to the legislature, thereby strengthening the representative nature of the government.

In Copenhagen in 1990, the OSCE pSs jointly declared that an essential element for the full expression of the inherent dignity and of the equal and inalienable rights of all human beings includes “a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate”.⁹ This was reinforced the same year in Paris, where OSCE pSs affirmed that “democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially.”¹⁰ The accountability of the executive to the elected legislature, and the obligation for public authorities to comply with the law, which both stem from the OSCE commitments, are best secured through an effective system of parliamentary oversight.

There are significant variations across the OSCE region in the practice of parliamentary oversight and in the political limitations on it, which depend on a country’s sociocultural and historical context. Regardless of how it operates, efficient and sustained parliamentary oversight should strengthen the position of the legislature within the system of separation of powers and be a crucial part of a functioning system of checks and balances. This study, aimed at policymakers, researchers and practitioners of parliamentary oversight, provides an overview of the main mechanisms for parliamentary oversight of the executive in use by OSCE pSs.

9 OSCE, Copenhagen Document, I (5.2).

10 Charter of Paris for a New Europe, OSCE, Paris, 21 November 1990.

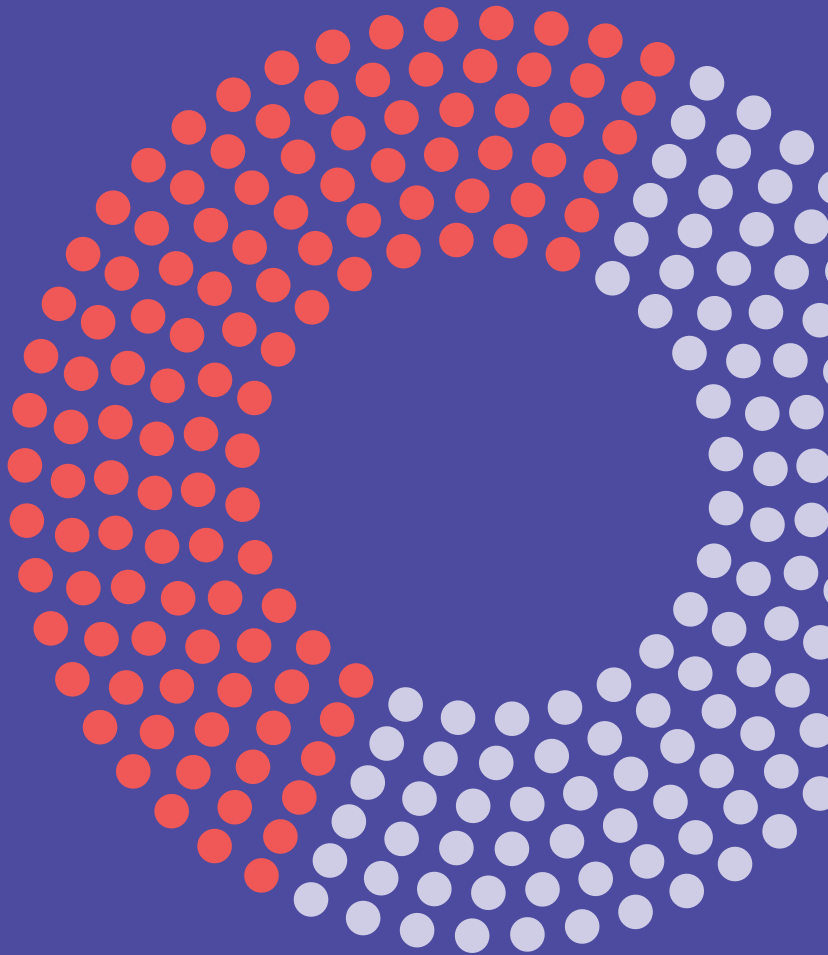
Chapter 1 introduces key concepts and terminology on parliamentary oversight. Chapter 2 discusses how to classify different types of oversight mechanisms. Chapter 3 examines specific oversight mechanisms in pSs. Particular attention is given to mechanisms that empower individual MPs, as well as the power of committees to initiate investigations or criminal proceedings. Chapter 4 looks at the main challenges to effective parliamentary oversight and the study concludes with recommendations for further research.

The complexity of analyzing this subject and the difficulty in finding commonalities among the pSs can be seen in the literature on the topic, which not only describes a great variety of oversight mechanisms, but also often uses the same typology/language for substantially different oversight standards and procedures. Parliamentary oversight often relies on procedural activities — such as questions, interpellations and committee hearings — rather than strictly legislative ones; this study focused specifically on the former, non-legislative tools. In some countries, the legal framework governing these oversight mechanisms is embedded in primary legislation, including in the constitution and Rules of Procedure, making them both legally binding and procedurally significant.

Since parliamentary oversight tools and procedures normally have their legal base in constitutions and are more extensively regulated in Rules of Procedure, this research was chiefly based on analysing the constitutions and Rules of Procedure of the 56 pSs. In addition, due attention was paid to a great number of reports on parliamentary oversight mostly published by international organizations and prominent institutions dealing with democracy and the rule of law, as well as to the academic literature on this topic. The study is supplemented by the findings of a case study of parliamentary oversight practices in the **Swedish** parliament (*Riksdag*), conducted by ODIHR in December 2023.

By mapping the diverse range of parliamentary oversight mechanisms, contextual challenges, and effective practices in place in the OSCE region, this study aims to be a useful resource for policymakers, researchers and practitioners. The findings should also support ODIHR's broader work on assisting pSs in upholding democratic integrity, transparency and the rule of law across the OSCE region.

1. KEY CONCEPTS AND TERMINOLOGY



1. KEY CONCEPTS AND TERMINOLOGY

Parliamentary oversight activities are primarily determined by the type of political system in place and party politics. European continental political systems,¹¹ and their variations in the post-Soviet space (where a presidential system is more common), are the dominant systems among OSCE participating States. However, some states use the Westminster system. The two primary differences between the systems are: 1) the electoral systems (European continental is mainly proportional, Westminster is majoritarian) and 2) the relationship between the legislature and the government as the executive branch.¹²

In continental Europe, where proportional electoral systems are prevalent, it is less likely that one party will gain an absolute majority in parliament. As a result, negotiations among parties on forming a government (power sharing) and policymaking limit the capacity of the executive to dominate parliament. By contrast, in Westminster democracies, the majoritarian electoral system usually results in the supremacy of one party in both the legislature and the executive, favouring the concept of a strong government.¹³ In this system, which is based on the doctrine of the ‘party mandate’, the ability of the parliament to fulfil their oversight duties can be more limited, because the parliamentary majority has a natural tendency to protect the government. On the other hand, the sharp division between majority and opposition may create favourable conditions for scrutinizing government conduct. European continental parliamentary systems are generally considered more conducive to executive oversight, although the political conditions for implementing effective oversight may differ significantly.¹⁴

Party politics produces what the professor of government, Philip Norton,¹⁵ calls a ‘paradox’ whereby, even though a majority of constitutions define parliament as the most powerful institution for exerting sovereignty, it is the executive that is dominant due to pressure from political parties. This happens because party politics incentivizes parliamentary majorities (aligned with the ruling party or coalition) to prioritize support for the executive over independent scrutiny, driven by their need to appeal to voters and maintain their political power. Despite the constitutional characteristics of parliament, the political setup produced by party interaction is crucial to understanding how the executive and legislative branches interact, including how they enforce the oversight function. These political arrangements determine the oversight framework adopted by

11 The defining feature of the majority of European continental political systems is that they are based, on Arend Lijphart's terminology, on a consensus model of democracy, built on compromise and inclusiveness. The most important characteristic of a consensus democracy is power sharing.

12 Elena Griglio, *Parliamentary oversight of the executives: Tools and Procedures in Europe*, (HART, 31 March 2022), p. 3.

13 According to Arend Lijphart, the Westminster Model in the United Kingdom has ten major features: 1. Concentration of executive power in one party and bare majority cabinets; 2. Cabinet dominance; 3. A two-party system; 4. A majoritarian and disproportional system of elections; 5. Interest group pluralism; 6. Unitary and centralized government; 7. Concentration of legislative power in a unicameral legislature; 8. Constitutional flexibility; 9. Absence of judicial review; and 10. A central bank controlled by the executive. Arend Lijphart, *Patterns of Democracy*, (Yale University Press, 2012), Chapter 2.

14 Griglio, *Parliamentary oversight of the executives*, p. 35.

15 Lord Norton of Louth, MPs and Lords, UK Parliament [Contact information](#).

parliament, its interaction with the executive branch (as the entity being overseen) and the types of mechanisms used.¹⁶

Political party systems can influence the use and effectiveness of certain parliamentary oversight mechanisms, especially those that highlight the role of the parliamentary opposition. The OSCE region has different party systems which can loosely be grouped into four types: 1) predominant party systems (with a dominant political party), 2) two-party systems, 3) moderate pluralism and 4) polarized pluralism.¹⁷ While pSs have all committed to strengthening “democracy as the only system of government”¹⁸ and have acknowledged that “pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms”,¹⁹ the OSCE does not promote any specific type of political or party system. ODIHR assists the parliaments and political parties of pSs in strengthening their internal integrity standards and mechanisms, as well as advancing diversity, inclusion and gender equality, all of which are directly related to how the principles of pluralism are applied and function.

With this in mind, and the fact that the opposition is generally considered by democratic governance experts to be the most authentic oversight actor, the main criterion for assessing a parliament’s capacity to provide effective checks and balances is the number and strength of the rights and opportunities of the opposition for oversight over the government. In *Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist*, the Venice Commission describes, among others, the different mechanisms and parameters related to the participation of the opposition in parliamentary oversight of the executive, including:²⁰

1. Questions, interpellations, no confidence votes and impeachment
2. Parliamentary inquiry committees
3. Opposition participation in the appointment of certain senior office holders
4. MPs’ immunity
5. Dispute resolution related to the rights of the opposition

16 Griglio, *Parliamentary oversight of the executives*, p. 38.

17 Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis*, (Cambridge University Press, 1976).

18 OSCE, *Paris Document*.

19 OSCE, *Copenhagen Document*.

20 *Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist*, Council of Europe Venice Commission, 5 February 2020.

In addition, the relationship between cooperation and competition in parliamentary oversight activity depends on the extent of overlap (chiefly in activities) between the executive and legislative branches of power. The greater the overlap, the greater the cooperation between government and the parliamentary majority is likely to be, and the opposition should be more adversarial towards the executive. In contrast, where there is clear separation between the legislative and executive branches, the oversight function is predominantly competitive.

Although opposition oversight prerogatives are one of the main indicators of a parliament's oversight capacity, the parliamentary majority also has a very important role to play; the parliamentary majority is expected to set the tone and exercise 'internal' oversight, associated with joint decision-making and management of oversight activities. The goal is to protect fundamental values and provide legitimacy to those appointed to run public affairs, thus preserving the constitutional stability. Examples of this dimension of oversight include the mechanisms embodied in voting (particularly in the plenary), and ex-ante oversight tools.²¹

In addition, the parliamentary structure — whether parliaments have one or two chambers (unicameral or bicameral) — influences many aspects of the system of checks and balances. In the OSCE region, 22 parliaments (40 per cent) are bicameral,²² and their upper (or second) chambers differ widely in composition and function. An upper chamber adds an extra level of scrutiny and/or representation to the legislative process but, generally, has a minimal role in oversight. Bicameralism is more common in large, federal and presidential states, while unicameralism is more typical of smaller, unitary, countries with parliamentary systems.²³ This study focuses on the directly elected, lower (or first) chambers, because in OSCE countries, scrutiny of the government overwhelmingly rests with them. For example, **German** Basic Law stipulates that the Chancellor is elected by, and is responsible to the *Bundestag* (lower chamber) and not to the *Bundesrat* (upper chamber). A notable exception to this rule is in presidential federal states, where the upper chamber may have a say in the impeachment of the president, including in investigations into malfeasance, as is the case in the **United States of America**. Some upper chambers, for example, the US Senate, play a critical role in approving appointments, such as ambassadors and judges, and in adopting treaties. Detailed assessment of the role of upper chambers requires further, detailed research and is not covered by this study.

21 For further explanation of these concepts see Griglio, *Parliamentary oversight of the executives*, p. 39.

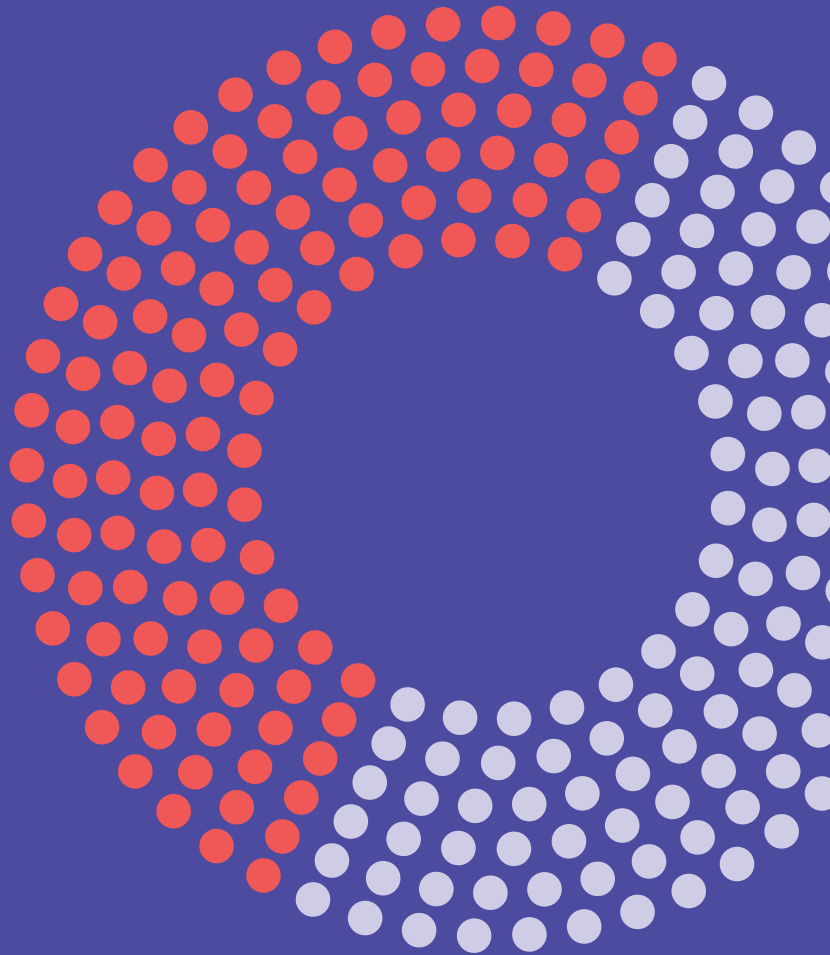
22 Austria, Belarus, Belgium, Bosnia and Herzegovina, Canada, the Czech Republic, France, Germany, Ireland, Italy, Kazakhstan, Netherlands, Poland, Romania, the Russian Federation, Slovenia, Spain, Switzerland, Tajikistan, the United Kingdom, United States of America and Uzbekistan.

23 Elliot Bulmer, *Bicameralism: International IDEA Constitution-Building Primer 2*, International IDEA, 2017, p.3.

In conclusion, the scope and efficacy of parliamentary oversight mainly depends on the political framework. The capacity of the parliamentary majority to oversee the government tends to be stronger in countries ruled by a coalition (current examples include **Denmark, Italy, Sweden** or **Spain**, and some post-communist countries such as the **Czech Republic** and **Slovakia**), or where the ruling party has a clear and consolidated majority (e.g., the **United Kingdom**, the **United States**). However, the scope of oversight tends to be more limited in Westminster democracies, as well as in semi-presidential regimes (most notably, **France**) and is characterized by direct election of the head of state and the presence of a 'dual' executive.²⁴

²⁴ Griglio, *Parliamentary oversight of the executives*, p. 42.

2. CLASSIFYING DIFFERENT TYPES OF PARLIAMENTARY OVERSIGHT



2. CLASSIFYING DIFFERENT TYPES OF PARLIAMENTARY OVERSIGHT

The literature, particularly that on comparative parliamentary law, categorizes parliamentary oversight mechanisms differently. Sometimes the same terms are used to describe different oversight standards and procedures, which complicates the task of describing and analysing the commonalities and differences among countries.²⁵ Moreover, some oversight mechanisms can be multifunctional and address government accountability from different angles.²⁶

Japanese MP, Hironori Yamamoto, in his study for the Inter-Parliamentary Union,²⁷ looks at oversight mechanisms across two different committee systems; that used in continental Europe and the other in the Westminster tradition. The parliaments in continental Europe have permanent legislative and non-legislative committees, non-permanent committees, joint committees and committees of investigation. Parliaments in the Westminster tradition have legislative, special, standing, joint and domestic or internal committees, as well as subcommittees and the 'Committee of a Whole' (the whole membership of a legislative house sitting as a committee and operating under informal rules). For some alternative approaches see [Annexe 3](#).

Due to its simplicity and clarity, this study uses a slightly modified version of Yamamoto's classification, which groups parliamentary oversight activities by who/what is conducting the oversight: the chamber/plenary, parliamentary committees, other oversight institutions and mechanisms, and individual MPs. While it does not include all the types of parliamentary oversight in use across the pSs, it covers the most widespread and important oversight practices, providing a framework through which to analyse them.

Chamber – plenary oversight

- Votes of (no) confidence
- (Re)election of government officials²⁸
- Oversight of budget implementation
- Interpellations
- MP questions
- Motions

²⁵ *Ibid.*, pp. 81-82.

²⁶ Manuel Sánchez de Dios, *Parliamentary Accountability in Europe: How do parliaments of France, Italy and Spain fight information asymmetries?*, paper for workshop ECPR Joint Sessions, Rennes (France), 11-16 April 2008.

²⁷ Yamamoto, *Tools for Parliamentary Oversight*.

²⁸ The (re)election of government officials is one area where parliaments exercise oversight of the executive branch. While in some systems parliaments also play a role in judicial appointments, this study focuses on parliamentary oversight of the executive and does not look at power dynamics between the executive and the judiciary.

Oversight in parliamentary committees

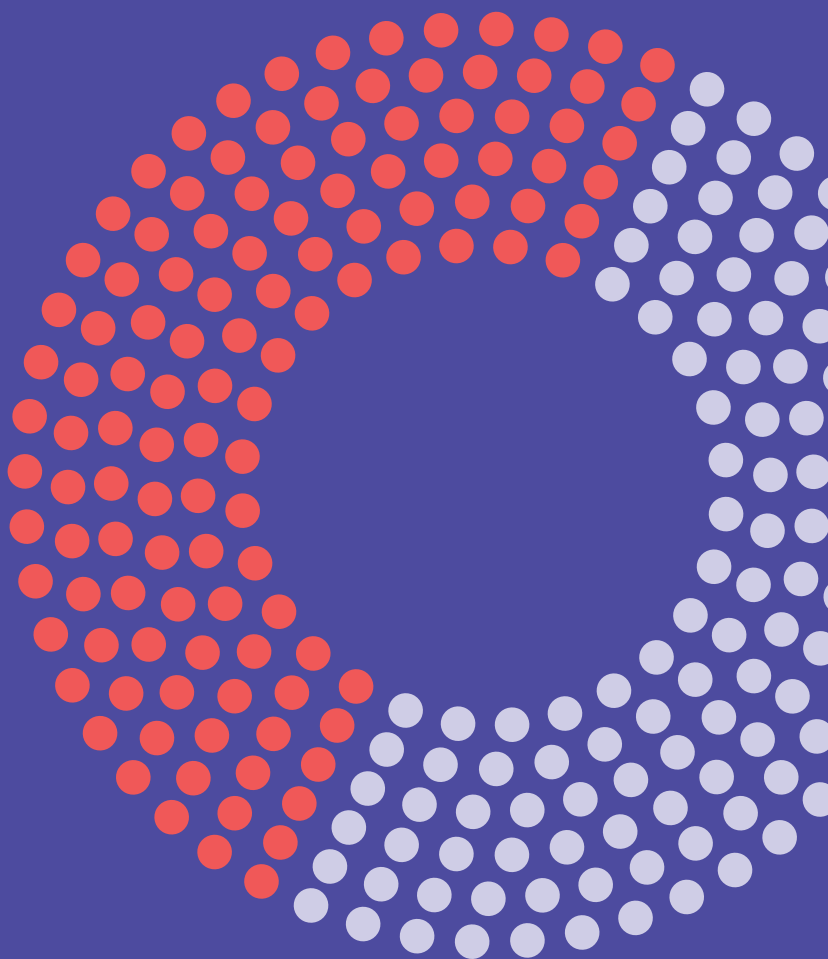
- Standing committees
- Inquiry committees
- Investigations by permanent parliamentary committees
- The specific roles and competencies of the opposition in committees

Specialized oversight and collaboration with independent institutions

Oversight by individual MPs

Chapter 3 looks in detail at each of these elements and gives examples of their application in parliaments of the OSCE region.

3. MECHANISMS USED BY OSCE PARTICIPATING STATES IN OVERSIGHT OF THE EXECUTIVE



3. MECHANISMS USED BY OSCE PARTICIPATING STATES IN OVERSIGHT OF THE EXECUTIVE

The constitutions and Rules of Procedure of the majority of pSs stipulate the mechanisms for parliamentary oversight of the executive. However, parliamentary oversight is only clearly defined and regulated in separate sections (mostly in Rules of Procedure) in slightly over a third of pSs. (Annexe 1). A number of pSs regulate major oversight tools in primary legislation or Rules of Procedure but without explicitly calling this parliamentary oversight. For example, the Standing Orders of the *Dáil Éireann* (lower chamber of the **Irish** parliament) regulate numerous parliamentary oversight mechanisms, but these mechanisms are found in different sections and articles of the document, including the parts on the functioning of committees, procedures for inquiries and financial procedures.²⁹

Simply placing all parliamentary oversight mechanisms and competencies into a single chapter of a Rules of Procedure document does not necessarily guarantee their optimal implementation. While the provisions on parliamentary oversight tend to be dispersed across the document, provisions on the oversight of legislative procedures usually appear in a dedicated chapter or section. This different treatment may make parliamentary oversight procedures less prominent than those of other core functions of the legislature. In turn, it may be more difficult for new MPs to find and use the full range of oversight mechanisms at their disposal.

The scrutiny mechanisms prescribed by Rules of Procedure are similar in most countries, particularly when it comes to the plenary mechanisms. In nearly all pSs, the most detailed mechanisms are those for financial oversight, which cover budget adoption, implementation, the conduct of publicly-/state-owned entities, and the use of state property. In most cases, responsibility for this area of oversight is evenly divided between the plenary, committees and independent oversight institutions. **Liechtenstein** has an extra pre-legislative scrutiny tool that requires the government to submit a preliminary estimate of all expenditure.³⁰ In **Georgia**, the Finance Ministry is obliged to submit quarterly reports on execution of the budget to the Finance and Budgetary Committee.³¹

29 Standing Orders relative to Public Business 2020, *Dáil Éireann*, 26 May 2022.

30 Art. 82, Constitution of the Principality of Liechtenstein.

31 Art. 141, Rules of Procedure of the Parliament of Georgia.

3.1 Chamber – plenary oversight

This section reviews the most common oversight mechanisms used by chambers/the plenary. It covers the following tools: votes of (no) confidence, (re)election of government officials, oversight of budget implementation, interpellations, and questions and motions.

The strongest oversight prerogatives of the plenary concern votes of (no) confidence for the government (sometimes also called the power of impeachment) and budget adoption. In some countries, e.g., **Latvia**, the plenary's rejection of the budget equates to a vote of no confidence.³² A vote of (no) confidence is a procedure used by members of a legislative body to remove a government from office. While this serves a similar purpose in any parliamentary oversight system, it is applied differently depending on the political system — Westminster vs. continental, unicameral vs. bicameral.

Most systems apply the absolute majority rule in votes of (no) confidence; i.e., a majority of all MPs eligible to vote. In some systems however, e.g., the **United Kingdom**, a simple majority of those MPs present and voting is sufficient to force the government's resignation. Furthermore, in the Westminster model, a vote on a major piece of legislation may be treated as a vote of (no) confidence, while continental European parliaments usually envisage a separate procedure for any vote of no confidence.

Several OSCE participating States use the so-called 'constructive vote of no confidence' mechanism, which allows a parliament to rule on the question of confidence in the executive only if the motion includes the proposal of an alternative candidate as head of government.³³ In **Slovenia**, a vote of no confidence in a head of government is regarded as successful only if the vote proves that there is a positive majority for a particular successor.³⁴ The **Romanian** parliament is unusual in that a (no) confidence vote requires an absolute majority during a joint session of both (lower and upper) chambers of the parliament.³⁵

France has a particularly strong parliamentary role in oversight, where the appointment of a Minister in Charge of the Relationship with Parliament is a key institutional mechanism for facilitating coordination between the government and parliament. The minister participates in the organization of government work and plays a central role in setting the parliament's agenda. They are in charge of coordinating legislative procedures, mediation and planning parliamentary work.³⁶ While this is not primarily an oversight tool, it is a role

32 Art. 30, Rules of Procedure of the Saeima.

33 Albania, Belgium, Georgia, Germany, Hungary, Poland, Slovenia and Spain.

34 Art. 253, Rules of Procedure of the National Assembly of Slovenia.

35 Art. 104, Constitution of Romania.

36 The National Assembly in the French Institutions, (English translation of *L'Assemblée nationale dans les institutions françaises*, Assemblée nationale – Service des affaires internationales et de défense, February 2011, pp. 181-184).

that can facilitate parliamentary oversight by ensuring that members of the government are available to answer parliamentary questions and follow the debates.

The **German Bundestag** (lower chamber) has an unusual oversight mechanism called a major interpellation. Unlike a minor interpellation, which only requires a written response, if the Federal Government refuses to reply to a major interpellation (or to do so within three weeks, if required by a parliamentary group, or five per cent of MPs), the *Bundestag* must place the major interpellation on the agenda for debate in the plenary. Before the debate, a representative of the initiators may be allowed to present additional reasons for the interpellation.³⁷ The major interpellation mechanism ensures that the issue will be given proper attention, either through a timely response from the executive, or through a debate in the plenary, which should bring it to greater public attention.³⁸

Other plenary mechanisms, such as questions, interpellations and motions, are similar in the majority of pSs and differ mainly only in their details. The rules on questions vary in their frequency and scope, and there are notable differences in motions and interpellations in terms of the percentage of MPs required to initiate (from five per cent to one third of MPs), and in how long governments have to respond (from five days to three months). Priority can be given to opposition questions during official government Question Time sessions in the plenary. For example, the parliament of **Croatia** organizes a draw to determine the order of oral questions,³⁹ an uncommon instrument in the OSCE region. A draw is used so that the opposition and ruling parties take turns to ask questions; the opposition asks the first, third, fifth, etc., questions, while the ruling parties ask the second and fourth, etc. The names of parliamentary groups (or an independent MP) are drawn from two different pots — one for the opposition, the other for the ruling parties.

The role of the opposition and parliamentary groups in the plenary

In countries with developed oversight mechanisms, a certain portion of the parliamentary minority and individual parliamentary groups can use specific tools or procedures that enable the parliamentary minority and individual groups to participate in the plenary to exercise their important oversight role. These are extra safeguards to parliamentary oversight that prevent stable majorities from blocking any possibility of oversight through majority votes. The strongest mechanism of this sort is the aforementioned motion of no confidence, which requires a minimum percentage of MPs or number of parliamentary groups to initiate the vote. The lower the percentage, the stronger the role of the opposition. This is usually between ten per cent and one third of the overall number of MPs. The most common threshold is one fifth, with one third threshold being both

37 Rules 100-103, Rules of Procedure of German Bundestag.

38 Rules 100-104, Rules of Procedure of German Bundestag.

39 Art. 134, Standing Orders of the Croatian Parliament; Art. 47, Standing Orders of the Dáil Éireann.

the highest and second most common in the OSCE region. In some smaller pSs with few MPs, such as **Luxembourg**, a single MP can initiate a motion of no confidence. However, these motions are not automatically tabled, but need to be approved either by the Speaker or the Presidium. In **Greece**, one fifth of MPs can request a debate, particularly on the findings of an inquiry committee,⁴⁰ while, in **Iceland**, one seventh of MPs can request the latter.⁴¹

In some parliaments, the opposition and their leaders have special rights related to motions, questions and interpellations. For example, in **Canada**, opposition motions are guaranteed and have precedence on allotted days.⁴² In **Lithuania**, the leader of the opposition has priority in asking questions during government Question Time sessions,⁴³ and in **Italy**, the chairpersons of parliamentary groups may request an urgent interpellation.⁴⁴ In **France**, every opposition or minority group chairperson may request, once per ordinary session,⁴⁵ a debate on establishing an inquiry committee which will be automatically included on the agenda.⁴⁶

In the majority of pSs, plenary oversight mechanisms and motions for the establishment of inquiry committees can be initiated by a certain portion of MPs who are not part of the parliamentary majority.⁴⁷

Table 1. Portion of MPs empowered to initiate major parliamentary oversight mechanisms, according to respective constitutions and Rules of Procedure.

OSCE participating State	Motion of no confidence	Interpellation/Motions	Establishing an inquiry committee
Albania	1/5	1/20	1/4
Andorra ⁴⁸	1/5	3 of 28	Presidium, 1/5 or two Parliamentary Groups
Armenia	1/5	Parliamentary Group	1/4
Austria	5 of 183	5 of 183	5 of 183
Azerbaijan	Not defined	Not defined	Not defined

40 Art. 148, Standing Orders of the Greek Parliament.
41 Art. 54, Standing Orders of Althingi.
42 Standing Orders of the House of Commons, p. 95.
43 Art. 207, Statute of the Seimas of the Republic of Lithuania.
44 Art.138, Rule of Procedure of the Chamber of Deputies, Italy.
45 An ordinary session is a scheduled meeting of the legislative body (parliament) to carry out its standard functions.
46 Art. 141, Rules of Procedure of the National Assembly, France (in French).
47 The data was initially compiled from open sources such as primary legislation, including constitutions and Rules of Procedure and then verified by national parliaments via the Parliamentary Assembly of the OSCE (OSCE PA). Twenty four of 56 OSCE parliaments responded to the verification exercise. Twenty four of 56 parliaments responded to the verification exercise.
48 An unofficial translation of the Rules of Procedure was used.

Belarus	1/3 of the full composition of the House of Representatives	Not defined	Not defined
Belgium	Depending on the type of motion: <ul style="list-style-type: none"> • 1/3 of MPs • any MP 	Interpellation — any MP Motions — depending on the type of motion: <ul style="list-style-type: none"> • any MP • Prime Minister only • 1/3 of MPs 	Any MP
Bosnia and Herzegovina	8 of 42 representatives in the House of Representatives 3 of the 15 delegates in the House of People	8 of 42 representatives in the House of Representatives 3 of the 15 delegates in the House of People	The matter concerns voting within the chambers of the Parliamentary Assembly without the establishment of an inquiry or similar committee
Bulgaria	1/5	Any MP	1/5
Canada	Parliamentary Group	All parliamentarians (MPs and Senators)	All parliamentarians (MPs and Senators), with the exception of the Speaker/ Presiding Officer
Croatia	1/5	1/10	1/3
Cyprus	Not applicable	Any MP	Committee of Selection shall set up the Standing Committees and any other temporary, ad hoc or special Committee of the House of Representatives
Czech Republic	1/4	Interpellation (oral or written) — any MP Interpellation (written) — can be submitted by groups of Members, not necessarily by Parliamentary Groups	1/5
Denmark	Not defined	1 MP or a Parliamentary Group	Not defined
Estonia	1/5	1/5	Bureau
Finland	1/10	1/10	Not defined
France	1/10	Parliamentary Group	15 of 577, Chairperson of a Parliamentary Group, or Chairperson of a Standing Committee

Georgia	1/3	7 MPs or a Parliamentary Group or faction	1/5
Germany	1/4	1/20 or by a Parliamentary Group	1/4
Greece	1/6	1/10	1/10
Hungary	1/5	1 MP/Parliamentary Group	1/5
Iceland	1/7	1/7	1/4 of the Constitutional Committee
Ireland	Not defined	Parliamentary Group	Parliamentary Group
Italy	1/10	10 of 606	The same procedure as for introducing bills
Kazakhstan	1/5	1/3	Not defined
Kyrgyzstan	1/3	1/3	Absolute majority of MPs for inquiry committee
Latvia	1/3	1/10	1/10
Liechtenstein	1/25	1/25	1/4 of 25 MPs
Lithuania	1/5	1/5	Committee, Parliamentary Group or 1/4 of MPs
Luxembourg	1/60, speaker decides on admissibility of the motion	1/60	1/60
Malta	Government and Opposition MPs	Individual MPs	Government and Opposition MPs
Moldova	1/4	Individual MP – for interpellation 15 of 101 – for motions	Parliamentary faction or 5% of 101 MPs
Monaco	Not defined	Every member	Every member, decision taken by absolute majority
Mongolia	19 of 76	Not defined	1/4
Montenegro	1/3	1/3	1/3
Netherlands	5 of 150	1/5	5 of 150
North Macedonia	1/6	5 of 120	1/6
Norway	1 MP	1 MP	Simple majority in the <i>Storting</i> upon proposal by the Standing Committee on Scrutiny and Constitutional Affairs
Poland	1/10	Individual MPs	1/10 or the Presidium of the <i>Sejm</i>
Portugal	1/4 or a Parliamentary Group	Parliamentary Group	1/5 (potestative) or simple majority (subject to a vote)

Romania	1/4 of the total number of Deputies and Senators	Interpellation (can be addressed to the Government or to a member of the Government) — 1 or more Senators/Deputies or a Parliamentary Group Motion (simple) — at least 1/4 of Senators / at least 50 Deputies	Parliament – at least ¼ of the total number of Deputies and Senators Senate — 1/3 of its members Chamber of Deputies — at least 50 Deputies from at least 2 Parliamentary Groups
Russian Federation	1/5	Not defined	Not defined
San Marino	1/5	3 of 59	Not defined
Serbia	60 of 250	1/5	Parliamentary Group
Slovakia	1/5	1/5	1/5
Slovenia	1/9	1/9	1/3
Spain	1/10	1/5 or two Parliamentary Groups	1/5 or two Parliamentary Groups
Sweden	1/10	1 MP or a Parliamentary Group	Not defined
Switzerland	75 out of 200	75 out of 200	Bureau ⁴⁹
Tajikistan	Not defined	1/3	Not defined
Türkiye	Not defined	Not defined	1/30 (20 MPs) of the Parliament or the backing of Political Party Groups
Turkmenistan	2/3 - impeachment in presidential system	Not defined	Not defined
Ukraine	1/3	Parliamentary Group	Parliamentary Group
United Kingdom	Opposition	1MP	Opposition
United States	2/3 for conviction in presidential system	1 Member of Congress	Committees or a Majority of Members
Uzbekistan	1/3	1/5 or a Parliamentary Group	Not defined

49 A body of the Parliament of Switzerland comprised of the three members of the Presiding College, the four Tellers, and the presidents of all party groups. It is chaired by the President of the Parliament.

3.2 Oversight in parliamentary committees

The main oversight tools used by parliamentary committees include appointing specific standing committees, forming inquiry committees, conducting investigations, engaging in ex post evaluation of legislation (often referred to as post-legislative scrutiny), and the specific roles and competencies of the opposition in committees. While this study does not analyse post-legislative scrutiny in depth, it is an important part of parliamentary oversight. Parliamentary committees often assess the implementation and impact of legislation and can ask the government to conduct evaluations. The findings can then be debated in parliament, contributing to evidence-based policymaking and improved legislative processes.⁵⁰ Other mechanisms available to parliamentary committees include questions, resolutions, hearings, debates, missions, considering government reports, and government-related appointments.

An investigation by a parliamentary committee (inquiry committee) is a particularly sensitive mechanism, because it could affect the separation of powers and the independence of the judiciary. The rules regulating the establishment and practices of inquiry committees vary across the OSCE region. However, any inquiry committee — in accordance with numerous international norms and standards related to safeguarding the independence of the judiciary — must not take any action that could influence the outcome of ongoing legal cases, prospective police investigations or trials.⁵¹ In its 2020 *Note on Parliamentary Inquiries into Judicial Activities: Bosnia and Herzegovina*,⁵² ODIHR highlighted that an interim investigative committee must operate in accordance with principles that protect the independence of the judiciary and maintain the separation of powers. Thus, to uphold these principles, the committee and its members should avoid any actions that could intentionally or unintentionally influence, or appear to influence, judicial decisions.⁵³ If the inquiry gives rise to a criminal or civil investigation and a case is brought before a court and found admissible, it may continue, but, to avoid any real or perceived interference in the judicial process, it should comply with the sub judice rule, which holds that parliamentary inquiries must never exert undue influence in matters in ongoing judicial proceedings. The work of the inquiry committee should remain fully independent and separated from any legal proceedings, and cannot obstruct judicial proceedings or interfere with judicial investigations in any way, including by not expressing opinions on issues discussed in judicial investigations, nor prejudging the decision of the court, nor affecting the procedural status of a person who is accused in criminal court proceedings. More detailed case studies and country examples related to this mechanism are covered in the section on *The power of Committees to initiate investigations or criminal proceedings*.

50 OSCE/ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, p. 100.

51 The Consultative Council of European Judges set particularly clear and strict expectations of the parliamentary inquiries by stating they “must never be used to influence a particular judicial decision or to encourage disrespect or disobedience to judicial decisions” and should be exercised “having regard to the limits imposed by judicial independence and (where provided for by law) by the secrecy of judicial investigations”. (*Opinion 18, 2015*).

52 Bosnia and Herzegovina: *Note on Parliamentary Inquiries into Judicial Activities*, OSCE/ODIHR, 30 October 2020.

53 Ibid., p. 3.

A large amount of parliamentary work is conducted in committees rather than in the plenary. Besides ensuring scrutiny of draft legislation, committees can also oversee government activities and provide a structured setting for parliamentary engagement with external actors and the public. Both standing (permanent) committees, which work on certain policy areas that sometimes mirror the government structure, and inquiry committees, established to address a specific question for a limited period of time, can exercise oversight. Committees can also prepare reports for discussion in the plenary.

In the majority of parliaments, the composition of committees roughly reflects the composition of the parliament, with seats distributed proportionally to the number of seats held by each political group. This allocation is typically governed by parliamentary rules, standing orders or agreements negotiated between political factions. However, in some parliaments, certain committees (or subcommittees) — particularly those dealing with security, intelligence, financial oversight and anti-corruption — grant the opposition a more prominent role to enhance oversight, because the proportional participation of the minority representatives may not be sufficient.⁵⁴

This increased prominence can be achieved in several ways: giving the opposition a chairperson role; having parity in the committee composition (which could lead to deadlock in decision-making if the committee operates on a majority vote basis); allowing a certain percentage of committee members to launch an initiative (often one third); and allowing the minority to present their own reports (e.g., three members in the **Austrian** parliament) or include their opinion in committee reports. For example, several key committees in the **Bulgarian** Parliament are formed on the principle of parity, with two members from each Parliamentary Group taking part in each committee.⁵⁵ In **Malta**, the Chairman of the Standing Committee on Public Accounts is appointed based on the nomination of the leader of the largest opposition party group.⁵⁶

54 Some examples of the OSCE participating States that apply specific measures to emphasize the role of the opposition in committees include Bulgaria, Denmark, Malta and Moldova.

55 The committees include: The Committee on Anti-Corruption, Conflict of Interests and Parliamentary Ethics, the Committee on European Affairs and Oversight of the European Funds and the Committee for Control of the Security Services, the Application and Use of the Special Intelligence Means and the Data Access under the Electronic Communications Act. Art. 19, Rules of Procedure of Parliament of Bulgaria.

56 Art. 120E, Rules of Procedure of the Parliament of Malta.

Standing Committees

Complementing strong oversight prerogatives of the plenary, parliaments in the Scandinavian countries also have some powerful standing committees.

One example is the Committee on the Constitution of the **Swedish** Parliament. Its main duty is to examine ministers' performance of their official duties and the handling of government business. For this purpose, the Committee is entitled to have access to the records of decisions taken by the Government and to all documents pertaining to such matters. In addition, any other parliamentary committee or MP is entitled to raise any issue relating to a minister's performance, in writing, with the Committee.⁵⁷ It plays an important role in overseeing government conduct through its annual examinations. These examinations are conducted in two phases — one in the spring and one in the autumn — ensuring consistent parliamentary scrutiny of government activities. The spring examination focuses on assessing whether ministers have adhered to the constitutional and legal frameworks governing their actions. This process is initiated based on claims submitted by MPs or the public, alleging instances of misconduct or procedural violations by ministers. Each year, MPs and the public can submit such claims by 31 January, after which the Committee evaluates the allegations and prepares a detailed report by June. Common issues include allegations of 'ministerial rule', where ministers are accused of intervening in decisions that are legally reserved for independent public agencies. The committee examines approximately 30-40 cases during this phase each year. The autumn examination, in contrast, takes a broader administrative approach. The committee reviews government protocols and documents to ensure compliance with laws and established practices in the handling of government business. Rather than focusing on individual ministers, this phase addresses systemic and administrative issues. The committee may also select specific topics for in-depth review, including emerging governance challenges, such as the handling of social media by government officials. In both examinations, the Committee on the Constitution operates with a high degree of integrity, often reaching unanimous conclusions, regardless of political affiliation. Public hearings are held during the spring examination, allowing transparency and accessibility for citizens and the media. The Committee's findings, while not legally binding, carry significant political weight, often deterring ministers from misconduct.

The initiative for examining an issue can come from the Committee on the Constitution, from any individual MP or any committee. Since the purpose of the Committee is not a political reaction, but constitutional scrutiny, it is careful not to interfere in daily politics. Taking into account that the impact of the Committee's decisions is stronger if the committee is united, it always decides by consensus in all oversight processes. At the end

⁵⁷ Chapter 12, *Constitution of the Kingdom of Sweden*.

of the oversight process, a press conference is organized to present its final conclusions and a report is published and presented to the plenary. The plenary can debate the report but cannot alter it. The results of a Committee Report may lead to a vote of no confidence in an individual minister or the whole government. However, ministers often resign after a negative report, particularly since the head of government might prefer to avoid the threat of a no confidence vote and a prolonged negative attention on the government.

Standing committees can also debate complaints related to past cases and previous governments. In such cases, the primary motive is to examine whether some regulations should be changed in order to alter possible bad policies and practices that proceeded from these deficiencies. The Committee can also institute a criminal proceeding against a current Minister or a former public official. For example, in **France**, the Court of Justice of the Republic is empowered to try cases involving alleged misconduct by current or former Government official in the performance of their official duties, following an inquiry initiated by petitions committee.⁵⁸

In the **Danish** Parliament, the Standing Orders Committee establishes the Scrutiny Committee (a permanent subcommittee) whose aim is to look at matters about which the general public and Parliament are critical. The Scrutiny Committee is made up of a single representative from each party group that either participates in the work of the Standing Orders Committee, or that has MPs delegated as observers to it. In practice, this gives all parliamentary party groups the opportunity to take part in the work of the Scrutiny Committee on equal grounds, reinforcing the necessity for wider consensus in oversight-related decision-making.

While establishing a temporary committee for a specific case is the most common way in which parliaments conduct their inquiries, in some countries, inquiries can also be referred to permanent committees.⁵⁹ Where time or budgets are limited, it could be more efficient to task existing bodies with certain special inquiries. For example, given the relatively small size of the Parliament of **Moldova**, it may be advisable to permit both mechanisms so that the parliament's limited resources are not unnecessarily fragmented by the creation of additional committees.

The Scrutiny Committee of the **Danish** Parliament may initiate and undertake a preliminary investigation of a case it deems relevant for the parliament and general public.⁶⁰ A preliminary investigation must be conducted if it is requested by members of the Committee from one or more parliamentary groups that together represent at least one third of all MPs.

58 Art. 68-1 and 68-2, *Constitution of France*.

59 See *Opinion on the Draft Law on Parliamentary Oversight of Bosnia and Herzegovina*, OSCE/ODIHR, 29 March 2017, para. 42.

60 Art. 61-62, *Standing Orders of the Danish Parliament*.

After the preliminary investigation, the Scrutiny Committee may recommend a comprehensive investigation of the matter, after which the Standing Orders Committee can decide whether to proceed in one of the following ways:

- 1) Investigation by impartial lawyers
- 2) Elucidation by a professional expert
- 3) A Scrutiny Commission
- 4) An Investigation Commission⁶¹

Similarly, the parliament of **Iceland** has a Constitutional and Supervisory Committee which can investigate any decisions by individual ministers or their procedure that may warrant an inquiry on the basis of the role entrusted to the parliament of supervising the executive. The inquiry is held by the Committee upon the request of at least one quarter of its members.

The Committee also conducts assessments and submits recommendations to the parliament concerning the appropriate times to appoint an investigative committee. The Committee addresses the reports of investigative committees and submits its report and recommendations on further action to the plenary.⁶²

Another example of a strong standing committee is **the French** National Assembly's Commission for the Assessment and Monitoring of Public Policies. This committee, at its own initiative or at the request of another standing committee, assesses public policies whose scope goes beyond the remit of a single standing committee. The Commission also debates the conclusions of fact-finding missions. It may also make proposals to the Conference of Presidents concerning the weekly agenda of the plenary.⁶³

Inquiry Committees

The role and the powers of inquiry committees are particularly important for assessing the strength and efficacy of parliamentary oversight and are determined by the circumstances that caused the committee to be established. Examples of strong inquiry committees include **Estonia, Greece, Italy, Ireland, Romania** and **Spain**.

In the **Estonian** parliament, besides the obligation to provide requested information and appear before an inquiry committee, fines can also be prescribed for obstructing the investigation; failure to appear before a committee of investigation without a valid reason following a summons from the committee, failure to present information or documents, or refusal to provide explanations or to reply to questions is punishable by a fine of up to

61 Art. 65, *Ibid.*

62 Art. 13, Standing Orders of Althingi. Iceland.

63 Art. 146, *Rule of Procedure of the National Assembly*, France.

300 fine units.⁶⁴ Likewise, refusal to cooperate with a special committee in the **Romanian** parliament can prompt criminal charges,⁶⁵ while in **Spain**, the law sets out the penalties for avoiding appearing before fact-finding committees on matters of public interest.⁶⁶

In **Greece** and **Italy**, investigation committees are granted certain quasi-judicial powers, such as the ability to summon witnesses, gather evidence, and conduct inquiries into specific matters. In Greece, an investigation committee, which may be established at the request of one fifth of MPs, has all the competences of the public prosecutor of a misdemeanor court and interrogation authorities.⁶⁷ Similarly, an inquiry committee of both houses of the Italian parliament may conduct investigations and examination with the same powers and limitations as the judiciary.⁶⁸

Lastly, in **Ireland**, the lower house can appoint a departmental select committee with powers not only to monitor the legislation, policy, governance, expenditure and administration, but also the performance of a non-state body in relation to an agreement with any government department or state body.⁶⁹

Role for the opposition in the committees

In some countries the opposition is given a specific role in certain parliamentary committees. This is particularly true for committees dealing with oversight of security and intelligence services. In **Belgium**, each parliamentary group with a membership in any of the standing committees must have at least one representative on the Committee on Monitoring the Police, Intelligence and Security Services.⁷⁰ Party groups with no representation on standing committees can designate a member, who will take part in the work of the committee, but without voting rights.⁷¹ In **Moldova**, the opposition is given a greater role: the elected chairperson of the subcommittee for parliamentary control over the Security and Intelligence Service Activity is always from the opposition.⁷² In **Georgia**, parliamentary control of the defence and security sector is exercised through the 'Trust Group' of the Defense and Security Committee. The Trust Group has five members, two of whom must be from the opposition.⁷³

64 Art. 23, Rules of Procedure of Riigikogu, Estonia.

65 Art. 76, Rules of Procedure of the Chamber of Deputies of the Romanian Parliament.

66 Art.76, Spanish Constitution.

67 Art.144-145, Standing Orders of the Hellenic Parliament.

68 Art. 82, Constitution of the Republic of Italy.

69 Art. 95, Standing Orders of the Dáil Éireann.

70 Rule 149, Rules of Procedure of the Belgium House of Representatives.

71 Section 5, Organisation of the Belgian Federal Parliament.

72 Art. 28, Rules of Procedure of the Parliament of Moldova.

73 Art. 156-157, Rules of Procedure of the Parliament of Georgia.

The **French** National Assembly and **German Bundestag** also have examples of strong oversight prerogatives for minority parliamentary groups. In **France**, once per ordinary session, each parliamentary group has the right to solicit an assessment report from the Commission for the Assessment and Monitoring of Public Policies.⁷⁴ Likewise, in the **German** parliament, the chairperson of a committee is obliged to convene a committee meeting if requested by a parliamentary group represented in the committee, or by a third of its members.⁷⁵

A good example of the opposition's role in financial oversight is **Malta**, where the Chairman of the Public Accounts Committee is nominated by the Leader of the Opposition,⁷⁶ who is, by convention, the leader of the largest political party in the House of Representatives that is not in government. In the **United Kingdom**, the Public Accounts Committee (PAC) is, by convention, chaired by a senior member of the main opposition party.⁷⁷

The Constitution of the Republic of **Georgia** has an interesting formula for the role of the opposition in inquiry committees; this stipulates that the parliamentary majority may only have up to half of the members on any temporary committee.⁷⁸

The power of Committees to initiate investigations or criminal proceedings

The role of parliamentary committees in initiating investigations or criminal proceedings is complex and varies greatly between jurisdictions.⁷⁹ While these powers are typically limited and exercised under strict conditions, they highlight the delicate balance between political accountability and judicial independence. Committees should not aim to establish criminal liability (the exclusive prerogative of the judiciary), but their oversight activities may contribute to broader accountability processes by providing evidence or initiating procedures for further legal action. It is recognized that a parliamentary inquiry might uncover facts and evidence that could warrant the attention of the prosecution and a potential instigation of proceedings. Some countries' regulations permit certain types of cooperation with the prosecuting authorities. Given that the work of a committee of inquiry should be public, it is logical that any law enforcement body, upon receiving information from a committee of inquiry, should assess (for themselves) whether there are sufficient grounds to initiate a formal investigation, including a criminal one.

74 Art. 146-3, *Rules of Procedure of the National Assembly*, France (in French).

75 Rule 96a, *Rules of Procedure of German Bundestag*.

76 Art. 120E, *Standing Orders of the House of Representatives of Malta*.

77 Hironori Yamamoto, *Tools for Parliamentary Oversight*, (Geneva, Inter-Parliamentary Union 2007), p. 20.

78 Art. 56, *Constitution of the Republic of Georgia*.

79 This section is based on research conducted through semi-structured interviews with various parliaments. The findings were subsequently verified and approved by the respective parliamentary bodies to ensure accuracy and alignment with their perspectives.

In **Sweden**, for instance, the Committee on the Constitution has the authority to initiate criminal proceedings against current or former ministers for acts committed in the performance of their official duties. According to Chapter 13, Article 3 of the Swedish Instrument of Government, ministers may only be prosecuted if their actions are deemed to constitute “gross negligence” in their duties under an article from the Criminal Code. The decision to initiate proceedings rests solely with the Committee on the Constitution, ensuring that this process remains within the parliamentary domain and is not influenced by external judicial or political pressures. While the Committee on the Constitution can decide to institute proceedings, the trial itself takes place before the Supreme Court, which acts as the sole and final adjudicator and where the parliamentary ombudsperson acts as prosecutor. Despite receiving claims every month, Sweden’s Committee on the Constitution has not initiated criminal proceedings against any minister since the adoption of the provision in 1974, which demonstrates the narrow scope and exceptional nature of this provision.

As explained to ODIHR by the Secretariat representatives of the Committee on the Constitution at the Swedish *Riksdag*, this provision was introduced not so much to ensure parliamentary control over ministers, for which the Swedish parliament has a good set of tools, but actually to provide ministers with immunity from political prosecution by the judiciary. The provision significantly narrows the circumstances under which ministers can be prosecuted for their political duties: 1) it must be in their duties, 2) it must be a violation of the criminal code, and 3) it must be ruled to be constituting “gross negligence”. Only the parliament has this power. Preparatory materials for the Instrument of Government give a few examples where, in theory, this provision could be invoked, including genocide, high treason, rebellion or significant violations of civil liberties. For crimes which do not meet those three conditions, ministers are treated as ordinary citizens.

Similarly, in **Romania**, parliamentary committees can play a role in initiating investigations into government officials, although the process is framed by stringent legal and procedural safeguards. Article 109(2) of the Romanian Constitution grants the Chamber of Deputies, the Senate and the President of Romania the authority to request the criminal prosecution of government members for actions committed in the exercise of their official functions. Criminal prosecution of members and former members of the Government for actions taken in the exercise of their official duties must follow different procedures depending on whether they are MPs at the time of notification: if they are MPs, only the relevant Chamber of Parliament can request prosecution; if they are not MPs, only the President can make such a request. Requests may be based on the findings of parliamentary committees, including committees of inquiry or standing committees (initiated by parliament) and also be initiated by criminal investigation bodies, via a procedure to the General Prosecutor’s

office.⁸⁰ When a committee identifies possible wrongdoing by a government official who is an MP, it prepares a report summarizing its findings and recommendations, which is then submitted to the relevant parliamentary chamber for approval.⁸¹ The chamber debates the report and votes on whether to forward a request for criminal prosecution to the Prosecutor General. The Prosecutor General is critical to the process, as they must review the evidence and determine whether it warrants formal charges and further judicial proceedings,⁸² for example, criminal proceedings in law courts or removal of parliamentary immunity for arrest or searches. If the Chamber of Deputies approves a request for criminal investigation, the decision is sent to the President of Romania, who has the authority to suspend the government member from office.⁸³

The lower house (Chamber of Deputies) has, since 2008, asked for criminal prosecution of ministers or former ministers 11 times; once at the initiative of parliament via an inquiry commission and 10 times in response to 12 requests from the Prosecutor General (two were rejected). The upper house (Senate) asked 12 times, in response to 17 requests from the Prosecutor General (five were rejected). Parliament typically answers these requests within 20 days, looking only at initial approval or rejection of the prosecution request. Once the decision is made, the Parliament is no longer involved, and the remaining judicial processes fall under the exclusive authority of the Prosecutor General and the courts.

3.3 Oversight mandates of individual MPs

Across the OSCE region, individual MPs have similar oversight tools at their disposal: written and oral questions, interpellations, political statements, motions and resolutions. In some countries, e.g., **Cyprus**, if an MP is not satisfied with the written answer from the government, they may ask for the question to be included in a debate.⁸⁴ An MP can also request an urgent debate on any issues.

In some parliaments, individual MPs are not able to raise motions. For example, a minimum of seven MPs is required to initiate a motion **Georgia** and five is required in **North Macedonia**.⁸⁵

80 Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice.

81 *Regulation of the Chamber of Deputies*, Romania, Article 155.

82 *Ibid.*, Article 193.

83 Suspension from office is mandatory in the event of being sent for criminal proceedings in the courts of law.

84 Art. 76, Rules of Procedure of the House of Representatives of the Republic of Cyprus.

85 Art. 149, Rules of Procedure of the Parliament of Georgia; art. 45, Rules of Procedure of the Assembly of North Macedonia.

3.4 Specialized parliamentary scrutiny through independent state institutions

Parliamentary oversight of the executive is also exercised through independent state oversight institutions. While most regulatory oversight bodies are within government, external bodies, such as courts and national human rights institutions (NHRIs), are increasingly involved in regulatory oversight and legal scrutiny, verifying, among other things, whether draft policies and laws comply with international human rights obligations. Other independent oversight bodies, including anti-corruption agencies, NHRIs and supreme audit institutions as well as non-state actors, such as civil society organizations, the media and professional groups, play a vital role in holding the government to account. Moreover, bodies such as freedom of information or data protection commissioners, national broadcasting commissions and election commissions also contribute to parliamentary oversight by providing independent scrutiny of government activity. The interaction between parliaments and independent state and non-state institutions should be formalized in laws or procedures, for example, requiring mandatory reports from independent institutions, regulated submissions from civil society and citizens,⁸⁶ regular appearances by the heads of these bodies before parliamentary committees, the submission of evidence to committees of inquiry, written answers on the work of these bodies, and plenary debates in parliament on their work.⁸⁷ This study does not go into detail on this important area and offering a few examples of some of the forms of interaction in the OSCE region.

Among the most important institutions established to oversee the activities of the executive branch are supreme audit institutions, designed to operate independently of political influence. Their actual degree of independence may vary, depending on the country's legal framework and the political environment. Supreme audit institutions are typically tasked with monitoring government expenditure, ensuring public funds are used efficiently and recommending measures to improve the cost-effectiveness of the state administration. Their reports, often submitted annually or upon request, supply critical information to parliaments for their legislative oversight and policymaking actions.

The majority of OSCE pSs have supreme audit institutions, operating under different names and structures. In the **United Kingdom**, for example, the parliamentary Public Accounts Committee (PAC) conducts detailed examinations of reports from the National Audit Office, taking evidence from government accounting officers and reporting its conclusions to the lower chamber. The comptroller and auditor-general, or their deputy and a senior official from the Treasury (finance ministry) attend all the PAC's hearings. The PAC examines 40-50 reports each year.⁸⁸

86 Jorum Duri et al, *Overview of parliamentary oversight tools and mechanisms*, Transparency International, 30 December 2022, p. 26.

87 Alex Brazier, *Parliament at the apex: Parliamentary scrutiny and regulatory bodies*, (Hansard Society, 2003), p. 8.

88 Hironori Yamamoto, *Tools for Parliamentary Oversight*, p. 20.

In **Lithuania**, the parliament appoints the State Controller who controls the use of state property and budget execution.⁸⁹ The parliament's Committee on Audit also considers reports and opinions from the National Audit Office.⁹⁰

The auditing mechanisms for plenary oversight of the budget implementation in some Scandinavian countries deserve special attention. In **Denmark**, the Auditor General is appointed by the Speaker of the *Folketing* (parliament) and approved by the Standing Orders Committee of the *Folketing*. The Auditor General is the head of *Rigsrevisionen*, an independent institution placed under the Danish parliament, that examines the annual Public Accounts, ensuring that all state revenues have been entered and that no expenditure has been defrayed. The *Rigsrevisionen* conducts financial audits, compliance audits and performance audits that also measure the efficiency and effectiveness of the administration. The auditors are entitled to demand all necessary information and have right of access to all necessary documents.⁹¹

A similar mechanism exists in **Norway**, where the Office of the Auditor General (OAG) is the audit agency of the Norwegian parliament (the *Storting*). The parliament's competency to appoint five auditors responsible for the annual examination of state accounts is enshrined in the Constitution of the Kingdom of Norway. The auditors are responsible for examining state accounts and submit annual reports to the parliament.⁹² The *Storting* can also commission special audits.

The **Swedish** National Audit Office (NAO) is an authority under the *Riksdag*, and its independence is enshrined in the country's Constitution. As part of the oversight function of the parliament, the NAO's main function is to impartially assess the implementation and results of state activities and commitments made by public agencies, guided by the standards of economy, efficiency and effectiveness, and to ensure that the *Riksdag* receives a coordinated and independent audit of the state finances. Its main responsibilities include:

1. Financial audits: Assessing and reporting on whether the financial statements provided by central government agencies give a true and fair view, including if the accounting is reliable and whether applicable rules and regulations were followed.

89 Art. 133, Constitution of the Republic of Lithuania.

90 Art. 59, Rules of Procedure of the Seimas, Lithuania.

91 Art. 47, Constitutional Act of Denmark.

92 Art. 75, Constitution of the Kingdom of Norway.

2. Performance audits: Auditing factors that may negatively affect the central government budget, the implementation and results of central government activities, and central government commitments. The NAO acts as an independent mechanism for tracking the performance of all actors that are distributing/using public funds.

The Auditor General and the Deputy Auditor General are elected by the *Riksdag* for seven-year terms. The Auditor General cannot be re-elected, to prevent compromises ahead of the election. Removal of the Auditor General is possible but requires a three-quarters majority in the *Riksdag*.

The NAO's audit reports are widely used and referred to in parliamentary debates, used in motions raised by individual MPs and discussed in the public sphere. The work of the NAO also creates an 'audit effect', whereby the public administration regulates its actions because they know they will be audited.

In addition to the two standing committees — the Committee on the Constitution and the Committee on Finance — that play a crucial role in overseeing and supporting the work of the National Audit Office, the *Riksdag* also formed a mixed Parliamentary Council for National Audit that is responsible for the performance and work environment of the NAO. The Council is based on the parity principle with one MP from each parliamentary political party, who must be members of either the Committee on the Constitution or the Committee on Finance.

CASE STUDY: Parliamentary oversight practices in Swedish *Riksdag*

Parliamentary oversight mechanisms in Sweden are embedded in the Constitution, and other normative documents, and provide valuable examples of practices in a number of areas, including the role of standing committees, the rights of the opposition, independent monitoring bodies, financial reviews and gender-sensitive oversight.

Parliamentary control of the executive in Sweden is clearly defined and strongly embedded in the Constitution but also, and more importantly, in the country's long tradition of separation of powers. An historic cornerstone of this tradition was the creation of the oversight instruments, for example, the institution of the Parliamentary Ombudsmen and the Standing Committee on Constitution, both formed in 1809, which aimed to limit the power of the king and his aides.

Parliamentary oversight in Sweden covers the special powers of the parliament to review and monitor the work of the executive and the public administration, and is comprised of three main pillars:

1. Parliamentary review reflected in the robust oversight mandate of parliamentary working bodies and individual MPs, where a consensual decision-making culture is emphasized alongside failsafe prerogatives for the parliamentary minority. The main elements include:

- Standing Committee on the Constitution examination of the actions of ministers and how they handle government matters (including the right to launch criminal proceedings against both current and former ministers)
- Standing Committee on Finance examination of budgetary, monetary and fiscal matters
- The right of MPs to submit questions and interpellations to the government
- The power of the *Riksdag* to initiate a vote of no confidence in a minister or the whole government
- A special role for the Committee on Labour Market in the oversight of gender equality policies
- A supportive working environment, including inclusive and gender-sensitive internal parliamentary policies
- Adequate professional support for MPs

2. Expanded judicial review exercised by the Parliamentary Ombudsmen who supervise the application of laws and other regulations in public activities, ensuring that all public authorities, including the judiciary, treat citizens in accordance with the law. They control activities are non-partisan and independent of the budget, and use a human rights- and rule of law-based approach.

3. Efficiency audits completed by the National Audit Office, which reviews the efficiency and efficacy of government expenditure and which acts as an independent mechanism for tracking the performance of all actors that are using public funds.

All parliamentary control bodies and *Riksdag*-related oversight institutions operate in a favourable environment: a participatory political culture characterized by a high level of public trust and a proclivity for consensus building. Accordingly, in all parliamentary bodies the minority has a guaranteed role, including the chairmanship of the Committee on the Constitution, the most prominent oversight body (particularly given that there is no Constitutional Court). The prevailing political culture also exhibits a hesitance about overregulation, including in the area of oversight, based on the belief that not everything can be regulated, but that crucial issues can instead be resolved through dialogue.

In this environment, the main goal of oversight is to improve government policies, practices and the regulatory framework, and not to highlight the responsibilities of public officials. Under these circumstances, there is a high level of confidentiality in how the parliament and government operates, based on mutual trust and a prevalence of consultative mechanisms and closed meetings that usually precede open hearings and public announcements. There is a strong 'audit effect'; a strong preventive function of the oversight mechanism. It should come as no surprise therefore that government institutions and agencies have an almost perfect response record to oversight actors and their requests and sanctions for failing to respond to oversight requests are practically never applied.

Another feature contributing to the success of the control mechanisms is that the staff of the oversight bodies and institutions are highly qualified and well-resourced, and continually trained. There are also mechanisms in place for continual dialogue between monitoring institutions, and exchanges of personnel. One downside is the limited resources that political parties dedicate to the work of their MPs.

Last but not least, the oversight bodies frequently consult external actors such as national and international experts, academia and civil society organizations.

Parliamentary Ombudsperson

The Swedish parliament provides an example of a robust ombudsperson oversight mechanism. The *Riksdag* elects four 'Parliamentary Ombudsmen', each fully independent in their area of competency and directly responsible to the parliament. They are specifically tasked with ensuring that the public authorities and courts abide by legal provisions on impartiality and objectivity and that the public sector does not infringe on the fundamental freedoms and rights of the citizens. They organize regular inspections of various public authorities and courts, and the authorities are obliged to provide information, including confidential information. The primary aim of the Ombuds activities is to register shortcomings and make recommendations on how to overcome them to improve the functioning of public authorities and courts. This oversight process is predominantly conducted in confidentiality and closed to the public, with a strong preventive function.

At the same time, the Parliamentary Ombudsmen have the authority to issue statements if the measures taken by a public authority or a public official are in conflict with an existing law or other statute or are incorrect or inappropriate in some other way. Moreover, they have the right to issue advisory opinions intended to promote uniform and appropriate application of the law.

In their role as extraordinary prosecutor, they may initiate legal proceedings against an official who, disregarding the obligations of their office or mandate, has committed a criminal offence. They can also report a civil servant for dereliction of duty. A public prosecutor is also obliged to assist any of the ombudsmen, if so requested.⁹³ They have also established institutionalized cooperation with the civil society sector under its role as the National Preventive Mechanism.⁹⁴

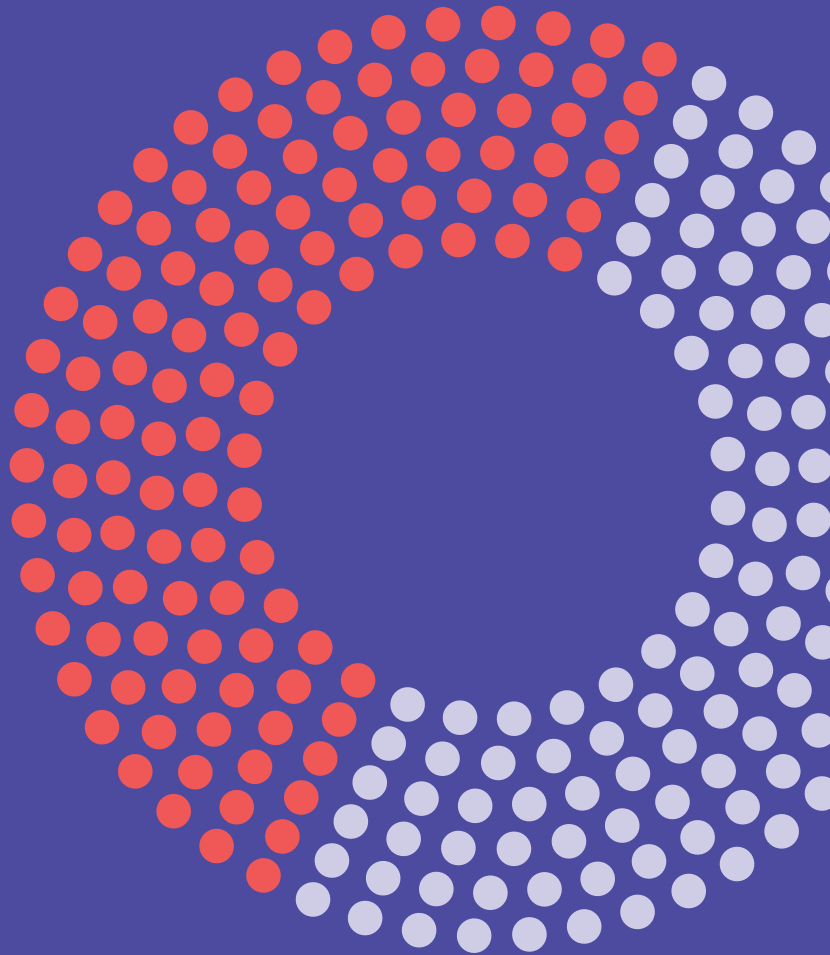
They make an annual plan of oversight activities, but there is always room for additional ad hoc controls, depending on the circumstances. Each autumn the JO submit an annual report to the *Riksdag*, describing the year's work and including statistics and selected decisions.

The ombudsmen are the cornerstone of constitutional protection of the basic freedoms and rights of individuals. As such, this institution operates in an environment of high public trust.

93 Art. 6, Constitution of the Kingdom of Sweden

94 The National Preventive Mechanism (NPM) is an independent body designated by states under the [Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) (OPCAT), adopted by the United Nations, to conduct regular visits to places of detention to prevent torture and ill-treatment (OPCAT, Article 3).

4. MAIN CHALLENGES TO EFFECTIVE PARLIAMENTARY OVERSIGHT



4. MAIN CHALLENGES TO EFFECTIVE PARLIAMENTARY OVERSIGHT

Analysis of the expert literature⁹⁵ and, in particular, the constitutions and Rules of Procedure that regulate the work of national parliaments reveals the following key issues that hindering the efficacy of parliamentary oversight.

Lack of government response to oversight activities.

Crucial preconditions for effective parliamentary scrutiny include the well-established obligation for governments to provide information in a timely manner, engage with oversight and ensure it becomes an integral part of the political culture. The rules must be applied systematically, with ministers appearing regularly before parliament, requested information made available and deadlines for answering questions respected. While several elements contribute to an effective government response, having measures that compel the executive to respond to parliamentary oversight could be particularly promising. Imposing effective sanctions (financial, administrative or, in particularly severe cases, criminal) on those who obstruct parliamentary investigations is another option; the existence and implementation of such measures may reinforce the oversight function of the parliament. While serving a distinct purpose, sanctions should not be the only tool for enforcing parliamentary oversight. Supporting a culture of political integrity, with the legislature and executive fulfilling their oversight responsibilities, is vital for developing effective and sustainable oversight practices. This should increase public trust in the parliament and democratic institutions in general, creating, in turn, a more solid basis for further development of oversight.

A limited role for the parliamentary opposition/minority and for the majority in the oversight framework.

Since the main criterion for assessing a parliament's capacity to exert influence over the government is the number and strength of opposition oversight prerogatives, it is particularly important to improve the implementation and effectiveness of these mechanisms. However, the parliamentary system allows the majority to be the gatekeeper of oversight activities, which is particularly evident when MPs display more loyalty to their political parties than to citizens or the parliament. In some parliamentary systems, MPs

95 Hironori Yamamoto, *Tools for Parliamentary Oversight*; OSCE/ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*; Griglio, *Parliamentary oversight of the executives*; Arend Lijphart, *Patterns of Democracy*; Giovanni Sartori, *Parties and Party Systems*; Council of Europe, *Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist*; Bulmer, *Bicameralism: International IDEA Constitution-Building Primer 2*; Jorum Duri et al, *Overview of parliamentary oversight tools and mechanisms*; Alex Brazier, *Parliament at the apex: Realizing Gender Equality in Parliament, A Guide for Parliaments in the OSCE Region*, OSCE/ODIHR, 6 December 2021; Tool 7 - *Parliamentary Oversight of the Security Sector and Gender*, in *Gender and Security Toolkit*, DCAF, OSCE/ODIHR and UN Women, 25 February 2020.

may prioritize legislative activities over oversight because of party loyalty, constituency demands or the political environment. However, this varies across countries and contexts. Individual MPs, acting as ‘champions of oversight’ by taking a proactive and visible role in holding the executive accountable also have a significant role. These MPs not only engage directly in oversight, but also raise public awareness about the importance of parliamentary oversight in promoting transparency and good governance. The key issue is how to motivate MPs to apply the oversight norms and tools available to them.

An environment that is not conducive to effective parliamentary oversight.

Oversight does not exist independently of a parliament’s fundamental functions nor the general characteristics of the whole political system. As a result, the oversight capacity of a parliament will depend on the norms and regulations surrounding MPs and the party and political systems in place. The stronger the position and prerogatives of individual MPs, and the greater the adherence to the rule of law and a strong participatory political culture, the more effective the parliamentary oversight should be. Examples from political systems with a long tradition of such practices demonstrate stronger tendency towards consensual decision-making within parliamentary bodies on oversight activities. This ensures that the oversight is perceived less as a political issue, and more as a fundamental activity for upholding rule of law and preserving public interest.

Limits on committee competencies and resources.

The effectiveness of parliamentary oversight depends on the breadth and strength of the competencies of parliamentary committees, as set out in legislation, including in parliamentary Rules of Procedure. It also depends upon on the level of human, financial and other resources. The stronger the competencies and the greater resources the more efficient oversight.

Insufficient normative and practical prominence of oversight mechanisms.

Most parliaments in the OSCE region do not have a document that presents systematically, in one place, all available oversight mechanisms. Parliamentary oversight tools and competencies are often scattered across various documents of different legal status (including constitutions, laws, Rules of Procedure and parliamentary bylaws). This creates at least two types of challenge for parliamentary oversight. Firstly, given that the legislative competence of the parliament is, as a rule, clearly defined, the oversight

function of the parliament is often perceived as a secondary issue, thus weakening the position of parliaments in the system of separation of powers. Secondly, where legislative activities are given priority, even experienced MPs (not to mention new MPs) are often not fully aware of the available oversight tools, which means they cannot be properly used. Therefore, grouping these instruments in a separate chapter of the Rules of Procedures, or adopting a dedicated law on parliamentary oversight could be helpful in strengthening the oversight function. Since Rules of Procedure primarily govern oversight, a specific law could impose obligations on executive officials and others to comply with parliamentary requests, testify before committees and provide access to documentation. At the same time, procedural details, such as reporting standards, could stay within internal parliamentary rules to allow flexibility. Two OSCE pSs have dedicated laws on oversight: **Bosnia and Herzegovina's** Law on Parliamentary Oversight⁹⁶ and **Uzbekistan's** Law on Parliamentary Control.⁹⁷

96 Law on Parliamentary Oversight of the Parliamentary Assembly of Bosnia and Herzegovina (in Bosnian).

97 Law on Parliamentary Control of the Republic of Uzbekistan (in Uzbek).

CONCLUSION

Parliamentary oversight is one of the cornerstones of democracy. It has been particularly degraded during the protracted period of democratic regression which began with the global financial crisis of 2007-2008, and has been sustained by conflicts and political polarization; a negative trend confirmed by the EIU's Democracy Index 2023⁹⁸ that described a new low in global democracy. As the executive branch of power becomes increasingly dominant, it is even more important to strengthen parliamentary oversight. This study aims to contribute to the understanding of the complexity and importance of parliamentary oversight, exploring the tools and mechanisms contained in the supreme legal documents of 56 OSCE pSs and presenting some examples of good practice.

The study showed that there are significant variations in the regulatory frameworks and oversight practices of OSCE pSs. These variations reflect their different political systems, parliamentary structures and party dynamics, which are predominantly embedded in the sociocultural context and historic legacy. The study explored how these factors shape the range of oversight mechanisms available to parliaments, such as chamber-plenary oversight, committee-based reviews and mechanisms for individual MPs.

The study also examined the specific roles of standing and inquiry committees, the varied powers of parliamentary committees to initiate investigations or proceedings, and the capacity of opposition groups to improve checks on executive actions. Effective oversight often depends on empowering these committees and parliamentarians with clear prerogatives, operational independence and adequate resources.

Given the limited scope of the study, as well as the breadth and complexity of the topic, it was not possible to cover all the aspects of oversight activities in depth. Therefore, there is great scope for further research on the subject. Some potential areas include the role of parliamentary minority, the effects of political polarization and the importance of clear frameworks, practical tools and resources for improving parliamentary oversight.

98 Economist Intelligence Unit's Democracy Index 2023 Report.

It might also be useful to develop a toolkit on parliamentary oversight, to cover the institutional, regulatory and practical preconditions for effective parliamentary oversight. It should include the rights and prerogatives of parliamentarians (particularly the opposition), necessary skills and resources, sanctions for non-compliance and ways to foster relations between parliamentarians, independent monitoring institutions and citizens. It is also worth exploring the relationship between political systems and oversights, the role of parliamentary oversight in the wider scheme of checks and balances, where parliament, independent agencies, civil society and media play a role.

Strengthening parliamentary oversight is vital to upholding democratic values and protecting the separation of powers. By addressing the structural, procedural and political elements that affect oversight, OSCE participating States can improve the ability of parliaments to foster accountability, transparency and adherence to the rule of law. This study's findings aim to support policymakers, researchers and practitioners in strengthening parliamentary oversight. It is through this commitment that parliamentary oversight can remain not only an essential function of governance but a resilient mechanism for democratic integrity across the OSCE region.

ANNEXE 1. Regulation of parliamentary oversight in OSCE participating States' Rules of Procedure.⁹⁹

OSCE participating State	Oversight defined as a separate section of the Rules of Procedure
Albania	Yes
Andorra	Yes
Armenia	No
Austria	No
Azerbaijan	No
Belarus	Yes
Belgium	Yes
Bosnia and Herzegovina	No
Bulgaria	Yes
Canada	No
Croatia	Yes
Cyprus	No
Czech Republic	No
Denmark	No
Estonia	No
Finland	Yes
France	No
Georgia	Yes
Germany	No
Greece	Yes
Hungary	No
Iceland	Yes
Ireland	No
Italy	Yes
Kazakhstan	No
Kyrgyzstan	Yes
Latvia	No
Liechtenstein	No
Lithuania	Yes
Luxembourg	Yes

⁹⁹ The data was initially compiled from open sources such as primary legislation, including constitutions and Rules of Procedure and then verified by national parliaments via the Parliamentary Assembly of the OSCE (OSCE PA). Twenty four of 56 OSCE parliaments responded to the verification exercise.

Malta	No
Moldova	No
Monaco	No
Mongolia	No
Montenegro	No
Netherlands	No
North Macedonia	Yes
Norway	No
Poland	No
Portugal	Yes
Romania	Yes
Russian Federation	No
San Marino	No
Serbia	No
Slovakia	Yes
Slovenia	No
Spain	No
Sweden	No
Switzerland	No
Tajikistan	No
Türkiye	Yes
Turkmenistan	No
Ukraine	Yes
United Kingdom	No
United States of America	No
Uzbekistan	Yes

ANNEXE 2. Selected types of thematic oversight.¹⁰⁰

Gender-sensitive oversight

Gender-sensitive oversight is not only an essential instrument for advancing gender equality but also a crucial component of effective parliamentary oversight. Gender oversight encompasses the control mechanisms of the impact that government policies, regulation and programs, as well as budgetary allocations and expenditures, have on women and men, boys and girls in all their diversity. It assesses whether all groups benefit equitably regardless of their gender, i.e., whether gender-sensitive assumptions were applied on the beneficiaries of processes and policies.¹⁰¹

According to the 2020 survey of the parliaments in the OSCE participating States, the most common body responsible for gender-sensitive oversight was a standing committee on gender equality (38 per cent of responding parliaments), followed by a dedicated human rights committee (17 per cent).¹⁰² The same survey showed that the gender equality committees are more likely than women caucuses to undertake specific gender-sensitive actions or hold the government accountable. The main reason is the informal nature of women's caucuses and lack of both institutional legitimacy and the mandate to hold government to account.

An interesting example is provided by the Swedish parliament where every committee is legally bound to consistently apply gender mainstreaming within their respective competency. Hence, gender mainstreaming and gender budgeting obligations are incorporated into the work of every committee, that are effectively checking whether gender mainstreaming is working and achieving its aims across all policy areas.

In addition, the Working Group on Gender Equality is created in every convocation by the *Riksdag* Bureau, composed of one representative from each parliamentary party. The Working group is internally oriented and works on enhancing the working conditions of all MPs, having in mind gender considerations. By removing obstacles for equal and substantive engagement of MPs in their everyday work, as well as by setting up important internal supportive mechanisms, it contributes to effective conducting of parliamentary oversight. The Working Group conducts studies on different aspects of gender equality in the parliament, and keeps track of the statistic indicators, such as time that men and

100 The selected types of thematic oversight outlined in Annexe 2, such as gender-sensitive oversight and parliamentary oversight of the security sector, are intended to provide examples of OSCE expertise in this area. While other forms of parliamentary oversight exist, they are not covered by this study. The examples provided are non-exhaustive and aim to highlight specific, prominent mechanisms.

101 *Realizing Gender Equality in Parliament, A Guide for Parliaments in the OSCE Region*, OSCE/ODIHR, 2021, p. 55.

102 *Ibid.*, p. 56.

women MPs speak in the chamber. Some of the major accomplishments of the Working Group include introducing the childcare facility to the *Riksdag* and changing the voting time in the plenary, due to parental obligations of MPs.

Parliamentary oversight of the security sector

The OSCE commitments affirm the importance of ensuring that the security sector is subject to the same standards of good governance, including democratic oversight, as any other part of the public sector. This notion has historically evolved on the basis of the 1994 Code of Conduct on Politico-Military Aspects of Security¹⁰³ — a key OSCE-wide framework document, and the first multi-lateral agreement that set the principle of democratic control of security forces within the context of people-centred approach to security. The Code has also set forth the imperative for enhanced transparency, guarantees for legislative scrutiny and approval of security spending. These and other important principles introduced by the Code have formed the core of a contemporary concept that is widely referred to as the Security Sector Governance and Reform (SSG/R).

A central role within the multi-faceted structure of civilian oversight of the security sector belongs to parliaments. Role of the parliamentary oversight within the context of security sector is particularly crucial as it reinforces the fundamental principle of civilian control of the security forces. However, the nature of security institutions, which are entrusted with exclusive powers, operate within regimes of confidentiality and are distinct in their way of organization, management, training and equipment may present an additional challenge for application of conventional parliamentary oversight tools. As a rule, the security institutions tend to be the least accessible public sector for other actors of external oversight and independent watchdogs, especially, the media and the civil society. Also, the inherent complexity of the sector requires specific expertise which is often not available within legislatures, while the level of awareness and recognition of the oversight priorities among the MPs is not always sufficiently high. This is why many parliaments¹⁰⁴ regulate oversight of security institutions under separate chapters of Rules of Procedure and adapt the oversight mechanisms to the specific nature of the security sector institutions, while preserving the principle of civilian control.

Consequently, a wide range of procedures and mechanisms can be employed to ensure effective parliamentary control of security sector within a democratic system of government. Some of these mechanisms go beyond the scope of parliamentary oversight function analysed in this publication. Relying on representation function, parliaments are uniquely placed to give prominence to the grievances of their electorates regarding

103 Geneva Centre for Security Sector Governance (DCAF), Europe and Central Asia, DCAF.

104 Rules of Procedure of the Belgium House of Representatives.

security policies. Their legislative function allows review and endorsement of pertinent regulatory framework and control over the strategic policy development. In the same vein, the budget cycle reviews, and approval are a tool used to inspect and regulate the core of the security policy planning and implementation. Appointment or confirmation of top-level security officials provides another strong means for influencing the management of the security sector, in addition to ensuring political responsibility for violations and conducting inquiries into high-profile cases for public interest. Often granted with high degrees of security clearance, MPs are also able to detect and bring up inefficiencies and abuses, procurement frauds and corruption, fostering integrity and prudent governance.

Effective parliamentary oversight strongly impacts the overall public confidence in the government and legitimacy of the security policies, thus also contributing to the stability building.

Due to its role, parliamentary oversight is also a powerful mechanism to promote gender mainstreaming and gender parity within the security sector. To guide parliaments and their committees in including a gender perspective in their oversight of security sector institutions, ODIHR, together with UN Women and DCAF, developed a dedicated [Toolkit](#)¹⁰⁵ with concrete steps to be taken. The Toolkit elaborates on the importance of conducting security sector oversight through a gender lens and sets out a vision of what a gender-responsive oversight of the security sector would look like. Lastly, it describes a number of steps for parliaments to take to include a gender perspective in their oversight work, for instance conducting a gender analysis of security legislation and introducing or strengthening gender responsive budget initiatives.

¹⁰⁵ Parliamentary Oversight of the Security Sector and Gender, in *Gender and Security Toolkit*, DCAF, OSCE/ODIHR and UN Women, 2019.

ANNEXE 3. Alternative approaches to categorizing oversight mechanisms

The professor of Political Science and Senior Parliamentary Official of the Italian Senate, Elena Griglio, has developed several useful ways of categorizing oversight mechanisms. The first distinguishes between informative, ex-ante, hybrid and ex post tools.¹⁰⁶

1. Informative oversight tools aim to collect evidence so that MPs can have an informed debate with members of government. They can be used both in the plenary (reporting obligations for government and external bodies), and by committees (hearings, fact-finding missions, reports from external institutions).

2. Ex-ante oversight tools are used to check a government's policy plans and programmes, as well as to help set political direction by influencing government policies. These tools fall into three groups:

- a) Tools that do not involve a vote in the plenary or in committee (debates, communications or statements from the government)
- b) Tools that invoke the responsibility of the government (motions of investiture/confidence; motions of no confidence/censure and questions of confidence)
- c) Tools that do not invoke the responsibility of the government (motions, resolutions, parliamentary mandates/reserves in the field of European Union (EU) affairs — in EU Member States, votes on other types of 'proposal')

3. Hybrid oversight tools are primarily used to collect information, understand government reasoning for planned policies and assess the government's performance. They include different forms of questioning: written questions, oral questions (both in the plenary and in committees), government Question Time, and interpellations. They are called hybrid, because they cover three dimensions of oversight: informative, legislative and providing political direction.

¹⁰⁶ Griglio, *Parliamentary oversight of the executives*, p. 81.

4. Ex post oversight tools are used solely to assess government performance. They include committees of inquiry and select committees.

She also classifies the main parliamentary oversight tools in other ways: by purpose, by power to initiate the procedure, by majority/opposition preferences in the selection of oversight tools, by type of interaction with the government, by enforcement mechanism, and by implementation stage.¹⁰⁷

According to purpose, tools can be categorized as:

1. Fact-finding tools: hearings, government reports, government communications and statements, missions, fact-finding investigations, questions, interpellations
2. Deliberative tools: motions, resolutions, select committees, inquiry committees¹⁰⁸

The power to initiate the procedure category includes two groups of instruments:

1. Individual tools: written and oral questions, interpellations, inquiry committees, motions and resolutions
2. Collective tools: interpellations, motions of investiture/of no confidence, select committees, inquiry committees, missions, motions and resolutions, government communications and statements

When considering the category based on preferences in the selection of oversight tools, the distinction is that the majority prefers tools resulting in a vote in the plenary session, while the opposition prefers committee oversight tools, as well as tools that do not require a vote in Parliament (such as questions and interpellations), since such tools have better opportunity to be debated regardless of who initiated them.¹⁰⁹

The type of interaction engaged with the government category encompasses two groups of instruments:

1. Unilateral oversight tools: motions, resolutions, inquiry and select committees
2. Participatory tools: questions, interpellations, debates in the plenary or in committee, hearings

¹⁰⁷ *Ibid.*, pp. 82-83.

¹⁰⁸ André Bächtiger, *Debate and Deliberation in Parliament*, in Shane Martin, Thomas Saalfeld and Kaare W. Strøm, and (Eds.) *Oxford Handbook of Legislative Studies*, (Oxford: Oxford University Press, 19 June 2014).

¹⁰⁹ Griglio, *Parliamentary oversight of the executives*, p. 84.

The enforcing mechanism category is also comprised of two sets of tools:

1. Binding tools: Motions of investiture/of no confidence, inquiry committees (related to government's legal duty to provide information and evidence, as well as appear before committees), negotiating mandates, and appraisal of government appointments
2. Non-binding tools: All the remaining tools

Last but not least, by the implementing stage the oversight instruments are also divided into two groups:

1. Committee tools: questions, resolutions, hearings, debates, fact-finding investigations, missions, inquiries, government reports, government communications and statements
2. Plenary tools: questions, interpellations, resolutions, motions, debates, government reports, government communications and statements

Approach	Category 1	Category 2
Purpose	<u>Fact-finding tools</u> : hearings, government reports, government communications and statements, missions, fact-finding investigations, questions, interpellations	<u>Deliberative tools</u> : motions, resolutions, select committees, inquiry committees. ¹¹⁰
Power to initiate the procedure	<u>Individual tools</u> : written and oral questions, interpellations, inquiry committees, motions and resolutions	<u>Collective tools</u> : interpellations, motions of investiture/of no confidence, select committees, inquiry committees, missions, motions and resolutions, government communications and statements
Preferences in selection of oversight tools	<u>The majority</u> : prefers tools resulting in a vote in the plenary session	<u>The opposition</u> : prefers committee oversight tools, as well as tools that do not require a vote in Parliament (such as questions and interpellations), since such tools have better opportunity to be debated regardless of who initiated them. ¹¹¹

110 Deliberation should be focused on the common good and reaching consensus based on valid arguments with the aim of taking better informed and consensual decisions in public interest. André Bächtiger, *Debate and Deliberation in Parliament*, in Shane Martin, Thomas Saalfeld and Kaare W. Strøm, and (Eds.) *Oxford Handbook of Legislative Studies*, (Oxford: Oxford University Press, 19 June 2014).

111 Griglio, *Parliamentary oversight of the executives*, p. 84.

Type of interaction with government	<u>Unilateral oversight tools:</u> motions, resolutions, inquiry and select committees	<u>Participatory tools:</u> questions, interpellations, debates in the plenary or in committee, hearings
Enforcement mechanism	<u>Binding tools:</u> Motions of investiture/of no confidence, inquiry committees (related to government's legal duty to provide information and evidence, as well as appear before committees), negotiating mandates, appraisal of government appointments	<u>Non-binding tools:</u> All other tools
Implementation stage	<u>Committee tools:</u> questions, resolutions, hearings, debates, fact-finding investigations, missions, inquiries, government reports, government communications and statements	<u>Plenary tools:</u> questions, interpellations, resolutions, motions, debates, government reports, government communications and statements

