Open Government for Stronger Democracies

A GLOBAL ASSESSMENT

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Foreword

Open government is a powerful catalyst for driving democracy, public trust, and inclusive growth. In recognition of the growing demand by OECD Members to acknowledge and promote this role, the OECD Council adopted the Recommendation on Open Government in 2017. To date, it remains the first and only internationally recognised legal instrument on open government and has guided many countries in the design and implementation of their open government agendas. In 2020/2021, the OECD carried out a survey on the implementation of the Recommendation among all countries that adhered to it and other partner countries, with further data collected through a Perception Survey with delegates to the OECD Working Party on Open Government. Drawing on the insights gathered from these two surveys, and at the request of the OECD Council, this report takes stock of the implementation of the Recommendation, its dissemination, and its ongoing significance.

The concept of open government is based on the notion that citizens, civil society and other stakeholders should be enabled and empowered to oversee and actively participate in public decision making. As defined by the OECD, open government is "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth". Open government policies and practices are widely recognised as important avenues to reinforcing democracy and strengthening trust in public institutions, as also highlighted in the OECD Reinforcing Democracy Initiative ("RDI") and its pillar 2 on "Enhancing representation, participation and openness in public life".

The present report shows that most countries that have adhered to the Recommendation have made progress in terms of open government in recent years, albeit at differing paces and with emphasis on distinct provisions of the Recommendation. Many countries are making higher-quality and larger quantities of information and data available and placing a greater focus on citizen and stakeholder participation. Most countries have also advanced in establishing laws, policies, and governance mechanisms for their open government agendas. The principles of open government are increasingly mainstreamed across public administrations and implemented at all levels of government and in different policy sectors.

Countries have been striving to implement the Recommendation in a continuously evolving context characterised by a multitude of crises, including the COVID-19 health emergency, economic instability and inflation and the Russian aggression against Ukraine. The global environment for open government reforms has become notably more challenging than at the time the Recommendation was approved. Democracy faces setbacks in several countries, and civic space – now widely recognised as a pre-condition for, and an integral element of, an open government – is shrinking in many countries across the world. Consequently, as political, economic and societal challenges remain, additional efforts are needed to ensure that open government policies and practices live up to their promises and breathe new life into policymaking.

This publication is based on the Report by the Public Governance Committee (PGC) on the implementation of the Recommendation of the Council on Open Government [OECD/LEGAL/0438] which was approved by the OECD Public Governance Committee via written procedure on 23 June 2023 and declassified by the OECD Council at its 1471st Session on 13 September 2023.

Acknowledgements

Table of contents

10 Provision 9: Leverage innovation and digital technology 127

11 Provision 10: Open state 137

Annex A. Methodology 151

FIGURES

TABLES

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Executive Summary

Democracy is facing a challenging period, marked by low trust in government and widespread citizen dissatisfaction with democratic institutions. These issues have complex and interconnected causes, including concerns related to the current geo-political context, economic and social tensions, rising political and social polarisation, and the growing spread of misinformation. In this critical moment for democracies, there is an urgent need to rethink how the public sector operates and to strengthen the focus on serving the public interest.

Evidence indicates that a bold transition towards an open government culture can help enhance the democratic model of governance. The 2017 OECD Recommendation on Open Government provides countries with a comprehensive framework for undertaking open government strategies and initiatives that have a positive impact on people's lives. This report takes stock of the progress made in implementing the ten provisions of the Recommendation and reflects on emerging trends and challenges, including ways in which open government policies and practices can better contribute to reinforcing democracy.

Key findings

Open government matters. Policies and practices that aim to foster government-citizen relationships – the core of the concept of open government – are capturing increasing public attention. Results from the 2021 OECD Survey on the Drivers of Trust in Public Institutions confirm that open government policies are key drivers of citizens' confidence in government. The Trust Survey results underscore that governments must do better in giving all people a voice and in responding to these voices to meet evolving public expectations.

Countries are increasingly opening their governments to citizens' inputs and scrutiny. Many countries that have adhered to the Recommendation have made progress in allowing for a more informed debate and participation by making larger quantities of information and data more readily available for the public. Some countries are also proactively publishing increasing amounts of information online and others have improved their capacity to communicate and respond to requests for information. Many countries are now encouraging citizens to provide inputs and feedback and contribute to decision making.

The Open Government Partnership (OGP) has played a key role in shaping countries' open government agendas. Founded in 2011 by eight countries and nine civil society leaders, the OGP is an international partnership between governments and civil society to promote open government reforms. Today, 29 out of the 38 OECD Member countries and 34 out of 43 Adherents to the Recommendation are part of the OGP and the recurring action plans they have to design and implement are a key part of their national open government agendas.

Open government, intended as a multiplicity of cross-cutting whole-of-government efforts, has gradually transitioned towards new horizons. Open government approaches, policies and practices are increasingly mainstreamed across the branches of the state ("open state"), in critical policy domains

(such as public budgeting, government procurement and public investment) and in sectors with a greater impact on service delivery and public integrity (such as extractive industries and the justice sector). The report also shows a greater emphasis on local-level applications of open government policies, especially in cities.

Some pioneering countries are moving towards integrated open government agendas. More and more countries are designing and implementing comprehensive open government strategies/policies (e.g., Argentina, Canada, Colombia, Finland, Romania) as an integrated whole-of-government roadmap for their open government agendas. Open government strategies have the potential to raise the political and institutional profile of open government and lead to the creation of new steering mechanisms, as well as increased monitoring and evaluation.

The medium- and long-term impacts of open government policies and practices are not yet fully documented. The global open government movement currently relies heavily on "impact stories" rather than robust and comparable quantitative evidence. There continues to be a strong need to develop better measurements and indicators of the impact of open government reforms.

Civic space, now widely recognised as a pre-condition for, and an integral element of, an open government, is under pressure in a lot of countries. As highlighted by the results of the 2022 OECD report *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance*, the foundations for the protection of civic space in OECD Members are generally strong, but changing demographics, tensions related to immigration, polarisation due to mis- and disinformation and threats such as COVID-19 are compounding challenges to civic space. Online civic space is increasingly affected by the prevalence of mis- and disinformation and hate speech and media freedom has seen a significant decline around the world.

Key recommendations

The report concludes with eight high-level policy recommendations for countries to consider in order to strengthen open government in a time of poly-crisis and great geopolitical turbulence.

- **Foster sustainable long-term commitment to open government,** including by institutionalising open government policies and practices and by more effectively communicating the value of open government both within and outside government.

- **Continue protecting and promoting access to information**, and to ensure that its implementation in practice matches the legal frameworks that serve to safeguard it, including by making access to information processes more inclusive and accessible for all social demographics, including marginalised groups.

- **Implement additional reforms and measures to ensure the sustainability, inclusion, quality, and impact of participatory processes.** These should enable all interested citizens and stakeholders to effectively influence the activities and decisions of the government and actively participate in the public lives of their countries in all sectors and at all levels.

- **Foster and institutionalise mechanisms for public accountability,** including by strengthening complaint mechanisms, independent oversight bodies and ombudsmen institutions, while identifying incentives for government to provide feedback to citizens and CSOs.

- **Design and implement comprehensive and integrated open government strategies**. These strategies should provide an umbrella to existing but scattered initiatives ("add-up"). They should also bring the commitment to open government to a more political level and link open government policies and practices with objectives relating to reinforcing democracy ("scale-up").

- **Continue to protect and promote civic space as a key enabler of open government reforms.** These efforts should include reviewing policies, laws, institutions and practices relevant to the

protection of civic space, both offline and online, and to ensure that they are in line with international standards. More efforts should be made to collect better data to monitor the effective implementation of civic freedoms to identify challenges and remedial actions.

- **Ramp up efforts to measure, monitor and evaluate the impacts of open government reforms,** including by designing comparable indicators and measurement tools such as maturity models.

- **Continue the move towards an open state, broadening open government reforms beyond the executive branch,** including by designing joint initiatives and reforms with subnational governments and the other branches of the state and by working with actors such as the media in related efforts.

These high-level priority areas are also relevant in the context of the *OECD Action Plan on Enhancing Representation, Participation and Openness in Public Life* which is an integral part of the OECD Reinforcing Democracy Initiative.

1 Monitoring the implementation of the OECD Recommendation on Open Government

This chapter introduces the report. It includes the OECD Recommendation on Open Government – the framework for this report – and provides an overview of the concept of open government.

Introduction

The present Report takes stock of the progress that Adherents have made in implementing the Recommendation (Box 1.1). The Recommendation has one operative paragraph structured around ten (10) specific provisions. The Report discusses open government reforms in light of these ten provisions of the Recommendation, assessing the implementation of each of them independently.

Box 1.1. The 10 provisions of the OECD Recommendation on Open Government

RECOMMENDS that Adherents develop, adopt and implement open government strategies and initiatives that promote the principles of transparency, integrity, accountability and stakeholder participation in designing and delivering public policies and services, in an open and inclusive manner. To this end, Adherents should:

1. Take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change.

2. Ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance.

3. Ensure the successful operationalisation and take-up of open government strategies and initiatives by: (i) Providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial and technical resources, while promoting a supportive organisational culture; (ii) Promoting open government literacy in the administration, at all levels of government, and among stakeholders.

4. Co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives – horizontally and vertically – across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives.

5. Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by: (i) Identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format; (ii) Developing comparable indicators to measure processes, outputs, outcomes and impact in collaboration with stakeholders; and (iii) Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.

6. Actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in.

7. Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders.

8. Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise

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consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented or marginalised groups in society, while avoiding undue influence and policy capture.

9. Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives.

10. While recognising the roles, prerogatives, and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

Source: OECD Recommendation on Open Government (2017[1]) https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438

Open Government is an umbrella concept

While the concept of Open Government has only been widely used in the past decade, initiatives to foster the open government principles of transparency, accountability, integrity and stakeholders' participation have existed for a long time (OECD, 2022[2]). With the emergence of the global open government movement, for the first time, countries started seeing them as one integrated cluster and developing holistic approaches to promote all of open government principles in synergy (OECD, 2022[2]).

Reflecting the way OECD Members have used and understood the concept, the OECD Recommendation on Open Government defined it as "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth" (OECD, 2017[3]). Open Government constitutes a change of paradigm for governments, public administrations, civil servants, citizens and stakeholders in general. Intended as such, Open Government touches upon the functioning and working methods of every institution and every individual public official and it has profound implications for the relationship between governments and citizens (OECD, 2022[2]). The answers that delegates to the WPOG submitted to the 2021 OECD Perception Survey on Open Government confirmed the community's broad understanding of the concept (OECD, 2021[4]) (Figure 1.1).

Figure 1.1. In your opinion, what actions of a state are the best indications of its level of openness?
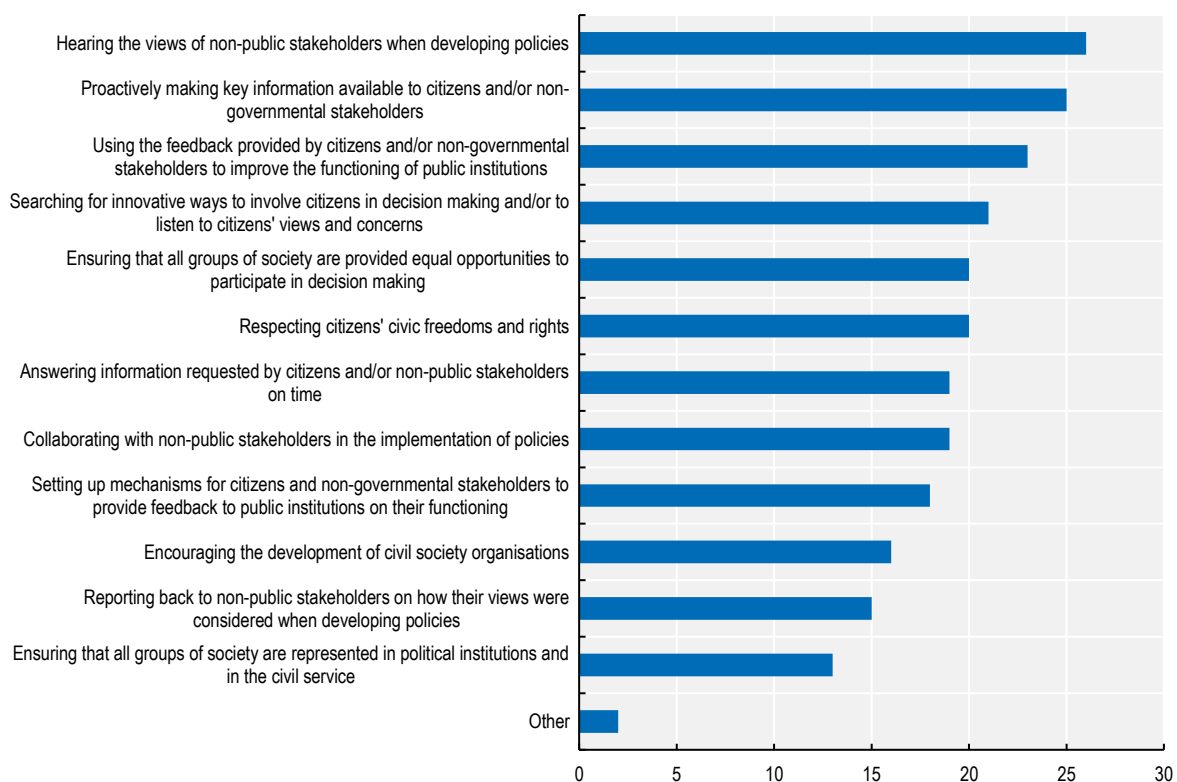
Note: N=32. Multiple selection possible.
Source: OECD (2021[4]).

Definitions of the concept of open government are now common practice in Adherents. Only six (17%) Adherents did not have a definition in place while ten (28%) had one or several official definition(s) and 26 (72%) had one or several working definition(s) in place (Figure 1.2). Adherents' definitions of open government are often inspired by those promoted by the OECD (19, 61.3%) and/or the OGP (21, 67.7%) and, according to text-mining conducted by the OECD most commonly associate the concept of open government with transparency (90.5%), accountability (76.2%) and participation (76.2%).

Box 1.2. Examples of definitions of the concept of open government in Adherents

Argentina: "Open government is an approach that seeks to strengthen and democratise institutions, involve citizens in public policy and increase trust and collaboration between governments and society. This approach promotes citizen participation, transparency, accountability and collaboration as a means to innovate in public management and build an open, present and federal state that develops effective policies, generates well-being and inclusion and expands rights."

Australia: "Australia adopts the OECD and Open Government Partnership's key values of transparency, participation and accountability and their working definitions:

(i) Transparency means the public understands the workings of their government.

(ii) Participation means the public can influence the workings of government by engaging with public policy processes and public service providers.

(iii) Accountability means the public can hold the government to account for its policy and service delivery performance."

Canada: "A governing culture that holds that the public has the right to access the documents and proceedings of government to allow for greater openness, accountability and engagement."

Greece: "Open and participatory governance aims to establish channels for meaningful and direct communication with citizens in order to enable every citizen to be informed in a simple way about the procedures of the public administration processes that concern them, but also to be able to shape them according to their needs, to the extent possible, so that public administration processes cease to be time-consuming and ultimately inefficient."

Korea: "Open government is a principle for the government to promote anti-corruption, transparency and civic space in order to protect the rights of citizens and provide better public services."

Lithuania: "[Open government] is a culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, participation and integrity that fosters democracy and inclusive growth."

Mexico: "[Open government] is a model of collaborative and open public management between government and society based on the principles of transparency, accountability, citizen participation and innovation."

New Zealand: "[…] Open Government is about ensuring that all New Zealanders have a place to stand, with a sense of identity, connectedness and ownership. It's about empowering our people, as individuals, *whānau*, *hapū* and communities. It's about strengthening the reciprocal relationship between government and New Zealanders. That means a government that is open, inclusive and responsive, and citizens who willingly get involved in issues that are important to them. When government is more open, transparent and inclusive, people understand what government does and why it does it."

Spain: "Open Government is a new way of governing our societies and understanding governments and public administrations, based on transparency, participation and collaboration, with the aim of harnessing the knowledge of citizens to involve them in the improvement of our societies. It is a journey in stages that requires the involvement of the whole of society, including children."

"Open Government is a model of governance in our societies that promotes transparency in the actions of governments and public administrations, accountability for their actions, citizen participation and collaboration with other actors. All of this is based on greater dialogue and balance between those who govern and the rest of the citizenry." Open Government teaching guide for secondary education.

United States: "We will work together to ensure the public trust and establish a system of transparency, public participation and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government."

Source: OECD (2020[5]), OECD Survey on Open Government; Canada: Official definition, 2014 Directive on Open Government, https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=28108#appA Greece: p. 200, Digital Transformation Strategy 2020-25, https://digitalstrategy.gov.gr/website/static/website/assets/uploads/digital_strategy.pdf; Mexico: General Provisions on Archives and Open Government for the Federal Public Administration and its Single Annex, published in the Official Journal of the Federation on 15 May 2017, http://www.dof.gob.mx/nota_detalle.php?codigo=5482571&fecha=15/05/2017; Spain: Government teaching guide for primary school pupils, https://transparencia.gob.es/transparencia/dam/jcr:60484b3e-1029-4e9c-88ae-ba470646d3c9/Gu%C3%ADa_GobAb_Primaria_EN_enl%C3%ADnea_definitiva.pdf: United States: https://obamawhitehouse.archives.gov/the-press-office/transparency-and-open-government

Figure 1.2. Definitions of open government in Adherents
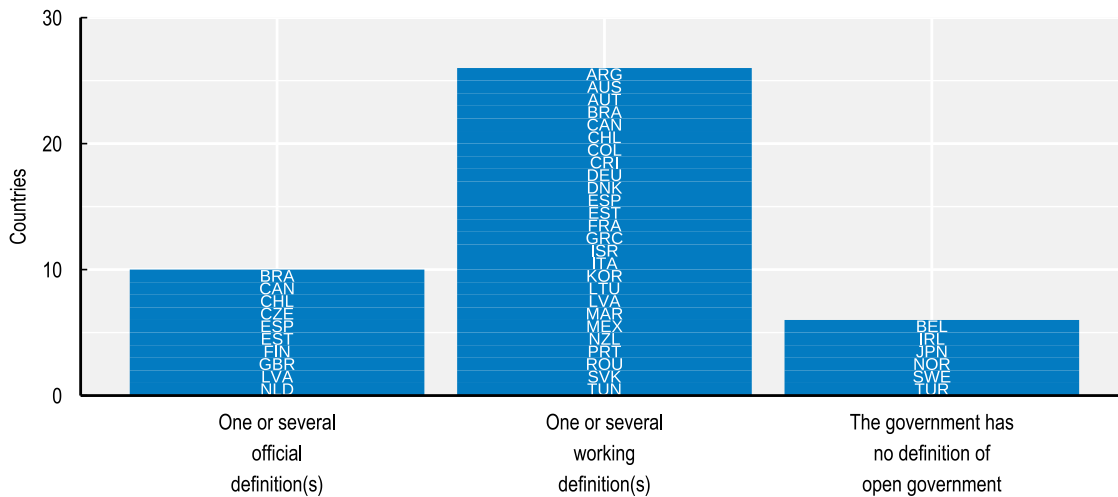
Note: N=36. Multiple selection possible. Data for Denmark not validated.
Source: OECD (2020[5]), OECD Survey on Open Government.

The concept of Open Government and its implications sometimes remain unclear or underutilised. Indeed, in the OECD Perception Survey on Open Government (OECD, 2021[4]), more than half of the delegates responded that only few or some public officials in their country knew about the integrated approach promoted concept of Open Government. Moreover, 61% of delegates responded that there continues to be a large variation in the understanding of open government among public institutions within their countries (OECD, 2021[4]). While all Adherents could make further efforts to disseminate the benefits of open government reforms within their public administration and the wider society, OECD research also indicates that public officials and citizens do not necessarily need to be aware of the exact meaning of the concept of Open Government and of the integrated approaches it promotes, but that citizens do care about the implementation of open government principles, policies and practices. Indeed, according to the OECD Trust Survey, citizens expect to have a government that gives access to government information, provides opportunities to engage in the policy-making process and responds to public feedback and demands (OECD, 2022[6]), no matter the name of the approach taken to achieve these results.

Just like citizens and public officials do not necessarily need to be aware of the integrated approach promoted by the concept of Open Government, initiatives that aim to foster governments' capacity to inform, respond to or interact with citizens do not have to be labelled as "open government initiatives" or be part of an "open government agenda" to be impactful. In fact, in many/most cases they are not. In practice, many Adherents are promoting the different elements that, when taken together, make up an Open Government in a disaggregated manner (i.e., without seeing them as part of one coherent cluster) and, by doing so, have nevertheless achieved high levels of openness. For example, most Adherents have long-standing policy agendas to provide citizens with more high-quality access to public information which predate the global open government movement and, by themselves, have achieved important results.

Nevertheless, the benefits of Adherents joining the open government community and designing integrated approaches to promote Open Government can be very tangible, as further discussed throughout this Report. These benefits including bridging the gaps between existing policy communities within countries (e.g., those focusing on access to information and open government data) to bringing in new, innovative forms of participation or promoting cutting-edge topics such as beneficial ownership transparency. Evidence collected also shows that integrated open government approaches foster policy dialogue,

promote policy alignment, avoid policy fragmentation and, ultimately, promote synergetic outcomes that are greater than the sum of their parts.

The approach that the Recommendation proposed back in 2017 was therefore one of integration. The Recommendation made an offer to countries to speed up their transformation and achieve a synergetic and harmonious implementation of reforms that aim to open the government to citizens' inputs and scrutiny, thereby saving resources and increasing policy coherence.

Protected civic space is widely recognised as an enabler of successful open government reforms

The OECD defines civic space as the set of legal, policy, institutional, and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise and participate in public life. The preamble of the Recommendation recognises that open government is a key contributor to achieving policy outcomes in the domain of civic freedoms (OECD, 2017[3]). Moreover, civic freedoms and rights are essential to "grant all stakeholders equal and fair opportunities to be informed and consulted" as mandated by provision 8. As described in the assessments of provisions 2 and 8, more and more Adherents recognise a protected civic space as an essential enabler of successful open government initiatives. By directly linking the protection and promotion of civic space with good governance, countries are creating the conditions for more effective, inclusive and impactful civic participation in decision making.

When fundamental civic freedoms such as freedoms of expression, peaceful assembly, association and the right to privacy are protected, citizens and civil society organisations (CSOs) can engage with government, participate throughout policy-making cycles, evaluate results, express their views and provide oversight of government activities. A thriving civic space emerges from joint efforts by a range of governmental institutions and across the public sector to protect civic freedoms and to foster meaningful opportunities for civic engagement. By promoting and protecting civic freedoms and providing concrete opportunities for collaboration with citizens and civil society, governments can better align services, policies and laws to societal needs. In the longer term, a vibrant civic space that enables civil society to flourish can contribute to more citizen-centred policies and programmes, help to improve government effectiveness and responsiveness, and help to enhance trust in government and societal cohesion.

By fully integrating civic space into its public governance agenda, the OECD is promoting an expansive, joined-up and holistic understanding of open government that explicitly recognises that transparency, accountability, integrity and participation are only possible when the broader national legal and policy frameworks are conducive to them (see Table 1.1). To take concrete examples, open data do not lead to transparency if citizens are unable to access, use and critique them; similarly, access to information yields little accountability if journalists are threatened or arrested for using it; and participation in public decision-making is hindered if CSOs are struggling to operate, arbitrarily dissolved or drowning in red tape. In 2021, the OGP launched a high-profile Call to Action to encourage its members to protect civic space and enhance citizen participation as a fundamental part of open government. In 2022, the OECD launched a report, *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance* that explicitly links open government, civic space and strengthened democratic governance (OECD, 2022[7]).

Table 1.1. Links between the OECD's open government principles and civic space

Civic space as an enabler of open government reforms			
Transparency	**Accountability**	**Integrity**	**Participation**
Targeted transparency initiatives,[1] proactive	Legal protections and functioning oversight	Targeted transparency initiatives,[1] and proactive	Protected rights (e.g., freedom of expression,

disclosure of information and data and two-way communication to gather feedback and encourage dialogue facilitated by a free and open Internet, a healthy media ecosystem, a safe environment for journalists and bloggers and an enabling environment for CSO and citizen participation are pre-conditions for government transparency.	mechanisms, as well as rule of law, are essential to ensure equal access to information and relevant policy discussions and decision making for CSOs and citizens, in addition to (hard) accountability[2] for violations of the right to participate and other civic freedoms.	disclosure of information and data facilitated by a healthy media ecosystem, protection for human rights defenders, activists and whistle-blowers, and informed civil society and citizens are pre-conditions for the prevention of policy capture wherein public decision making is directed away from the public interest.	association, assembly, privacy), non-discrimination, an enabling environment for CSOs, security and protection for activists and rights defenders, robust information ecosystems and inclusive and accessible opportunities are preconditions for effective citizen participation in governance and decision making.

Note: 1. Targeted transparency initiatives "have the fundamental characteristic of using information disclosure as a way of achieving a concrete public policy goal, such as improving public service delivery in healthcare, education and transportation, among other sectors" (OECD, 2022[8]).
2. Hard accountability refers to measures that "explicitly name a means of enforcing or brokering compliance". In other words, there are consequences for failure to comply and the means to achieve relevant aims (Foti, 2021[9]).
Source: Based on (OECD, 2022[8]), Open Government and Targeted Transparency: Trends and Challenges for Latin America and the Caribbean; (Foti, 2021[9]) Foti, J., "Past due: Leveraging justice for 'hard accountability' in OGP"; and unpublished OECD documents.

In 2021, the Open Government Partnership launched a high-profile Call to Action to encourage its members to protect civic space and enhance citizen participation as a fundamental part of open government. In 2022, the OECD launched a report, *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance* that explicitly links open government, civic space and strengthened democratic governance (OECD, 2022[7]).

Data from the 2021 Perception Survey on Open Government (OECD, 2021[4]) confirms that civic space is firmly anchored in open government for many Adherents. A total of 56% of delegates to the WPOG responded that civic space was "fully" relevant to their work, while 19% said it was "mostly" relevant and 25% "somewhat" (see Figure 1.3). However, only 16% respectively said that civic space was "fully" or "mostly" integrated into the open government agenda in their country. 59% said it was "somewhat" integrated and 9% "not at all", illustrating a need for greater cohesion at national level.

Figure 1.3. Integration of civic space into national open government agendas

Perceived relevance of protected civic space in OG work

Somewhat (25%)
Mostly (19%)
Fully (56%)
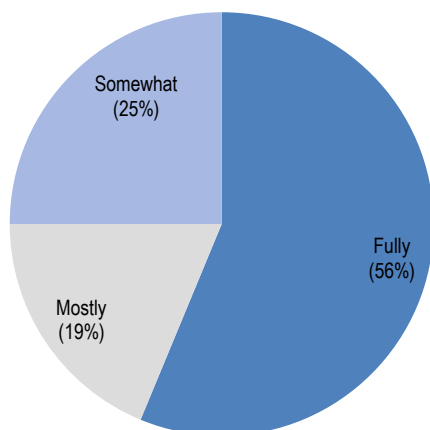
Level of integration of civic space in OG agendas

Not at all (9%)
Fully (16%)
Mostly (16%)
Somewhat (59%)
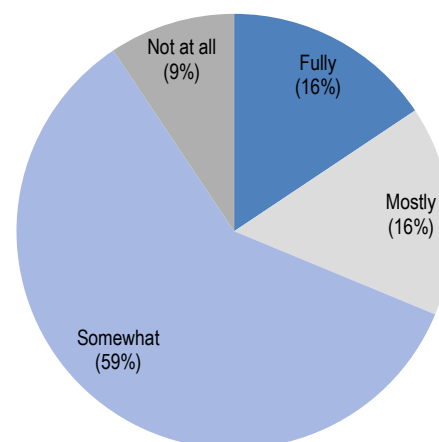
Source: OECD (2021[4]), Perception Survey for Delegates of the OECD Working Party on Open Government.

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2 Provision 1: Open government strategies and initiatives

Take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change.

The first provision of the Recommendation focuses on the policy framework for open government reforms at the central/federal level of government[1]. Policy documents (such as strategies, action plans, policies, institutional plans and memos) give direction to a country's policy agenda, outline objectives, detail initiatives to achieve them and facilitate monitoring and evaluation of reforms (OECD, 2022[1]). Policy documents can further be a tool to harmonise practices across government, facilitate communication with internal and external stakeholder, and support accountability of public action.

According to data collected through the 2021 OECD Perception Survey on Open Government (OECD, 2021[2]), policy objectives such as fostering citizens' trust in public institutions and "increasing peoples' satisfaction with public services" are most frequent for Adherents' open government agendas (see Figure 2.1. The main policy objectives of open government agendas).

Figure 2.1. The main policy objectives of open government agendas
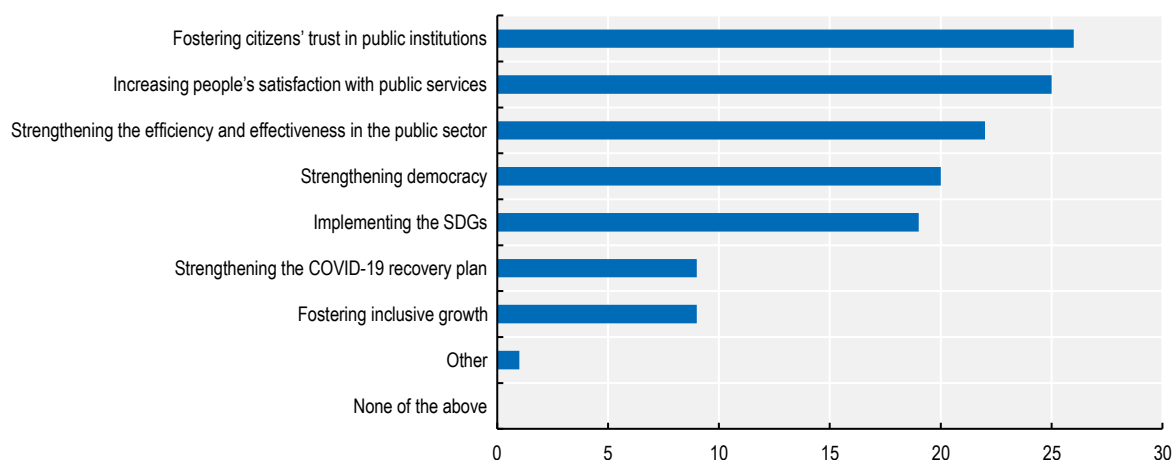
Note: N=32.
Source: OECD (2021[2]), Perception Survey for Delegates of the OECD Working Party on Open Government.

1.1: Design and implement a policy framework on the open government principles

All Adherents are developing and implementing open government strategies and initiatives at the level of the central government.

Evidence collected through the OECD Open Government Reviews (e.g. (OECD, 2019[3])) and the results of the 2020 Survey (OECD, 2020[4]) show that all Adherents are taking dedicated measures to develop and implement policy agendas that aim to promote the open government principles of transparency, accountability, integrity and stakeholder participation, even though often in a disintegrated manner. In fact, Adherents' policy frameworks for the promotion of the open government principles are usually very diverse, reflecting the breadth of initiatives that are related to the concept. They most commonly include whole-of-government policy documents outlining the broader government agenda (e.g., the Government Programme, Public Sector Reform Strategies, etc.), integrated policy documents that focus specifically on the promotion of Open Government (e.g., Open Government Strategies or OGP Action Plans), and policy documents that focus specifically on elements of Open Government or cross-cutting policy agendas (e.g., Digital Government Strategy, Integrity Strategy, etc.) (OECD, 2022[1]).

The 2020 OECD Survey on Open Government (OECD, 2020[4]) gave Respondents the opportunity to identify up to five policies documents that they considered as their countries' "main policy documents promoting the open government principles"[2]. Overall, the 38 Respondents submitted 124 policy documents, for an average of 3.2 documents per Respondent. Out of them, 27% are Open Government Partnership (OGP) action plans, 23% are Digital Government Strategies, followed by high-level strategic government documents (e.g., Government Programme) (18%), documents on Anti-Corruption/Integrity (10%) and Open Data/Access to Information Strategies (8%) (Figure 2.2). In addition, when asked whether they had a strategy/policy to foster citizen and/or stakeholder participation across government, 26 out of 30 Respondents (86.7%) confirmed having such a document in place. This number has also significantly increased in recent years. In 2015/2016, only 46% of the OECD Members that responded to the OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle (OECD, 2015[5]) had an overarching document focusing on citizen participation in the policy cycle. Moreover, compared to the data collected by the OECD in 2015/2016 the number of countries that now have policy documents that explicitly promote an integrated open government approach has grown substantially.

Figure 2.2. Main policy documents promoting open government policies and practices at the level of the central government (up to five per Adherent)
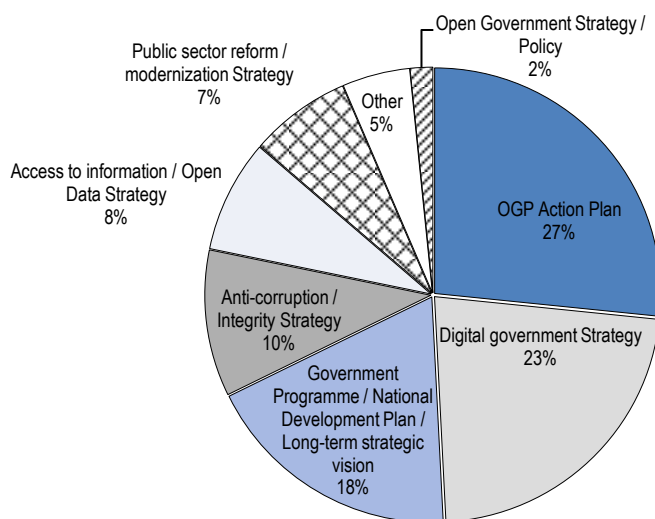
Note: Data is shown as % of policy documents. Based on 124 policy documents by 38 Adherents.
Source: OECD (2020[4]), 2020 Survey on Open Government.

The OGP Action Plan plays a key role in Adherents' open government agendas.

At the time of writing, 34 out of 43 Adherents to the Recommendation (29 of which are OECD Members) were part of the Open Government Partnership (OGP). Members of the OGP have to develop Action Plans of the duration of two years (now experimentally also four years) which are the product of an open co-creation process in which government institutions and civil society work together to create commitments to foster open government principles. In 2022, some countries are in their fifth Action Plan cycle (e.g., Canada) while others that joined more recently are implementing their first or second Action Plan (e.g., Germany).

OGP Action Plans have become the most common forms of action-oriented frameworks for the integrated promotion of the open government principles in Adherents. Often, the OGP Action Plan has been the first (and sometimes the only) attempt to cluster a wide range of initiatives that aim to foster government's

capacity to inform, respond to or interact with citizens under the umbrella of the concept of Open Government. Evidence gathered through the OECD Open Government Reviews and Scans shows that, in many countries, the adherence to the Open Government Partnership has been a key contributor to more ambitious reforms that promote openness. These findings are validated by OGP data. In the first four years after the OGP's inception, countries in five continents have included more than 120 Access to Information ("ATI") commitments in their National Action Plans (NAP), spanning from legal reforms and capacity building activities to technological developments and dissemination programs (Herrero, 2015[6]). Moreover, in the area of fiscal openness, the latest OGP Vital Signs research indicates that OGP membership can also lead to tangible performance improvements. OGP countries that have made open budgeting and beneficial ownership transparency commitments – especially if they are ambitious and over multiple action plans – have improved their scores more than other countries when being assessed by the Open Budget Survey (OGP, 2021[7]).

The action plan process further allowed countries to promote the mainstreaming of the concept of Open Government, reinforce collaboration with stakeholders and put reforms in the spotlight of the national and international open government community (see, for example, (OECD, 2019[3]) and OECD (2023[8]))

All countries that participate in the OGP co-create a number of commitments that aim to promote the "open government values" of transparency, accountability, public participation, as well as technology and innovation (OGP, 2019[9]). According to OGP guidelines, commitments should be written following the SMART framework (i.e., they should be "specific", "measurable", "achievable", "relevant" and "time-bound") (OGP, 2019[9]). While first generation NAPs often contained a high number of commitments (e.g., more than 50), the OGP Handbook "Rules + Guidance for Participants" now recommends making them more strategic and high-level. In fact, the Handbook stipulated "plans comprising 5-15 high-quality commitments spread over multiple themes" (OGP, 2019[9]), reflecting the understanding that action plans – rather than outlining a country's whole open government agenda – should focus on high-impact priority actions. This can also be seen in practice: Adherents that are part of the OGP are increasingly using their action plans more strategically, including in them reforms that are particularly innovative or need international visibility (or other reasons), while leaving many other activities that are considered "mainstream" out of them.

Open government strategies are becoming more common in Adherents.

The fact that Adherents are designing and implementing an increasing number of initiatives to foster their capacity to inform, respond to and interact with citizens and stakeholders in all parts of their public administration and in a wide range of policy areas is a sign of the increasing importance they attribute to the principles of open government. However, evidence collected through the OECD Open Government Reviews and Scans (see for example (OECD, 2019[3]) and OECD (2023[8])) also shows that, in most Adherents, strategies and initiatives that aim to foster the open government principles are still designed and implemented in a scattered and isolated manner, without building the critical mass needed to create a full-fledged and shared government vision of openness or to broader national policy objectives (see also the discussion on Provision 4 below).

In order to address this challenge, over the past three years, an increasing number of Adherents have started designing and adopting holistic Open Government Strategies (Figure 2.3) as an integrated whole-of-government roadmap for their open government agendas (see also OECD (2022[1])). An Open Government Strategy differs from an action plan in many regards (OECD, 2022[1]) (Table 2.1).

Table 2.1. The difference between a "strategy" and an "action plan"

Strategy (or "policy")	Action Plan (or "implementation roadmap")
Translates high-level government commitments into policy objectives and implementation priorities	Makes a strategy operational
Provides a strategic implementation framework	Relies on the strategic framework to define concrete activities
Applies to the whole-of-government or an entire sector	Applies to specified institutional actors
Outlines the vision and high-level objectives	Includes targeted commitments and initiatives aimed at contributing to high-level objectives
Outlines major initiatives and projects	Translates major initiatives and projects into concrete implementation steps
Gives guideline to achieve objectives	Includes short-term deliverables
Allocates resources	Delineates how to use resources
Foresees governance arrangements	Includes a progress reporting structure and a measurable timeline
Timeframe: medium to long term (four-15 years)	Timeframe: usually one-two years
Outlines strategic KPIs and high-level indicators	Contributes to data collection for high-level indicators

Source: OECD (2022[1]), Taking an integrated approach to the promotion of transparency, integrity, Internal paper presented to the Working Party on Open Government, GOV/PGC/OG(2020)4/REV1.

An Open Government Strategy provides an umbrella policy framework to align all strategies and initiatives that are linked to openness and brings them together under a coherent medium- to long-term narrative such as Canada, Costa Rica and Finland among others (Box 2.1).

The design and implementation of holistic and integrated Open Government Strategies has the potential to significantly change Adherents' open government agendas. For example, Open Government Strategies can lift the profile of countries' efforts to respond to citizens' demands to be informed and involved and bring discussions surrounding the open government principles to the Cabinet table. Over time, they can further allow Adherents to create more far-reaching governance mechanisms (e.g., empower the Open Government Office) and increase their monitoring and evaluation efforts.

Figure 2.3. Has your country developed or is your country planning to develop a standalone Open Government Strategy for the Central/Federal Government?

Note: N=32.
Source: OECD (2020[4]), 2020 Survey on Open Government.

1.2: Take an inclusive approach to open government policy making and implementation

The design and implementation of open government strategies and initiatives usually benefit from collaboration with stakeholders.

Open government is about fostering a better relationship between governments and citizens (see also the analysis of the implementation of Provision 8 and 9 below). While there is room for further improvement, data collected through the 2020 Survey shows that citizens and stakeholders are commonly involved in the design and implementation of open government strategies and initiatives. In more than two-thirds of Respondents (68.3%), civil society organisations contributed to the design of the main policy documents on open government, followed by representatives from academia (58.5%) and the private sector (50.4%). Only 9.8% of Respondents' policy documents on open government did not benefit from the inputs from non-governmental stakeholders during their design (Figure 2.4).

Figure 2.4. Participation of non-public stakeholders in the design of Respondents' main policy documents on open government
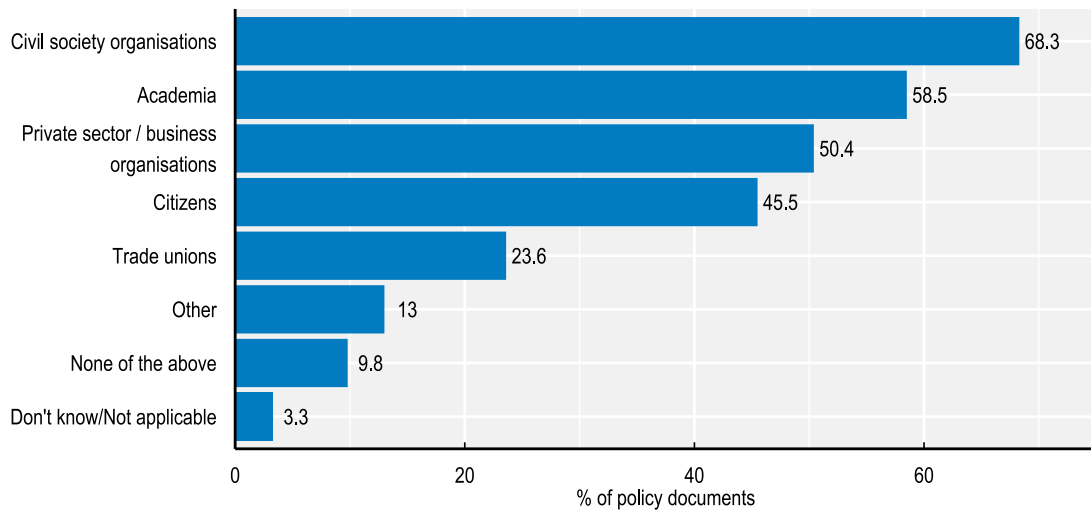
Civil society organisations — 68.3
Academia — 58.5
Private sector / business organisations — 50.4
Citizens — 45.5
Trade unions — 23.6
Other — 13
None of the above — 9.8
Don't know/Not applicable — 3.3

% of policy documents

Note: N=38 for 123 policy documents. Multiple selection possible.
Source: OECD (2020[4]), 2020 Survey on Open Government.

Moreover, and as further discussed in the analysis of Provision 8 below, some Adherents are undertaking efforts to ensure a broad representation of interests during the design of their main policy documents on open government. Approximately half of policy documents benefit from the inputs of specific societal groups. Among them are most frequently youth (28, 30.8%), people with special needs or abilities (24, 26.4%) and women (22, 24.3%) (Figure 2.5). In parts, the involvement of these specific groups and of other non-government stakeholders is enabled thanks to the support that Adherents offer to facilitate participation. However, in only 22.2 % (18) of cases, accessibility for people with disabilities is ensured and certain expenses are covered. The consultations for 10% of policy documents (eight) were organised outside of school hours (see also the analysis of Provision 8 and Figure 1.54 in particular).

Figure 2.5. Participation of specific groups in the design of Adherents' main policy documents on open government

None of the above — 47.3
Youth — 30.8
People with special needs or disabilities — 26.4
Women — 24.2
Elderly (people aged 65+) — 19.8
Socially or economically marginalized people — 17.6
Minority ethnic groups — 15.4
Refugees/asylum seekers/migrants — 11
LGBTIQ+ people — 11
Individuals with particular religious affiliations — 11
Other — 9.9

% of policy documents
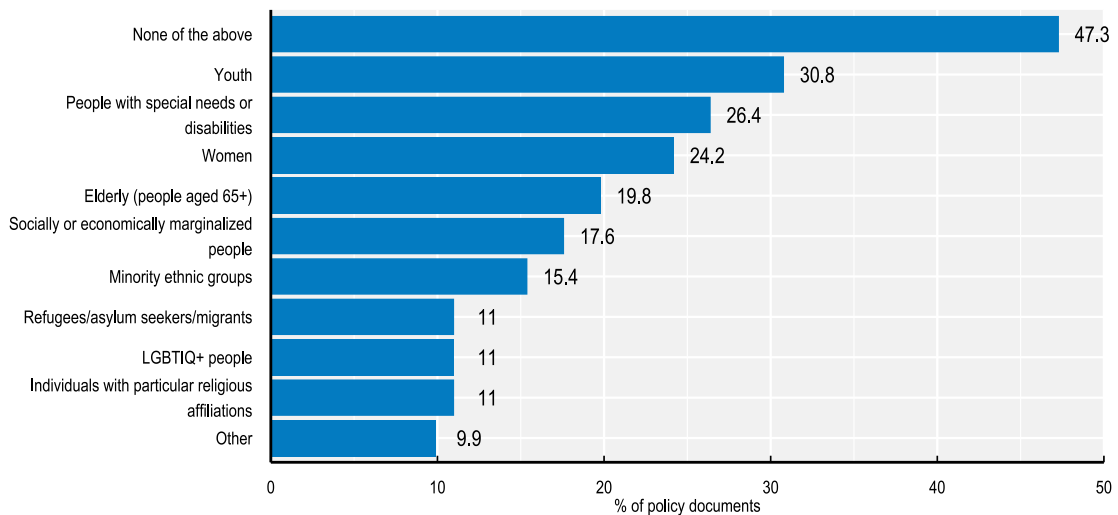
Note: N=33 for 91 policy documents. Multiple selection possible.
Source: OECD (2020[4]), 2020 Survey on Open Government.

When singling out the OGP Action Plan (which is one of the main policy documents on open government in 34 out of 43 Adherents, as discussed above), participation by non-public stakeholders in the design is the norm. In fact, no OGP Action Plan was adopted without the involvement of non-public stakeholders. Out of 33 OGP Action Plans for which responses for this question were received, 32 (97%) benefitted from the contributions of CSOs, followed by academia (78.8%), citizens (75.8%) and private sector organisations. The results of the OECD Open Government Reviews and Scans show that the extent and efficacy of citizen and stakeholder participation in designing OGP Action Plans (and policy documents in general) varies greatly from country to country. However, an-in-depth assessment of this involvement is beyond the scope of the present Report.

Non-public stakeholders are also frequently involved in the implementation of Adherents' main policy documents on open government (e.g., OGP Action Plans, digital government strategies, government programmes, etc. – see Figure 2.2). Notably, civil society stakeholders are permanent participants in 80.7% of the coordination mechanisms that are mandated to oversee the implementation of the main policy documents, followed by representatives from academia (64.9%) and the private sector (52.6%) (Figure 2.6). In particular, the Multi-Stakeholder Forums (MSF) that govern Adherents' OGP-process (in those Adherents that participate in the OGP) have allowed them to take steps to foster diversity and inclusiveness. Notably, ten Adherents that had a MSF (37%) indicate that participating stakeholders represent specifically women's interest and another eight (29.6%) state that this is the case for youth. Only ten Adherents (37%) respond that there was no representation of specific groups in their MSF.

Figure 2.6. Participation of non-public stakeholders in Adherents' coordination mechanisms responsible for the implementation of the main policy documents on open government
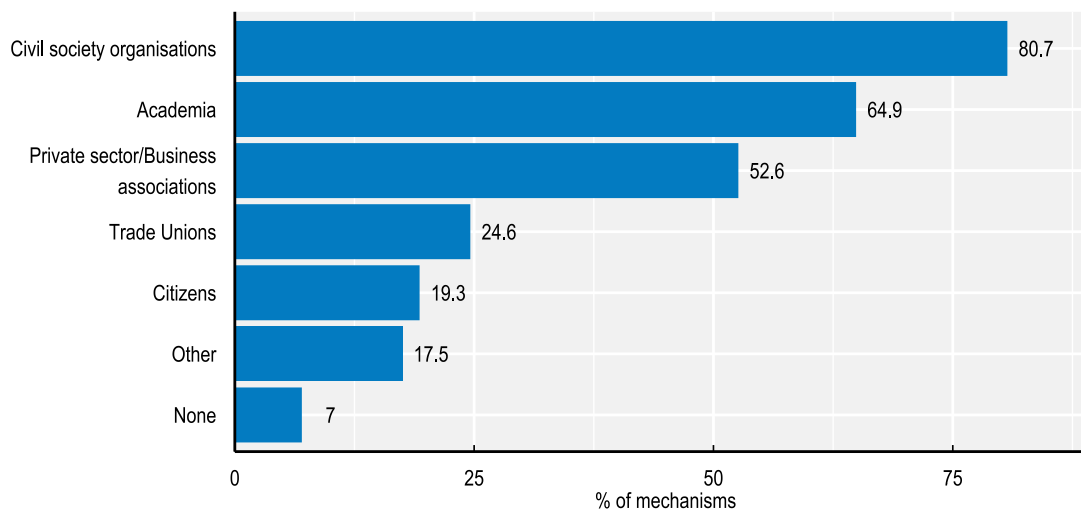
Note: Multiple selection possible. N=29 for 57 policy documents.
Source: OECD (2020[4]), 2020 Survey on Open Government.

To ensure effective implementation, monitoring and evaluation are essential (see also the analysis of Provision 5 below). Ideally, monitoring is not solely conducted by government, but also includes non-public stakeholders. For more than half of Adherents' policy documents (47, 54%), this is the case. Civil society organisations (42, 50.6%) are most commonly involved in monitoring activities, followed by Academia (22, 26.5%) and the private sector (17, 20.5%). Trade unions (6, 7.2%) and individual citizens (8, 9.6%) rarely participate in monitoring activities (Figure 2.7).

Figure 2.7. Non-public stakeholder participation in monitoring policy documents on open government
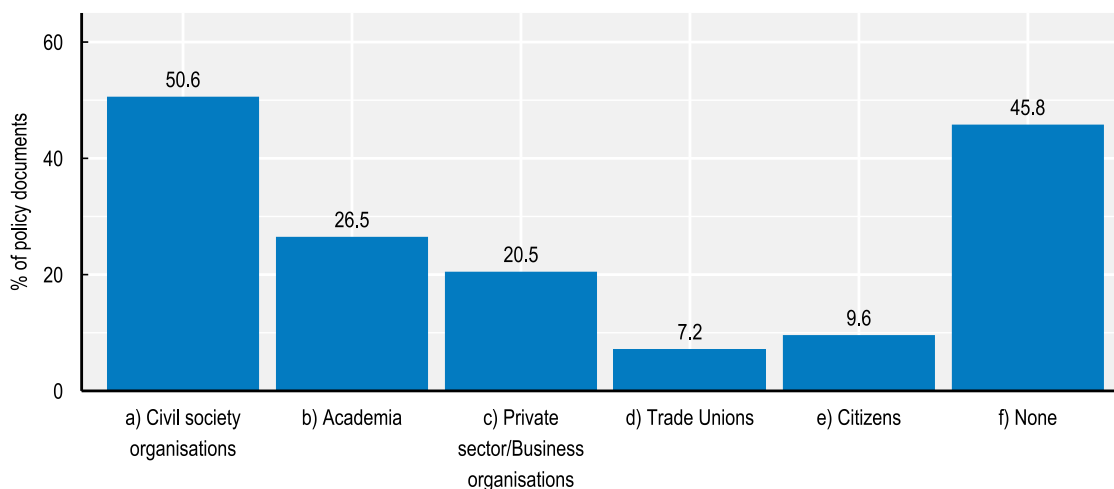
Note: N=34 for 83 policy documents.
Source: OECD (2020[4]), 2020 Survey on Open Government.

1.3: Foster commitment to open government across the senior leadership to champion a transformation of the public sector, manage change and navigate risks

The effective implementation of open government strategies and initiatives relies on the political commitment and leadership that can champion the transformation of the public sector, manage change and navigate its risks (OECD, 2021[15]). Broad support by relevant high-level stakeholders and a clear vision from the leadership are needed to make sure open government efforts are consistent and coherent across levels of government and policy areas.

In this regard, insufficient political commitment to open government was identified by delegates to the Working Party on Open Government as the primary challenge for successful open government reforms in the 2021 OECD Perception Survey on Open Government (OECD, 2021[2]) (Figure 2.8). Notably, 56% (18) of delegates named insufficient political will and leadership by senior government officials as one of the top three challenges. Almost one-third (10, 31.25%) of delegates named this aspect as the single most relevant challenge for central/federal government when designing and implementing policies that promote open government. This is, for example, reflected in the relatively low levels of involvement of the senior leadership in the implementation of the main policy documents on open government. For example, a Minister only participates on a permanent basis in 11.5% of Respondents' Multi-Stakeholder Fora. In only approximately one-third of cases (34.6%, nine), a Minister has participated at least once in MSF during the preceding year.

Figure 2.8. Insufficient political commitment is identified by delegates as the primary challenge for open government reforms
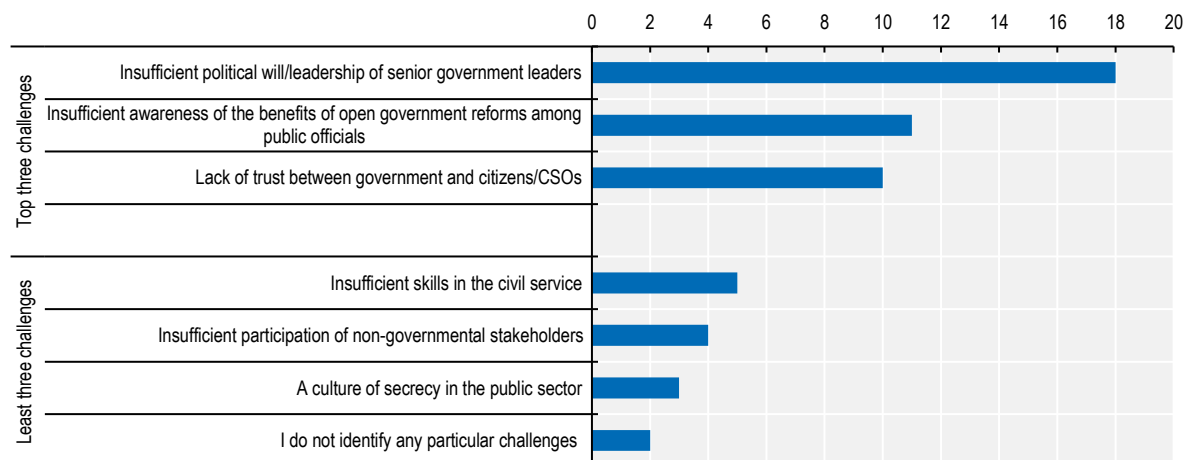
Note: Selection of 3 options per respondent possible. N=32.
Source: OECD (2021[2]), Perception Survey for Delegates of the OECD Working Party on Open Government.

Recognising that fostering political commitment is a challenge, Adherents are making dedicated efforts to foster buy-in from their senior leadership. According to OGP guidelines, countries that are participating in the Partnership have to name a high-level representative responsible for overseeing their OGP-process. Data from the 2020 OECD Survey on Open Government (OECD, 2020[4]) reveals that 30 out of 33 Respondents that were part of the OGP had nominated at least one such high-level representative. This high-level representative is typically a Minister or similar (21 respondents, 63.6%) or a senior civil servant (6, 18.2%) (Figure 2.9).

Figure 2.9. High-level representative overseeing the OGP Action Plan
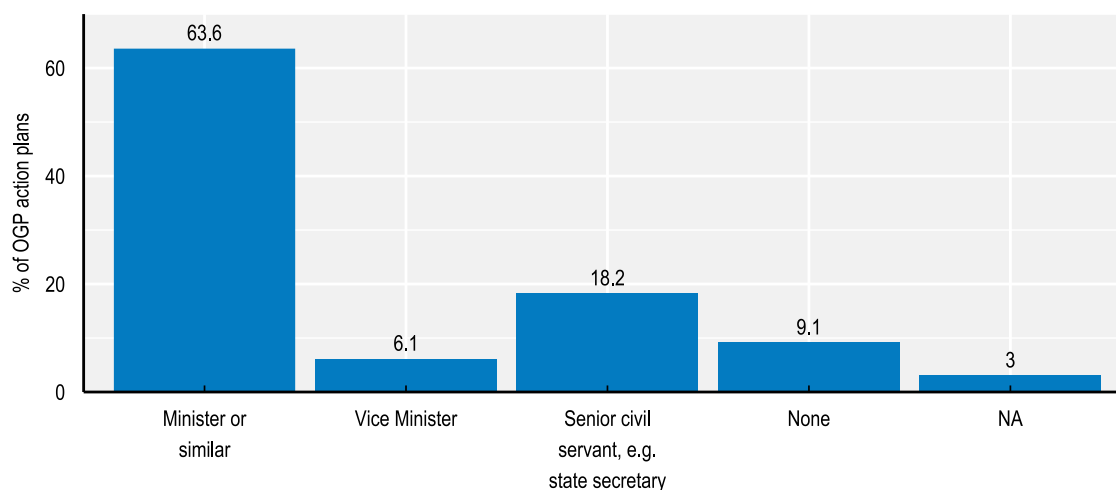
Note: Author's categorisation based on open text response. N=33.
Source: OECD (2020[4]), 2020 Survey on Open Government.

Making senior leaders publicly endorse the main policy documents on open government is another way to foster commitment: more than half of policy documents has been endorsed by the cabinet of ministers (57.8%, 67 policy documents) and/or a minister (56.9%, 66). Only occasionally, they are endorsed by the head of state (11.2%, 13) (Figure 2.10). In particular, the OGP Action Plan is endorsed by a Minister in 74.2% of cases. However, the results of the OECD Open Government Reviews and Scans show that designating a high-level representative or having a policy document that includes open government initiatives (e.g., an Open Data Strategy) endorsed by a senior government official does not necessarily translate into political support for Adherents' open government agendas. Moving forward, Adherents could consider making additional efforts at ensuring sustainable long-term commitment of politicians, members of parliaments, senior public managers and public officials on open government issues.

Figure 2.10. Institutional endorsement for policy documents on open government
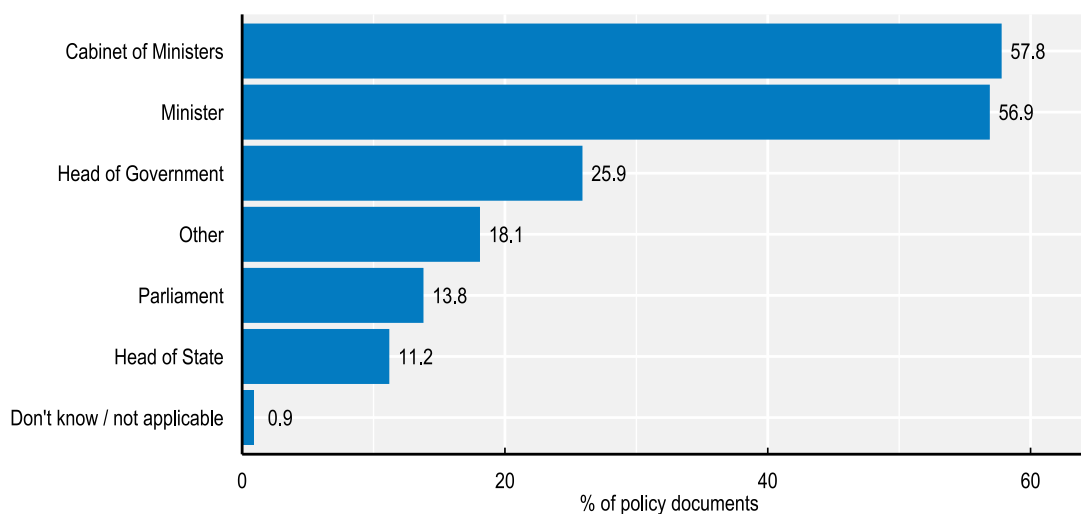
Note: N=36 for 116 policy documents. Multiple selection possible.
Source: OECD (2020[4]), 2020 Survey on Open Government.

Conclusions and way forward (provision 1)

In general terms, the implementation of provision 1 is advancing well across Adherents. In particular:

- 1.1: All Adherents are taking dedicated measures to develop and implement policy agendas that aim to promote the open government principles. Open government initiatives have found their way into a wide range of policy documents and an increasing number of Adherents have started adopting holistic and integrated Open Government Strategies. These efforts should be further pursued, as they bear the potential to increase the profile of Adherents' open government agendas and will allow for the creation of more far-reaching governance processes and mechanisms.

- 1.2: Adherents commonly design and implement their open government policies in collaboration with relevant public and non-public stakeholders. However, more emphasis could be put on ensuring a broad representation of interests in designing open government policies. In addition, Adherents could make additional efforts to involve non-public stakeholders in monitoring activities.

- 1.3: Finally, Adherents have taken initial steps to ensure high-level commitment on open government, for example by bringing their OGP Action Plans (where they exist) to the Cabinet table. However, more needs be done to ensure sustainable long-term commitment of politicians, members of parliaments, senior public managers and public officials, including by increasing their

active involvement in the design, implementation, monitoring and evaluation of Adherents' main policy documents on open government.

Moreover, while provision 1 mostly focuses on the development and implementation of strategies and initiatives that aim to promote the open government principles, evidence collected by the OECD in different fields shows that open government approaches (e.g., inclusive policy-design, informing citizens about policy implementation, etc.) are in fact relevant for any given policy field, be it education, environment or health.

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1=1&nValor2=79442.

Notes

[1] For the purpose of this report, the term "central government" also includes the "federal government" in Adherents that have a federal structure.

[2] These documents had to be under implementation on 30 October 2020 in order to be eligible.

3 Provision 2: Legal and regulatory framework

Ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance.

The legal and regulatory framework builds the basis for any country's open government agenda. Having a solid legal and regulatory framework for open government is an essential pre-condition for successful reforms, as laws and regulations are the foundation on which an open government agenda is built (OECD, 2019[1]). Enshrining open government policies and practices in laws and regulations can foster institutionalisation and provide public officials with a clear mandate to foster openness and give stakeholders a means to hold them accountable.

2.1: Ensure the necessary laws and regulations to enable open government policies and practices are in place

The legal and regulatory framework for open government in Adherents is very wide.

Evidence collected through the OECD Open Government Reviews and Scans shows that the underlying legal and regulatory basis for the promotion of open government policies and practices in Adherents is usually very large (Box 3.1). It includes, among others, legislative provisions relating to the principles of open government in countries' constitutions, as well as laws and regulations on access to information, stakeholder participation, anti-corruption, the protection of personal data and national archives, digital government, open data, whistle-blower protection, civic freedoms, etc. In addition, most countries have put in place legal requirements to involve stakeholders in law-making, regulatory policy and specific policy processes (e.g., environment, infrastructure, land-use) (OECD, 2022[2]). Moreover, forms of democratic participation, i.e., political rights (e.g., elections, petitions, referenda, etc.), are usually regulated by law (or in the Constitution).

Box 3.1. The legal and regulatory framework for open government reforms in Adherents

- Laws and regulations on **access to public information** (ATI) form the backbone of an open government. All OECD Members now have these kinds of laws in place, foreseeing – in most cases – both proactive and reactive disclosure of information and data (OECD, forthcoming). ATI laws are often coupled with laws on the protection of personal data and provisions included in national archives laws/public record laws. In some countries, access to information laws also include specific rights and obligations regarding open government data.

- In some countries, laws on **citizen participation** complement constitutional rights and obligations (e.g., Colombia's Statutory Law on Citizen Participation from 2015). In addition, most countries have put in place legal requirements to involve stakeholders in law-making, regulatory policy and specific policy processes (e.g., environment, infrastructure, land-use). Moreover, forms of democratic participation, i.e., political rights (e.g., elections, petitions, referenda, etc.), are usually regulated by law (or in the Constitution) (OECD, forthcoming). Laws may also regulate specific participatory practices (e.g., the Government in the Sunshine Act in the United States from 1976 or the Participatory Budgeting Law in Peru from 2003).

- Laws on **accountability and integrity**, including those on conflict of interest, financial disclosure, lobbying, whistle-blower protection and foreign bribery, often include numerous provisions that contribute to openness (e.g., by providing mechanisms for citizen oversight). Some countries have even adopted specific legislation on accountability (e.g., Canada's Federal Accountability Act from 2006) which specify measures regarding administrative transparency and oversight. In addition, laws regulating the functioning of independent public institutions (e.g., Ombudsman, Comptroller, Audit institutions) usually include mechanisms for citizens to complain and oversee government actions and decisions.

- Laws regulating the **organisation of the different levels of government** (e.g., decentralisation laws) can include provisions regarding the open government principles. In many cases, these frameworks reproduce the federal/central government responsibilities to local or decentralised levels, especially on citizen participation mechanisms.

- Laws promoting the **use of digital technology** (e.g., connectivity, e-government laws, etc.) sometimes foresee specific obligations regarding information transparency and/or their use for participatory practices.

- Lastly, **specific/sectoral laws** often include rights and obligations regarding the principles of open government. For example, in many countries, budget laws stipulate budgetary transparency and the participation of citizens and stakeholders in the budgetary process. Along similar lines, procurement laws may require the proactive disclosure of relevant information and consumer protection laws may establish complaint and feedback procedures.

Source: OECD (2022[2]).

Provisions relating to the open government principles are often enshrined in Adherents' Constitutions.

Even before the existence of today's legal and regulatory frameworks, some countries included notions and concepts related to the open government principles of transparency, integrity, accountability and stakeholder participation in their founding legal texts (e.g., Declarations). For example, Article 15 of the French Declaration of the Rights of the Man and of the Citizen of 1789 includes the concept of public accountability as a fundamental characteristic of the post-revolutionary regime (OECD, 2022[2]).

Today, most Adherents have included references to the principles of open government and specific rights and obligations associated with its principles in their Constitutions or other founding documents. For example, many Constitutions of Adherents establish access to public information (Figure 3.1) and citizen participation as basic constitutional rights. Moreover, they usually include specific provisions on the protection of civic space (e.g., freedom of peaceful assembly, freedom of expression, freedom of the press, etc.). The protection of open government principles, policies and practices at the constitutional level can provide public institutions and stakeholders with a clear mandate to promote open government reforms. It further creates the necessary legal certainty and legitimacy for effective implementation of all subsequent legislation (OECD, 2019[1]).

Figure 3.1. Adherents with the right to access information enshrined in their constitutions, 2020

■ The right is enshrined in the constitution   ■ The right has been recognised in high-level courts   ■ The constitution has no mention to ATI right

Adherents 38: 18%

Adherents 38: 74%

Adherents 38: 8%
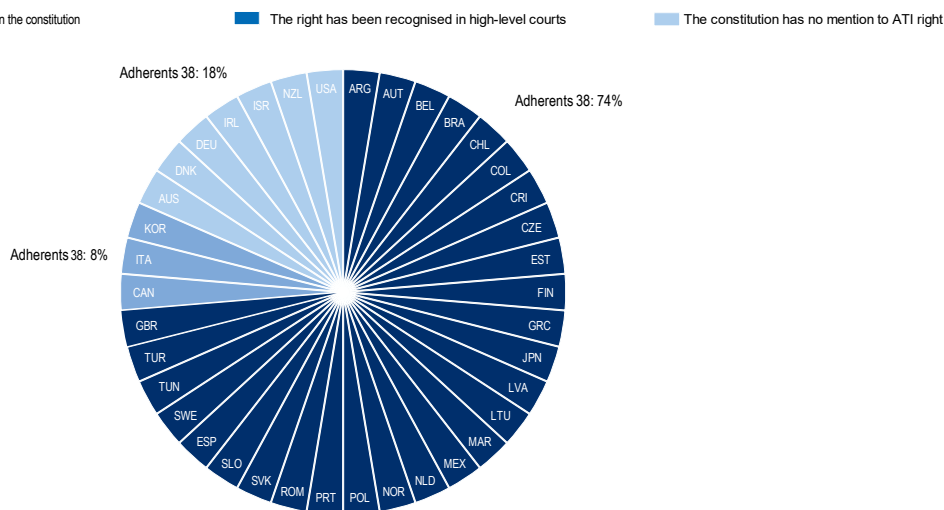
Note: Preliminary data up to 24 April 2022. The United Kingdom does not have a written constitution. However, a series of acts are considered to be an equivalent to the constitution. The Human Rights Act 1998 is one of these, and it mentions the right to information as part of the right to freedom of expression in Article 10: Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority regardless of frontiers. No data available for France, Hungary, Iceland, Luxembourg and Switzerland.
Source: OECD (2020[3]).

Recent years have seen the adoption of new laws and regulations on open government policies and practices.

In recent years, a number of Adherents have used their open government agendas to promote the adoption of new laws and regulations in different areas of open government. This has been most notable in the area of access to information. Examples of recent relevant laws and regulations that were adopted by Adherents include among other things: the Open Government Law of the Netherlands (2022), the E-Government Law and Open Data Law of Germany (2017 and 2021), the Right to Information Law (31.13) of Morocco (2018), Luxembourg's Law on transparent and open administration (2018), Colombia's Statutory Law on Citizen Participation (2015), Chile's Law No 20.880 on Probity in the Public Function and Prevention of Conflicts of Interest (2016) and Presidential Instructive No 5/2012 on Open Government (2012) (Box 3.2).

Box 3.2. An overview of recent laws and regulations on open government in Adherents

- The Open Government Law of the Netherlands entered into force in 2022. It replaces the Government Information (Public Access) Act. The aim of the law is to get administrative bodies of the government in the Netherlands to actively disclose more information to the public.

- Germany's E-Government Law was adjusted in 2017 to include a paragraph ("First Open Data Law") that obliges federal entities to provide certain government data in machine-readable format and free of charge. The scope of data to be published and the scope of authorities that fall under this obligation was increased through the adoption of a second Open Data Law in 2021.

- Morocco ratified its Right to Information Law (31.13) in February 2018 and thereby officially joined the Open Government Partnership. Since March 2020, citizens have been able to exercise the constitutionally protected right to request government information.

- Luxembourg's Law of 14 September 2018 on transparent and open administration establishes the right to access selected documents by public bodies. The Commission on the access to documents is the main public institution in charge of the law's implementation as of 1 January 2019.

- Colombia's Statutory Law on Citizen Participation of 2015 aims to promote, protect and ensure the different modalities and mechanisms of the citizens' right to participate in the political, administrative, economic, social and cultural spheres in Colombia.

- Chile's Law No 20.880 on Probity in the Public Function and Prevention of Conflicts of Interest (2016) requires declaration of assets and interests from a broad set of high-level public officials, i.e., the president, ministers, senators and deputies. These declarations are monitored by the Office of the Comptroller and published online.

- Chile's Presidential Instructive No 5/2012 on Open Government of 2012 establishes the publication of open data as a fundamental means to increase government transparency and foster government data re-use. The Instruction establishes that State bodies must proactively make available to the public as much information and data as feasible to be published, in formats that allow its reuse.

An analysis of commitments included in OGP Action Plans shows that the promotion of stronger legal and regulatory frameworks through the OGP-process has been a priority for Adherents (for example, Australia, Greece, Chile and Italy have committed, included specific commitments to this end in their OGP Action Plans) (Box 3.3).

Box 3.3. Recent OGP commitments on open government laws and regulations

- Australia's commitment 3.1 "Information Management and Access Laws for the 21st century" in the first Open Government Action Plan 2016-2018 (Government of Australia, 2016[4]) aimed to simplify the existing legal frameworks surrounding access to information, including the Freedom of Information Act (1982) and the Archives Act (1983).

- Three years after the corresponding law on transparency had come into effect, Chile included a commitment in its 2012-2014 action plan (Government of Chile, 2015[5]) to further improve access to public information.

- Greece included a commitment in the 2016-2018 action plan (Government of Greece, 2016[6]) to establish a comprehensive Framework Law on Open & Participative Governance. This law should establish a binding legal mandate for the existing policies on open government and establish more inclusive governance mechanisms.

- In the 2014-2016 action plan (Government of Ireland, 2015[7]), Ireland put forward the commitment to regulate lobbying, leading to the Regulation of Lobbying Act 2015. Six years later, Ireland's current action plan sets out to review and strengthen the legislative framework for lobbying.

- Italy took steps to combat corruption within the public administration through a commitment in the 2012-2014 plan (Government of Italy, 2014[8]) on passing a regulatory framework that foresees anti-corruption plans by all administrations, among others.

- As part of the current action plan (Government of Netherlands, 2020[9]), Netherland's commitment on Transparency in the Political Parties act aims to further increase transparency about the financing of political parties and political campaigns.

- The Slovak Republic's commitment to "Submit a draft law on data to the government" in the 2017-2019 action plan (Government of Slovak Republic, 2017[10]) sought to establish a

comprehensive framework on data, bringing together several laws, regulations and resolutions on the topic.

- Spain's current 2020-2024 action plan (Government of Spain, 2020[11]) comprises numerous commitments on laws and regulations, including for example a commitment to modify Law 19/2013 on Transparency, access to public information and good governance to solve practical problems and clarify concepts. In addition, there are attempts to improve the legal framework at subnational level, including through a commitment to improve the implementation of national access to information regulation through a corresponding law approved by the Balearic Islands Government.

In order to provide clarity on the obligations and rights associated with open government, a small number of Adherents (and subnational governments in Adherents) have established dedicated regulatory documents on open government. In most cases, these regulatory documents have taken the form of a directive/decree which are usually more flexible than laws (OECD, 2020[12]). The adoption of executive decrees and directives on open government can be a strong indication as to the importance that a government is giving the open government agenda (Ibid.). Notable examples include the United States' Open Government Directive and Canada's Directive on open Government (Box 3.4).

Box 3.4. A small number of Adherents have adopted integrated regulatory documents on open government

- In 2009, the Office of Management and Budget of the United States issued an Open Government Directive. The Directive directed executive departments and agencies to take specific actions to implement initiatives to foster reforms in the areas of transparency, public participation and collaboration. In particular, the Directive required executive departments and agencies to take steps to publish government information online, improve the quality of government information, create and institutionalise a culture of open government by developing and publishing an Open Government Plan and create an enabling policy framework for open government (Government of the United States, 2009).

- The Directive on Open Government of Canada from 2014 applies to all federal government departments and it actively encourages all other federal institutions to make use of it. The objective is to promote information management practices that enable the proactive and ongoing release of government information in order to support transparency, accountability, citizen engagement and socio-economic benefits (Government of Canada, 2014). The Directive foresees that the Deputy Head of each department shall designate an Information Management Senior Official, which among other things is responsible for the development and implementation of a Departmental Open Government Implementation Plan, which shall be updated every year and published on the website of the respective department (Ibid.).

- The open government law of the Autonomous Community of Extremadura in Spain (2013) takes a holistic approach to open government and its principles and includes chapters on open administration (transparency in administrative matters, public information) and good governance as well as participation and collaboration with citizens. The law is innovative in that it is relatively concrete in outlining what different institutions are supposed to do to foster openness (e.g., Article 2: "Agreements concluded by the Autonomous Administration with public and private entities must be registered in the Register of Agreements, within fifteen days from the date of their signature").

Source: (OECD[2]).

A focus on access to/freedom of information laws.

Laws and regulations on access to public information (ATI) are key to an open government and have become a common practice in Adherents. Because of the importance of these laws for Adherents' open government agendas and to reflect the historic focus that the OECD has put on ATI through its work on Open Government, this section focuses on this specific part of the legal and regulatory framework for Open Government.

All OECD Members but Costa Rica have these laws in place, incorporating – in most cases – both provisions regarding proactive and reactive disclosure of information and data. ATI laws are often coupled with laws on the protection of personal data and provisions included in national archives laws/public record laws.

Figure 3.2. Evolution of the adoption of Access to Information laws by Adherents, 1766-2018
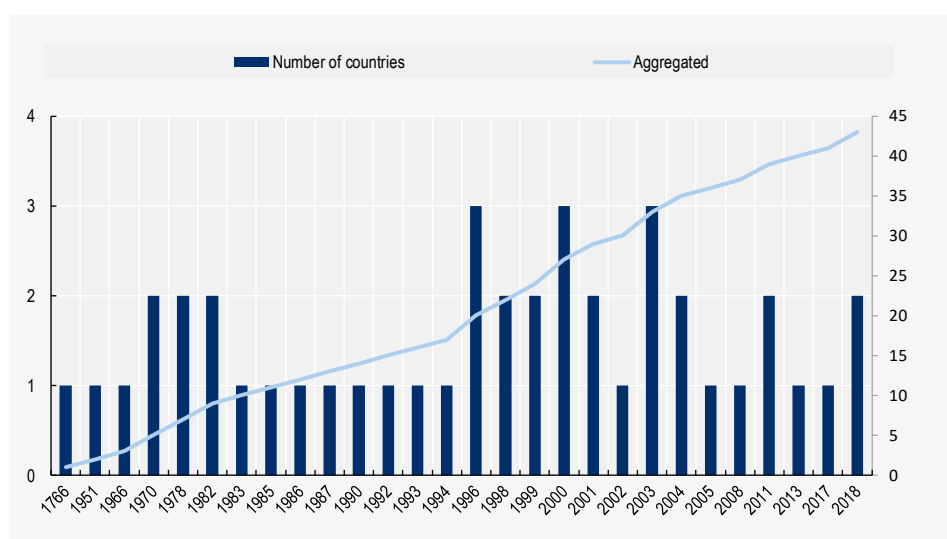
Note: Costa Rica does not have an ATI Law.
Source: Author, based on Global Right to Information Rating (n.d.[13]), "By country", https://www.rti-rating.org/country-data/ (accessed on 16 December 2021).

Many of the first generation of ATI laws provided for the right of access to official "documents" or "records" – meaning documents officially created by the administration in the course of its duties. Recent laws have clarified the scope of the "right to access information" and the definition of "information" more broadly than documents or records; they refer to all material held by public authorities in any format (written, audio, visual, etc.). They have also strengthened proactive disclosure and have defined a clear mandate, responsibilities and a range of powers for bodies in charge of its implementation and/or oversight. In fact, many Adherents' laws providing access to information have been amended since they were first adopted to expand the scope, introduce new technology or define institutional arrangements for the implementation of the law (see Provision 7 below for analysis of the implementation of provisions relating to proactive disclosure to information).

Even though ATI laws have been largely implemented, and some have reached a significant maturity level, there is limited evidence regarding the factors and circumstances that affect their effective implementation, as well as their long-term impact on broader policy objectives like governments' transparency, accountability and integrity. Solid mechanisms for monitoring and evaluating the implementation of the law need to be established in order for governments to accurately gauge the impact of consistently and successfully granting public access to information.

Laws and regulations that protect civic space form the backbone of Adherents' open government agendas.

Although the protection of civic space and open government initiatives are not always explicitly linked by public officials (see Figure 1.3), laws and regulations that protect civic space facilitate and are central to national open government agendas. In fact, freedoms of expression, association and peaceful assembly are fundamental civic freedoms that enable effective and inclusive civic participation, in addition to transparency and accountability.[1] As such, they are an integral part of the analysis of the legal and regulatory framework for Open Government.

Freedom of expression is widely protected in law, but with exceptions.

In all Respondents (100%), legal provisions specify that all persons (anyone physically present in a country, even temporarily or irregularly) are granted freedom of expression in their legal frameworks. As illustrated in Figure 3.3, defamation and hate speech[2] are the two most common exceptions to freedom of expression, present in 97% of Adherents' respective legal frameworks. Other exceptions focus on providing protection from certain kinds of speech such as incitement to violence (86%), discriminatory language (68%) or insults to heads of state (38%). Some exceptions such as defamation laws present challenges to civic space and open government principles such as transparency and accountability. Defamation laws generally aim to protect the reputation of individuals from false or offensive statements by limiting freedom of expression. According to the results of the Survey on Open Government (OECD, 2020[3]), defamation is criminalised in 86% of Respondents' legal frameworks, while the remaining 14% foresee non-criminal remedies, such as civil proceedings. Out of the 32 Respondents that criminalise defamation, 91% have imprisonment as a potential sanction. International guidance on defamation has stressed that criminal sanctions in this area risk stifling freedom of expression by leading to self-censorship and that if sanctions are overly broad, there is also a risk of them being abused in some contexts, thus restricting access to information and legitimate journalistic reporting on matters of public interest (Council of Europe, 2007[14]; UN Human Rights Committee, 2011[15]; Griffen, 2017[16]).

Figure 3.3. Legally mandated exceptions to freedom of expression, 2020
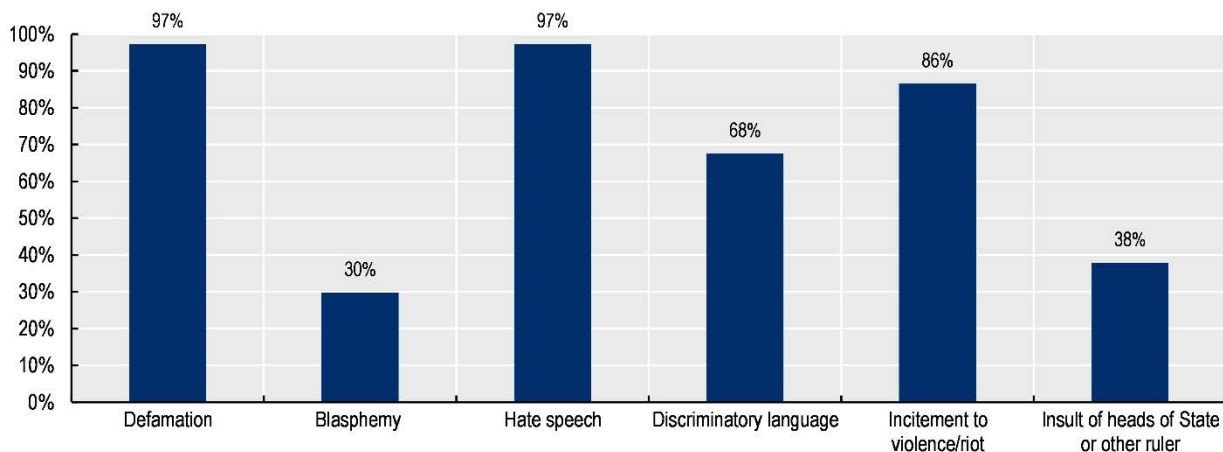
Note: N=37. Percentage relates to countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[17]).

Freedom of Peaceful Assembly is widely protected in law, but with exceptions.

Similar to freedom of expression, freedom of peaceful assembly is essential for the public expression of people's views and opinions, and underpins open government. The right to peaceful assembly is granted to anyone (meaning anyone physically present in a country, even temporarily or irregularly) in 92% of Respondents, although again with exceptions and challenges, particularly related to the use of force during protests and a failure to protect participants and journalists covering protests (OECD, 2021[18]; Frontline Defenders, 2020[19]; OECD, 2021[20]; Narsee, 2021[21]; US State Department of State, 2020[22]; ENNHRI, 2021[23]). There have also been cases of fatalities and injuries following engagement by state forces in the context of demonstrations (ACLED, 2021[24]; Article 19, 2020[25]). As a reaction to increased police violence during protests, recent court decisions and legal changes have been introduced by Respondents such as Brazil, Chile, Colombia and Mexico to reduce and control the use of force during protests (Corte Suprema de Justicia, 2020[26]; Inter-American Commission on Human Rights, 2021[27]; Ministerio del Interior, 2021[28]; Comisión Nacional de los Derechos Humanos, 2019[29]).

International human rights bodies have highlighted that advance notification requirements for holding assemblies, while permissible to ensure their smooth conduct, should not be used to stifle freedom of peaceful assemblies (UN Human Rights Committee, 2020[30]; OSCE/ODIHR and Venice Commission, 2020[31]).

 illustrates that in 78% of Respondents, assembly organisers are obliged to notify the relevant authority in advance, and in some countries, such as Italy and Korea, a failure of notification can lead to imprisonment. In a significant development in Brazil, in 2021, the Supreme Federal Court ruled that meetings and demonstrations are permitted in public places regardless of prior official communication to authorities, and that the state is obliged to compensate media professionals injured by police officers during news coverage of demonstrations involving clashes between the police and demonstrators (Supreme Federal Court, 2021[32]). As regards the use of public spaces for assemblies, international guidance suggests avoiding blanket restrictions or designating perimeters as areas where assemblies may not occur as such measures risk being disproportionate and can only be justified if there is a real danger of disorder. Some Adherents still have laws indicating public places where it is not permissible to hold assemblies (e.g., Tunisia, Romania) (OECD, 2022[17]).

Figure 3.4. Legally mandated exceptions to freedom of peaceful assembly, 2020
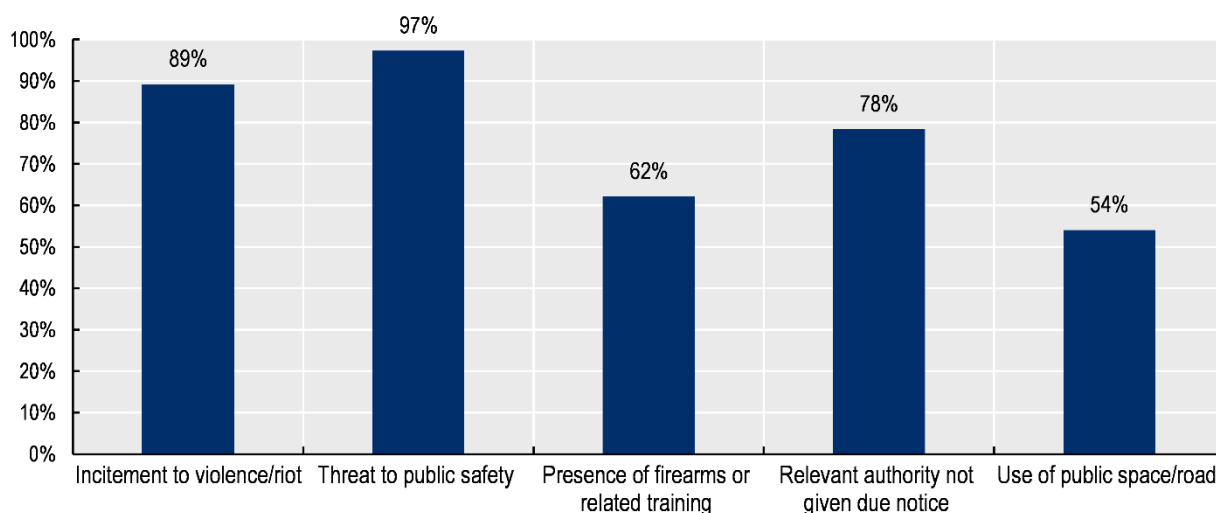
Note: N=37. Percentage relates to countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[17]).

There are opportunities to strengthen the enabling environment for CSOs/freedom of association in some Adherents.

In order for there to be an open and enabling environment for CSOs that facilitates citizen and stakeholder participation, it is important that they are free to operate. Legal provisions in 89% of Respondents specify that anyone (including anyone physically present in a country, even temporarily or irregularly) is granted freedom of association. In line with international guidance, CSOs should be able to operate as registered organisations (with legal personality) or remain unregistered (Kiai, 2012[33]; Council of Europe, 2007[34]; OSCE/ODIHR and Venice Commission, 2015[35]). Figure 3.5 illustrates that in 46% of Respondents, CSOs are obliged to register in order to operate, contrary to international guidance, while in 54% of Respondents CSO registration is voluntary and/or only needed for entities that seek to obtain legal personality or in order to receive public interest or similar status. In some Adherent countries, such as Chile or Costa Rica, non-registration can lead to administrative fines and in Tunisia, a failure to register can result in imprisonment and fines (Boussen, 2021[36]; Freedom House, 2021[37]; Shahin, 2018[38]). 39% of Respondents have relatively short timelines of 15 days or less for registration. Long timelines of three months to one year for obtaining a decision on registration exist in a minority of countries (14%), such as in Canada, Colombia and Spain.

Figure 3.5. Respondents with a legal requirement for CSOs to register in order to operate, 2020
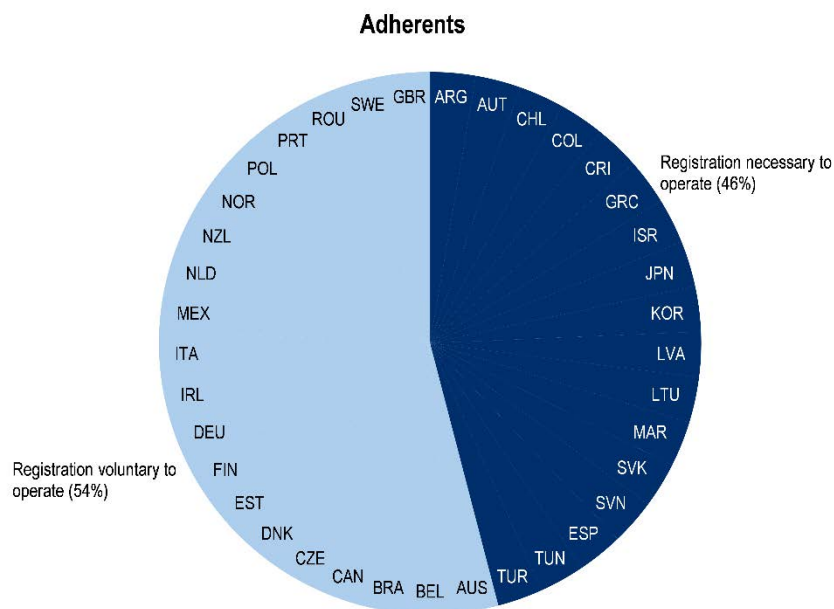
Note: N=37. Percentage relates to countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[17]).

United Nations and Council of Europe bodies have emphasised that associations should be free to participate in states' decision-making processes and in matters of political and public debate (United Nationas, 1998[39]; Kiai, 2012[33]; Council of Europe, 2007[14]; OSCE/ODIHR and Venice Commission, 2015[35]). In 2022, the European Parliament noted in a resolution that in some EU member states restrictions have been placed on CSOs' ability to engage in political activities (European Parliament, 2022[40]). Table 3.1 shows that the majority (59%) of Respondents do not have legally established limitations on CSO political activity. However, in 41% of Respondents there are restrictions in place; in 26% limitations apply specifically to CSOs that have public benefit or charitable status; in 9% there are

general restrictions on political campaigning and activity for all types of CSOs; and in 6% there are disclosure requirements for certain political activities. A general restriction on political activity for any type of CSO exists in three Adherents. In one Adherent, political associations and any manifestations of a political nature by associations are prohibited. Whether particular activities of CSOs are characterised as being political ultimately depends on the interpretation of courts. Legal uncertainty that can result from provisions that link the public benefit status of CSOs to abstaining from political activity can lead to restrictions on politically committed CSOs out of fear of a withdrawal of their non-profit status.

Table 3.1. Domestic rules on political campaigning and political activity of CSOs, 2020

Adherent country	No restrictions	Restrictions or requirements on all types of CSOs	Restrictions or requirements on public benefit organisations/charities	Disclosure requirements
Argentina	X			
Australia				X
Austria	X			
Belgium	X			
Brazil			X	
Canada			X	
Chile	X			
Colombia	X			
Costa Rica		X		
Czechia	X			
Denmark			X	
Estonia	X			
Finland	X			
Germany			X	
Ireland			X	
Israel				X
Italy	X			
Latvia	X			
Lithuania	X			
Mexico		X	X	
Morocco	X			
Netherlands	X			
New Zealand			X	
Norway			X	
Poland	X			
Portugal	X			
Romania	X			
Slovak Republic			X	
Slovenia	X			
Spain	X			
Sweden	X			
Tunisia		X		
Türkiye	X			
United Kingdom			X	
Sum	20	3	10	2
Percentage	59%	9%	29%	6%

Note: This table does not cover lobbying activities.
Source: OECD (2022[17]).

Adherents support the implementation of their legal and regulatory frameworks on open government through guiding materials.

The implementation period has seen Adherents putting increasing efforts into facilitating and accompanying the implementation of their existing laws and regulations on the open government principles. Most notably, many Adherents have used their open government agendas (and in many cases their OGP Action Plans) as a platform to elaborate materials, such as guidelines, toolkits and manuals to guide the implementation of relevant laws and regulations and build their staff's and civil society's open government literacy. These materials can help to materialise abstract principles and legal provisions into every-day practice.

Most commonly, Adherents offer resources on open government data (89.5%, 34 respondents) and citizen and stakeholder participation (78.9%, 30). Approximately two-thirds of the Respondents cover reactive (68.4%, 26) and proactive (65.8%, 25) disclosure. Almost one-third of responding Adherents (28.9%, 11) have guidelines or toolkits available on open government as an integrated concept (Figure 3.6). When it comes to guidelines for non-public stakeholders, 25 Respondents (67.6%) have these tools available for reactive disclosure of information and 24 (64.9%) for open government data. Only ten (27%) Respondents have guidelines specifically focusing on open government in place.

While the progressive design of guiding documents is a good practice that should be further pursued, evidence collected through the OECD Open Government Reviews and Scans indicates that Adherents could make further efforts to ensure that existing and new materials are known and used by public officials and non-public stakeholders. In many cases, public and non-public stakeholders are not even aware that materials to support them exist.

Figure 3.6. Existence of guidelines/toolkits on open government policies and practices for civil servants
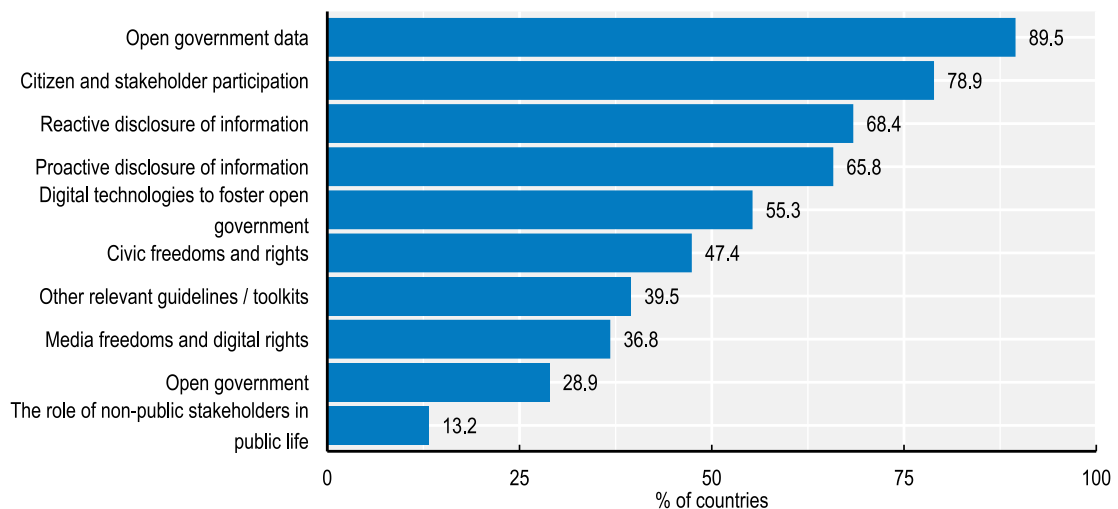
Note: N=38.
Source: OECD (2020[3]), 2020 Survey on Open Government.

Box 3.5. Examples of available guidelines to implement legislation on open government in Adherents

Brazil

Brazil's "Guide on procedures to comply with the Law on Access to Information and use of Fala.BR" (*Guia de procedimentos para atendimento à Lei de Acesso à Informação e utilização do Fala.BR*) assists public servants of the federal executive power who need to respond to Access to Information requests based on the Law on Access to Information - LAI (Law No. 12,527, of November 18, 2011). The guidelines aim to ensure a high-quality service regarding the treatment of requests for information and the correct use of the Integrated Ombudsman and Access to Information Platform (Fala.BR). In regard to proactive disclosure of information, the "Active Transparency Guide (GTA) for Bodies and Entities of the Federal Executive Branch" guides the bodies and entities of the Federal Executive Branch when publishing information on their official websites under the Access to Information Law (Law No 12,527, of November 18, 2011), as well as institutional information, procurement data and other. By standardising institutional websites with the help of this guide, public bodies facilitate navigation for citizens on all governmental websites, allowing them to quickly localise and retrieve relevant information.

Australia

Tailored to Australian public officials, who need to take decisions on FOI-related matters, this toolkit covers everything in relation to access to information in Australia from its importance to democracy to the concrete application of the Freedom of Information Act. Each section contains links leading to more extensive information and guidance across governmental websites, such as the 12 tops for good FOI practice.

Source: Comptroller General of the Union (2017), Guide to procedures for complying with the Access to Information Law and using Fala.BR, https://www.gov.br/acessoainformacao/pt-br/lai-para-sic/guias-e-orientacoes/guia-de-procedimentos-para-atendimento-a-lei-de-acesso-a-informacao-e-utilizacao-do-e-sic#intro; Comptroller General of the Union (2019), Active Transparency Guide (GTA) for Bodies and Entities of the Federal Executive Branch, https://repositorio.cgu.gov.br/bitstream/1/46643/1/gta_6_versao_2019.pdf; Office of the Australian Information Commissioner (n.d.), FOI Essentials for Australian Government agencies and ministers, https://education.oaic.gov.au/foi-essentials/#:~:text=Freedom%20of%20information%20allows%20individuals,making%20and%20government%20service%20delivery

2.2: Establish adequate oversight mechanisms to ensure compliance with the existing legal and regulatory framework

Adherents ensure compliance with existing legislation on open government through different means.

In order to put legislation into practice and ensure that legal provisions are being followed by all relevant actors, Adherents have established a variety of mechanisms to ensure compliance. The concrete institutional set-up for oversight with legislation varies according to the policy matter and to the specific national context. Accordingly, there can be large differences regarding the institutional arrangement for oversight. Enforcement and oversight mechanisms can include parliaments, Ombudsman offices, supreme audit institutions, independent commissions, and central government bodies, such as ministries, with a particular mandate for oversight of some policy areas. These oversight bodies are instrumental in

guaranteeing sound accountability across the public administration. That said, for these bodies to effectively fulfil their mandate, it is key that their competencies are clearly defined, they have adequate human and financial resources, and they are sufficiently independent. Furthermore, they should have the ability to enforce their decisions through formal actions, such as applying sanctions. In addition to core oversight and enforcement mechanisms, citizens should also have opportunities for recourse and redress in cases where these bodies do not deliver on their responsibilities. For instance, if complaints and appeals to the oversight mechanisms do not produce results, judicial mechanisms and administrative courts often exist to serve this remedial function. The following sections provide selected examples of oversight mechanisms that are most common among Adherents.

Most Adherents have a body that oversees the implementation of the access to information law.

An important factor in implementing ATI laws is the existence of institutional arrangements for oversight, monitoring and promotion of their application. Oversight bodies can be an independent information commission (or agency or other body) with a mandate purely to oversee the implementation of ATI laws (which is the case for 47% of Respondents, or they could be a body such as an Ombudsman with an ATI mandate as part of a wider remit (e.g., human rights, discrimination or gender) (which is the case for 24% of Respondents). The ATI oversight mandate can also be assigned to a central government body, which is not independent from the executive branch (which is the case for 50% of Respondents). Some respondents have systems in which two or more public bodies oversee the implementation of access to information laws such as in Colombia.

Figure 3.7. Bodies responsible for the enforcement, monitoring and/or promotion of ATI laws, 2020
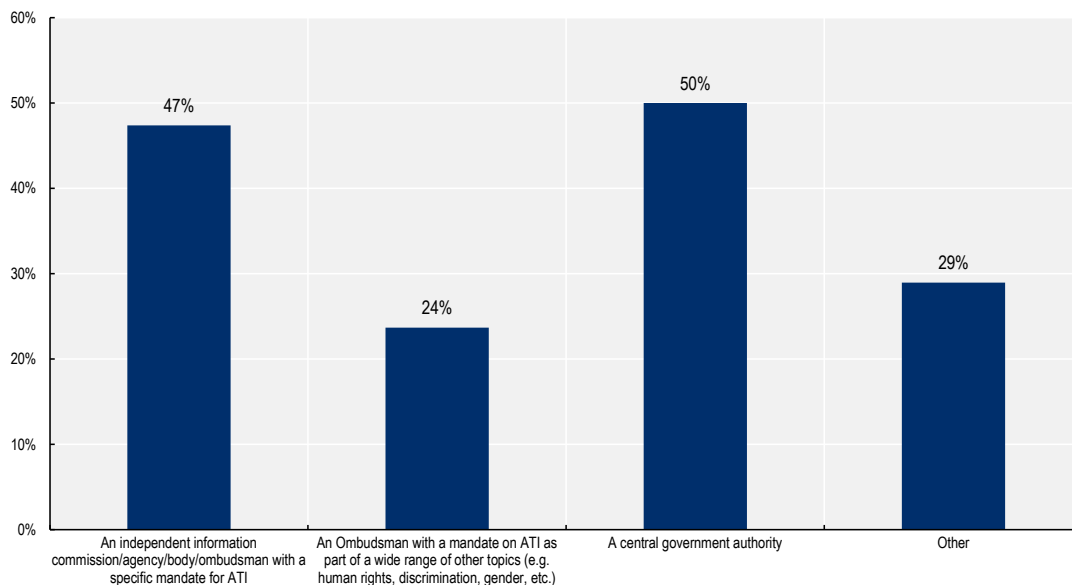
Source: OECD (2020[3]), 2020 Survey on Open Government.

The mandate and responsibilities of these bodies vary widely among countries but can be grouped into enforcement, monitoring and promotion of the law. In relation to enforcement, bodies can be in charge of managing an ATI online portal, consolidating the proactively disclosed information from other government institutions, reporting to parliament on its implementation regularly (e.g., yearly) and redistributing misallocated or non-allocated requests among government institutions. It is also related to appeals and/or

revisions processes, such as handling complaints on breaches to the law, initiating investigations on potential breaches, issuing opinions/witness in litigations on the law and sanctioning public officials/institutions for non-compliance.

Monitoring responsibilities can be related to compliance with the law itself, the internal appeals process and/or the awareness of the law among citizens. Finally, bodies responsible for promoting the law can be in charge of advising public institutions on its application and providing training and/or awareness-raising campaigns to civil servants and/or civil society. According to the Survey on Open Government findings, the most common responsibility of independent information commissions and central government authorities is advising public institutions on the application of the ATI law. For Ombudsman institutions, it is handling complaints on breaches of the law. Certain countries with two bodies with an ATI mandate were found to face competing responsibilities in terms of enforcement of the law.

The independence and enforcement capacity of these bodies is crucial. Some do not have the necessary enforcement capacities to sanction non-compliance, are not independent, or do not have the necessary resources (human and financial) to conduct their mandate. This can lead to weak implementation of ATI laws (OECD, 2019[41]). Evidence collected by the OECD suggests that common elements support the effective functioning of ATI oversight bodies. First, the establishment of a clear and well-disseminated mandate that sets roles and responsibilities is an important factor ensuring the body's legitimacy. Second, the institutional autonomy and the independence of public officials within the organisation are key to reinforcing the impartiality of their decisions and operations. Last, their enforcement capacity – both in terms of their ability to issue sanctions and in having adequate human and financial resources to perform their role – is crucial for the oversight body to effectively conduct its mandate.

Increasingly, bodies responsible for ATI are moving towards combining their role on ATI and on personal data protection in order to protect both rights as in Argentina, Belgium, Mexico and the United Kingdom. Although both topics are treated as separate legal frameworks in most countries and require different technical capacities and training, their proximity and complementarities are pushing countries to centralising their role into a single institution.

To further ensure a proper implementation of the law, several ATI laws currently require the establishment of an information office or officer responsible for ensuring compliance with the legal framework. These officers are generally appointed to guarantee both proactive and reactive disclosure of information, including but not limited to, consolidating proactively disclosed information, responding to information requests, redistributing misallocated or non-allocated requests among other public bodies, and supporting colleagues in responding to requests. Of the Adherents that responded to the Survey on Open Government, 57% stipulate the establishment of this office/r in their ATI law (Figure 3.8). That being said, while several countries may not directly include these provisions in the law, data from the survey found that they have established similar positions in practice.

Figure 3.8 Establishment of ATI Officer/offices by Respondents
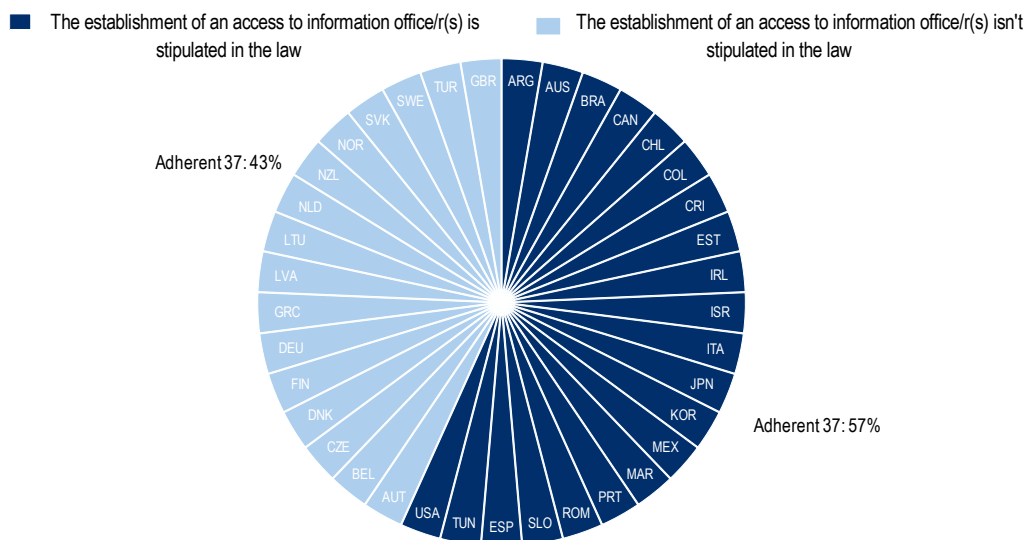
Note: Poland did not respond to this question.
Source: OECD (2020[3]), 2020 Survey on Open Government.

Institutional protection and mechanisms to counter violations of civic freedoms that undermine civic space and open government.

State protection of civic freedoms is only effective if there are accessible mechanisms in place to counter violations of rights, both in law and in practice. National courts play a crucial role in providing effective enforcement and redress by recognising violations of civic freedoms and imposing sanctions. Aside from bodies of the executive and courts, publicly funded independent oversight mechanisms are fundamental to protecting civic space. These are essential as they provide complaint mechanisms for citizens, issue advisory opinions and publish related data. Figure 3.9 illustrates that according to the results of the *2020 Survey on Open Government,* 86% of Respondents have established independent public institutions that address human rights complaints such as National Human Rights Institutions (NHRI) or Ombudsperson offices. All these Respondents have either passed specific legislation establishing human rights complaint or oversight mechanisms or have set out the main elements of such institutions in their constitutions. In 84% of Respondents, the independent public institution may initiate human rights investigations of its own accord (*suo moto*), regardless of whether an individual human rights complaint was received or not. This is crucial to ensure complete and consistent human rights protection in a country, as in this way, human rights protection mechanisms can engage proactively in situations and are not dependent on complaints from other sources. This is especially important for sensitive matters where individuals may fear negative consequences if they lodge a complaint (Council of Europe, 2019[42]). 34 Adherents responded that they collect data on complaints regarding violations of civic freedoms, and 54% of Respondents disaggregate the data to some degree. Disaggregation is key to a detailed understanding that can guide interventions.

Figure 3.9. Independent oversight and complaint mechanisms, 2020

Percentage of Respondents that provided data on this topic in the OECD Survey on Open Government
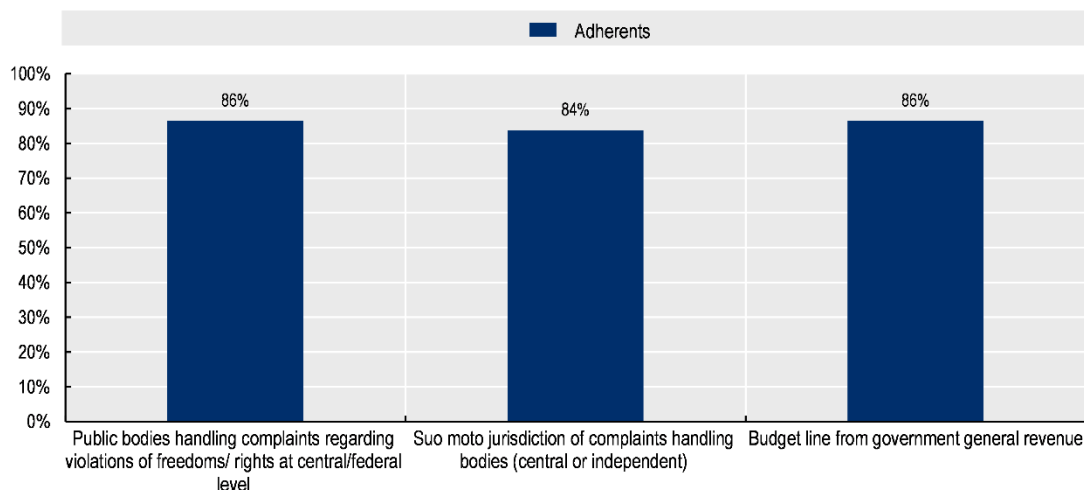
Note: N=37
Source: OECD (2022[17]).

The independence of such bodies is best achieved when the procedure for the appointment of the leaders or members of national human rights institutions is described in an official act outlining the specific duration of their mandates and the duration is longer than the mandate of the appointing body. Financial independence can be ensured through the provision of sufficient funding via a separate budget line, which has been instituted by 86% of Respondents. Finally, data from the 2020 Survey on Open Government also shows that 52% of Adherents have separate oversight institutions that specialise in discrimination cases and in promoting equality.

Ombudsmen institutions are actively contributing to open government efforts.

As recognised by the 2017 OECD report *The Role of Ombudsman Institutions in Open Government*, Ombudsman institutions can play a significant role in promoting open government and strengthening democracy given their unique placement as an independent public body (OECD, 2018[43]). These institutions can act both as an interface and as mediators between citizens and public institutions at the supranational, national and local levels, and their work can span various policy sectors (e.g., health, education and youth). For example, while competencies and powers vary widely across countries, 19 OECD countries have created a specific Ombudsperson for youth or children at the regional or national/federal level to protect civic space for children and young people, promote their rights and hold governments accountable. Moreover, 11 more OECD countries have created an office dedicated to children or youth within the national Ombudsperson office, or included youth affairs as part of its mandate (OECD, 2018[44]). Furthermore, Ombudsman institutions are valuable actors in ensuring that public bodies adhere to good governance practices and achieve the highest standard of administrative processes, all with the intention of serving the public interest. Due to this position, they have a unique ability to advance the open government principles of transparency, accountability, integrity and stakeholder participation in their own functions and mainstream their application across the wider public administration (OECD, 2017[45]). However, despite the promising scope of their mandates, the potential of Ombudsman Institutions largely goes unfulfilled in most contexts. The below figure demonstrates that while 75% of surveyed Ombudsman Institutions[3] responded that they contribute to public administration reform, only 34% noted that they contribute to open government reforms (Figure 3.10).

Figure 3.10. Ombudsman Institutions' contribution to different kinds of public governance reforms
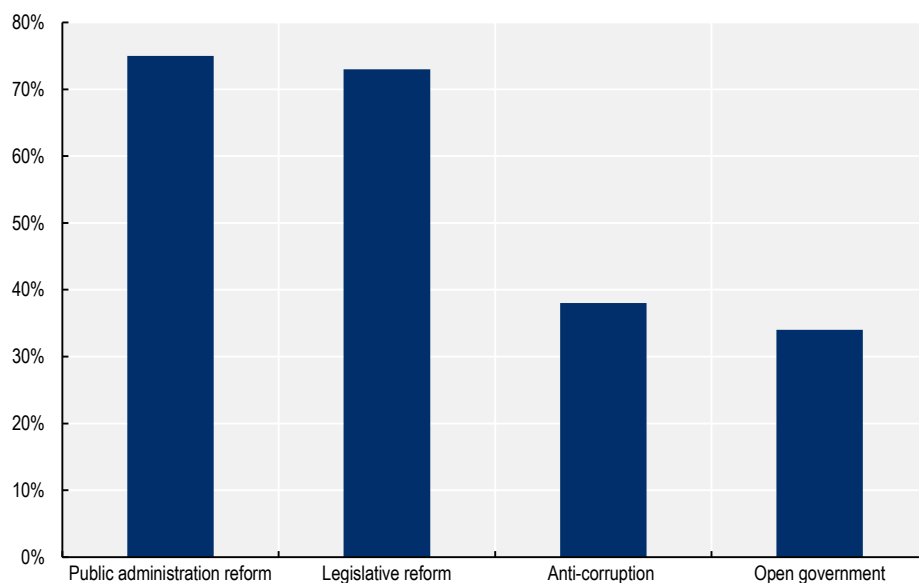
Note: n=64, as 64 OIs reported having contributed to public governance reforms in the responses to the 2017 OECD Survey on the Role of Ombudsman Institutions in Open Government.
Source: The Role of Ombudsman Institutions in Open Government (OECD, 2018[43]).

Conclusions and way forward (provision 2)

In terms of the legal and regulatory frameworks for open government (provision 2), progress in Adherents has been notable in recent years. In particular:

- 2.1: Provisions relating to the open government principles are commonly enshrined in Adherents' Constitutions or founding documents. Furthermore, all but one Adherent now have Access to Information (ATI) laws in place and a significant number of Adherents have strategically used their open government agendas to promote the adoption of new (or reform existing) laws and regulations on open government policies and practices. Moreover, all Adherents have legal frameworks granting fundamental civic freedoms that underpin protected civic space but there are notable exceptions to these rights and implementation varies. Moving forward, Adherents are encouraged to continue using their open government agendas to update relevant open government legislation. In particular, they are encouraged to review their civic space laws to ensure they are in line with international guidance in each area, whether as part of open government, human rights, democracy or other relevant agendas (OECD, 2022[17]).

- 2.2: Adherents have made notable efforts to design guiding documents and materials to foster the implementation of the legal and regulatory framework on open government. However, more attention could be given to ensuring that guidelines are communicated widely and used on a day-to-day basis by public officials and non-public stakeholders.

- 2.3: Adherents have made important efforts in implementing a legal framework for ATI, however more efforts need to be put in place to monitor and evaluate the legal framework to ensure its proper implementation. In addition, Adherents could ensure that a dedicated ATI oversight body to ensure oversight, supervision, monitoring and evaluation of the ATI law is established. This institution needs to have a clear mandate, sustained resources and an adequate level of independence, and capacity for enforcement needs to be provided to ensure the protection of the

right. Where there is adequate institutional capacity, a long-term view could be taken to establishing an independent commission on ATI. The institution in place needs to be equipped to face new challenges (e.g., conciliating access to information and data protection). Lastly, establishing ATI information offices or officers in all public bodies and equip them with adequate resources is needed to carry out their activities to support public administrations in effectively implementing ATI laws.

- 2.4: Finally, independent public institutions that address human rights complaints are a crucial enabler of protected civic space and require *suo moto* powers to fulfil their role, in addition to a legal structure (and related resources) to allow them to be independent and sustainable.

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Notes

[1] The OECD's analysis of the protection of civic space draws on international standards, including those related to the protection of civic freedoms. Such guidance includes relevant United Nations standards (e.g., the International Covenant on Civil and Political Rights) as well as regional human rights bodies and courts, such as the European Court of Human Rights or the Inter-American Court of Human Rights. Analyses from CSOs and academic institutions are also considered where relevant, along with their insights.

[2] For the purposes of this report, hate speech is defined as any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, and aims to incite discrimination or violence towards that person or group, e.g. based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.

[3] The 2017 OECD Survey on the Role of Ombudsman Institutions in Open Government was responded to by 94 Ombudsman institutions in 65 countries and territories.

4 Provision 3: Mandates, resources, and literacy

Ensure the successful operationalisation and take-up of open government strategies and initiatives by:

(i) Providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial, and technical resources, while promoting a supportive organisational culture;

(ii) Promoting open government literacy in the administration, at all levels of government, and among stakeholders.

Provision 3 of the Recommendation is about operationalising Adherents' open government agendas, including by creating an adequate institutional framework and co-ordination mechanisms.

3.1: Provide public officials with the mandate to design and implement successful open government strategies and initiatives

Most Adherents have de facto established an Open Government Office.

In line with OGP Guidelines, all OGP members must identify a public official responsible for co-ordinating their domestic and international OGP activities. The OGP refers to this person as the Government Point of Contact (POC). In practice, evidence collected through the OECD Open Government Reviews and Scans revealed that the POC – in Adherents that participate in the OGP – is today often part of an office that in addition to being in charge of the OGP process co-ordinates a range of additional open government initiatives that cut across the entire government (the "Open Government Office").

Moreover, evidence indicates that Adherents that are not part of the OGP usually do not have a dedicated Open Government Office. Nevertheless, many of these countries have a government office which concentrates core responsibilities for the promotion of openness. For example, in Austria the Federal Ministry for Arts, Culture, Civil Service and Sport's Department for Strategic Performance Management and Public Sector Innovation is in charge of a number of open government policies, such as fostering citizen and stakeholder participation, and it sends the country's Delegate to the OECD Working Party on Open Government.

Responsibilities of Adherent's Open Government Offices have been growing steadily.

While most Open Government Offices were initially set up to co-ordinate the OGP Action Plan cycle, over time, many of them have started taking over a mandate for other substantive responsibilities relating to openness. In fact, responses to the 2020 OECD Survey on Open Government show that many of the offices that co-ordinate the OGP Action Plans today have mandates that go (much) beyond the OGP-process (e.g., responsibilities relating to access to information and/or citizen participation, etc.). While this is a positive trend, the results of the OECD Open Government Reviews and Scans show that many areas of open government remain beyond the reach of the Open Government Offices. Moving forward, Adherents could consider giving their Open Government Offices an even broader mandate which, in turn, would empower them to successfully design and implement more holistic Open Government Strategies.

As regards their responsibilities for the OGP Action Plan, all Open Government Offices co-ordinate the co-creation of the action plan and raise awareness about the OGP-process with external stakeholders (respectively 100%, 33 Respondents) (Figure 4.1). A similarly high share of Offices co-ordinates the implementation of the OGP Action Plan and raises awareness about the OGP-process within government (respectively 97%, 32 Respondents). To the contrary, only few offices allocate funding to (15.2%, five Respondents) or co-ordinate funding of the OGP Action Plan (12.1%, four Respondents).

Figure 4.1. Responsibilities of the Open Government Office for the OGP Action Plan
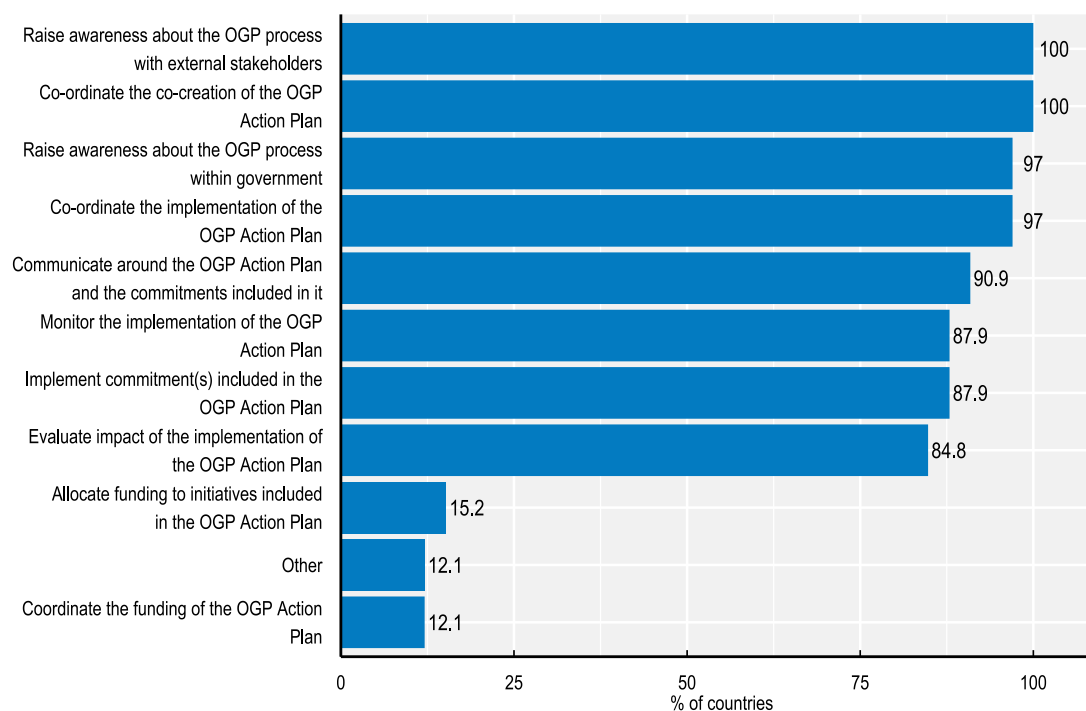
Note: N=33. Multiple selection possible.
Source: OECD (2020[1]), 2020 Survey on Open Government.

Box 4.1. Examples of responsibilities of Open Government Offices in Adherents

Argentina

Besides the OGP-process, Argentina's National Directorate for Open Government is responsible for the design, implementation and evaluation of the Open Government Strategic Plan (2020 - 2023), a long-term strategy on open data, transparency, innovation and citizen participation. In addition, the Directorate is in charge of the open data agenda, that is, the coordination of the National Public Data Portal (https://datos.gob.ar/), which centralises the data catalogues of the different centralised and decentralised bodies of the National Executive Branch. This entails the development of guidelines, training and inter-institutional communication for the opening of data and the development of data-based services.

Portugal

Portugal's open government office in the Administrative Modernization Agency (AMA) is – in addition to the OGP-process – in charge of the country's official public open data portal dados.gov.pt and administers Simplex, a consultation portal on administrative simplification. Further, AMA has a particular unit, called LabX, the Experimentation Lab for Public Administration that embeds participation and co-creation processes in all their projects, often engaging citizens and civil society organisations.

Slovak Republic

The Slovak Republic's Office of the Plenipotentiary of the Slovak Government for the Development of Civil Society is also responsible for EU-funded initiatives that strengthen participation at both national

and subnational levels of the government. This includes, among others, the development of guidelines, tools and the evaluation of participatory processes. Additionally, it is in charge of a project promoting partnership and open communication between civil society and the public sector within the EU fund ecosystem, and it cooperates with other ministries and central state institutions, local and regional governments on topics related to the open government, such as fight against corruption.

Source: OECD (2020[1]), 2020 Survey on Open Government.

Open Government Offices are most commonly situated in the Centre of Government.

Data collected through the 2020 OECD Survey on Open Government shows that Open Government Offices are most commonly located in Respondents' Centre of Government[1]. In fact, across Respondents that are part of the OGP, 33.3% of the offices (11 out of 33) co-ordinating the OGP-processes are situated in the President's or Prime Minister's Office. In addition, 21.2% of the Offices are situated in other line ministries, 24.2% are institutionally located in the Ministry of Public Administration/Modernization/Planning and 9.1% in the Ministry of Interior. In few cases, the Open Government Office is situated in the Ministry of Finance (6.1%) or the Ministry of Justice (3%) (Figure 4.2).

Figure 4.2. Institutional location of the office that co-ordinates the OGP-process
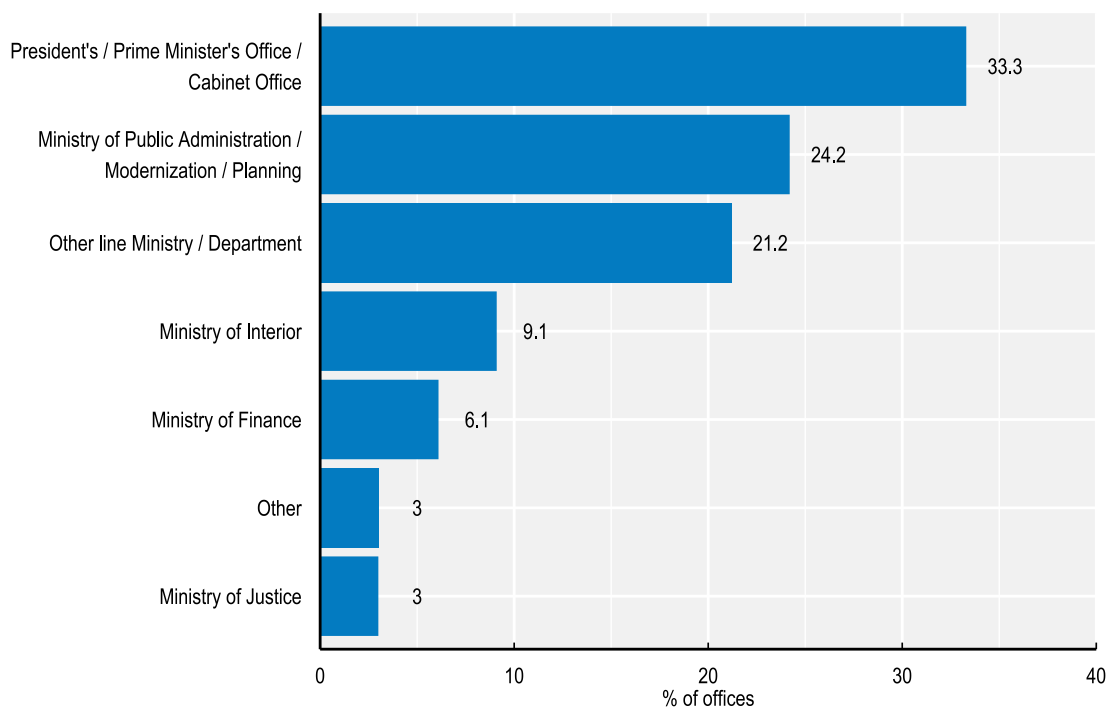
Note: N=33.
Source: OECD (2020[1]), 2020 Survey on Open Government.

In some Adherents, the open government file had initially often been pushed into technology-oriented offices or into the anti-corruption field, by institutionally locating the responsibility for it in the office co-ordinating the government's digital government, open data or integrity agenda. Today, the Open Government offices' parent institutions (i.e., the Ministry in which they are located) commonly have a broad

range of responsibilities relating to open government. Public sector reform/modernisation is most frequently part of that institution's portfolio (81.2%, 26 out of 32 offices), followed by open government data (71.9%), public sector innovation, citizen participation (both 68.8%) and digital government (65.6%) (Figure 4.3).

Figure 4.3. Portfolio of Open Government Offices' parent institution / ministry
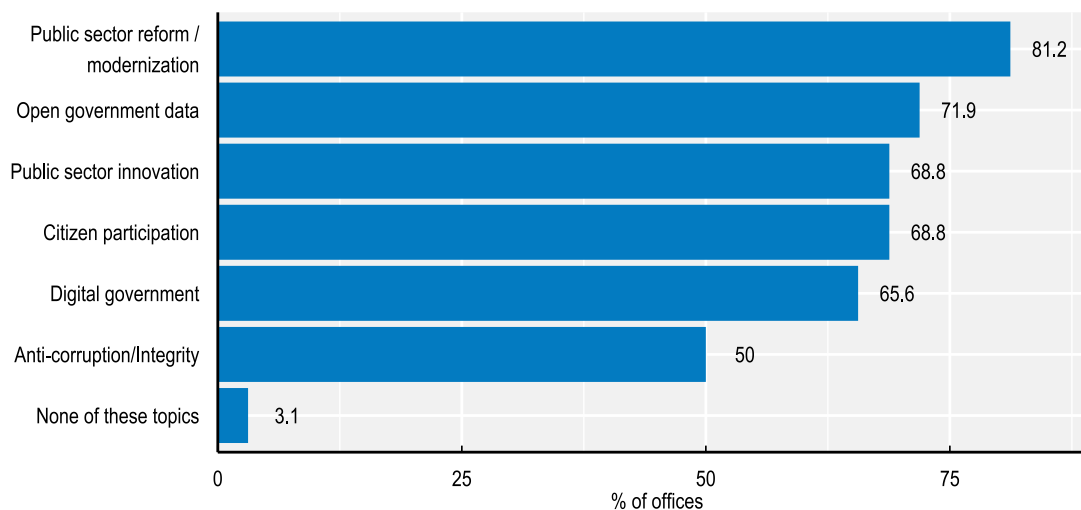
Note: N=33. Multiple selection possible.
Source: OECD (2020[1]), 2020 Survey on Open Government.

Box 4.2. Advantages of situating open government within the centre of government

- The centre of government (CoG) can facilitate the link between open government strategies and initiatives and broader national objectives, including development objectives such as achievement of the United Nations Sustainable Development Goals.
- The CoG can connect open government initiatives across government (including different sectors, levels of government and non-state actors) in order to foster a shared vision.
- The CoG can also promote good practices in the area of open government – as well as institutional champions – across government and among citizens.
- The CoG can strengthen the strategic use of performance data across the public sector, in order to support monitoring and evaluation of the impacts of open government strategies and initiatives (OECD, 2015b).

Source: Adapted from (OECD, 2016[2]).

Finally, Open Government Offices are usually headed by a senior public servant. The most common level of the most senior employee in the office co-ordinating the OGP-process is the one of D1-manager (34.4%, 11 out of 32 offices), followed by D2-managers (28.1%) (Figure 4.4).

Figure 4.4. Level of the most senior employee in the government office that co-ordinates the OGP-process
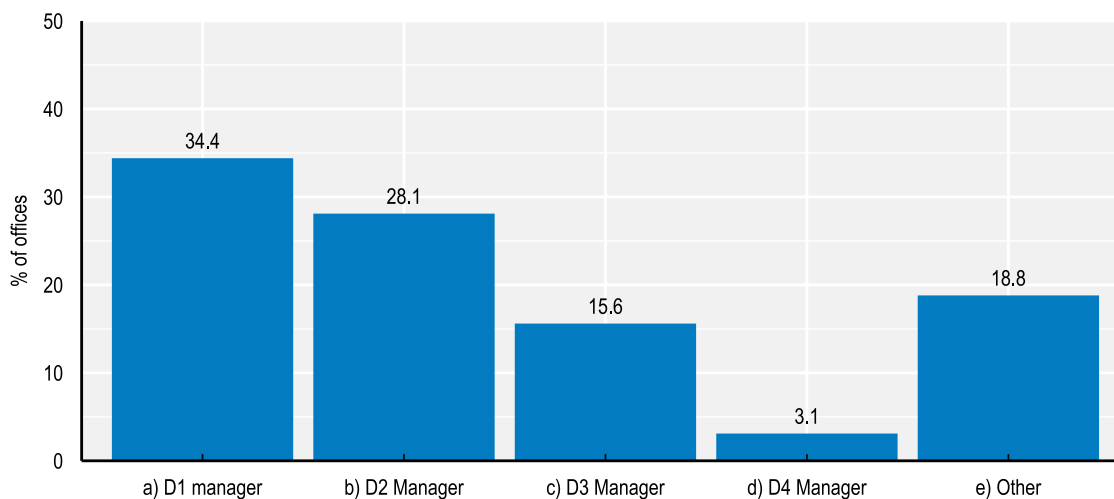
Note: N=32.
Source: OECD (2020[1]), 2020 Survey on Open Government.

3.2: Provide public officials with the adequate human, financial and technical resources

Human, financial and technical resources dedicated to open government have grown.

An open government agenda requires dedicated human, financial and technical resources to be successfully implemented. While time-sensitive data is not yet available, evidence collected through the OECD Open Government Reviews and Scans indicates that human and technical resources in particular have been growing steadily over the past years.

Staff numbers dedicated to open government are on the rise in Adherents.

Given the wide range of policies and practices that contribute to openness and taking into consideration that pieces of the open government agenda usually sit in different institutions across government, the exact number of staff working on open government issues in Adherents is, of course, hard to measure. As a matter of example, in the 2020 Survey, more than 42.9% (15 out of 35) of Respondents indicated that they themselves did not even know the percentage of government ministries that had staff dedicated to citizen and stakeholder participation at national level (OECD, 2020[1]).

On average, Adherents that are part of the OGP have 2.56 full time equivalent (FTE) employees dedicated to co-ordinating their countries' OGP-process (SOG). The findings of the OECD Open Government Reviews confirmed that the number of staff dedicated to the OGP-process has generally been on the rise in recent years in most Adherents. Moreover, the number of FTE working on the OGP-process does, of course, not include other staff working in the Open Government Office (i.e., public officials working on open government files but who are not formally involved in the OGP-process). For example, the OECD Open Government Review of Argentina showed that, in addition to the two staff members in charge of OGP-matters, the country had approximately 50 staff dedicated to open government issues in the then Undersecretariat for Open Government and Public Innovation. Along similar lines, Brazil's Open

Government unit, the Secretariat for Transparency and Corruption Prevention has more than 30 staff working on open government issues, four of whom are dedicated to the OGP-process.

Financial resources dedicated to Adherents' open government agenda.

Developing and implementing an open government agenda may involve reforming laws and institutions, developing new skills, new technologies and platforms, etc., all of which requires dedicated financial resources. Adequate funding is therefore vital for efficient and sustainable implementation of open government reforms. For the time being, only five Adherents have a dedicated budget line for open government in their national budget. In most cases, open government reforms are funded on an *ad hoc* basis. Notably, this is also the case for Adherents' OGP Action Plans. In fact, few Adherents that are part of the OGP have structured funding for the implementation of their action plans. Most of the times, open government initiatives included in it ("commitments") are funded separately by each implementing institution.

As data from the Survey on Open Government shows, the financing of open government policy documents is most commonly based on funds from the government (110 policy documents, 88.7%). 21 % of policy documents (26) are (co-) financed through the European Union. Only rarely other sources of funding exist, such as multilateral organisations (seven, 5.6%) or bilateral development cooperation agencies (three, 2.4%) (Figure 4.5).

Figure 4.5. Sources for funding of policy documents on open government
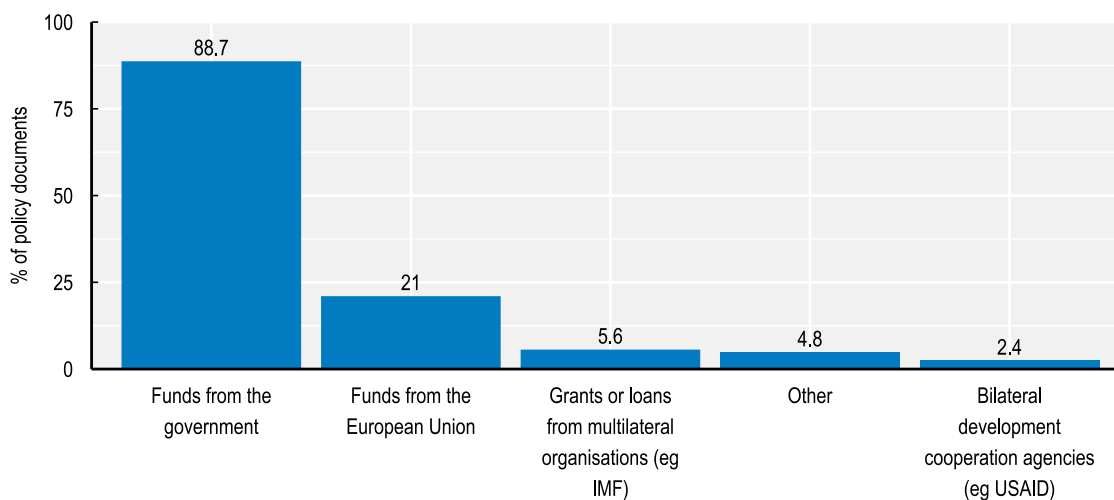
Note: N=38 for 124 policy document. Multiple selection possible.
Source: OECD (2020[1]), 2020 Survey on Open Government.

Open government and participation portals are becoming mainstreamed.

Participation portals, such as websites where public institutions publish consultation and engagement opportunities, can help to facilitate collaboration with citizens and stakeholders. A participation portal can list all participation opportunities across the central/federal government or only those offered by a specific institution (OECD, 2021[3]). Government-wide portals have the advantage of providing a "one-stop shop" for citizens to learn about past, current and future opportunities for participation. On the other hand, institution or policy-specific portals are easier to adapt to the specifics of a given participation process (OECD, 2021[3]).

Some governments rely solely on one type of portal, while others use a mixed approach combining two or more of them. 31 out of 35 Respondents (88.6%) have government-wide participation portals used by all

ministries at the central/federal level of government. 17 Respondents (48.6%) have several government-wide portals, and 14 (40%) have a single government-wide portal. Further, nine Respondents (25.7%) report using at least one institution-specific portal, most often in addition to their government-wide portals. Other types of portals, most commonly being dedicated solely to specific policy documents such as the OGP Action Plan, exist in eight Respondents (22.9%).

Figure 4.6. Types of participatory portals in Respondents
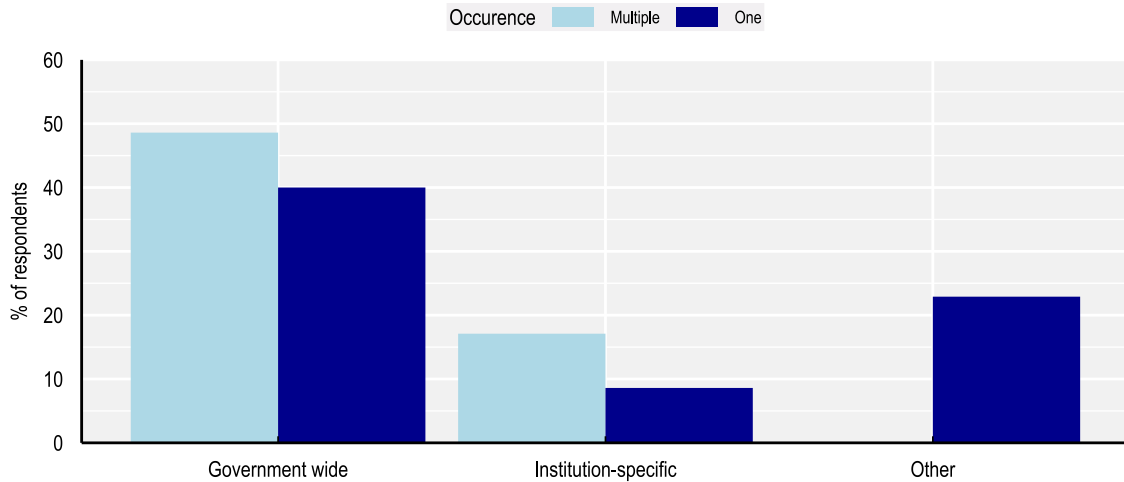
Note: N=35 for 84 portals.
Source: OECD (2020[1]), 2020 Survey on Open Government.

The portals are most frequently used to inform about past participation opportunities (70.7%) and to carry out online consultations or engagement (69.5%). It is less common for participation portals to provide information about citizens' rights to participate (32, 39%), to provide feedback to users on how the government implemented their inputs (27, 32.9%) and to redirect to institutional participation portals (18, 22%).

Figure 4.7. Functions of Adherents' participatory portals
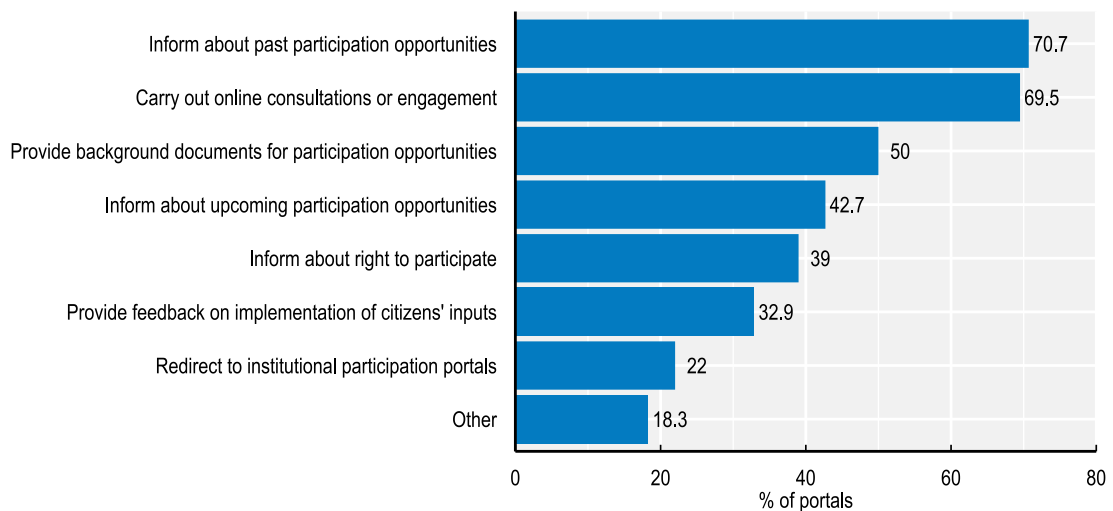
Note: N=35 for 84 portals.
Source: OECD (2020[1]), 2020 Survey on Open Government.

3.3: Promote awareness, knowledge, and skills for public officials and stakeholders to engage successfully in open government strategies and initiatives

Open government literacy – understood as the combination of awareness, knowledge and skills that public officials and stakeholders need to engage successfully in open government strategies and initiatives – is key to transforming a country's culture of governance.

Adherents offer a wide range of trainings and courses on open government and its principles.

The provision of trainings, courses and capacity-building events can be a way of ensuring that both public officials and non-public stakeholders embody open government principles. Trainings on open government and its principles are now widely available in Adherents (OECD, 2020[1]). In particular, 78.9% (30 Respondents) offer trainings on access to information, followed by trainings on open government data (73.7%, 28 Respondents) and on citizen and stakeholder participation (63.2%, 24 Respondents). While the number has been growing, for the time being, only 34.2% (13) of Respondents have dedicated trainings on open government (see Box 4.3 for an example from Spain).

Enabling non-public stakeholders to strengthen their open government literacy can render open government reforms more effective. However, 43.2% (16) of Respondents indicate that they offer no trainings related to open government. Among those who do, available courses most frequently cover access to information and open government data (11 Respondents, 29.7%).

Figure 4.8. Available trainings for civil servants at the central/federal government in Respondents
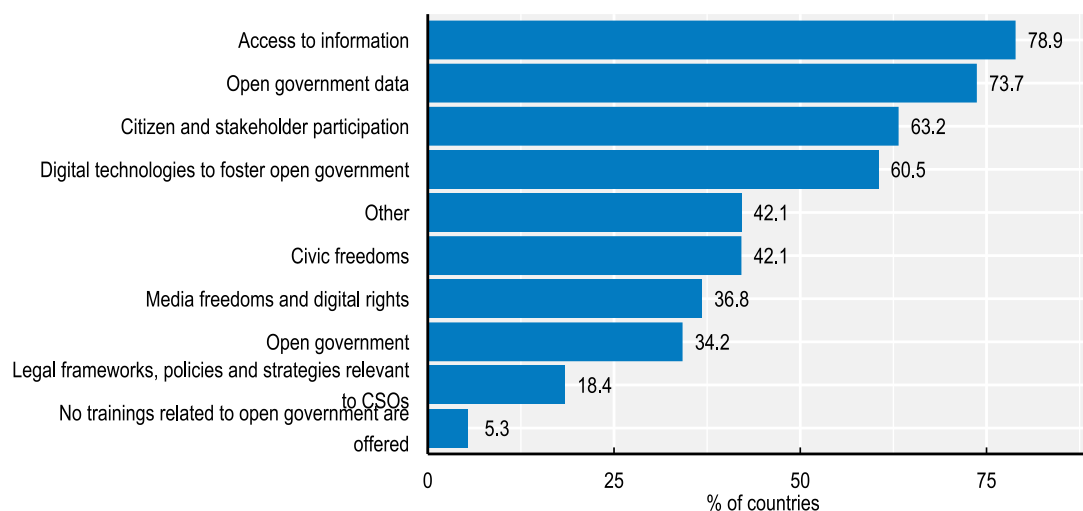
Note: Multiple selection possible. N=38. Categories not displayed:" Legal frameworks, policies and strategies relevant to CSOs", "Other".
Source: OECD (2020[1]), 2020 Survey on Open Government.

Box 4.3. Good practice case: Spain's recent efforts to foster open government literacy across the administration and in society

As part of a commitment during their third OGP Action Plan 2017-2019, Spain implemented an Open Government Education plan. The idea was to train educators so that they could teach open government principles and practical case studies to their pupils. To achieve this, the National Institute of Educational Technologies and Teacher Training (INTEF) in coordination with other agencies and ministries put together a Massive Open Online Course (MOOC) to train teachers, as well as other didactical materials in order for them to teach at their primary and secondary schools.

The course and materials were also used to further acquaint officials and other stakeholders with the open government pillars and values. The Spanish government also conducted an evaluation of the project in order to improve during further iterations.

Source: OPSI (2018[4]) Education in Open Government.

Competency frameworks for public officials commonly include competencies relating to open government policies and practices.

The vast majority of Adherents includes specific competencies relating to open government in public officials' competency frameworks or profiles. In fact, 30 out of 35 Respondents (85.7%%) allude to central themes of open government in these frameworks (Figure 4.9). Public values/integrity is most commonly present (82.9%), followed by communication (71.4%) and engagement skills (68.6%). These frameworks are most frequently used in job profiles/descriptions (71.4%, 20 respondents), in recruitment processes and for performance assessments (respectively 67.9%, 19 Respondents) (OECD, 2020[1]).

Figure 4.9. Inclusion of open government related skills in public officials' competency frameworks in Respondents
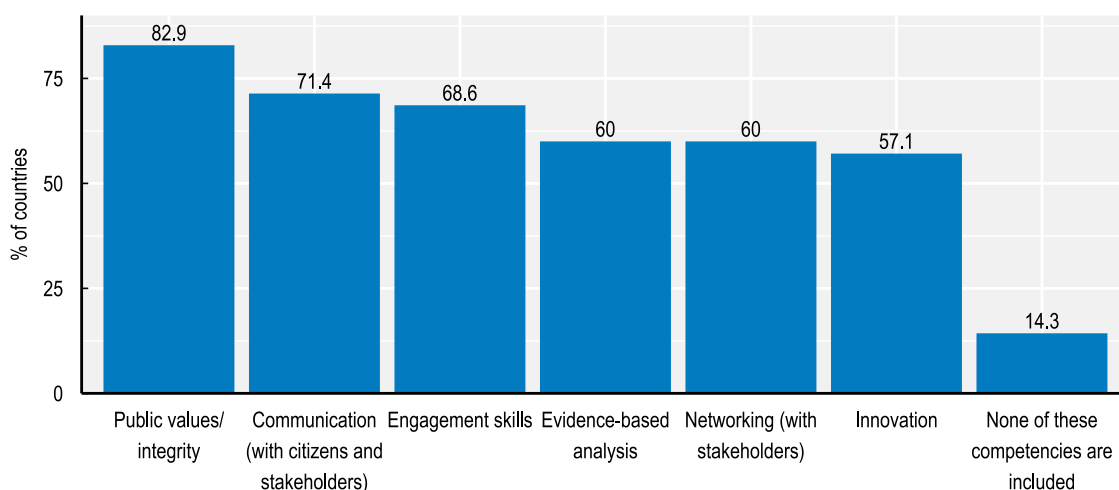
Note: N=31. Multiple selection possible.
Source: OECD (2020[1]), 2020 Survey on Open Government.

Conclusions and way forward (provision 3)

In terms of the operationalisation of their government agendas (provision 3), Adherents have made important progress:

- 3.1: Most Adherents have established a dedicated Open Government Office which is most commonly situated in the Centre of Government. The responsibilities of Adherents' Open Government Offices have been growing over the implementation period and now frequently include tasks relating to the co-ordination and/or implementation of different open government policies and practices, such as access to information, open government data and/or citizen and stakeholder participation.

- 3.2: Generally, human, financial and technical resources dedicated to open government are growing across Adherents. In particular, Adherents' teams dedicated to open government issues are getting bigger and they have an increasing number of technical resources, such as online portals, at their disposal. In order to be able to adequately fulfil their increasing levels of responsibilities (including implementing eventual upcoming Open Government Strategies), Adherents could consider further empowering their Open Government Offices over the next implementation period. This may include providing them with additional specialised human resources and reviewing the financing available for the implementation of the main policy documents on open government.

- 3.3: Finally, all Adherents are making dedicated efforts to foster public and non-public stakeholders' open government literacy, including by providing trainings and courses and by including competencies relating to open government policies and practices in public officials' competency frameworks. These efforts should be widened and deepened. In particular, Adherents could consider making additional efforts to foster the open government literacy of non-public stakeholders.

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Notes

[1] In OECD terminology, the Centre of Government (CoG) refers to the group of institutions or units that serve the head of government (President or Prime Minister) and the Council of Ministers (OECD, 2014).

5 Provision 4: Coordination mechanisms

Coordinate, through the necessary institutional mechanisms, open government strategies and initiatives – horizontally and vertically – across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives.

Open government policies and practices are transversal by nature and usually involve a wide range of stakeholders. Their successful implementation therefore depends on effective policy co-ordination (OECD, 2019[1]; OECD, 2023[2]). Co-ordination is also the primary means to prevent fragmented approaches and ensure policy coherence across the whole public sector (Ibid.).

4.1: Co-ordination of open government agendas by establishing dedicated institutional mechanisms

Adherents have set up different institutional mechanisms to co-ordinate open government strategies and initiatives.

Most Adherents have long-standing institutional co-ordination mechanisms (e.g., Councils, Networks, Committees, etc.) in different areas that have links with/contribute to Open Government (e.g., mechanisms to co-ordinate open data policies, integrity policies, digital government policies, etc.). In fact, 61 out of 111 policy documents (55%) by 37 Respondents to the 2020 OECD Survey on Open government are governed by a mechanism that includes non-public stakeholders. 75 out of 115 policy documents (65.2%) possess a dedicated mechanism to facilitate coordination across government, such as an inter-ministerial working group (OECD, 2020[3]).

The creation of mechanisms to co-ordinate integrated open government approaches is a relatively recent trend.

Recognising that the promotion of cross-cutting and integrated open government approaches requires a more structured approach, an increasing number of Adherents have started setting up dedicated co-ordination mechanisms for their open government agendas. The most common form that these mechanisms take is that of a "Multi-Stakeholder Forum" (MSF). In fact, countries that participate in the Open Government Partnership not only commit to developing their action plans through a participatory process, but also to implement them with the active engagement of citizens and civil society (OECD, 2021[4]). For OGP-members, an MSF is a mandatory, standing consultative body that assists in this process. MSFs are responsible for assisting in the oversight of the OGP-process to ensure that, in accordance with the OGP Participation and Co-Creation Standards (OGP, 2021[5]), it is open and inclusive of all stakeholders. MSFs must further comprise representation from both government and civil society and meet at least every quarter (OGP, 2021[5]).

Data shows that 75.8% of responding Adherents that are part of OGP (25 out of 33) have established an MSF that involves non-public stakeholders (OECD, 2020[3]). Civil society organisations are the most common non-public stakeholders that are represented in the MSF (80.7%), followed by academia (64.9%) and private sector/business organisations (52.6%) (Figure 5.1). A few Adherents have established mechanisms with a different set-up. For example, Finland has two mechanisms in place that involve non-public stakeholders. On the one hand, the Working Group on Open Government is the main body to set directions for the OGP Action Plan process, and to coordinate and follow-up on its implementation. On the other hand, the Civil Society Policy Board KANE also has a steering role in the OGP-process, but its mandate relates more broadly to advancing the co-operation between civil society and government. The only responding Adherents that are part of the OGP and that do not currently have an MSF in place are France, Germany, Greece, Sweden and the United States[1] (OECD, 2020[3]).

Figure 5.1. Non-public stakeholders represented in Adherents' OGP Multi-stakeholder Forum
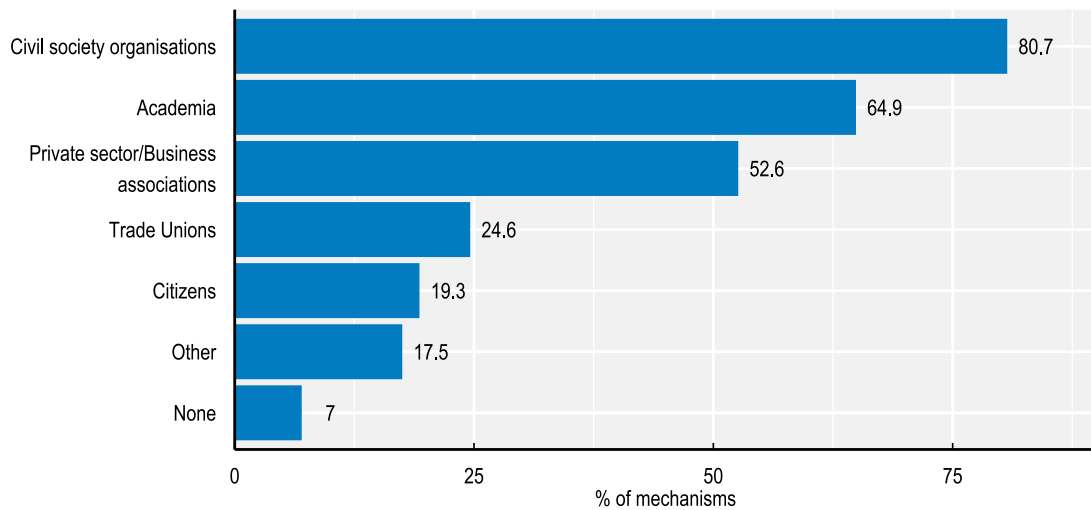
Note: N=26. Multiple selection possible.
Source: OECD (2020[3]), 2020 Survey on Open Government.

The Multi-stakeholder Fora have started playing a more active role in the wider open government agenda.

Usually, the MSFs have a broad set of responsibilities as regards the OGP-process. Across Respondents, the most important responsibilities include monitoring the implementation of the Action Plan (92.6%), setting directions for the Action Plan process (88.9%), and conduct outreach and awareness raising activities (81.5%). Only 7.4% of MSFs are currently involved in mobilising financial resources for the Action Plan process (Figure 5.2).

Recognising the usefulness of the MSF as a general platform for dialogue with non-public stakeholders, in recent years, 33.3% of MSFs developed by Respondents as part of the OGP (nine out of 27) have started taking over responsibilities for the wider open government agenda. For example, Czechia's Working Commission for Open Government and State Administration Transparency now has a broad mandate to support integrity. As a permanent advisory body to the government and chaired by the Minister of Justice, it evaluates anti-corruption measures, monitors the implementation by individual ministries and proposes measures to reduce corruption risks, including by fostering transparency of the public administration. Spain's MSF now facilitates collaboration between government and civil society regarding the wider open government agenda. In particular, it serves as a forum for dialogue with civil society and fosters the exchange of good practices, among others.

Figure 5.2. The main responsibilities of Multi-Stakeholder Forums in Adherents
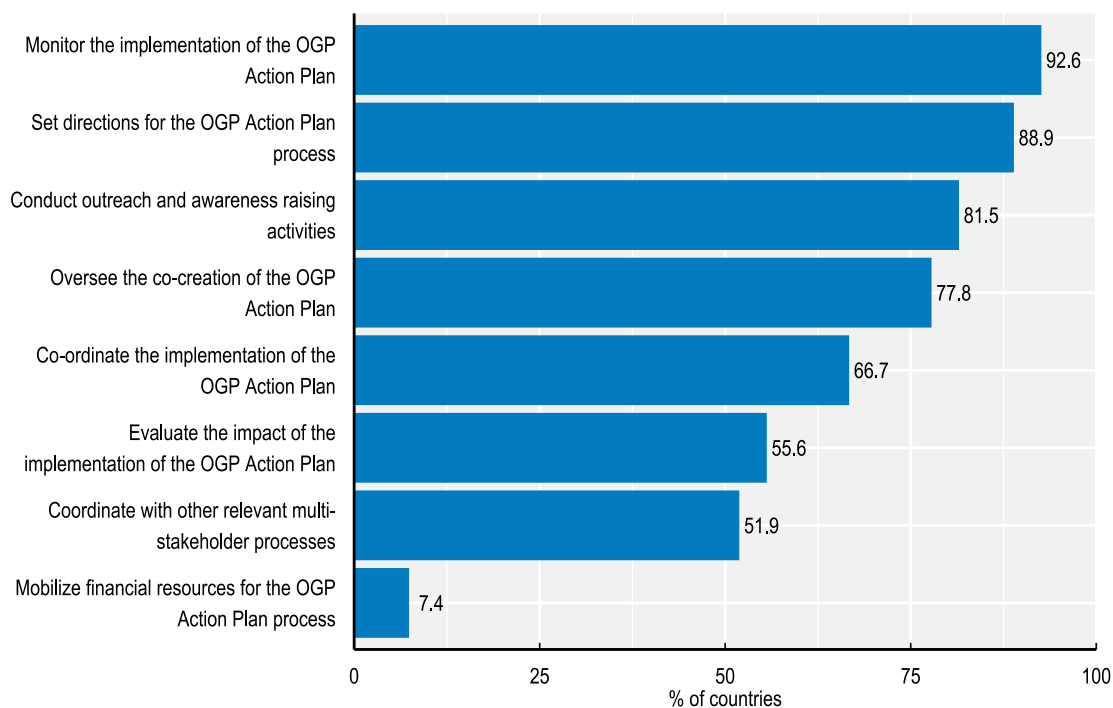
Note: Figures in %. Only includes Adherents who are part of the OGP and possess an MSF; N=27
Source: OECD (2020[3]), 2020 Survey on Open Government.

Over the next implementation period, all Adherents that are part of the OGP should ensure that they have a functioning MSF that is in accordance with OGP Guidelines in place. Furthermore, Adherents that are part of the OGP could explore opportunities to upgrade their existing MSFs and transform them into full Open Government Steering Committees that co-ordinate their countries' whole open government agendas.

4.2: Ensure that the open government agenda and other relevant national policy agendas proceed in the same direction and contribute to common objectives

Adherents' open government agendas sometimes remain detached from wider policy objectives.

Data collected through the OECD Open Government Reviews and Scans shows that Adherents' open government agendas often operate in isolation from other policy agendas and can, at times, remain disconnected from wider policy objectives pursued by the government. In particular, Adherents that are part of the OGP report facing difficulties in linking their OGP Action Plans to high-level government priorities, such as inclusive growth or environmental protection. In the 2021 OECD Perception Survey on Open Government (OECD, 2021[6]), 55% of responding delegates (16) answered that they felt that their current OGP Action Plan was only "somewhat" linked to high-level government priorities. This is also confirmed by the findings of the OECD Open Government Reviews and Scans which show that OGP Action Plans – due to their two-year cycle which, in many cases, is not aligned with the electoral and budget cycles – are often disconnected from the governments' wider policy agendas and rather focus on specific short-term priority topics.

Figure 5.3. To what extent do you feel your current OGP Action Plan is linked to high-level government priorities?
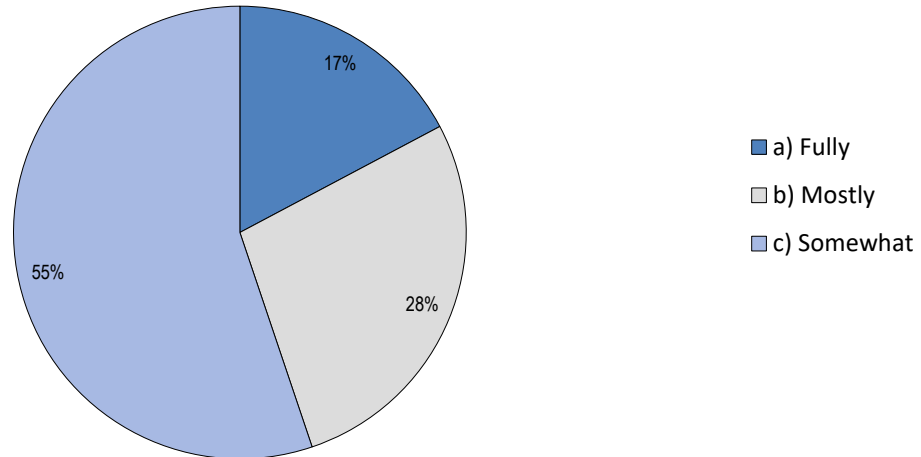
Note: N=29. OGP members only.
Source: OECD (2021[6]), Perception Survey for Delegates of the OECD Working Party on Open Government.

In addition, while the most high-level policy documents (e.g., the Government Programme or the National Development Plan) of most Adherents include references to the open government principles and/or specific open government policies and practices, only a small number of Adherents explicitly include a dedicated focus on integrated open government approaches in them (see Box 5.1 for an example). Nevertheless, research conducted by the OECD also shows that open government policies and practices, such as national dialogues and citizens assemblies, are becoming more common in discussing critical national policy goals (e.g., France's Citizen Convention on Climate) and are thereby bringing open government approaches to the centre of public attention.

Box 5.1. Open government commitments in Colombia's 2018-2022 National Development Plan (NDP)

Colombia's 2018-2022 National Development Plan (NDP) includes a separate chapter describing actions on open government and open state. It includes commitments related to the principles of transparency, accountability and stakeholder participation as well as specific roadmaps to coordinate the actions of central and subnational levels of government in matters of open government.

In addition, the Pact for Legality, a cross-cutting axis in the NDP, aims at encouraging citizen participation by setting a vision and concrete objectives in this area:

Route to 2030: Citizen participation will be recognised as a key aspect of the consolidation of democracy. By enabling them to fully exercise every aspect of citizenship, Colombians will take charge of their own development and that of their communities and territories.

Objectives:

- To develop a national and local institutional framework to improve the effectiveness of citizen participation structures.
- To formulate and implement a national policy on inclusion and democratic participation.
- To implement a political leadership programme for young people, women and others interested in political participation.
- To ensure social dialogue through the generation of protocols and tools that take citizen participation into account.
- To strengthen structures for ongoing dialogue with territorial authorities and communities.
- To implement a policy of religious freedom.
- To establish a means of paying special attention to municipalities with low levels of electoral participation and/or areas with a history of electoral corruption.

The commitments included in the NDP served as a basis to elaborate Colombia's National Policy on Open State (*CONPES - Lineamientos de Política para la Implementación de un Modelo de Estado Abierto*) adopted in 2021 and which sets a roadmap towards 2025 with 40 actions covering the areas of transparency, integrity, participation and innovation.

Source: Government of Colombia (2018[7]).

In recent years, the emergence of initiatives that focus on reinforcing and strengthening democracy, such as the OECD Reinforcing Democracy Initiative has created new opportunities for the global open government movement. Adherents now have a unique opportunity to fully embrace the potential that the new narratives bring to their open government agendas. Over the next implementation period, the openness of the public administration and the benefits that integrated open government approaches can bring should be put to the centre of attention in order to make open government policies and practices a catalyst for a democratic renewal, as mentioned in the Luxembourg Declaration.

Box 5.2. Linking open government and reinforcing democracy in Finland

Finland's Open Government Strategy, which was published in December 2020 links open government reforms to democracy and the protection of civic space. Originally, "openness" was viewed as being a core value at the heart of the Finnish welfare state and democracy model, and the focus was on enhancing citizens' trust in government. Approximately ten years ago, this evolved to a desire for a two-way relationship between the citizens and the state that also considered government trust in citizens and their representative groups.

Finland's focus on open government continues to seek to strengthen this mutual trust-building between different actors in society and the state, based on dialogue and shared understanding. Crucially, the focus on mutual understanding is viewed as being an important means of countering current threats to democracy and human rights such as populism and polarisation. In this connection, Finland's Open Government Strategy, which will guide the government's entire open government agenda, includes commitments to reinforcing dialogue, promoting everyone's right to understand and to be understood, and the right of all Finns to participate.

The implementation of the Open Government Strategy is closely co-ordinated with the National Democracy Programme 2025 that is led by the Finnish Ministry of Justice.

Source: OECD (2021[8]).

Conclusions and way forward (provision 4)

The implementation of provision 4 of the Recommendation is advancing. In particular:

- 4.1: All Adherents have institutional mechanisms to co-ordinate the implementation of different policies and practices that are linked to Open Government with public and non-public stakeholders in place. In recent years, most Adherents that are part of the OGP have established dedicated mechanisms to co-ordinate and oversee the implementation of their OGP Action Plans. In a first attempt to foster co-ordination on an integrated open government approach, these fora are increasingly being used to co-ordinate open government policies and practices beyond the scope of the OGP Action Plans, a positive trend that Adherents could pursue further.

- 4.2: Adherents' open government agendas sometimes remain detached from wider high-level government policy objectives. At the same time, open government practices such as participatory budgets and citizens assemblies are becoming more common and are thereby bringing open government approaches to critical national policy goals. Over the next implementation period, Adherents could make additional efforts to bring the benefits of the open government principles to the centre of public attention and design integrated open government agendas that contribute to the emerging agendas surrounding democratic renewal, such as the OECD Reinforcing Democracy Initiative.

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OGP (2021), *OGP Participation and Co-Creation Standards*, https://www.opengovpartnership.org/ogp-participation-co-creation-standards/. [5]

Notes

[1] Ireland established such a mechanism over the course of 2021.

6 Provision 5: Monitoring and evaluation

Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by:
(i) Identifying institutional actors to be in charge of collecting and disseminating up-to date and reliable information and data in an open format;
(ii) Developing comparable indicators to measure processes, outputs, outcomes and impact in collaboration with stakeholders;
and (iii) Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.

Given their multidimensional and cross-cutting nature, open government policies are inherently difficult to monitor and evaluate (OECD, 2019[1]). Notwithstanding this complexity, the necessity of being able to prove the positive impacts of open government reforms, including a more concrete understanding of their dynamics and effects, has made monitoring and evaluation (M&E) particularly relevant (OECD, 2019[1]). Solid M&E mechanisms can help ensure that policies are achieving their intended goals, contribute to the identification of policy design and implementation barriers and orient policy choices by building on past experiences. M&E is also instrumental to initiating changes and communicating policy results in a timely and accessible manner (OECD, 2019[1]). Last but not least, by feeding into further policy design, M&E results can improve policy effectiveness and value for money (OECD, 2016[2]).

5.1: Identify institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format

As outlined under the assessment of provision 3, most Open Government Offices (Offices that co-ordinate the OGP Action Plan) were initially set up to co-ordinate the OGP Action Plan cycle but have over time taken over a mandate for other substantive responsibilities relating to openness. Moreover, these offices continue to have a broad set of responsibilities for the OGP Action Plan. This often includes monitoring the implementation of the OGP Action Plan (87.9%) and evaluating its impact (84.8%) (OECD, 2020[3]). Open Government Offices are often not the only actors responsible for collecting and disseminating information for the purpose of monitoring the open government agenda (also see the assessment of provision 4). In fact, across Respondents, the most important responsibility of Multi-Stakeholder Fora is to monitor the implementation of the action plan (88.9%).

Box 6.1. Institutional responsibilities for monitoring the OGP Action Plan in Brazil

Brazil, the coordinator of each commitment included in the OGP Action Plan needs to prepare an Execution Status Report (CSR) every two months. In addition, monitoring meetings take place for every commitment every three months and a general meeting with all commitments coordinators is organised every six months. These monitoring meetings may also involve civil society stakeholders. The Open Government Portal of the Controller General of the Union (CGU) serves as the main mechanism to display the information collected through the monitoring meetings and the CSRs. For each commitment, the Portal provides information on associated milestones, the percentage of execution of each milestone, commitment-related information and documents as well as the minutes of the monitoring meetings of each commitment.

Source: OECD (2022[4]).

5.2: Develop comparable indicators to measure processes, outputs, outcome and impact in collaboration with stakeholders

Only a small number of Adherents have designed indicators in the field of open government.

The design of indicators to measure the implementation of open government policies and practices can be a key input for analytical work (OECD, 2011[5]). For the time being, most existing indicators in Adherents focus only on inputs and/or processes and they are often linked to Adherents' OGP-agendas. A very small

number of Adherents have designed indicators to measure their levels of openness in an integrated manner. A notable example in this regard are Mexico's baseline indicators on open government (Box 6.2)

Box 6.2. Mexico's baseline indicators on open government

Mexico's Open Government Metrics were developed by the Centre for Economic Research and Teaching (CIDE) and were based on an initiative of the National Institute for Transparency, Access to Information and Personal Data Protection (INAI). The metrics are designed as a baseline to measure the current state of the National System of Transparency, Access to Information and Protection of Personal Data (SNT) and its open government and transparency policies. Aiming to be an "x-ray of the starting point of the open government policy of the Mexican State" at the national and subnational level, its focus goes beyond measuring the compliance with regulations, and aims to capture performance information on the outcomes of open government and transparency policies from the perspective of both government and citizens.

The metrics start with an operational definition of open government structured around two dimensions: transparency and public participation. Each dimension is approached from two perspectives: government and citizens.

	Transparency dimension	Public participation dimension
Government-perspective	Does the government make public information about its decisions and actions? To what extent is this done? What is the quality of this information?	In what ways can citizens have an impact on public decisions?
Citizen-perspective	How feasible is it for a citizen to obtain timely and relevant information in order to make decisions?	Can citizens activate a mechanism that allows them to influence public decisions?

The CIDE team developed an Open Government Index, consisting of measurements of transparency and participation from the perspective of both government and citizens. The construction of these indexes involved the analysis of existing regulations, a review of government websites and user simulations, including information requests. The Metrics survey included a sample of 908 governmental bodies at the national and subnational level; 754 portals were reviewed and 3 635 requests for information were sent. The resulting Open Government Index of Mexico was 0.39 (on a scale of 0 to 1). The index showed that the transparency dimension has a much higher value (0.50) than the participation dimension (0.28).

Source: INAI (2017[6]).

In order to foster the move towards better measurements of open government reforms and collect better and more relevant data, Adherents could start developing maturity models on open government. To be useful, these models need to be based on a shared understanding of what different stages of openness look like. This implies finding an answer to the questions *When can a public institution be considered fully open? What does being closed imply?* The OECD is currently actively supporting several Adherents, including Canada, Italy and Romania in the development of their first open government maturity models (Box 6.3).

Box 6.3. The potential benefits of maturity models in the area of open government

Open Government Maturity Models can:

- Set a baseline standard of what good practices in the field of open government look like.
- Allow public institutions to assess their levels of openness at a given point in time and identify where they are situated in relation to national good practice.
- Allow building a coherent and flexible trajectory towards high levels of maturity, adaptable to the situation of each public institution.
- Show the stages of this progression and the necessary achievements that are useful at each stage and consolidate the passage into the subsequent stages.
- Allow for comparison between public institutions within a defined framework.

Source: (OECD, 2022[4])

Several indices have already been developed within the OECD framework and beyond (Box 6.5) that relate to open government. As a response to the Council's instruction, work on measuring open government reforms and developing indicators has been developed by the WPOG, including a paper titled "A Roadmap for Assessing the Impact of Open Government Reform" that establishes an "OECD Framework for Assessing the Openness of Governments" (OECD, 2020[7]). On this basis, three different types of indicators are currently under development, with the first set, the Open Government Dashboard, launched in 2021. The OECD Citizen Participation Index could be available from 2023/24 (Box 6.4) and the Results Indicators from 2024/25. In particular, the Index would be a cross-cutting indicator focusing on outputs, i.e., the actual implementation of reforms that aim to foster openness, participation and representation.

Box 6.4. The OECD Citizen Participation Index

The OECD Recommendation on Open Government (OECD, 2017[8]) instructs the PGC to develop indicators on open government "to increase the availability of standardised and comparable data on inputs, processes, outputs, outcomes and impacts". Based on the OECD Framework for Assessing the Openness of Government (OECD, 2020[7]), the OECD proposes three sets of indicators in the field of open government as part of a coherent theory of change. Among them is the OECD Citizen Participation Index which aims to assess the results ("outputs") of open government policies.

The OECD Citizen Participation Index is one of the **key deliverables under pillar 2 of the OECD Reinforcing Democracy Initiative** and its *Action Plan on Enhancing Representation, Participation, and Openness in Public Life* (OECD/LEGAL/0484, Annex B). It will measure openness along five mutually reinforcing dimensions:

- **"How government informs"** measuring the extent to which key information and data can be found, understood, used and re-used by citizens. It focuses on information that have a bearing on citizens' trust in public institutions (e.g., budget information).
- **"How government responds"** focuses on key mechanisms for citizens to trigger a response from governments, whether to request public information, demand answerability on a specific public problem, or suggest a policy priority (e.g., petitions).
- **"How government interacts"** measuring the actual interaction between governments and citizens in terms of availability, accessibility and impact of interaction mechanisms.

- **"How government represents"** considering how representative government is in terms of the diversity in the composition of elected bodies and the civil service.
- **"How government protects"** evaluating the extent to which governments protect and promote fundamental civic freedoms and political rights.

The objective of the Index is to go beyond a focus on the existence of certain government mechanisms by instead capturing their implications from a citizens' perspective and therefore the effect on openness in practice.

The index is currently under development, with a first pilot to be expected in the end of 2023. In its first instance, the Index will primarily be based on data collected through existing surveys of the OECD Public Governance Directorate (Survey on Open Government, OURdata Survey, Regulatory Indicators Surveys and others). Depending on availability and quality, data from administrative records held by OECD countries may be included. Eventually, data from other relevant parts of the OECD could be integrated into the Index.

Box 6.5. Examples of relevant international indices in the field of open government

- The **Rule of Law Index** (World Justice Project, n.d.[9]) sub-dimension "Open Government" assesses the "extent to which a government shares information, empowers people with tools to hold the government accountable, and fosters citizen participation in public policy deliberations".
- The **Civil liberties index** (Pemstein et al., 2021[10])evaluates the "absence of physical violence committed by government agents and the absence of constraints of private liberties and political liberties by the government" (Coppedge et al., 2021, p. 292[11]).
- The **Global Right to Information Rating** evaluates legal frameworks on access to information (Centre for Law and Democracy, n.d.[12]).
- The **Government Transparency Index** (ERCAS, 2021[13]) combines elements of de jure and de facto transparency that are related to corruption.
- The **Open Budget Index** (International Budget Partnership, 2020[14]) evaluates the central government's income and spending.
- The **OECD's OURData Index** (OECD, 2020[15]) provides scores regarding Data Availability, Accessibility and Promoting Awareness and Re-Use of open government data.
- The **OECD Indicators of Regulatory Policy and Governance** (iREG), evaluates countries stakeholder engagement during the development of laws and subordinate regulations (OECD, 2021[16]).
- The **Accountability Index** (Lührmann, Marquardt and Mechkova, 2020[17]) assesses accountability understood as "constraints on the government's use of political power through requirements for justification for its actions and potential sanctions" (Coppedge et al., 2021, p. 285[11]).
- The **OECD Digital Government Index** (OECD, 2020[18]) evaluates, among others, the extent to which the open by default principle is realised, i.e., whether a country makes government data and policy-making processes available to the public.
- The International Institute for Democracy and Electoral Assistance's **Global State of Democracy Indices** (International IDEA, n.d.[19]) indicate democratic trends across 29 aspects of democracy. Out of the five areas that are conceptualised as contributing to a functioning

democracy, especially 'Participatory Engagement' and 'Fundamental Rights' are relevant for Open Government.

- Bertelsmann Stiftung's **Transformation Index** (BTI, n.d.[20]) assesses the progress of developing countries and countries in transition towards democracy and a market economy.

- The United Nation's **E-Participation Index** (United Nations, n.d.[21]) evaluates government's use of online services to facilitate provision of information by governments to citizens ("e-information sharing"), interaction with stakeholders ("e-consultation") and engagement in decision-making processes ("e-decision making").

5.3: Foster a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.

All Adherents monitor (parts of) their open government agendas.

Data from the 2020 OECD Survey on Open Government shows that most of Respondents' main policy documents on open government have a monitoring system attached to them. Out of 123 policy documents that were submitted, 106 (86.2%) are monitored throughout their implementation. The monitoring can be publicly followed in two-thirds of these cases (67%, 71 policy documents). These public monitoring activities can take different forms: some Adherents provide implementation reports that inform about the progress, as it is for example the case for Ireland's Open Data Strategy 2017 - 2022. Other Adherents offer visualisations in the form of graphs and dashboards, for example such a tool is offered to track the implementation of Israel's National Digital Program.

In addition to the monitoring conducted for their main policy documents on open government, Respondents also employ different monitoring tools and mechanisms focusing on specific policies and practices that are part of a wider open government agenda, such as access to information, open government data and public sector integrity. Notably, many Adherents are well aware of public institutions' and/or subnational governments' degree of compliance with existing access to information legislation (i.e., what percentage of institutions proactively publish the information that is required by the law, etc.). For example, in Canada, the Open Government Portal includes a dedicated section providing statistics on the Access to Information and Privacy Acts, including data on requests received during the identified period and requests completed or carried forward to the next period.

The system to monitor the implementation of OGP Action Plans is robust in most Adherents that are part of the OGP.

The monitoring and evaluation of the implementation of countries' OGP Action Plans usually takes place through the OGP's monitoring mechanisms, consisting of the independent reporting mechanism (IRM) and the self-assessment reports (OGP, n.d.[22]; OGP, n.d.[23]).While these reports provide useful inputs to the OGP-process, they do not (and do not aim to) allow for the monitoring and evaluation of the wider open government agenda (OECD, 2022[4]). Both the IRM report and the self-assessment report only focus on elements relating to the action plan (e.g., How inclusive was the co-creation process? What is the transformative potential of the commitments? etc.) (OECD, 2022[4]).

Box 6.6. OGP self-assessment and independent reporting

Self-assessment report: During the two-year National Action Plan (NAP) cycle, governments will produce yearly self-assessment reports. In order to minimise the administrative burden, the two self-assessment reports will have similar content to one another, differing primarily in terms of the time period covered. The mid-term self-assessment should focus on the development of the NAP, the consultation process, the relevance and ambitiousness of the commitments and progress to date. The end-of-term self-assessment should focus on the results of the reforms completed in the NAP, consultation during implementation and lessons learned. The development of the self-assessment reports must include a two-week public consultation period, as stipulated in the OGP Guidelines.

Independent reporting mechanism: The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP-progress in participating countries. The IRM produces annual independent progress reports for each country participating in the Open Government Partnership. The reports assess governments on the development and implementation of OGP Action Plans, track their progress in fulfilling open government principles and make technical recommendations for improvements. These reports are intended to stimulate dialogue and promote accountability between member governments and citizens.

Source: OGP (n.d.[22]); OGP (OGP, n.d.[23]).

While these tracking systems are instrumental for Adherents to oversee the implementation of their OGP Action Plans, in most of the cases the information that is included only allows users to ascertain whether or not an activity/process took place (e.g., Was the event organised?). The system does not involve systematic data collection to assess performance (e.g., by tracking the resources used to implement an activity or its results) or outcomes and impacts.

Usually, a range of public institutions are involved in monitoring the OGP Action Plan implementation. In 20 cases (87% of Respondents), other central/federal government institutions contribute, followed by the Prime Minister's / President's / Cabinet office (six, 26.1% of Respondents) and subnational governments and independent public institutions (respectively six, 26.1% of Respondents). Only rarely, institutions from other branches of power join the monitoring activities (Figure 6.1).

Figure 6.1. Public stakeholders involved in monitoring the OGP Action Plans
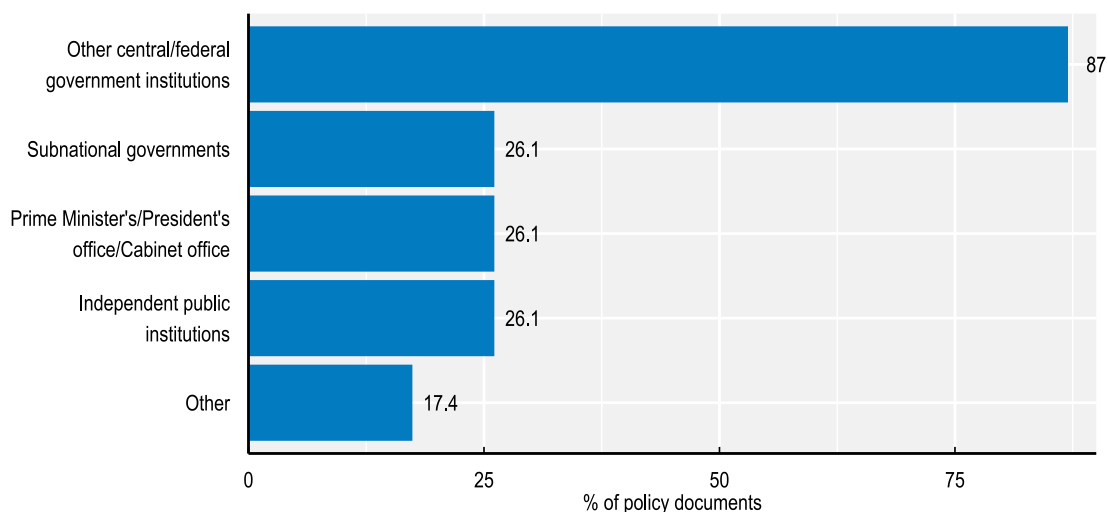
Note: N=23. Multiple selection possible.
Source: OECD (2020[3]), 2020 Survey on Open Government.

In some cases, the monitoring of the OGP agenda also contributes to other monitoring efforts of the government. Respectively 34.8% of Respondents (eight Adherents) report that the OGP monitoring feeds into the monitoring of the country's Sustainable Development Goals (SDGs) or the Transparency/Anti-Corruption Strategy. The monitoring of the OGP Action Plan does not contribute to the monitoring of other policies in only 26.1% of Respondents (Figure 6.2).

Figure 6.2. Other policy documents the OGP monitoring feeds into

Note: N=23. Multiple selection possible.
Source: OECD (2020[3]), 2020 Survey on Open Government.

Evaluating the processes and impacts of open government agendas is a relatively new area of interest among policy makers and researchers and a shared challenge across Adherents (OECD, 2019[1]). For the time being, few Adherents have conducted holistic process evaluations of their open government agendas

(see Box 6.7 for an example from Canada). Respondents to the Survey on Open Government report that a process evaluation was conducted for 21.2% of 118 open government policy documents while impact evaluations were performed for only 7.8% of 116 policy documents (Figure 6.3).

Figure 6.3. Share of policy documents with impact evaluation
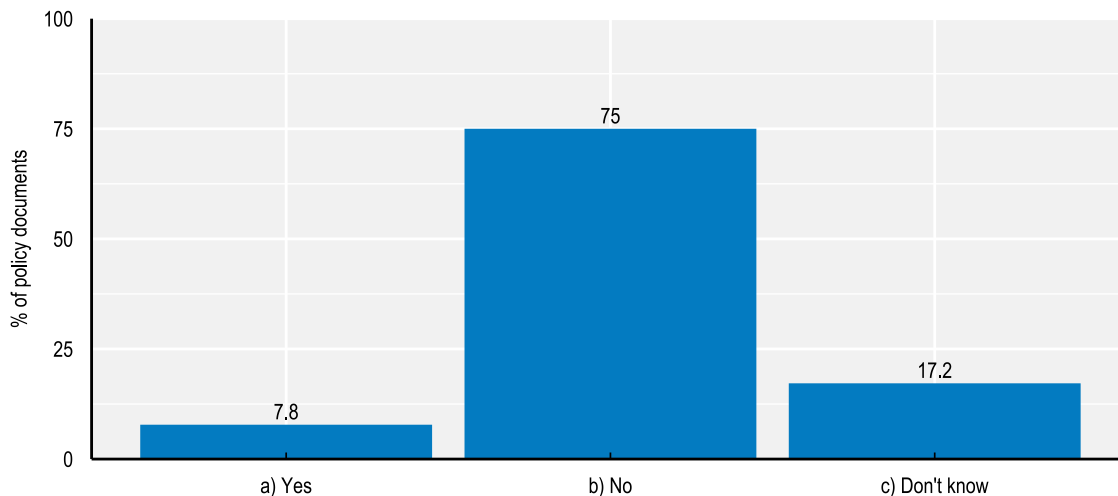
Note: N=37 for 116 policy documents.
Source: OECD (2020[3]), 2020 Survey on Open Government.

Moving forward, Adherents could put a greater emphasis on evaluating their open government agendas and specific initiatives. Both process and impact evaluations could be conducted on a more frequent basis as a means to move open government agendas towards outcomes and impacts. In this regard, the evaluation of Canada's Open Government Programme provides some interesting insights.

Box 6.7. Good practice case: The evaluation of Canada's Open Government Programme

Canada undertook an ambitious evaluation of its open government efforts, the Evaluation of the Open Government Programme (hereafter "the Evaluation") which was prepared by the Internal Audit and Evaluation Bureau for the Performance Measurement and Evaluation Committee of the Government of Canada. The Evaluation assessed the relevance and effectiveness of the Open Government Programme, covering fiscal years 2016-2017 to 2018-19.

The Evaluation found that Canada's open government agenda has yielded positive results, as certain reforms at the federal level of government have "increased public access to government data and information" and "strengthened partnerships with civil society, Indigenous groups and other governments", among other benefits. It also highlighted that "there is a need for a strong vision of open government in the Government of Canada". As its primary action to implement this recommendation made in the Evaluation, the Treasury Board Secretariat decided to design a Federal Open Government Strategy (OGS) as the main guiding document on open government for the federal government. The OECD supported Canada in the successful design and implementation of its first whole-of-government Open Government Strategy through the OECD Open Government Scan (forthcoming).

Source: OECD (2023[24]).

Conclusions and way forward (provision 5)

The implementation of provision 5 is advancing relatively slowly. In particular:

- 5.1: All Adherents monitor and collect data on different open government policies and practices (e.g., on the implementation of their access to information legislations). Moreover, the systems that Adherents that are part of the OGP have established to monitor the implementation of OGP Action Plans are generally robust. However, most activities focus on monitoring processes in terms of the completion of milestones, rather than broader effects of reforms.

- 5.2: Adherents only conduct evaluations of their open government agenda on an ad hoc basis, if at all. In particular, impact evaluations of Adherents' main policy documents on open government rarely take place. Over the next implementation period, Adherents could consider putting further efforts in collecting better and more robust data and evidence on the implementation of their open government policies and practices, including their broader effects, for example by designing dedicated open government indicators. In addition, Adherents could focus the efforts on moving towards evaluating outcomes and impacts of open government reforms.

Moreover, while provision 5 focuses on the development and implementation of monitoring, evaluation and learning mechanisms for open government strategies and initiatives, it is today widely recognised that open government approaches are highly relevant for the monitoring and evaluation of any government strategy or initiative. In practice, this for example means making results of monitoring reports and evaluations publicly available in a user-friendly format and involving citizens and stakeholders in monitoring activities and in preparing policy evaluations in any policy area.

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7 Provision 6: Public communication

Actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in.

Public communication, understood as the government function to deliver information, listen and respond to citizens in the service of the common good and of democratic principles, is a key lever of government that can be deployed both *internally* (across and within public entities) and *externally* (with the broader public).

6.1: Disseminate their open government agendas both internally and externally

Over the implementation period, almost all Adherents have conducted communication activities and initiatives to promote the benefits of open government and ensure different segments of society are aware and informed about open government activities and feel empowered to engage with the government on related actions.

For example, the different stages of the OGP Action Plan cycle of those Adherents that are part of the OGP represent important communication milestones. However, the results of the 2020 OECD Survey on Open Government (OECD, 2020[1]) show that while Respondents generally communicate actively on most stages of the OGP Action Plan, they are most active during the early stages, i.e., the start of the co-creation process and the launch of the Action Plan, and least active during the mid-term self-assessment report. For the latter, 12 Respondents (38.7%) indicate not having used any available means of communication to reach a public audience (Figure 7.1).

Figure 7.1. Communications around the OGP Action Plan cycle in Adherents that are part of the OGP
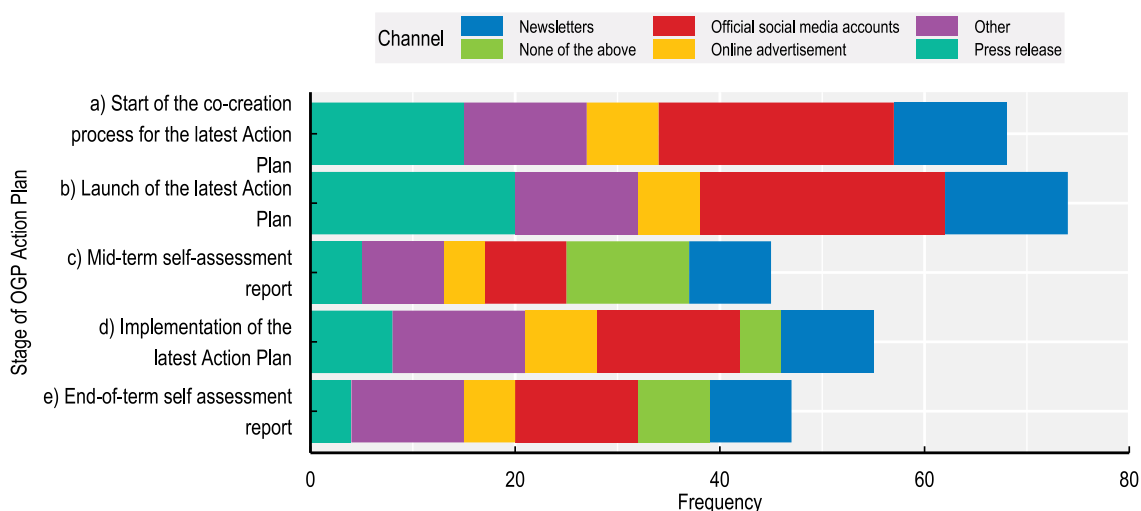
Note: N=31. Multiple selection possible. Categories of channels not displayed since not selected: TV advertisement or participation in programmes; Newspaper advertisement, articles, interviews; Radio advertisement; Out-of-home advertisement; Press conference.
Source: OECD (2020[1]), 2020 Survey on Open Government.

In terms of external communications around open government, Adherents have used various formats of communication, ranging from the adoption of communication plans, to the organisation of collaborative games (Brazil), the development of publicly available trackers and other online resources (Canada) or the development of an open government playbook (United Kingdom) (Box 7.1).

> ### Box 7.1. Examples for public communication on open government in Adherents
>
> - In Brazil, the Open Government Game, designed by the Office of the Comptroller General of the Union (CGU), Fast Food Politics and the Open Government Institute (IGA), intends to spread the principles, practices and policies associated with open government and seeks to demonstrate how collaboration between government and society is important to achieve a more open government (OECD, 2022[2]). As it is a collaborative game, players need to form teams and tracks composed of fundamental principles: Social Participation, Transparency and Accountability. The game was designed for different audiences and can be used in a variety of occasions, such as trainings and awareness-building campaigns. It is an open educational resource, allowing any person or institution to use and reuse the game. The game is available both in a physical and in a freely downloadable digital version.
>
> - In Canada, the Treasury Board of Canada Secretariat (TBS) leverages several methods to inform on progress of open government initiatives. For example, a quarterly tracker on specific commitments and milestones is publicly available on Canada's open government portal, open.canada.ca (Government of Canada, n.d.[3]). This information is complemented by a blog on latest activities. In addition, newsletters on Open Government activities are distributed to a mailing list. Social media channels, including Twitter, Facebook and LinkedIn are also used to share ideas and have an ongoing dialogue with the community.
>
> - In Finland, the 4th OGP National Action Plan features public communication as one of its eight core pillars to effectively implement the country's open government agenda. The Plan highlights the importance of leveraging external communication to establish a two-way dialogue with the public. The Plan also underlines the need to ensure that government texts, services and reforms are clear and easily understandable by citizens. In addition, the Plan foresees the development of a dedicated communication plan for the country's open government unit (Government of Finland, 2019[4]).
>
> - The Government of Lithuania explicitly acknowledges the value of public communication to strengthen the principles of transparency, integrity, accountability and stakeholder participation as part of their 2021-2023 OGP Action Plan (Government of Lithuania, 2021[5]). The need for "open government communication" is highlighted as playing a central role. Specifically, the Plan underlines the importance of unbiased, relevant, and clear information being disseminated in the civil sphere. This includes, for instance, procurement data which the Plan states should be shared widely to increase transparency as well as accountability.
>
> - Tunisia's communication plan for open government was developed by the government to promote Tunisia's third OGP Action Plan 2018-2020 in cooperation with civil society members of the Open Government Steering Committee and representatives of Parliament. The plan targets the general public, journalists, the public administration, local authorities, parliamentarians, universities, the business community and civil society. Communication activities, channels and messages were adapted to each. For example, dissemination sessions on open government were scheduled in cooperation with the union of journalists to target media actors.
>
> - The United Kingdom developed an open government playbook (Government of the United Kingdom, 2020[6]) that it promoted at various events and throughout its networks. The aim of the Playbook is to Promote transparency, participation, and accountability within government, define and promote "open government ways of working" and provide a set of actions that could be undertaken to promote open government. These include actions to mainstream the open government approach in policy making, encourage policy makers to learn more about open government, the OGP and other open government initiatives and enable policy makers from all

> departments and areas to implement the principles of open government throughout every stage of the policy development process.

Finally, the OGP organises an annual Open Government Week (Box 7.2) which serves as a platform to connect reformers in and out of government and share lessons learned with a wider public. Adherents such as Spain or Italy have used the Open Government Week to organise large-scale communication campaigns on open government.

Box 7.2. The Annual Open Government Week

The Open Government Week is a global event organised by the Open Government Partnership (OGP) that was initiated by the government of Italy. With a changing thematic focus, it brings together more than 150 national and sub-national governments as well as thousands of partners each year. All activities organised in the framework of the Open Government Week take place in a decentralised manner around the globe, bringing open government to all participating countries at the same time. Over the course of one week, participants can share and discuss their ideas and best practices with the open government community. Amongst others, they can participate in seminars, hackathons and public debates.

Source: OGP (n.d.[7]).

Strengthening internal communication around the open government agenda is another crucial step to ensure more public officials are aware of it and can engage in its activities. It allows officials to understand how this agenda will affect their work, while also encouraging them to support the achievement of related objectives, and act as effective spokespeople for it. Yet, according to the results of the 2021 OECD Perception Survey on Open Government, more than half of the responding delegates to the WPOG estimate that less than 50% of public officials in their countries know about the concept (OECD, 2021[8]) (Figure 7.2). In addition, the understanding of the concept varies heavily. Furthermore, few of the existing Adherents' Open Government Offices have specialised communication staff. To address this challenge, some Adherents use external resources to support public officials in charge with communication. Five (16.1% of Respondents) have employed consultants, three (9.7% of Respondents) worked with communication agencies and two (6.5% of Respondents) used advertisement agencies and social media influencers (SOG).

Figure 7.2. How widely is the concept of open government known by public officials of the central/federal government?
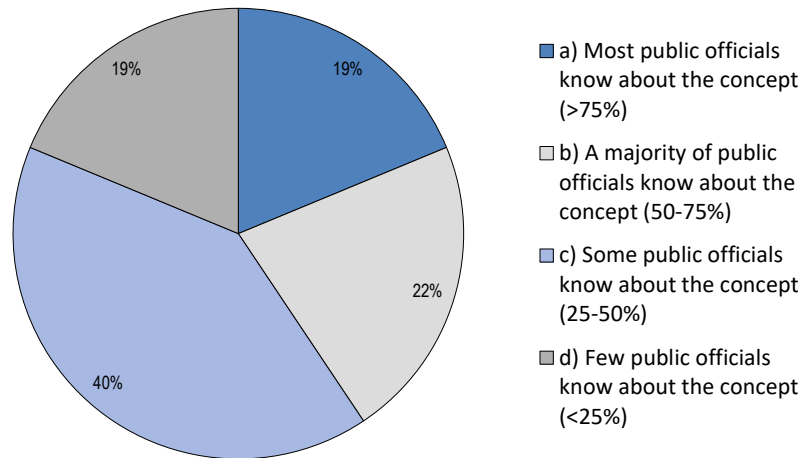
Source: OECD (2021[8]), Perception Survey for Delegates of the OECD Working Party on Open Government.

6.2: Promote synergies between the open government and public communication communities for greater transparency, participation and stakeholders' buy in

As mentioned in the OECD-OGP Communications Guide (OECD; OGP, 2018[9]), "there is much to learn from the communication community that could be useful for policy makers in charge of open government reforms, such as increasing knowledge about the beneficiaries of reforms to better inform open government initiatives and improving the ability to reach them through audience insight for example. Vice-versa, by strengthening communicators' understanding of open government initiatives, […] their role can be expanded as agents of change for open government within their ministries, thereby ensuring that the whole of government acts for transparency, integrity, accountability and participation, and not just a single ministry". Public communication, as supported by the proper strategies and resources, can amplify the transparency outcomes of open government policies and increase policies' impact by boosting users' take-up. For instance, it can promote the contents of proactive disclosures under Access to Information (ATI) laws and raise awareness of how and what information can be requested through this process. By establishing a dialogue with citizens, whether through the new opportunities for interaction awarded by digital and social media or through more traditional face-to-face events, governments can allow for individuals to voice views and react to content in a way that can inform policy and improve services. The communication function similarly relies on public feedback gathered via opinion polls, sentiment analysis of public channels and other audience insights. As such, this "listening" activity can translate into a form of participation when it serves to shape responses and informs policy and service design and delivery that is based on the needs of all groups in society. For example, the OECD Recommendation on Creating Better Opportunities for Young People (OECD, 2022[10]) highlights that governments should deliver targeted public communications that are relevant, clear and accessible to young people, based on active listening and understanding of young people's concerns and interests, including through digital means, as part of broader open government initiatives.

In practice, it appears that the offices in charge of whole-of-government communication could increase their efforts to disseminate the open government agenda. Furthering the open government principle of

participation, for example, does not yet seem to be among the key objectives of public communicators. Indeed, only 6% of centres of government surveyed as part of the OECD Report on Public Communication (OECD, 2021[11]) included this among their priorities[1]. Transparency reaches a higher score, with 37% of surveyed countries stating that it is among their top priorities when conducting communication activities. Nonetheless, some good practices linked to the use of communication in support of open government principles can be observed, particularly as they related to the COVID-19 pandemic, including for example:

- In the spring of 2020, in response to the first wave of the COVID-19 pandemic and the rapid spread of misinformation, the government of Finland enlisted the specialised communication agency PING Helsinki to activate its vast network of social media influencers. About 1 800 influencers were invited to join the campaign #faktaakoronasta (i.e., "coronafacts"), receiving daily and weekly briefing packs via email with key messages, facts, content and sources to link in their posts. Participating influencers also received communication guidance and coaching via a webinar series, to be better equipped to post on the complex topic of COVID-19. Many of the influencers engaged did not have especially large followings but were often considered stronger voices because of their standing in a particular field or community. The influencers were not remunerated, and many noted taking pride in participating out of a sense of civic duty. The government made explicit the initiative's intent for inclusion and wider reach, with an emphasis on those who are difficult to reach through traditional media and methods (Alfonsi, 2022[12]).

- In addition to daily high-level press briefings, New Zealand's Prime Minister has engaged in informal and informative Facebook live chats during the pandemic to directly answer citizens' questions on self-isolation measures and engage in a dialogue. Such empathic two-way communication has shown its effectiveness in ensuring citizens' implementation of policies (Alfonsi, 2022[12]).

Conclusions and way forward (provision 6)

The implementation of Provision 6 is advancing relatively slowly.

- 6.1: Public communication around the open government agenda is an area where OECD Member and Partner countries could be strengthening their efforts. Indeed, it is a challenging task that requires adequate human and financial resources[2], as well as a recognition of the strategic role that communication can play in achieving government objectives. Moving forward, Adherents could consider developing dedicated communication strategies and plans, based on audience insights, including measurable objectives with targeted audiences. They could also collaborate with third-party messengers, such as community leaders or influencers, to ensure compelling messages around the open government agenda are reaching diverse parts of the population. Finally, a focus on communicating open government actions through stories and impacts can go a long way in supporting this agenda.

- 6.2: More synergies can be exploited between the open government and public communication communities in favour of a more open agenda. For the effect of open government being amplified through public communications, governments could team up with players beyond the government. While some Adherents have started to tap into this potential, this area of collaboration remains underexplored.

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Notes

[1] The OECD Report "Public Communication: the Global Context and the Way Forward" is based on data collected through the OECD 2020 Understanding Public Communication Surveys administered to Centres of Government and Ministries of Health in 46 OECD Member and non-Member countries as well as the European Commission.

[2] 76% of Centres of Governments surveyed as part of the Report on Public Communication noted human and financial resources as a key challenge for their public communication actions (this number includes non-Adherents).

8 Provision 7: Proactive disclosure

Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders.

For many years, promoting transparency has been the underlying motivation for – and the intended outcome of – open government strategies and initiatives. Initiatives to promote and reinforce transparency in the public sector have been implemented by all Adherents. They range from enacting access to information (ATI) laws, to digital government and open data policies, among others. Most of these initiatives have been focused on the disclosure of information and data and, more particularly, to the responsibility of governments in making it available (Mabillard, V. and R. Zumofen, 2016[1]). Providing public information to all citizens and stakeholders allows them to hold governments accountable and encourages them to participate actively in decision making regarding policies and services that affect their lives.

7.1: Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach.

As discussed in the analysis of provision 2, all Adherents but one have enacted ATI laws. Most of these laws require the proactive disclosure of a minimum set of public information by each public institution or institutions using public funds.

Figure 8.1. Scope of Adherents' ATI laws
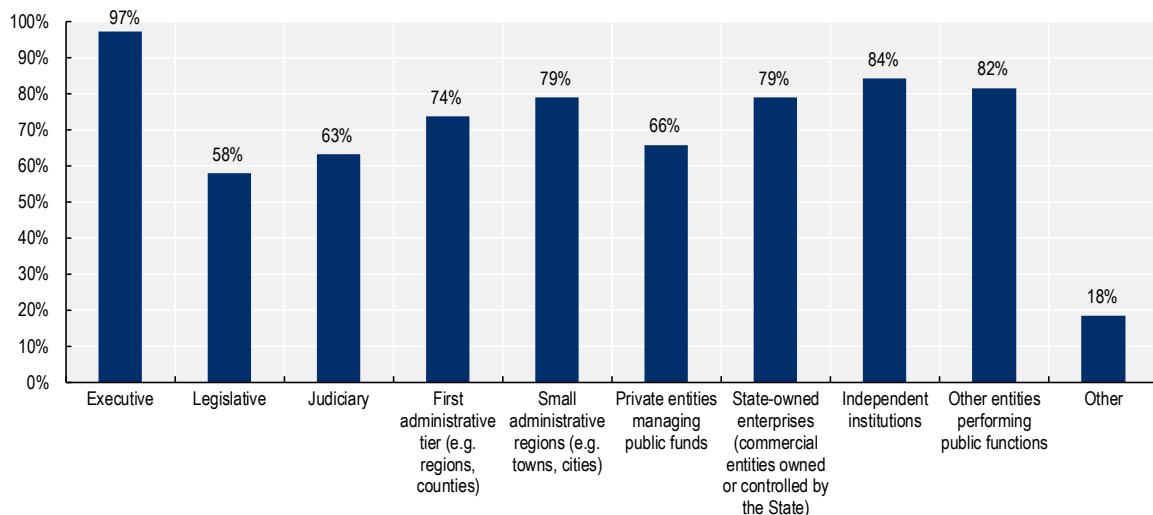
Note: France, Hungary, Iceland, Luxembourg and Switzerland did not respond to the survey.
Source: OECD (2020[2]), 2020 Survey on Open Government.

Proactive disclosure – which refers to the act of regularly releasing information without the need for a request by stakeholders – has several benefits. It reduces the administrative burden for public officials handling and answering individual ATI requests, which can often be lengthy and costly, and favours timely access to public information for citizens and other stakeholders, as information is published as it becomes available and not merely upon request (OECD, 2016[3]). However, only 44% of Respondents, such as Australia, Norway, Spain, Tunisia and the United Kingdom, require public institutions to proactively publish information that has been repeatedly requested with a positive decision taken on its disclosure (Figure 8.2). This measure could help ease the administrative burden of ATI requests, saving time and resources for the public administration in the future.

Figure 8.2. Countries required to proactively publish information that has been repeatedly requested, 2020

Note: Argentina, Belgium, Japan and Sweden did not answer this question of the survey. France, Hungary, Iceland, Luxembourg and Switzerland did not respond to the survey.
Source: OECD (2020[2]), 2020 Survey on Open Government.

Furthermore, the OECD Open Government Data Survey 2018 revealed that all Adherents[1] have formal requirements in place whereby government data should be open by default. Sub-pillar 1.1 of the OECD OURdata Index "content open by default policy" (Figure 8.3) measures whether there are formal requirements whereby data should be open by default and whether all exceptions to this rule are clearly identified. It assesses whether the open by default policy is evidence-based (informed by regular reports and statistics), whether the requirements apply to all or some government agencies and whether there are performance incentives for agencies to support effective implementation in practice. According to the OECD 2019 Open Useful Reusable Data (OURData) Index, which will be updated in 2023, a growing number of OECD Members have scaled up 'open by default' requirements by publishing formal open data strategies, laws and regulations. This contributed to the rise in the OECD average of data availability between 2017 and 2019. While the acknowledgement of the open by default principle is a triumph in itself, only few Adherents including Canada, Norway and Italy consider the implementation of open data requirements (e.g., the provision of timely and machine-readable data) to be part of performance indicators of public sector organisations. In Canada, the Management Accountability Framework assesses the performance of federal departments and agencies in their implementation of the 2014 Canadian Directive on Open Government, which covers public sector information and open data (OECD, 2020[4]).

Figure 8.3. OURdata Index: Sub pillar 1.1 Content of the open by default policy, 2019
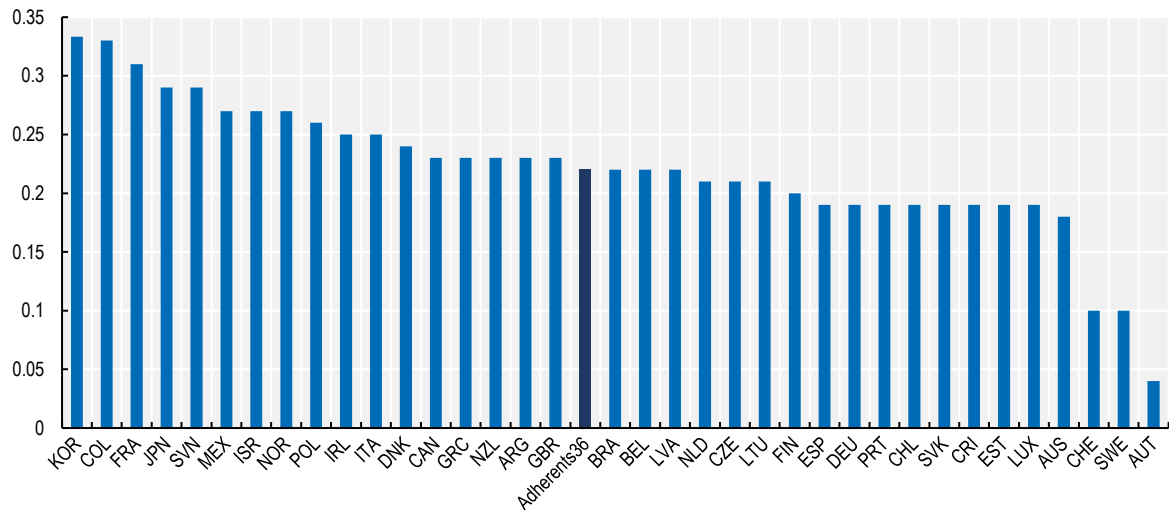
Note: Data not available for Hungary, Iceland, Morocco, Romania, Tunisia, Türkiye and the United States.

Source: OECD Open Government Data Survey 2018. Data for Argentina, Brazil and Costa Rica was collected from the IDB-OECD Open Government Data Survey.

Some Adherents have specific websites that inform citizens of the various bodies that hold public information and redirect them to the relevant sites, e.g., the government's central website for FOIA in the United States redirects requesters to the relevant agencies. Romania publishes all draft laws and normative acts in an official gazette. Regarding public funds, governments often have dedicated websites for financial and budgetary statements. For example, Ireland has a website detailing annual public expenditure with a number of user-friendly graphs and downloadable data per sector. The accessibility of these online tools is key to ensuring that all citizens can easily locate existing information.

The most commonly disclosed items stated in the ATI law or other legal framework are those related to the public institution itself: its functions (88% of Respondents), the organigram (88% Respondents) and the services offered (69% of Respondents) (Figure 8.4).

Figure 8.4. Information proactively disclosed by central/federal governments as stated in the law or any other legal framework, 2020
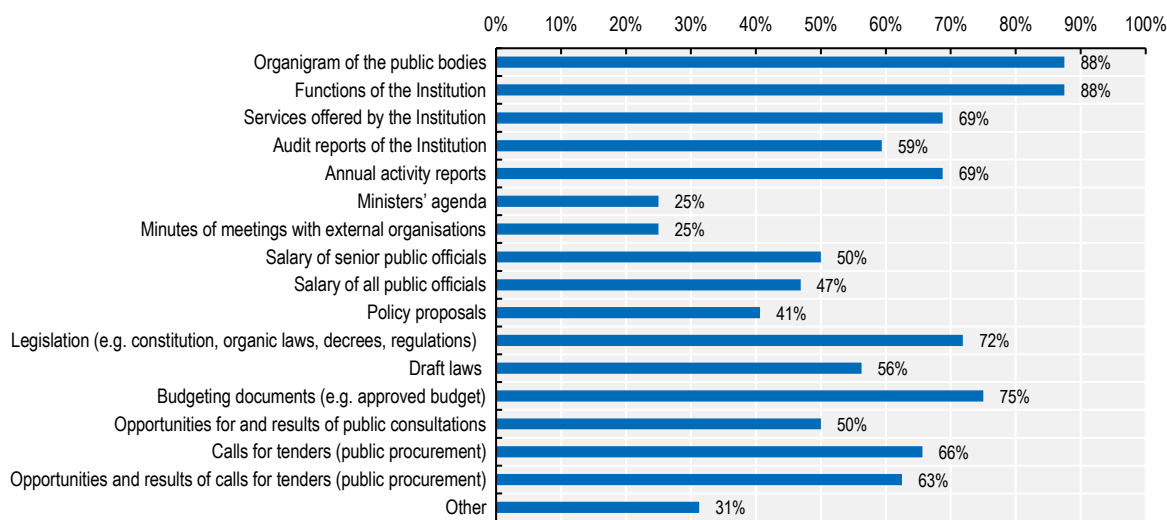
Note: N=32 Adherents. For Costa Rica, the information relates to the Executive Decree applying to the Executive branch. Denmark, Greece, Japan, Korea, Latvia and Sweden did not reply to this question of the survey. France, Hungary, Iceland, Luxembourg and Switzerland did not respond to the survey.
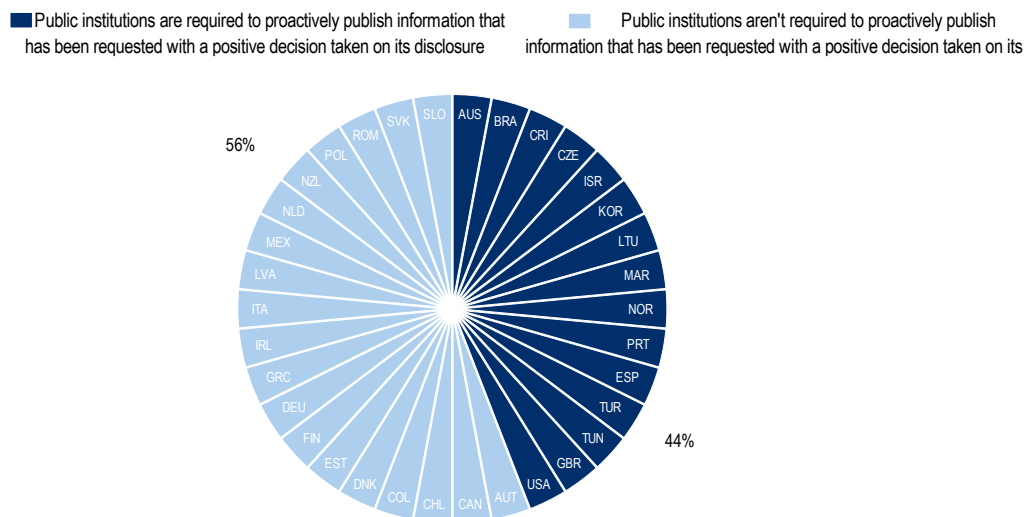Source: OECD (2020[2]), 2020 Survey on Open Government.

Other relevant documents regularly published include legislations, budgeting documents, annual activity reports and audit reports. A smaller number of Respondents proactively publishes the minutes of meetings with external organisations (25% of Respondents) or the ministers' agendas (25% of Respondents). While one Adherent, Finland, does not have a legally pre-defined list of information to be disclosed, they do publish information proactively in practice.

In addition to the information requested to be disclosed by ATI laws, open data regulations usually identify a number of information that need to be disclosed. According to the OECD Open Government Data Survey 2018, the number of datasets made available on central/federal data portal for Respondents range from 11 for Denmark to 265 155 for France. This includes information related to agriculture, forestry, performance of school, pollution levels and energy consumption, among others.

In terms of proactive disclosure, it is also important to determine where and how information is published, as this facilitates greater awareness of its existence. Among Adherents, proactively disclosed information is mostly published on each ministry's or institution's website, followed by a central portal, which often simultaneously functions as an open data portal (for example, in Finland (Government of Finland, n.d.[5]) and Mexico (Government of Mexico, n.d.[6])) or a combination of both. Other means of publication include official gazettes, which are mostly used for disclosing legislative information (e.g., constitution, organic laws, decrees, regulations) or budgeting documents.

Some Adherents have specific websites that inform citizens of the various bodies that hold public information and redirect them to the relevant sites, e.g., the government's central website for FOIA in the United States redirects requesters to the relevant agencies (Government of the United States, n.d.[7]). Romania publishes all draft laws and normative acts in an official gazette (Government of Romania, n.d.[8]). Regarding public funds, governments often have dedicated websites for financial and budgetary statements. For example, Ireland has a website detailing annual public expenditure with a number of user-friendly graphs and downloadable data per sector (Irish Department of Finance, n.d.[9]). The accessibility of these online tools is key to ensuring that all citizens can easily locate existing information.

Furthermore, these websites and portals could be designed to minimise barriers for both the general public and those with specific needs. It is important that information be disseminated through a multi-channel approach to ensure that stakeholders with limited information and communication technology (ICT) skills or access to the Internet have the same opportunities to access and use public information. Also, the limited digital skills and ICT literacy from some citizens and stakeholders need to be taken into consideration to fully reap the benefits of proactive disclosure as technology difficulties can also come from the users themselves. Some users do not practice information searching or suffer from the digital divide. In the latter case, they may not have access to electronic tools, especially computers, nor to Internet networks or even to stable sources of electricity for the poorest members of the population. Sometimes, they suffer from an inability to use ICTs due to their age, certain forms of illiteracy, a disability/handicap or incomplete mastery of the country's official language.

A large majority of Adherents (86% of Respondents) have guidelines in place on how the information should be disclosed to make sure that is not just a 'tick-the-box' exercise and ensure that information made available is in line with the minimum standards. An example of such guidelines exists in Norway. To complement the Access to Information Law, the Civil Ombudsman in Norway has produced guidelines on promoting greater access to information (Norwegian Civil Ombudsman, 2022[10]). As the Ombudsman processed more than 300 cases about access to information in 2021, the guide is intended to raise awareness among public officials on how to handle requests properly and to encourage proactive disclosure. The guidelines also encourage further training on the law, so that the right to information is seen as a priority across the public administration. Australia and Canada both have websites with specific guidelines on proactive disclosure, with both explaining the benefits of such disclosure, while Australia also explains the minimum requirements for each agency's publication scheme for government information (Government of Canada, n.d.[11]) (Office of the Australian Information Commissioner, n.d.[12]).

Overall, guidelines for disclosure often require that information must be (see Figure 8.5):

- Up to date (81% of Respondents with guidelines).
- Timely and subject to specific deadlines, for instance 1) it should be published as early as possible so it is relevant and actionable, and 2) if it is requested by an individual, the government is subject to clear deadlines on providing the information (77% of Respondents with guidelines).
- Reliable and accurate (61% of Respondents with guidelines).
- Easy to understand (58 % of Respondents with guidelines).

Figure 8.5. Requirements mentioned in Adherents' guidelines for proactive disclosure, 2020
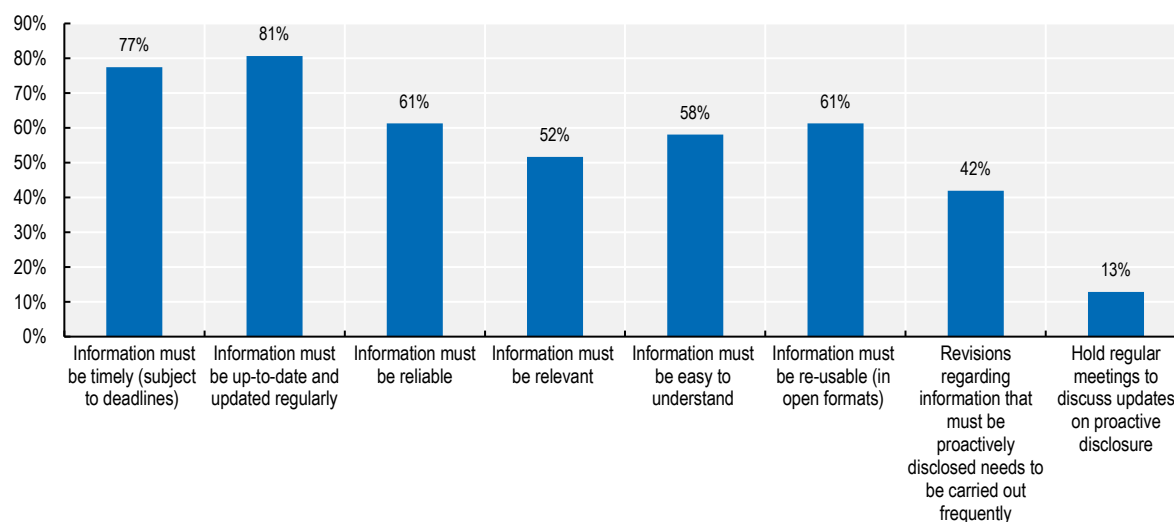
Note: N=31. Japan and Sweden did not respond to this question. Austria, Belgium, Denmark, Latvia and the Slovak Republic do not have guidelines in place for proactive disclosure. France, Hungary, Iceland, Luxembourg and Switzerland did not respond to the survey.
Source: OECD (2020[2]), 2020 Survey on Open Government.

According to the OECD Open Government Data Survey 2018, most Adherents[2] have overarching requirements that apply to all public sector organisations at central/federal level to provide data free of charge. Only in Costa Rica, Czechia, Denmark and Sweden there are legal requirements that have been adopted by some public sector organisations. As can be seen in Table 8.1, in 67% of Respondents all information that is provided is free of charge and can be downloaded, in 61% can be copied, in 64% can be used and in 56% can be distributed.

Table 8.1. Existing requirements to provide government data free of charge allow users to carry out the following actions with the data

	Download	Copy	Use	Distribute
Argentina	☉	☉	☉	☉
Australia	●	●	●	●
Austria	●	●	●	●
Belgium	●	☉	●	☉
Brazil	●	☉	☉	☉
Canada	●	●	●	●
Chile	●	●	●	●
Colombia	●	●	●	●
Costa Rica	☉	☉	●	☉
Czechia	●	●	●	●
Denmark	☉	☉	☉	☉
Estonia	●	●	●	●
Finland	☉	☉	☉	☉
France	●	●	●	●
Germany	●	●	●	●
Greece	☉	☉	☉	☉
Ireland	☉	☉	☉	☉
Israel	●	●	●	●

	All data (100%) ●	Most data (50-99%) ☉	Some data (1-49%) ○	
Italy	●	●	●	●
Japan	●	●	●	●
Korea	☉	☉	☉	☉
Latvia	●	●	●	●
Lithuania	☉	☉	☉	☉
Luxembourg	☉	☉	☉	☉
Mexico	●	●	●	●
Netherlands	●	●	●	●
New Zealand	●	●	●	●
Norway	●	●	●	●
Poland	☉	☉	☉	☉
Portugal	●	●	●	●
Slovakia	●	●	●	☉
Slovenia	☉	☉	☉	☉
Spain	●	●	●	●
Sweden	○	○	○	○
Switzerland	●	●	☉	☉
United Kingdom	●	●	●	●

Note: Data not available for Hungary, Iceland, Morocco, Romania, Tunisia, Türkiye and the United States.
Source: OECD Open Government Data Survey 2018. Data for Argentina, Brazil and Costa Rica was collected from the IDB-OECD Open Government Data Survey.

Finally, most Adherents have in place formal requirements for public sector organisations to provide data in machine readable format (Figure 8.6).

Figure 8.6. Formal requirements for public sector organisations to provide data in machine readable format
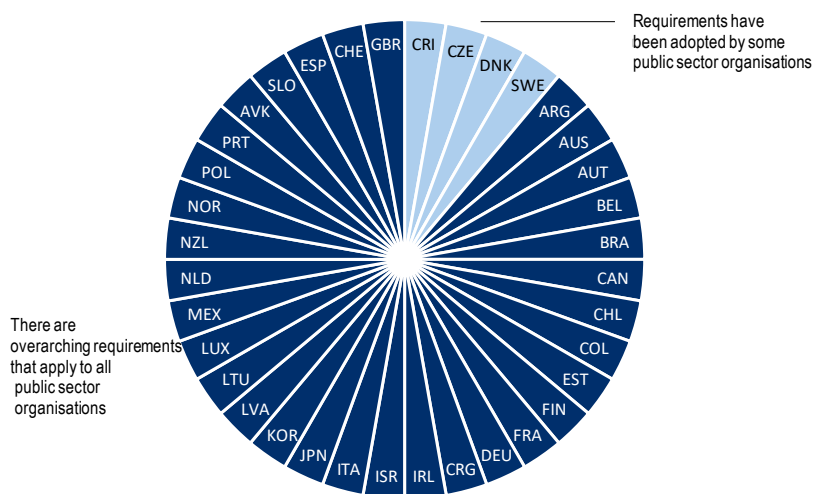
Note: Data not available for Hungary, Iceland, Morocco, Romania, Tunisia, Türkiye and the United States.
Source: OECD Open Government Data Survey 2018. Data for Argentina, Brazil and Costa Rica was collected from the IDB-OECD Open Government Data Survey.

7.2: Information and data shared is to be prioritised in consultation with stakeholders

In some cases, the publication of information can take place without sufficient reflection on the how, the why, the needs of the receptors of the information, and which information is most relevant and useful, leading sometimes to a sense of opaque transparency and a belief that access to information (proactively or reactively disclosed) does not necessarily lead to more transparency. More efforts are needed from Adherents to engage with citizens and stakeholders to understand what they need and how. In fact, few Adherents have requirements to hold regular meetings to discuss updates on proactive disclosure (13% of Adherents with guidelines) or to carry out frequent revisions on what must be published proactively (42% of Adherents with guidelines).

In addition, the OECD Open Government Data Survey 2018 revealed that 44% of Respondents do not have any formal requirements in place for central/federal public sector organisations to regularly conduct consultations with users to inform open data plans (Figure 8.7).

Figure 8.7. Existence of formal requirements for central/federal public sector organisations to regularly conduct consultations with users to inform open data plans
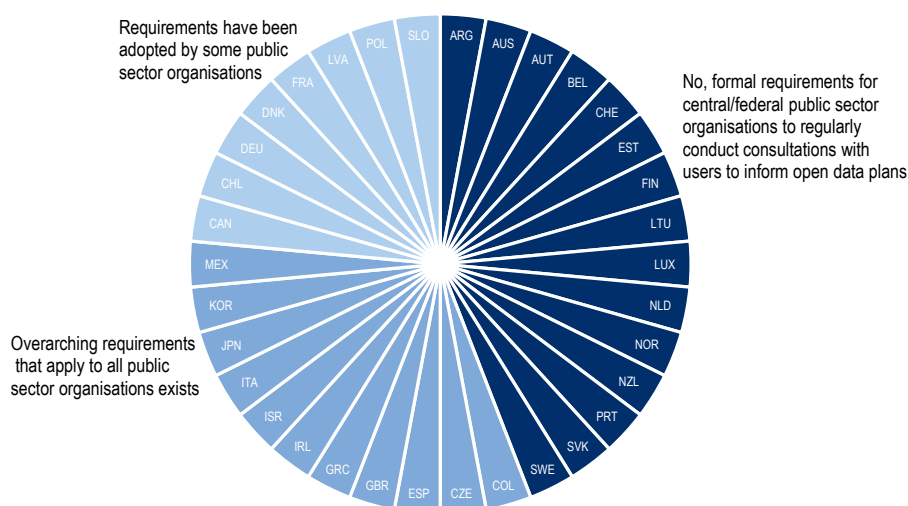
Note: Data not available for Hungary, Iceland, Morocco, Romania, Tunisia, Türkiye and the United States.
Source: OECD Open Government Data Survey 2018. Data for Argentina, Brazil and Costa Rica was collected from the IDB-OECD Open Government Data Survey.

Conducting consultations with users would allow governments to embrace digitalisation while ensuring that users can clearly identify how to source government information, which they can then employ to advocate for their needs, defend their civic freedoms and engage with public decision-making processes on laws, policies and services.

Conclusions and way forward (provision 7)

The analysis shows that, overall, the implementation of provision 7 is progressing well, however further efforts could be made to protect and promote access to information, and to ensure that its implementation in practice matches the legal frameworks that serve to safeguard it. In particular:

- 7.1: Overall, Adherents could consider further efforts to render access to information processes more inclusive and accessible for all social demographics, including marginalised groups. Some Adherents have made efforts to use plain language and undertake specific campaigns, trainings, and workshops with citizens and CSOs to raise awareness of their right to information. Such initiatives are key in educating stakeholders on how they can use public information to advocate for their needs and demands. For most Adherents, there is room for the coordination and oversight bodies for their ATI law to take a more proactive role in overseeing and evaluating the implementation of the access to information law through the use of the forthcoming OECD Access to Information maturity model. The establishment of ATI offices or officers could assist Adherents in promoting the importance of the right across the administration and in advising and training public officials on their respective responsibilities. Similarly, the lack of monitoring and evaluation mechanisms is a major challenge in implementing ATI laws for most Adherents. There is a need to collect more data to adequately measure efforts and identify shortcomings. For example, oversight bodies could track and measure which information is most frequently requested and begin to disclose this type of information periodically. This could allow public bodies to prioritise which information is most useful to proactively disclose for stakeholders and citizens. Such initiatives can thus ease the administrative burden of ATI requests by saving both time and resources for the public administration in the future.

- 7.2: Adherents could ensure that the legal and policy frameworks around ATI continue to adapt to an ever-changing context. For example, there is an increasingly delicate balance to be found between the right to access public information and the equally legitimate right to privacy and personal data protection. Furthermore, the institutional oversight bodies responsible for both of these policy areas are increasingly identifying synergies in safeguarding both rights in some countries. In this sense, Adherents are navigating new territory in guaranteeing access to public information while tackling new challenges introduced by fast-paced digitalisation and increased data collection in the public sector.

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19 September 2022). [12]

Notes

[1] Data not available for Hungary, Iceland, Morocco, Romania, Tunisia, Türkiye and the United States.

[2] Data not available for Hungary, Iceland, Morocco, Romania, Tunisia, Türkiye and the United States.

9 Provision 8: Stakeholder participation

Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented or marginalised groups in society, while avoiding undue influence and policy capture.

Provision 8 reflects a key component of an open government: the interaction between public authorities, stakeholders and citizens. Participatory processes, beyond elections, allow for the public to contribute with ideas, evidence and informed recommendations. Citizen and stakeholder participation[1] differs from traditional democratic participation as, rather than selecting representatives, citizens' and stakeholders' needs and views are integrated throughout the policy cycle and in the design and delivery of public services. Rather than replacing formal rules and principles of a representative democracy – such as free and fair elections, representative assemblies and accountable executives – citizen and stakeholder participation aims to renew and deepen the relationship between governments and the public they serve. This includes, among others, meaningful youth participation in public decision-making and spaces for intergenerational dialogue at all levels (OECD, 2022[1]).

The importance of citizen and stakeholder participation for Adherents' open government agendas is reflected in the fact that "participation" is one of the key terms used by Adherents in their official definition of open government (see also Box 1.2). In addition, the 2021 OECD Perception Survey on Open Government shows that Adherents consider citizen and stakeholder participation as the most important indication of a government's level of openness, as four out of the five highest ranked answers fall under the principle of participation (OECD, 2021[2]).

Box 9.1. The three levels of stakeholder participation

The OECD Recommendation on Open Government classifies participation under three levels, which differ according to the level of involvement and the impact that stakeholders can have in the final decision. Stakeholder participation is understood through a ladder of participation which includes the following stages:

- Information: an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and "proactive" measures by the government to disseminate information.
- Consultation: a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice-versa. It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.
- Engagement: when stakeholders are given the opportunity and the necessary resources (e.g., information, data and digital tools) to collaborate during all phases of the policy-cycle and in the service design and delivery.

Source: (OECD, 2017[3]).

8.1: Putting participation at the core of open government agendas, to provide diverse opportunities for both citizens and stakeholders in all phases of the policy-cycle and service design and delivery

While the concept of citizen and stakeholder participation is at the heart of Open Government and of most OGP initiatives, the results of the OECD Open Government Reviews and Scans show that the wider participation agenda has not always been considered an integral part of Adherents' open government agendas which were initially often focused on issues relating to open government data and/or the fight against corruption (see above). Notably, the participation and open government files are often placed under

the responsibility of different public institutions and are not being coordinated as an integrated policy agenda. This was initially the case for Adherents such as Brazil, Canada, Colombia and Romania.

In addition, in many cases, Adherents do not link high-level participatory processes with the broader open government effort in the country. For example, the OECD (OECD, 2020[4]) gathered numerous case studies of the use of representative deliberative processes across Adherents and found that few of these experiences emerged from/are integrated in Adherents' wider open government agendas. This often also applies to non-deliberative processes, with key national participatory processes such as the *Grand Débat* in France or the *Conversación Nacional* in Colombia that were not coordinated as part of the open government agenda.

However, an analysis of commitments included in Adherents' OGP Action Plans reveals that the number of commitments on citizen and stakeholder participation included in them has progressively increased. Transparency has always been at the core of Adherents' open government agendas, however, evidence suggests a shift towards a stronger participatory focus in recent years as also a rise in the number of initiatives that promote youth's involvement in the policy cycle shows. For instance, Spain's 2017-2019 Open Government Action Plan included a commitment for the Spanish Youth Institute INJUVE to promote the effective participation of young people in democratic life and in the creation of youth policies through the national implementation of the EU Structured Dialogue (OECD, 2020[5]).

Figure 9.1. Transparency and Participation commitments in Adherent's OGP Plans
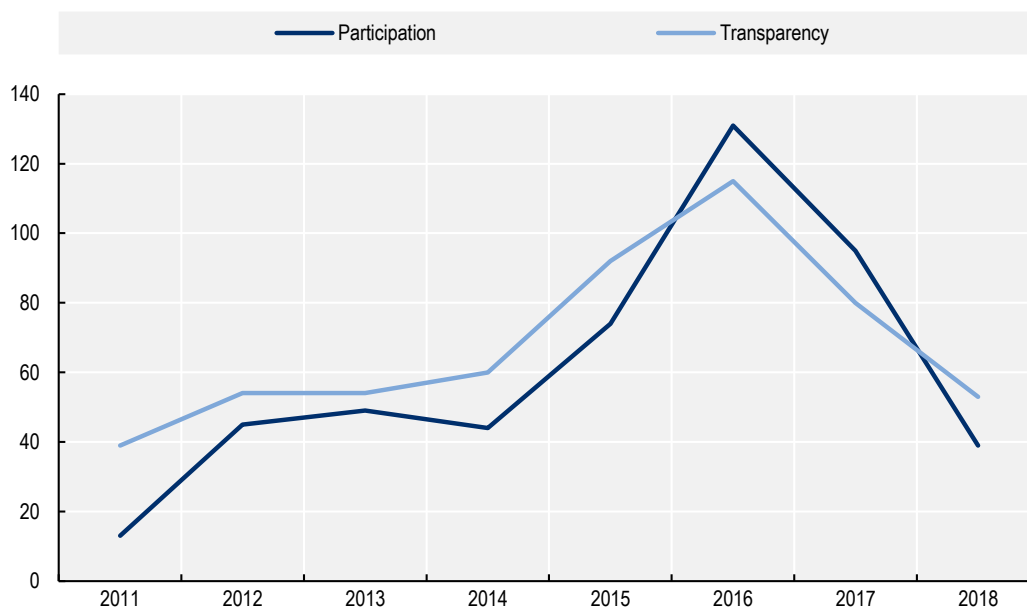
Note: Transparency includes commitments tagged as "open data" and "right to information". Participation includes commitments tagged as "public participation" and "e-Petitions".
Source: OGP (2022[6]).

There are opportunities to further integrate the open government and participatory agendas. For example, some Adherents have recently mandated the same public institutions with both agendas to increase coordination and synergies and treat them as the same agenda. This is the case, for example, in France. Moving forward, for Adherents that are part of the OGP, the co-creation process and the multi-stakeholder forum (MSF) could be used strategically as pillars of an open government agenda that fully integrates participation activities. On one hand, the OGP co-creation process is usually a stable and regular space for stakeholders to participate in public policy. This type of participatory practices could be enlarged to

other policy areas beyond the OGP-process and be part of a country's participatory toolbox. Furthermore, the MSF usually gathers stakeholders that are familiar with the wider participation agenda, whether from civil society or academia, and it could be used as a platform to promote participation beyond the OGP and the Action Plans.

Increasing the diversity of participatory processes and practices.

Citizens today are more informed than ever and are demanding a say in shaping the policies and services that affect their lives. In response, public institutions at all levels of government are increasingly creating opportunities to harness citizens' experiences and knowledge to make better public decisions (OECD, 2020[4]). Evidence collected through the OECD Open Government Reviews and Scans and the OECD Database of Representative Deliberative Processes and Institutions (2021[7]) shows that the global landscape for citizen and stakeholder participation is evolving constantly, becoming richer with new and innovative ways to involve citizens and stakeholders in public decisions. Adherents are now implementing a diverse set of participatory mechanisms to involve citizens and stakeholders in public decisions: from more traditional mechanisms such as public meetings, in-person consultations, roundtables and workshops, to more innovative approaches like digital platforms and, recently, representative deliberative processes (Figure 9.2). This contributes, among others, to ensure age diversity in stakeholder participation through in-person as well as digital means, with methods tailored to different groups' availability, needs and interests (OECD, 2022[1]).

Figure 9.2. Channels used to involve non-public stakeholders in developing the main policy documents on open government in Adherents
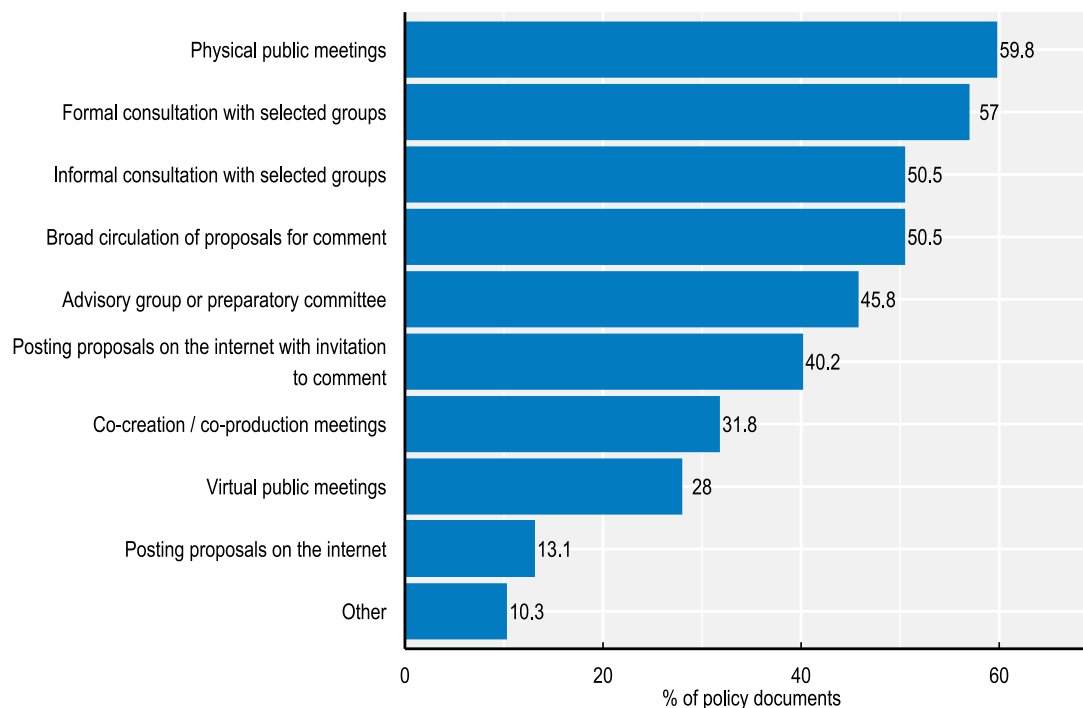
Note: N=37 for 107 policy documents. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

When developing their main policy documents on open government, in 60% of the cases Respondents use in-person public meetings to provide information to stakeholders. However, the most common way to involve stakeholders is through consultations, namely:

- Formal consultations with selected groups in 57% of Respondents (61) of the policy documents submitted.
- Informal consultation with selected groups in 50.5% of Respondents (54) of the cases.
- Advisory group or preparatory committees for 45.8% of Respondents (49) of the submitted documents.
- Public consultation conducted over the internet with invitation to comment on 40.2% of Respondents (43) of the cases.

The quality and impact of participatory processes vary widely among Adherents.

The quality of a participatory process is of great importance to ensure impact and citizen satisfaction (OECD, 2022[9]). However, evidence collected through the OECD Open Government Reviews and Scans shows that "closing the feedback loop" (i.e., efforts taken by the conveners of a participatory process to get back to participants about the status of their inputs and the ultimate outcome of their participation) is not yet common practice among Adherents. By not properly closing the feedback loop, public institutions risk discouraging people from participating another time and potentially diminish the benefits of participation. A notable exception are representative deliberative processes. Data collected by the OECD regarding the implementation of recommendations issued from these processes shows that, in around two-thirds of cases, at least half of the participants' recommendations were implemented (Figure 9.3).

Figure 9.3. Implementation of recommendations produced during representative deliberative processes for public decision making in Adherents, 1979-2021
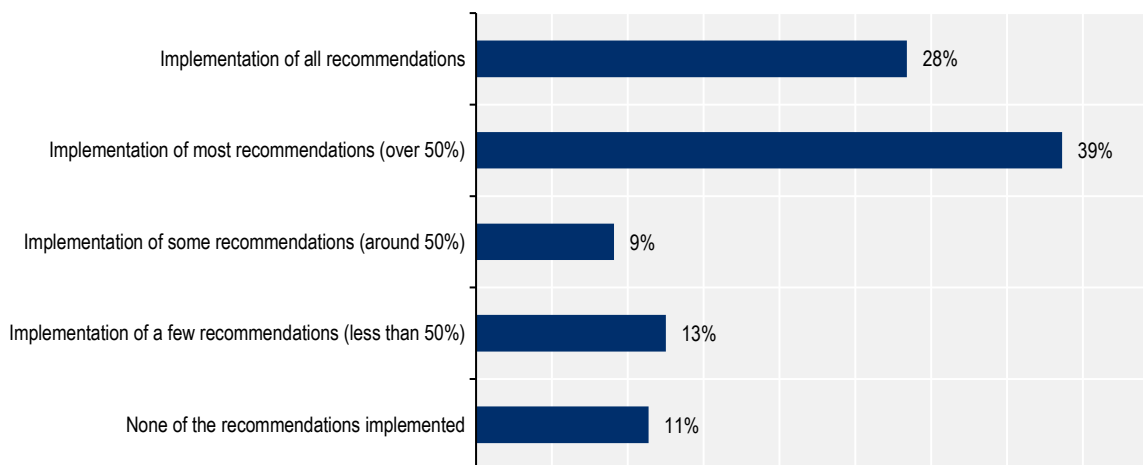
Note: N=88. Data is based on 16 Adherents' responses (Australia, Austria, Belgium, Canada, Estonia, France, Hungary, Ireland, Japan, Korea, Luxembourg, Netherlands, Poland, Spain, UK and USA) plus the European Union, from 1997-2021.
Source: OECD (2021[7]), Database of Representative Deliberative Processes and Institutions.

To increase the quality of participation, Adherents are increasingly investing in internal capacities and skills to ensure civil servants are trained to involve citizens and stakeholders. Almost 80% of Respondents already have toolkits and guidelines for civil servants regarding citizen and stakeholder participation, and

almost 64% of them also offer trainings on the subject (OECD, 2020[8]). Nevertheless, there is a need to make further efforts to gather higher quality comparative information regarding the quality and impact of participatory processes. To support this, the OECD recently published the OECD Guidelines on Citizen Participation Processes which could provide an opportunity for further data collection and policy analysis.

Box 9.2. Case studies: Representative deliberative processes

The Irish Citizens' Assembly 2016-2018 (Ireland)

The Irish Citizens' Assembly involved 100 randomly selected citizen members who considered five important legal and policy issues: the 8th amendment of the constitution on abortion, ageing populations, referendum processes, fixed-term parliaments and climate change. The Assembly's recommendations were submitted to parliament for further debate. Based on its recommendations, the government called a referendum on amending the 8th amendment and declared a climate emergency. More information can be found here: https://www.citizensassembly.ie/en/

Citizens' Jury on the Construction of Gwangju Metropolitan Subway 2018 (South Korea)

The city of Gwangju in South Korea convened a Citizens' Jury to deliberate on the construction of line 2 of their metropolitan subway system. The city council decided to go down that route after 16 years of internal conflict and political gridlock. 250 randomly selected citizens participated in an overnight public deliberation, along with other stakeholders. They recommended that the city should go ahead with the construction of the line but making sure to implement other measures to prevent wasted resources and address other concerns.

More information can be found here: https://en.kadr.or.kr/blank-4

Participatory processes can involve both common citizens and organised groups of stakeholders.

The Recommendation refers to stakeholders, as "any interested and/or affected party, including individuals, regardless of their age, gender, sexual orientation, religious and political affiliations, and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector". It is thus understood that stakeholders include citizens, as well as governmental and non-governmental organisations. The line between organised stakeholders and citizens can be blurry and, in reality, is not always perfectly neat. No value or preference is given to citizens or stakeholders in particular, as both groups can enrich public decisions, projects, policies, and services.

Data and evidence collected by the OECD shows that Adherents involve organised groups of stakeholders more regularly than individual citizen. As shown in Figure 9.4, Respondents involve civil society organisations in 68.3% of the main policy documents on open government submitted in response to the OECD Survey on Open Government, followed by stakeholders from academia and the private sector. In contrast, citizens were only consulted in the design of 45.5% of the policy documents. In addition, through the OECD Open Government Reviews and Scans, the OECD gathered evidence from Adherents such as Canada, Colombia, Argentina, Brazil and Romania showing a more recurrent involvement of organised stakeholders such as CSOs than individual citizens in public decisions, most notably at the national level (OECD, 2022[10]).

Figure 9.4. Types of non-public stakeholders consulted and/or engaged in the design of the policy document(s)
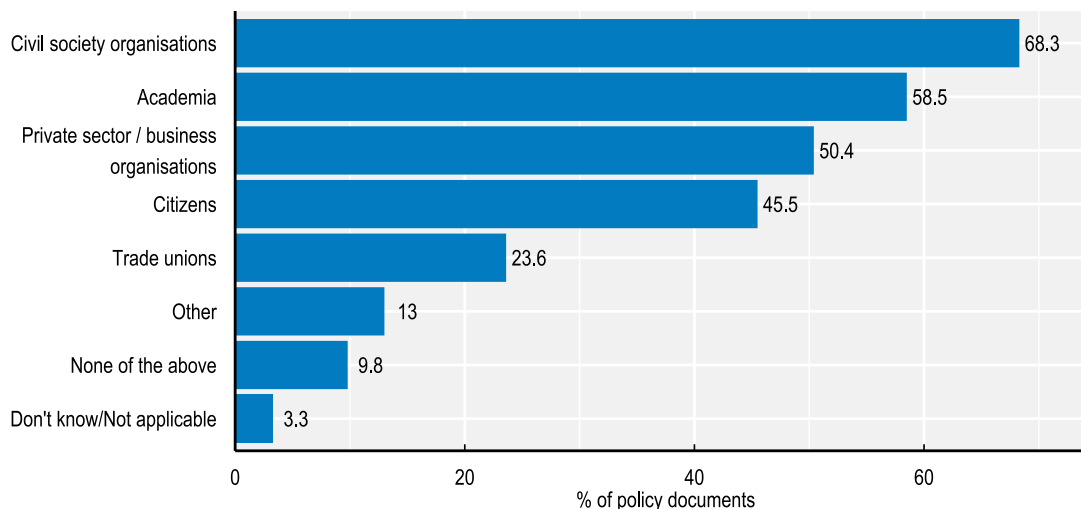
Note: N=38 for 123 policy documents. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

Nevertheless, there is a global trend of increased involvement of individual citizens in policy making as seen through the waves of participatory budgeting or the use of representative deliberative processes. In recent years, Adherents have started showing a stronger interest in the constructive involvement of citizens (as individuals) at the central/federal level. Evidence collected through the OECD Database of Representative Deliberative Processes and Institutions (2021[7]) points to an increased use of representative deliberative processes[2] with 21 cases organised in OECD Members in 2015, 32 in 2017, and 41 in 2019. For example, France, Spain, Germany and the United Kingdom have recently organised participatory processes for citizens to shape key policies like environment, health and immigration. The inclusion of individual citizens represents different challenges, especially regarding representativeness and inclusion.

Moving forward, Adherents could pay further attention to not treating organised stakeholders and citizens as equally and interchangeably, as they do not require the same conditions to participate and will not produce the same types of inputs (OECD, 2022[9]). Stakeholders can provide expertise and more specific input than citizens through mechanisms such as advisory bodies or experts' panels, whereas citizens require methods that provide sufficient time, information and resources to produce quality inputs and develop individual or collective recommendations.

> **Box 9.3. Good practice cases: Citizen and stakeholder participation at the central/federal level in Brazil and Canada**
>
> *Brazil – Multilevel participation on key policy areas*
>
> Beyond the famous case of Porto Alegre's participatory budget, Brazil has coined other innovative mechanisms, notably the *colegiados* (Public Policy Councils and the National Conferences), which allow for large-scale stakeholder deliberation. Non-governmental stakeholders can inform policy making and provide recommendations on key areas including health, environment and education.

- **National Conferences**: Periodic instance of debate, formulation and evaluation on specific themes of public interest, with the participation of government and non-public stakeholders. A conference can include stages at the State, District, Municipal or Regional level, to propose guidelines and actions on a specific topic.
- **Public Policy Councils**: Permanent thematic collegial bodies, created by a normative act, to foster dialogue between non-public stakeholders and the government and promote participation in the decision-making process and in the policy cycle.

Canada – Stakeholder consultations

Canada has been consulting stakeholders at the Federal level for a certain time and on a wide range of policy areas. For example, the Department of Finance regularly consult stakeholders on budget priorities through the Let's Talk Budget project. The Federal Government involved experts from the health sector to shape COVID-19 related policies through different mechanisms such as the National Advisory Committee on Immunization and the COVID-19 Clinical Pharmacology Task Group. Canada has taken efforts to increase inclusion, especially towards indigenous communities through the First Nations Consultations.

Source: (OECD, 2022[10]); OECD (2023[11]).

8.2: Institutionalise participatory processes and practices

A strong enabling environment can give participatory mechanisms and processes a high degree of institutionalisation and embed these practices in the institutional architecture of a country (OECD, 2021[12]). Almost all Adherents have adopted a legal framework in support of citizen and stakeholder participation, as 89.5% (34) of Respondents have adopted a legislation to handle citizen's complaints, 84.2% (32) on the use of direct democracy mechanisms and 78.9% (30) on petitions and other forms of citizen initiatives (Figure 9.5). This is a positive finding, as a legal framework can support the institutionalisation of participation. However, there are opportunities to harmonize such frameworks as evidence collected by the OECD shows that these laws are usually fragmented and only addressing a partial aspect of participation.

Figure 9.5. Legislations to support citizen and stakeholder participation in Adherents
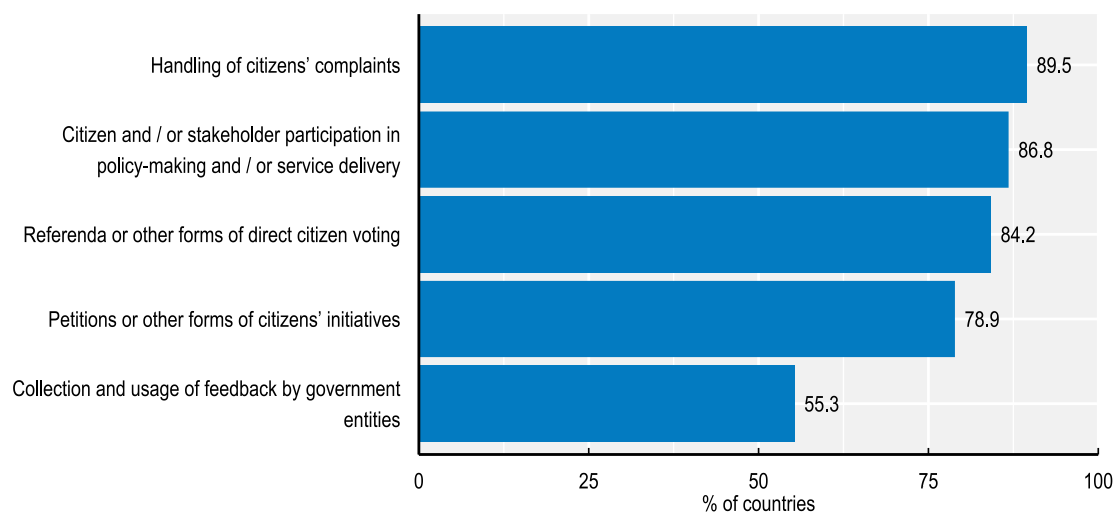
Note: N=38.
Source: OECD (2020[8]), 2020 Survey on Open Government.

In addition, a majority of Adherents (86.7% of Respondents) have adopted specific policy documents to foster citizen and stakeholder participation (SOG) and many Adherents that are part of the OGP have used policy documents such as the OGP Action Plan to reinforce their enabling environment for participation (e.g., the Citizen Participation Councils and Legislation in Chile), develop trainings on participatory practices for public officials (e.g., Open Government Education in Spain) or create new digital participation platforms (e.g., Participa.br, the digital platform for participation in Brazil).

Adherents can further support institutionalisation by providing an office with a clear mandate to steer and coordinate the agenda across the whole government. Currently, the participation file has no clear institutional leadership at the level of the central/federal government of most Adherents. Rather, participatory practices are often implemented on an *ad hoc* basis by public institutions. Data collected through the 2020 OECD Survey on Open Government shows that most Adherents have institutions that are in charge of issues that are related to participation, but responsibilities are usually scattered and multiple institutions have (sometimes conflicting) tasks. Notably:

- 83.8% (31) of Respondents have an office to strengthen relationships between government and civil society.
- 81.1% (30) of Respondents have an office to provide support to public institutions on how to consult and engage with citizens and stakeholders (guidance, advice, training, etc.).
- 67.6% (25) of Respondents have an office to provide technical support to public institutions on the use of digital technologies for citizen and stakeholder consultation or engagement.

Moreover, only 22.9% (eight) of Respondents currently have dedicated staff in charge of participation in all the ministries at the central/federal level.

Figure 9.6. Existence of dedicated staff in charge of citizen and stakeholder participation in Adherent's ministries at central/federal level
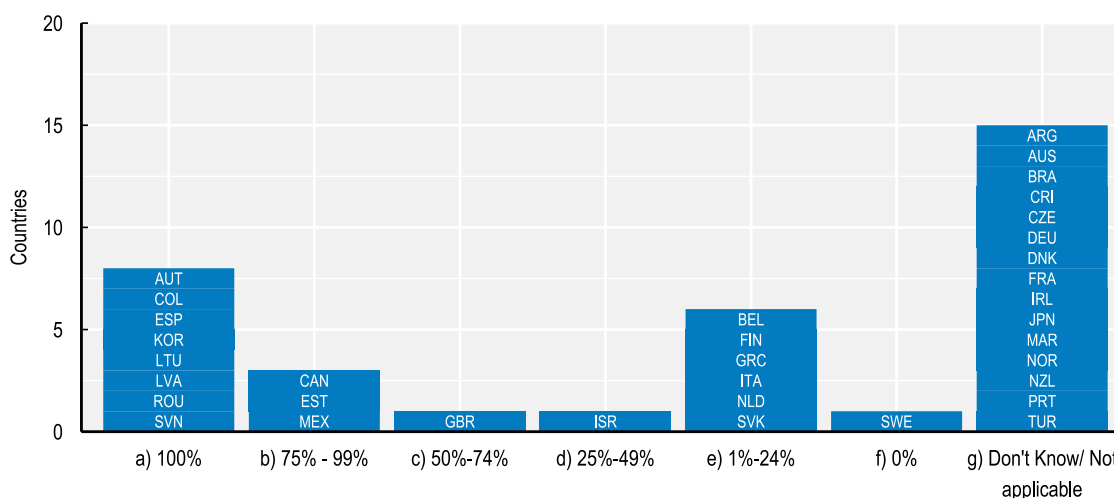
Note: N=35.
Source: OECD (2020[8]), 2020 Survey on Open Government.

Given the experience that Adherents' Open Government Offices have gathered through the co-ordination of the OGP co-creation process and through the inclusion of relevant initiative in the OGP Action Plans (see the analysis of provision 3 above), Adherents that are part of the OGP could consider making them also the co-ordinators of the central/federal government's citizen participation/engagement policy, as an integral part of the wider open government agenda.

Finally, citizen and stakeholder participation can also be institutionalised through practice and culture. Online government portals, such as the ones created by Brazil and Estonia, provide a centralised online architecture that can foster the move towards a culture of participation by increasing harmonisation of participatory practices, and by creating a habit among public servants and stakeholders alike.

8.3: Ensure inclusion and accessibility of participatory processes

Stakeholder participation can make decision making more inclusive by opening the door to more representative groups of people. Through participatory processes, public authorities can include the voice of the "silent majority" and strengthen the representation of minorities and often excluded groups like informal workers, migrants, women., indigenous populations and LGBTI communities. (OECD, 2022[9]). Stakeholder participation in public decision making can further answer the concerns of minorities and unrepresented groups by addressing inequalities of voice and access, and thus fight exclusion and marginalisation. However, for participatory practices to foster inclusion, public authorities have to take the necessary actions to reach out and involve those traditionally marginalised groups as well as take into consideration any special needs and verify that individuals with disabilities are able to exercise their right to participate in comfort (OECD, 2022[9]).

Data collected through the 2020 OECD Survey on Open Government shows that there is room for further efforts to increase the representation of the "silent majority" in the design and implementation of Adherents' open government agendas. For example, in 42% (34) of the cases, Respondents did not provide any specific support for people to attend in-person meetings when designing their main policy documents on open government (Figure 9.7).

Figure 9.7. Support offered for non-public stakeholders to attend in-person meetings during the design of the main policy documents on open government
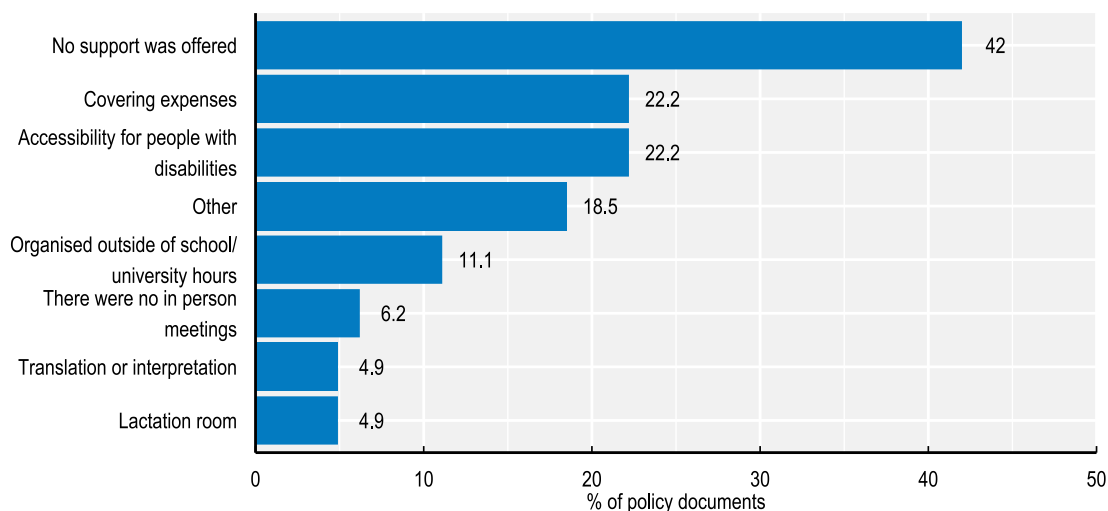
Note: N=31 for 81 policy documents. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

Similarly, 37% (ten) of Respondents that are part of the OGP do not include any representation of underrepresented groups in their OGP multi-stakeholder forum (MSF). 37% (ten) of Respondents that are part of the OGP make efforts to involve women in their MSF, while 29.6% (eight) of Respondents ensure

a youth representation. Only 7.4% of Respondents that are part of the OGP are involving the LGBTI community in their MSF.

Figure 9.8. Inclusion and representation in Adherents' OGP multi-stakeholder forum (MSF)
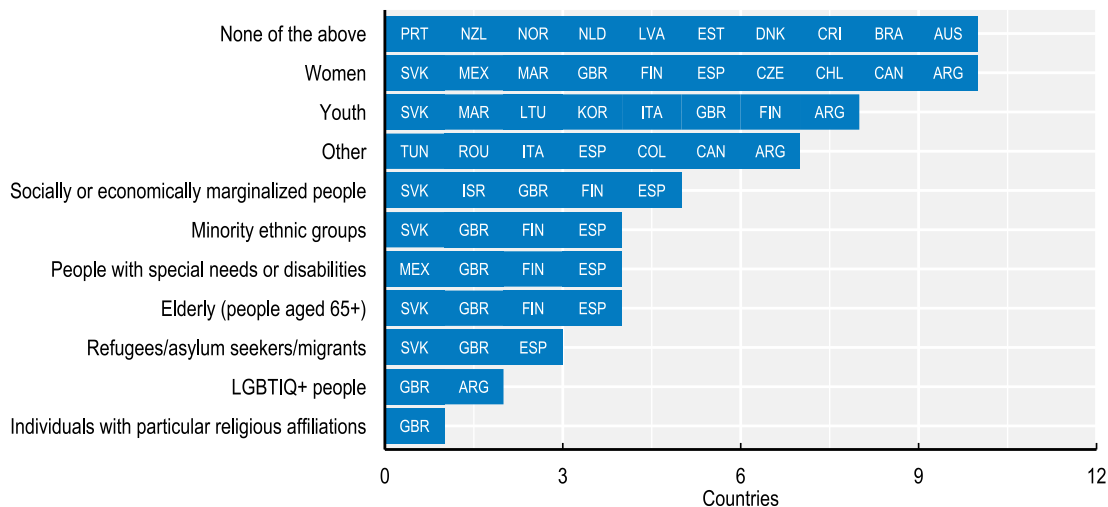
Note: N=27. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

Nevertheless, data collected by the OECD suggest that Adherents are gradually increasing their efforts to increase inclusion. Almost all Adherents have strategies in place to ensure the participation of underrepresented groups in policy process. In particular, 67.6% (23) of Respondents have a strategy or policy to specifically foster the inclusion of youth in participatory processes, 47.1% (16) to increase women participation, 35.3% (12) for people with disabilities and 23.5% (eight) for LGBTI communities (Figure 9.9).

Figure 9.9. Availability of specific strategy/policy to encourage the participation of underrepresented groups in decision making
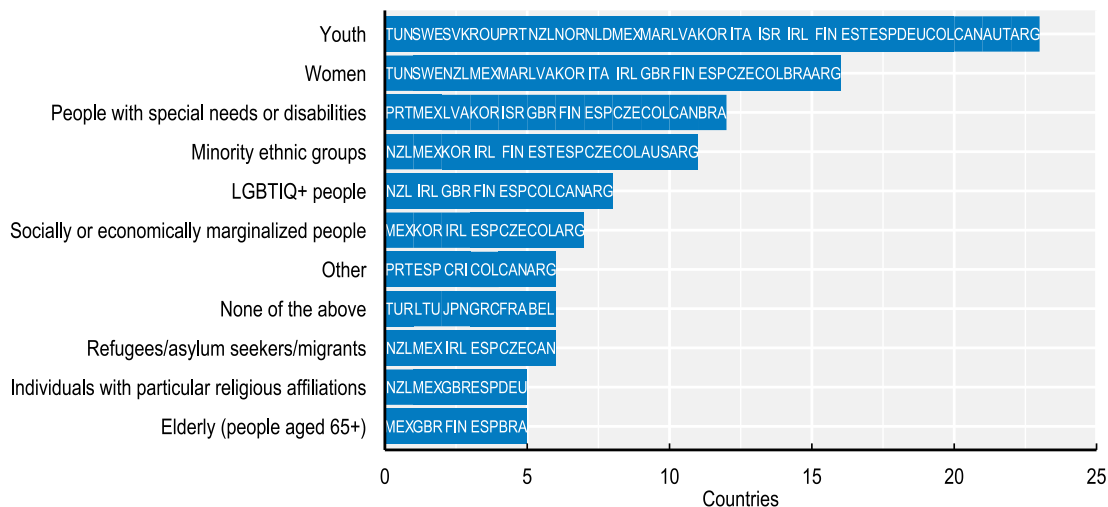
Note: N=34. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

To foster inclusiveness, mitigate low participation turnout and broaden the scope of participants beyond "the usual suspects" (OECD, 2020[4]) governments can also remunerate participants for their participation. Research shows that more affluent citizens tend to participate more frequently in government-initiated processes (OECD, 2022[13]). Participation requires time and effort, especially of unorganised citizens, who, unlike stakeholders and interest groups, have a lower threshold for participation (OECD, 2022[9]). Evidence gathered by the OECD suggests that when more advanced levels of citizen engagement are pursued, such as representative deliberative processes, they tend to be accompanied with more substantive efforts ensuring inclusion of all members of society. For instance, in 238 out of 325 representative deliberative processes for which data is available, Adherents' governments gave some form of compensation to participants – be it remuneration, transport compensation or coverage of expenses, as shown in Figure 9.10.

Figure 9.10. Remuneration of participants in representative deliberative processes in Adherent countries

Number of representative deliberative processes organised in Adherent countries by type of remuneration
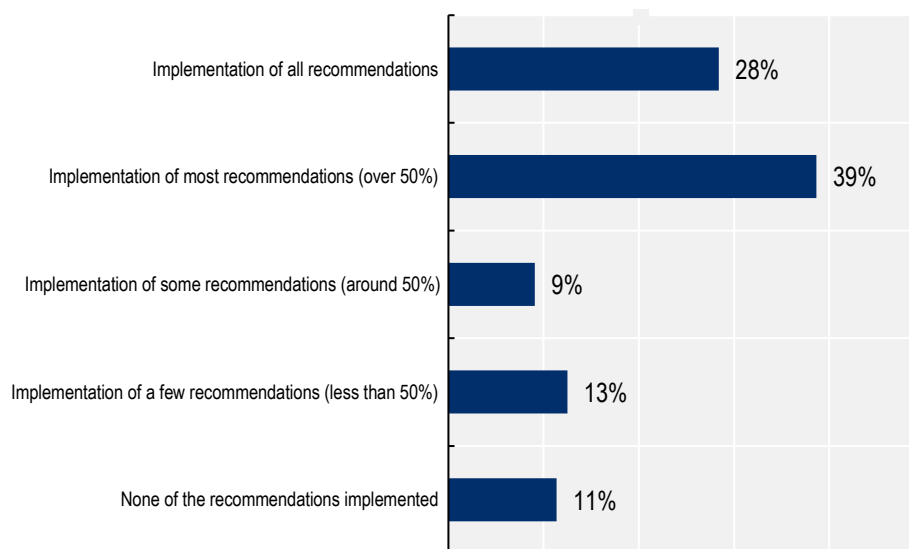
Note: N=325.Data is based on 23 Adherent countries plus the European Union.
Source: OECD Database of Representative Deliberative Processes and Institutions (2021).

Box 9.4. The OECD Citizen Participation Guidelines

The OECD Citizen Participation Guidelines (2022) are intended to support the implementation of provisions 8 and 9 of the OECD Recommendation on Open Government. They are aimed at any individual or organisation interested in designing, planning and implementing a citizen participation process. The guidelines walk the reader through ten steps to design, plan and implement a citizen participation process, and detail eight different methods that can be used to involve citizens in policy making, illustrated with good practice examples.

The eight participation methods described are:

- Open Meeting and Town Hall Meeting

> - Public Consultation
>
> - Open innovation methods: Crowdsourcing, Hackathons, and Public Challenges
>
> - Civic Monitoring
>
> - Participatory Budgeting
>
> - Representative Deliberative Process
>
> Their content is based on evidence collected by the OECD over the years and various OECD publications, as well as existing resources from academia and other organisations regarding the intrinsic and instrumental benefits of citizen participation in policy making.
>
> As part of the document, the OECD suggests eight guiding principles that help ensure the quality of these participatory processes: purpose, accountability, transparency, inclusiveness and accessibility, integrity, privacy, information, and evaluation.
>
> Source: OECD (2022[9]), Guidelines for Citizen Participation Processes.

Protected civic space can increase inclusion in participatory processes.

Protected civic space can help to increase inclusion in participatory processes as it encourages stakeholders to organise and inform themselves and facilitates inclusion in public debate. Research indicates that while the legal foundations for civic space protection are relatively strong in OECD Members, with some exceptions, challenges remain.

Overall, data shows that freedom of expression could be better protected, for example. Article 19's freedom of expression rankings for the 41 Adherents for which data is available, demonstrate that 78% of those Adherents rank as "open", meaning it is possible for citizens to access information and distribute it freely, share their views both on and offline and protest in order to hold their governments to account (Article 19, 2021[14]). Four countries (10% Respondents) are ranked "less restricted", three countries (7% of Respondents) as "restricted", one country as "highly restricted" (2% of Respondents) and one country (2% of Respondents) is considered to be "in crisis". Data also shows a significant decline in some Adherents since 2013 in press freedom and rising vilification of journalists and targeted violence and killings reported in some countries (OECD, 2022[15]). A number of countries have passed special measures to enhance protection for journalists.

Press freedom organisations and monitoring bodies have indicated that criminal defamation cases continue to be brought against journalists and human rights defenders in retaliation for unwanted investigations or commentary (Freedom House, 2021[16]; OSCE, 2017[17]; Council of Europe, 2022[18]). Research suggests that occasional convictions for defamation continue to take place in countries, including those considered to be strong defenders of media freedom such as Greece (OSCE, 2017[17]) and Italy (Borghi, R., 2019[19]). Some countries are experiencing particular challenges in relation to protecting journalists in contexts where they engage in investigations on issues related to organised crime and social conflicts (Committee to Protect Journalists, 2021[20]; UNESCO, 2021[21]).

As regards freedom of peaceful assembly in Adherents, data from the Varieties of Democracy Institute shows that in 62% of Adherents, state authorities almost always allow and actively protect peaceful assemblies, except in rare cases of lawful, necessary and proportionate limitations. 26% of countries mostly allow peaceful assemblies, 9% sometimes arbitrarily deny citizens the right to assemble peacefully and 2% of countries rarely allow peaceful assemblies (OECD, 2022[15]).

Box 9.5. Laws, policies and programmes for the physical protection of journalists

A number of Adherents have passed special measures enhancing the rights of journalists, providing them with additional support when conducting their work or protecting them against threats of violence or intimidation. Aside from supporting press freedom as a crucial pillar of democracies, this can help to ensure that stakeholders have access to sufficient information to engage in public debate.

The human rights defenders protection law in Mexico explicitly applies to journalists, while Colombia has passed additional legislation and policies to protect journalists and social communicators (Government of Colombia, 2000[22]). Mexico has a special prosecutor's office that investigates crimes against journalists (UNESCO, 2021[23]), and in Portugal, murder is met with aggravated sanctions if committed against a journalist.

In response to the rising levels of threat to journalists, several countries have also started to develop specific policies to protect them. The United Kingdom, for example, has a national action plan to protect journalists from abuse and harassment, including measures for training police officers and journalists, while social media platforms and prosecution services have committed to taking prompt and tough action against abusers (Government of the United Kingdom, 2021[24]).

In Brazil, since 2018, the federal human rights protection programme of the Ministry of Human Rights has also explicitly protected "communicators", defined as persons performing regular social communication activities to disseminate information aimed at promoting and defending human rights (Government of Brazil, 2018[25]).

Source: Government of Colombia (2000[22]); Government of Brazil (2018[25]); UNESCO (2021[23]); Government of the UK (2021[24]).

Anti-discrimination laws are central to facilitating citizen and stakeholder participation.

The broad legal environment on non-discrimination is an essential precondition for inclusive, responsive and effective democratic participation. Discrimination can affect citizens' trust, in addition to their ability and willingness to engage with state institutions if they feel undervalued, excluded, unprotected or threatened. As such, all forms of discrimination can affect individuals' and CSOs' ability and willingness to freely express themselves or to assemble and influence public decision-making. Adherents' discrimination laws (found in all Adherents) are thus central to protecting civic space for all members of society.

Figure 9.11. Legally mandated exceptions to protection against discrimination, 2020
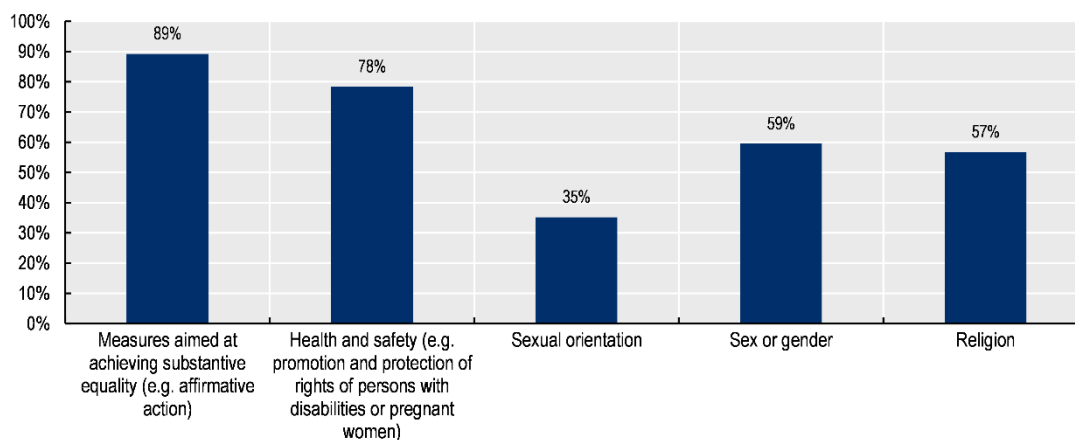
Note: N=37. Percentage relates to countries that provided data on this topic in the OECD Survey on Open Government.
Source: OECD (2022[15]).

Survey data shows that laws in 89% of Respondents state in their constitutional and/or anti-discrimination legislation that measures aiming to achieve substantive equality or protection (e.g. affirmative action) for disadvantaged groups will not be considered discrimination (Figure 9.11). Furthermore, 35% of Respondents foresee affirmative action for persons based on their sexual orientation and do not consider this kind of distinction to be discrimination. For example, Belgium includes a number of protected characteristics in its national legislation, including sexual orientation. Similarly, in Canada, the law permits measures aimed at the promotion and protection of the rights of vulnerable or marginalised groups, where this is, among others, because of their sexual orientation or gender. In Chile, legislation allows distinctions, exclusions or restrictions based on protected grounds including sexual orientation that are reasonable, and states that these shall be considered justifiable in the legitimate exercise of another fundamental right, in particular private life, religion or belief, education, freedom of expression, freedom of association, right to work or economic development.

Overall, there is a trend towards making anti-discrimination legislation more comprehensive and in recognising different groups that are affected. In recent years, many EU member states have rendered their laws more comprehensive in the field of ethnic or racial discrimination (European Commission, 2019[26]). Ireland formally recognised "Travellers" as an ethnic group in 2017, for example, meaning that they are covered under that ground, as well as under the separate ground of being part of the traveller community, under relevant anti-discrimination legislation. Likewise, some legislative improvements in EU countries aim to enhance equal treatment of persons with disabilities, with laws and high court decisions attesting to a wide interpretation of the definition of disability (European Commission, 2019[26]).

Monitoring and data collection on discrimination are central to making participatory processes more inclusive.

The collection of data on hate speech (and related hate crimes) can be an important indicator of existing patterns of discrimination. However, in many Adherents' countries, the actual extent of discrimination, hate crime and hate speech remains uncertain as comprehensive data is lacking. Data collection systems that fully disaggregate data by category of offence, type of hate motivation, target group as well as judicial follow-up and outcomes are important tools to reach out to marginalised groups when undertaking outreach activities for participatory processes. Some countries, such as Denmark, publish an analysis of trends on hate crime and hate speech, disaggregating data by motivation and type of bias, and compare the data across years.

Funding for the CSO sector is a valuable lifeline that facilitates stakeholder participation.

A favourable financial environment for CSOs is a key pillar of an enabling environment for civil society and stakeholder participation in public decision making. International guidance has made access to funding resources, including foreign funding, a key component of the right to freedom of association. CSOs should be free to solicit and receive funding, including state funding and other forms of public support, such as exemption from income tax or other taxes and that any form of public support should be governed by clear and objective criteria (Kiai, 2013[27]; 2012[28]; Inter-American Commission on Human Rights, 2011[29]; Council of Europe, 2007[30]). Additionally, NGOs could be free to receive different forms of assistance from non-public sources, as well as from foreign and multilateral agencies.

Comprehensive data on funding for CSOs is lacking in a significant number for Adherents, partly due to the fact that public resources for CSOs come from a wide range of sources, involving different ministries, budget lines and both local and regional governments. The absence of an overview in many countries, including those giving generously towards the CSO sector, makes it difficult to strengthen systems and monitor funding trends. By enhancing data collection on government funding provided to the CSO sector, including on funding coming from different ministries and state institutions, disaggregated by funding

modalities, type of support and area of focus, governments can develop a more strategic approach to supporting civil society.

Figure 9.12. Adherents that provided government funding to CSOs in 2019
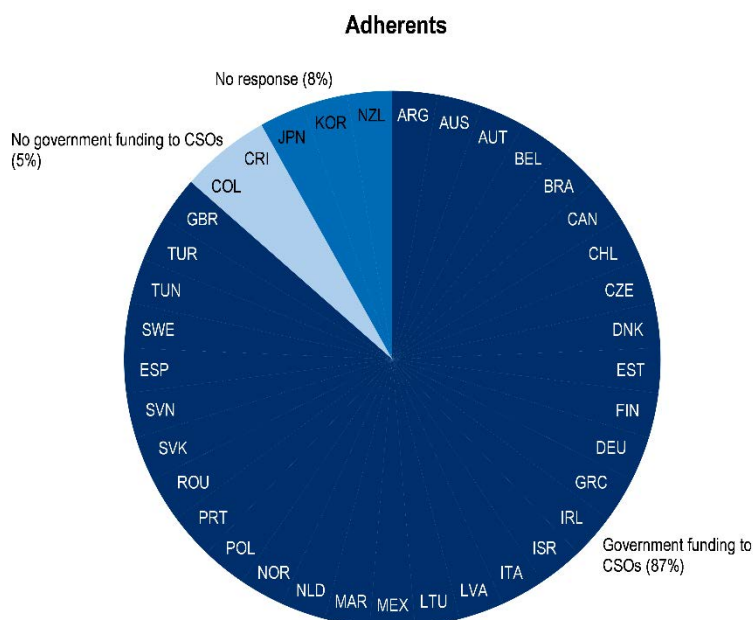
Adherents

Note: N=37. Percentages relate to countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[15]).

There are many ways Adherents create a supportive environment for CSOs that facilitates their ability to access funding in a predictable, sustainable, transparent and fair manner. Figure 9.12 illustrates that 87% of Respondents provided some type of central/federal state funding to CSOs in 2019. In some countries, there are examples of core funding, which is a funding modality that is directed at supporting CSOs' organisational expenses that cannot be allocated to specific projects, including administrative costs, infrastructure costs, institutional capacity building, board meetings, audit expenses and other recurring costs. Core funding is important for organisations' successful operations and for increasing the capacity of the CSO sector (OSCE/ODIHR and Venice Commission, 2015[31]). For instance, in Finland, the Ministry of Education and Culture provides subsidies to CSOs (Government of Finland, n.d.[32]) that cover costs related to their operations and the construction of educational and cultural sites. Sweden provides investment grants and business development grants to CSOs and companies that establish public meeting rooms with the precondition that "in their activities, they respect the ideas of democracy, including the principles of gender equality and prohibition of discrimination" (Government of Sweden, 2016[33]). In Spain, organisations engaged in promoting equality, social inclusion, and poverty reduction can be awarded grants that can cover a wide range of running costs and capacity-building activities (Government of Spain, 2019[34]). The Ministry of Education in Estonia also provides funding to strategic partner organisations for a three-year period. This funding includes an operating grant aimed at building the organisation's capacity to participate in policy-making processes (Government of Estonia, 2022[35]).

In countries where government funding is limited or unavailable and where there is a lack of private donations, foreign or international funding can also be a lifeline. Governments can thus contribute to an enabling environment for CSOs by incentivising foreign and international donors to support the sector. Figure 9.13 illustrates that laws governing freedom of association or other laws directly covering associations restrict foreign funding for CSOs in 14% of Respondents.[3] The limitations provided for in relevant laws apply in different forms and include pre-conditions or the need for state authorisation to receiving foreign funding, in addition to administrative requirements and intensified monitoring and

oversight. Reporting requirements can include disclosing the frequency and content of financial statements or information about donors and persons affiliated with the CSO and can be accompanied by sanctions for non-compliance. According to guidance from the United Nations, onerous or arbitrary reporting obligations for CSOs on funds from foreign sources, including on how these are allocated or used, and to obtain authorisation from state authorities to receive foreign funds can have a negative impact on the right to freedom of association (Kiai, 2013[27]).

Figure 9.13. Rules in laws governing CSOs on receiving funding from abroad, 2020

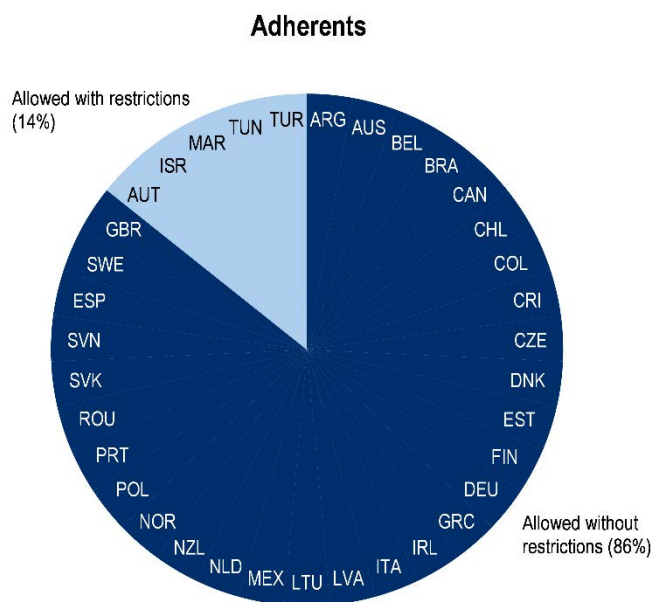
Note: N=35. Percentages relate to the countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[15]).

CSO strategies can strengthen government - CSO relations, thereby facilitating more effective participation in public life.

Many governments are making substantial efforts to support the CSO sector. However, some of these initiatives are undertaken through a scattered approach without clearly delineated objectives outlined in an overarching framework. A majority (64%) of Respondents have a policy or strategy in place to improve or promote an enabling environment for CSOs (OECD, 2020[8]). Government strategies to promote an enabling environment for CSOs can have multiple beneficial outcomes. First, they offer governments an opportunity to assess the current conditions that CSOs operate within, and second, they enable governments to set expectations and benchmarks for areas of improvement. In addition, such strategies allow governments to concretely outline mechanisms for bolstering the role of CSOs while taking their varying needs into account. A strategy can also highlight the difficulties that CSOs may be facing, particularly in the aftermath of global crises, such as COVID-19, and identify potential future risks.

Figure 9.14. Adherents with a policy or strategy to improve or promote an enabling environment for CSOs, 2020

Note: N=36. Percentage relates to countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[15]).

Entities responsible for CSO registration set the tone for healthy government - civil society relations.

Responsibility for registering CSOs is an important function and can send a powerful message about the sector as a whole. In 24% of Respondents (OECD, 2020[8]), Ministries of Interior are in charge of registration. In other countries, this function is performed by the Ministry of Justice (or an entity under the Ministry of Justice) (21%), the courts (14%) or other independent entities (7%). The main trend is for other ministries, such as Ministries of Culture or Labour and Social Affairs, or administrative entities at local level to fulfil this role (34%). Giving the registration responsibility to entities that are at the same time responsible for investigating crimes or protecting national security or public order, such as Ministries of Interior risks associating CSOs with security risks and threats to public order.

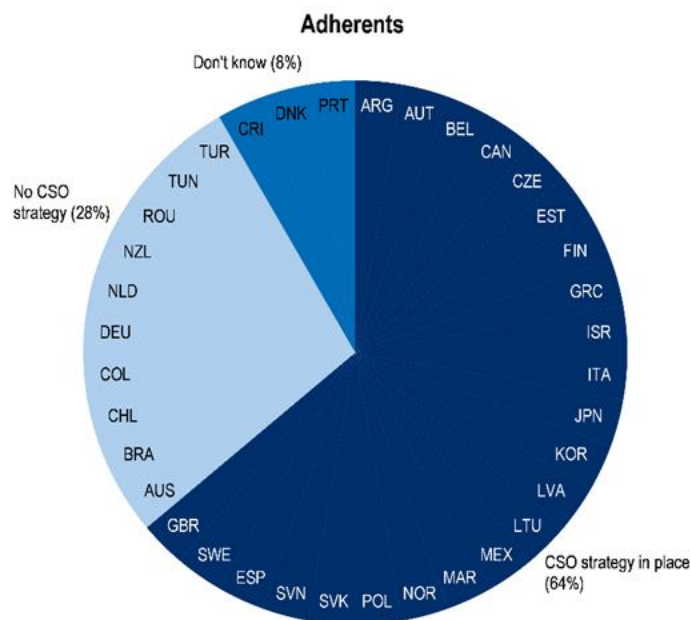**Figure 9.15. State entities responsible for the registration of CSOs**
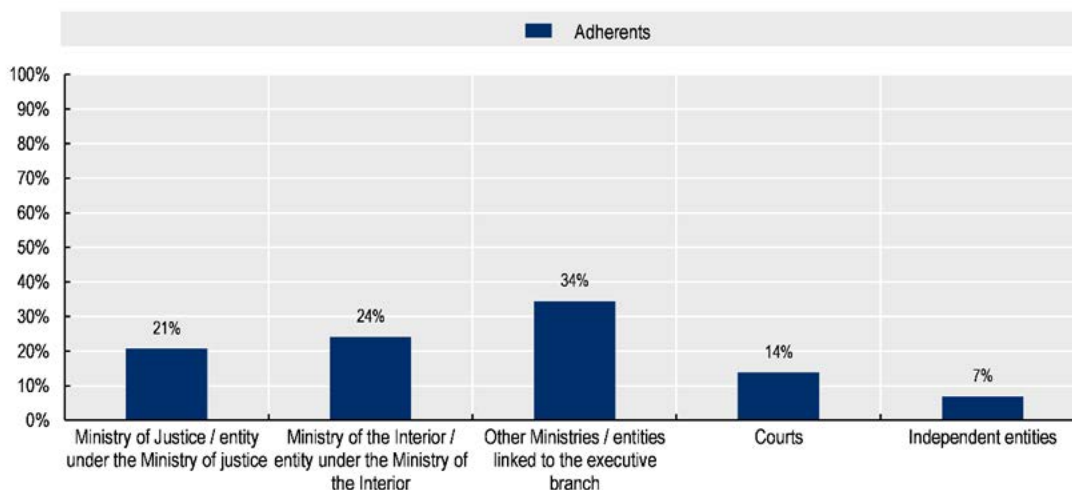
Note: N=29. Percentage relates to countries that provided data in the OECD Survey on Open Government.
Source: OECD (2022[15]).

Conclusions and way forward (provision 8)

The analysis shows that, overall, the implementation of provision 8 is progressing well, however further efforts could be made to ensure inclusion, quality and impact of participatory processes.

- 8.1: Adherents have been gradually increasing the integration of their participation agendas into their wider open government agendas, for example through OGP commitments. Moving forward, Adherents that design holistic Open Government Strategies could ensure that these strategies fully integrate their countries' participation agendas. Furthermore, Adherents that are part of the OGP could include high-level participatory efforts (e.g., deliberative processes) into their action plans.

- 8.2: All Adherents are involving citizens and stakeholders at some point of their open government policy cycles. Most Adherents are informing stakeholders through public meetings, the vast majority is consulting stakeholders through different forms of public consultation and a smaller proportion is engaging stakeholders through mechanisms such as co-creation or deliberative processes. Moving forward, Adherents could make increasing efforts to bring participatory practices to all policy areas (e.g., education, health, finance, etc.) and put an emphasis on moving beyond consultation towards practices of citizen and stakeholder engagement.

- 8.3: Adherents currently involve organised groups of stakeholders such as experts more regularly in their open government agendas than individual citizens, reflecting that stakeholders can provide specific expertise and inputs than common citizens. Moving forward, and reflecting the increased demand from citizens to be part of public decisions, Adherents could make further efforts to involve individual citizens in public decision-making.

- 8.4: While almost all Adherents have adopted legislation and policies to support participation, evidence shows that this legislation is scattered. In addition, while all Adherents have offices in the central level with responsibilities regarding participation, very few of them have a mandate to steer the agenda across the entire government. Moving forward, Adherents could focus on consolidating their legal and policy frameworks governing participation as part of the wider open government agenda and empower a national office to become the leader and coordinator of a dedicated agenda to foster participation (e.g., the Open Government Office).

- 8.5: Efforts to include the voice of the "silent majority" and strengthen the representation of minorities and excluded groups are crucial for open government. Moving forward, Adherents could regularly review their legislation, policies and their effects, to assess and remedy violations of individuals' right to protection from discrimination and to ensure that implementation is in line with international guidance. Regular monitoring of discrimination targeting at-risk groups would also enhance understanding of trends and facilitate the development of evidence-based, resourced strategies to counter it. Adherents could further consider increasing the representation of underrepresented groups of society in their OGP-process, and in general, in all their participatory processes. Finally, Adherents can create a supportive enabling environment for civil society via dedicated strategies, facilitated funding and supportive practices for the sector, thereby facilitating more inclusive and effective participation.

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Notes

1 The Recommendation understands stakeholder participation as "all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery".

[2] In such processes, randomly selected citizens form a microcosm of the community they aim to represent and deliberate to deliver recommendations on a specific policy challenge to public authorities.

[3] While desk research indicates that many countries also restrict funding from abroad in anti-money laundering or anti-terrorism laws, these are not reflected in Figure 9.13.

10 Provision 9: Leverage innovation and digital technology

Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives.

Provision 9 of the Recommendation focuses on the use of innovative mechanisms and digital technologies to better involve citizens and stakeholders in decision-making processes, and to support the implementation of Adherents' open government agendas. It builds on provision 8 by inviting Adherents to move from consultation to more engaging mechanisms, while harnessing the potential of digital government tools.

9.1: Promote innovative ways to effectively engage with stakeholders in their open government agendas

Evidence collected through the OECD Open Government Reviews and Scans suggests that countries are becoming more innovative when implementing their open government agendas. In particular, regarding the usage of citizen participation methodologies. Adherents such as Spain and Colombia are using digital tools to co-construct the commitments and priorities for their OGP Action Plans and to allow the public to follow the implementation. In 2017, Portugal launched the first-ever national Participatory Budgeting, which combines both physical meetings throughout the country and online participation methods in order to select projects to fund. The 2018 edition distributed EUR 5 million among the winning projects (OECD, 2022[1]). In a similar vein, country-wide representative deliberative processes have taken place across 15 Adherents. Notable instances include the Irish Citizens' Assembly (2018), the French Citizens' Convention on Climate (2020), the Climate Assembly UK (2020) and the Citizens' Assembly on Democratic Expression in Canada (2020). Other Adherents are using open innovation mechanisms[1] to solve public problems by partnering with non-governmental stakeholders through hackathons or public challenges. This is the case of the *Desafios* platforms implemented in Brazil (OECD, 2022[2]), and similar practices can be found in Argentina, France, Mexico and the United States.

The subnational level of government of Adherents remains at the forefront of democratic innovations, with a high number of innovative practices such as participatory budgeting, representative deliberative processes and open innovation. Evidence collected by the OECD shows that the majority (65%) of representative deliberative processes have occurred at either the local or the regional level (Figure 10.1). There are opportunities for Adherents to scale up innovation implemented at the subnational level and better link those initiatives to the broader open government agenda.

Figure 10.1. Representative Deliberative Processes by level of government
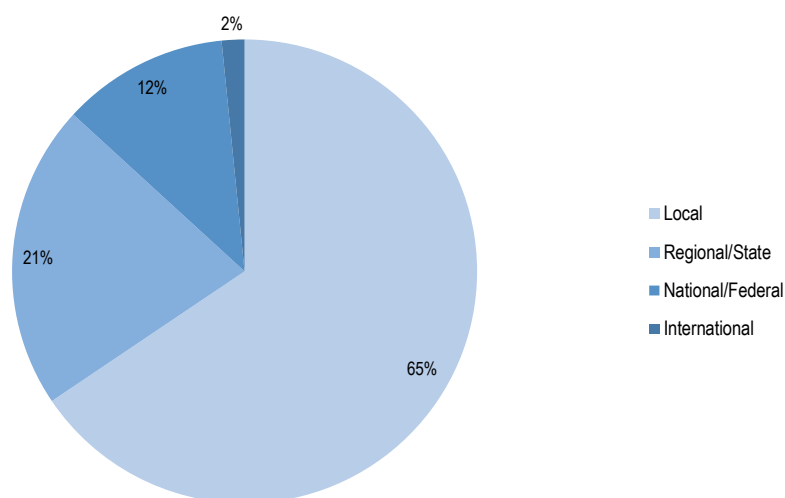
Note: N=569, Data is based on 26 Adherents and the European Union.
Source: OECD (2021[3]), Database of Representative Deliberative Processes and Institutions.

Adherents have been moving the deliberative wave forward.

A representative deliberative process is a process in which a broadly representative body of people weighs evidence, deliberates to find common ground and develops detailed recommendations on policy issues for public authorities (OECD, 2021[4]). Common examples of one-off processes are citizens' assemblies, juries and panels. The use of these processes, named as a "deliberative wave", has been growing since the 1980s, gaining momentum since around 2010. In such a process, citizens are selected by civic lottery, meaning that they are selected by lot and statistically stratified to constitute a microcosm of the community they aim to represent. The "assembly" then listens to expert testimony and other stakeholders to deliberate in an informed manner about an early defined public problem and come up with policy recommendations. Representative deliberative processes are one of the most innovative citizen participation methods existing today.

The OECD collected evidence on the use of representative deliberative processes and published the first global report on the use of this type of method of participation called Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave (2020[5]). It registers the existence of a "deliberative wave" meaning an increased use of such processes for public decision-making. The wave started in 1979 and has been growing ever since. This is especially true of Adherents.

More than half (26) of the 43 Adherents have implemented representative deliberative processes at either the local, regional, or national level, as shown in Figure 10.2. Japan, Germany and Australia have the most processes (167, 64 and 56, respectively). Countries that have higher numbers of processes tend to be the countries where specific methodologies were developed, such as Planning Cells in Japan and Germany and Citizens' Councils in Austria.

Figure 10.2. Number of representative deliberative processes per Adherent, 1979-2021

Note: N=569. Data is based on 26 Adherents and the European Union.
Source: OECD (2021[3]), Database of Representative Deliberative Processes and Institutions.

The usage of such processes among Adherents has particularly grown since 2008, when 20 processes took place. The wave kept growing and reached its peak in 2012 when 50 processes were registered. It has since remained steady, with 42 processes in 2019. See Figure 10.3 for details.

Figure 10.3. Number of representative deliberative processes in Adherents per year, 1979-2021

Note: N=569. Data is based on 26 Adherent countries plus the European Union.
Source: OECD (2021[3]), Database of Representative Deliberative Processes and Institutions.

The usage of such processes among Adherents has also showed their versatility, as they have been used for a wealth of issues, most prominently urban planning, strategic planning and the environment. However, they have also been used for other topics, such as health, infrastructure and even constitutional questions – especially when done at the national/federal level.

Figure 10.4. Number of times a policy issue has been addressed by a representative deliberative process in Adherent countries, 1979-2021

Note: N=569. Data is based on 26 Adherents and the European Union.
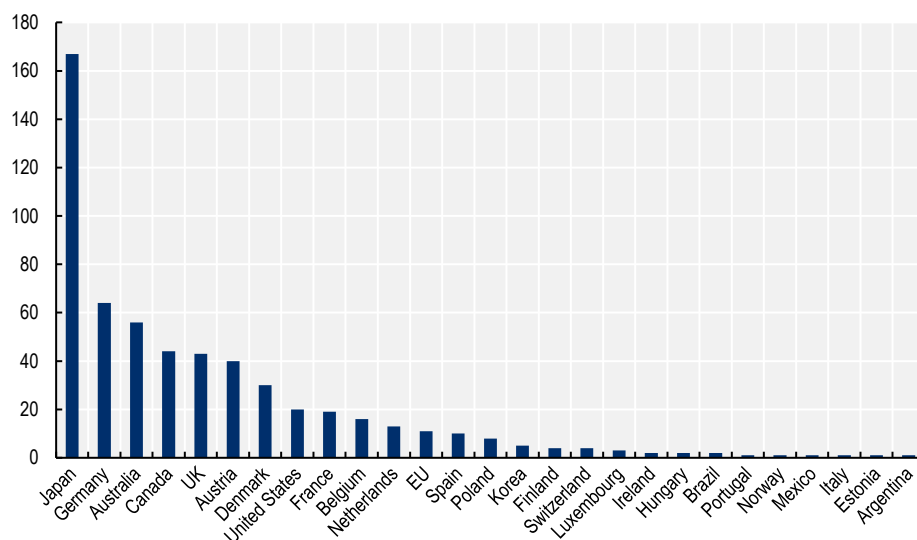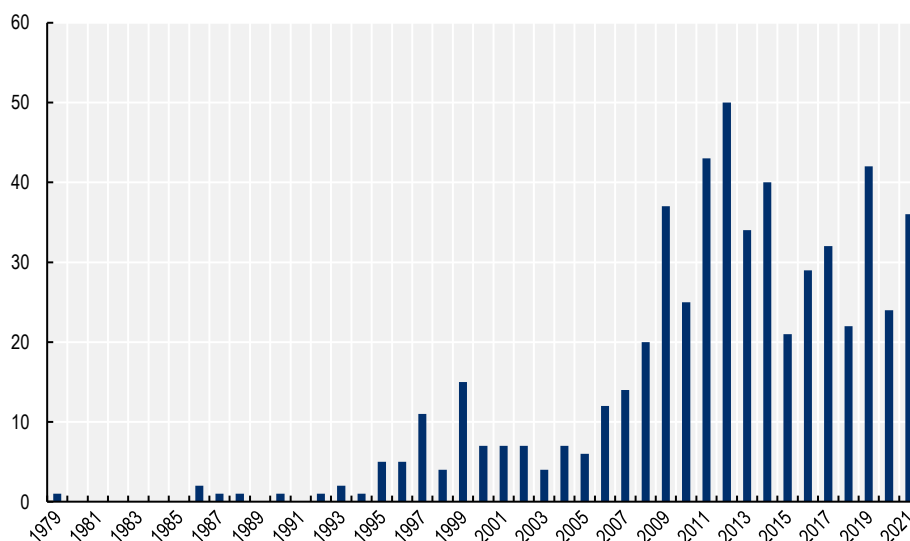Source: OECD (2021[3]), Database of Representative Deliberative Processes and Institutions.

Beyond ad hoc processes, Adherents are also at the forefront of a new democratic paradigm: the institutionalisation of public deliberation. The OECD identified eight different models, which are all implemented by Adherents (2021[4]), as shown in Table 10.1:

Table 10.1. Adherent countries' institutionalisation of public deliberation

Institutionalisation model	Level of government	Models in practice in Adherent countries
1. Combining a permanent citizens' assembly with one-off citizens' panels	Local, regional/state	• Ostbelgien Model, Belgium • Paris Citizens' Assembly, France
2. Connecting representative public deliberation to parliamentary committees	Regional/state	• Deliberative committees in the three parliaments of Brussels, Belgium • Three options for adding representative public deliberation to New South Wales parliamentary committees, Australia
3. Combining deliberative and direct democracy	State	Citizens' Initiative Review, United States
4. Standing citizens' advisory panels	Local, regional/state	• Toronto Planning Review Panel, Canada • Metrolinx Standing Panel on Transportation, Canada
5. Sequenced Representative deliberative processes throughout the policy cycle	Local	• Bogotá's Itinerant Citizens' Assembly (ICA), Colombia
6. Giving people the right to demand a representative deliberative process	Regional/state	• Vorarlberg Citizens' Council on Land Use Rights, Austria
7. Requiring representative public deliberation before certain types of public decisions	National	• French law on bioethics, France
8. Embedding Representative deliberative processes in local strategic planning	Regional/state	• Victorian Local Government Act 2020, Australia

Source: Author's own elaboration based on (OECD, 2021[4]).

Public deliberation through representative deliberative processes can have instrumental and intrinsic benefits for policy making. Evidence gathered by the OECD demonstrates that Adherents have been fundamental at building the deliberative wave over time and are almost singlehandedly responsible for its increasing use in public life. Nevertheless, public deliberation has often been undertaken in isolation from other citizen participation practices, and more generally, remains quite distant from other aspects of open government. Many opportunities for synergies are possible from the joining of forces from deliberative democrats and open government communities in open policy making.

9.2: Leverage digital government tools to support open government objectives

Evidence gathered by the OECD shows that Adherents are making use of digital tools to support their open government agendas. Adherents are communicating about their open government agenda through digital channels. For example, The OECD Survey on Open Government (OECD, 2020[6]) shows that when communicating about the OGP-process, social media is the most used channel (for Adherents who are part of the OGP). When communicating about the launch of their OGP Action Plan, 74.2% of Respondents communicated through their official social media account, compared to the 6.5% that used traditional communication channels (TV, radio and press releases combined) (see the analysis of Provision 6 above).

Adherents are also increasingly creating digital spaces for citizen and stakeholder participation. In 2020 and 2021, online deliberation was the most commonly used medium for conducting a deliberative process (OECD, 2021[3]). Beyond deliberation, all Adherents are using digital portals to support citizen and stakeholder participation. 40% (14) of Adherents had a centralised government-wide participation portal and 48.6% (17) had multiple portals in place. 70.7% (58) of those platforms allow governments to inform about participatory opportunities, and 69.5% (57) have interactive functions for citizens to participate (see the analysis of Provision 3 above). The creation of centralised participation platforms, where public institutions publish consultations and engagement opportunities, have the advantage of providing a "one-stop shop" portal for citizens and stakeholders to learn about past, current and future opportunities for participation (OECD, 2022[2]).

For example, in Estonia, the E-draft and Osale platforms are mostly used for public consultations and citizen-initiated policy discussions. In addition to the government-wide portal, information on participation opportunities is available on ministries' webpages, which all have standardised sections for participation and engagement (OECD, 2022[7]). In addition, data from the OECD Survey on Open Government (OECD, 2020[6]) shows that Adherents are also using digital channels to receive stakeholders' inputs, as 40.4% of the policy documents submitted involved online consultations, and 28% benefitted from virtual public meetings.

These findings show a positive trend but there are further opportunities to harness the full potential of technology for open government. The OECD (2020[8]) found that the absence of digital-savvy and skilled civil servants can hamper the correct and coherent implementation of digital government tools and policies. On this matter, Adherents are making efforts to build digital capacities in the public sector, both by providing resources and trainings. 89.5% (34) of Respondents have toolkits and/or guidelines for civil servants on open government data and 55.3% (21) on the use of digital technologies to foster open government. The situation is similar when it comes to providing trainings to civil servants, as 73.7% (28) of Respondents are offering trainings on open data and 60.5% (23) on digital technologies to foster open government.

When implementing digital participatory processes, Adherents could take into consideration the existing "digital divides" (i.e., the fact that societies can be divided into people who do and people who do not have access to – and the capability to use – digital technologies) and avoid the emergence of new forms of "digital exclusion" (i.e., not being able to take advantage of digital services and opportunities). A final challenge that Adherents could take into account when implementing digital tools is the protection of the

digital civic space. Freedoms and rights could be protected online as they are offline, to ensure an equal and inclusive participation and reduce discriminations.

This trend reflects the wider use of digital tools in government and the extensive cooperation between public authorities and non-governmental stakeholder, mainly civictech and govtech, in developing and deploying such tools. Adherents could continue exploring the synergies with these ecosystems of technologists, and create further opportunities of collaboration, to develop new set of digital tools and to promote a more inclusive and more efficient use of technology for participation and for broader open government goals.

9.3: Leverage open data in support of open government reforms

It is broadly agreed that the rapid digitalisation of societies, economies and governments is changing and challenging the traditional institutional mechanisms supporting the functioning of democracies (OECD, 2022[9]). The open government, digital government and innovation fields have always been synergic, and have partly developed in parallel. Open government data promotes transparency, accountability and citizen participation. By making their datasets available, public institutions become more transparent and accountable to citizens. By encouraging the use, reuse and free distribution of datasets, governments promote participation in policy making as well as in service design and delivery (Rivera Perez, Emilsson and Ubaldi, 2020[10]). These synergies are reflected in the OECD Recommendation on Digital Government Strategies (2014[11]) which understands open government data and digital government strategies as vehicles to increase openness and engagement.

Adherents' interest in those topics is reflected in the commitments those Adherents that are part of the OGP have included in their Action Plans (OGP, 2022[12]). E-government and Open Data related commitments have been constantly present in Adherents' Action Plans. In some countries, open data has even been one of the cornerstones of the open government agendas (e.g., Brazil, France, Canada and Estonia).

Figure 10.5. Digital government and Open Data commitments in Adherents' OGP Action Plans
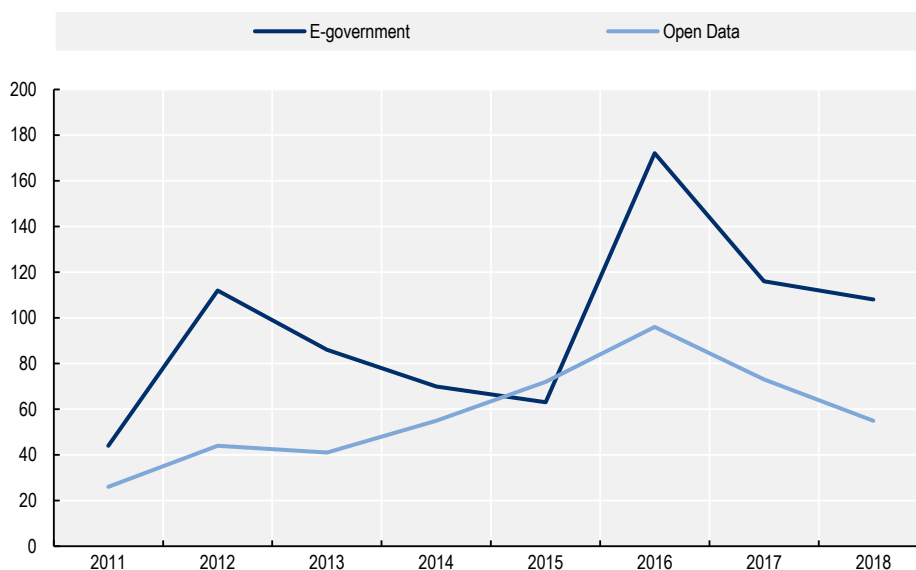
Note: N=35
Source: OGP (2022[12]).

Data from the Open Government Partnership (OGP, 2022[12]) points to an increasing interest from Adherents to use their OGP Action Plans to advance the use of public innovation and emerging technologies to support an open government. Analysis of the commitments submitted by Adherents shows an increasing number of commitments related to "govtech", "algorithms", "artificial intelligence" and "blockchain". For example, France, the United Kingdom and Canada are using the platform of OGP to advance algorithmic transparency and government accountability through policy discussion in the Open Algorithms Network and by advancing standards for open algorithms. This trend is also visible in the portfolio of the institutions responsible for the open government policy documents submitted by Adherents to the OECD Survey on Open Government. Policy areas related to innovation and technology are the most associated to those institutions. 72.2% (83) of the policy documents submitted by Adherents are implemented by an institution responsible for public sector reform and modernisation. In 65.2% (75) and 62.6% (72) of cases those institutions are also in charge of digital government and open government data. Lastly, in 61.7% (71) of cases, these offices are also responsible of public sector innovation (Figure 10.6).

Figure 10.6. Topics belonging to the portfolio of the institutions responsible for the main policy documents that promote open government
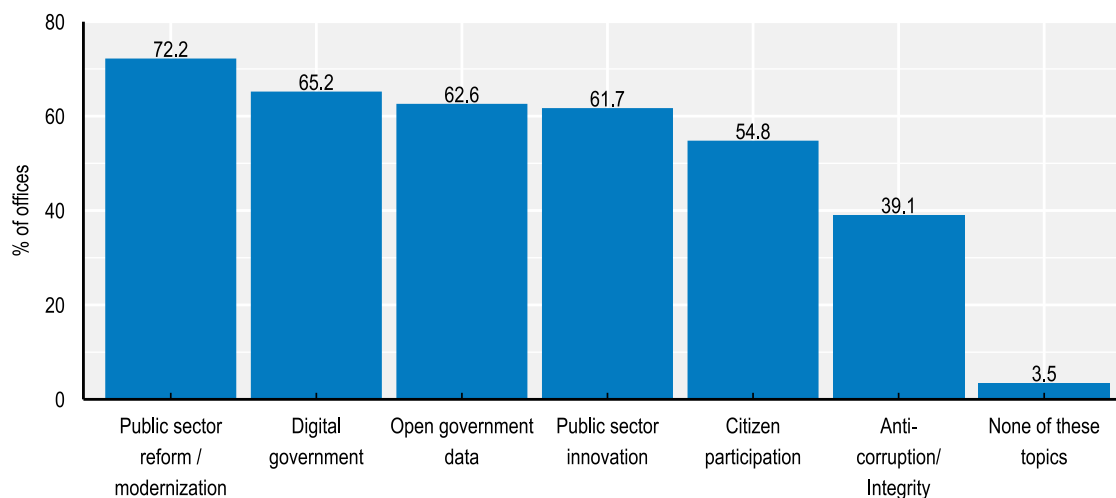
Source: OECD (2020[6]), 2020 Survey on Open Government.

Conclusions and way forward (provision 9)

Adherents have made some progress in promoting innovative ways to involve citizens and stakeholders and seizing the opportunities of digital tools and open data. In particular:

* 9.1: Adherents are experimenting with innovative approaches to implement the open government principles, notably in the area of citizen and stakeholder participation. For example, many Adherents are now involving citizens and stakeholders through multilevel consultation, participatory budgeting and open innovation. Many Adherents are also at the forefront of democratic innovations and have been very active in experimenting with deliberation at the national and subnational levels. Moving forward, Adherents could scale existing good practices at the subnational level and move from experimentation to institutionalised deliberation by embedding these practices into formal mechanisms of decision. Moreover, efforts could be made to better integrate democratic innovations into the open government agenda.

- 9.2: In recent years, digital tools have become an important means for Adherents to implement their open government agendas. For example, most Adherents are using digital tools to communicate with the public, to increase transparency, monitor the implementation of the OGP Action Plan and involve citizens in public decision-making. Moving forward, Adherents could invest in digital skills and capacities in the public sector, take concrete actions to bridge the digital divide and protect the online civic space to create a digital ecosystem that is inclusive and accessible to all.

- 9.3: Open government, digital government and public sector innovation are policy areas that are interconnected and can yield positive synergies. Many Adherents initially built their open government agendas around the publication and re-use of open data as a way to foster transparency and accountability. Recently, this focus has been broadening, as OGP commitments also show a convergence among Adherents to use their open government agendas to advance policies focusing on the use of emerging technology, such as artificial intelligence, or to improve accountability of public sector innovation through algorithmic transparency. Moving forward, Adherents could pursue these efforts.

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Notes

[1] Open innovation practices, such as crowdsourcing, hackathons, or public challenges, are a way for public authorities to tap into collective intelligence to co-create solutions to specific public issues (OECD, 2022[1]).

11 Provision 10: Open state

While recognising the roles, prerogatives and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

Provision 10 of the Recommendation stipulates that Adherents should explore the potential of moving from the concept of open government to that of open state. The OECD developed the concept of "open state" in 2015 and has been actively supporting countries in their open state agendas ever since. Open state is defined in the Recommendation as "when the executive, legislature, judiciary, independent public institutions, and all levels of government – recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks – collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth". Adherents to the Recommendation recognise that open government strategies and initiatives are a shared responsibility of all branches and levels of government, according to their existing legal and institutional frameworks, and that therefore the provisions of the Recommendation are relevant to all of them (OECD, 2017[1]). The suggested open state approach does not aim at bypassing or altering the equilibrium between branches of the state; rather, it aims at creating synergies to reach a common objective.

10.1: By increasingly implementing the principle of Open State, Parliaments, the Judiciary and subnational levels of government of Adherents promote open government reforms and practices

Each level of government and each branch of the state is faced with their own reality and working methods. For example, radical transparency can be beneficial for the legislative branch but may put in danger the magistrates or judges. As each public institution has a defined role in the institutional and legal architecture and in the governance arrangement of a country, an open state approach has to be adapted to their own specific reality and context.

While all central/federal governments (executive branches) of Adherents now have different strategies and initiatives that aim to promote the open government principles in place, the picture is more mixed for their legislative and judicial branches and for their subnational governments.

Subnational authorities are implementing a variety of open government strategies and initiatives.

Open government initiatives at the subnational level are not a new phenomenon as many cities, municipalities and regional governments have been implementing actions to increase transparency, accountability and participation for years. This is the case for example for local referenda, participatory budgeting, open data platforms or citizen monitoring mechanisms, which in many cases existed much before the national open government agenda. Furthermore, many innovations linked to the open government principles have emerged from the subnational level. Examples include the participatory budgets of Porto Alegre (Brazil), the digital participation platform *Decidim* of Barcelona (Spain), the more than 400 representative deliberative processes at the local level and the open data portals of cities like London (United Kingdom).

In recent years, some subnational governments of Adherents have been moving towards a coordinated and integrated vision for open government. Some have even adopted policy documents that are independent from the central level like OGP Local Action Plans or Subnational Open Government Strategies. Notably, the OGP Local Programme, which went from 15 in 2016 to 106 in 2022. 63.6% (60) of the members of the OGP Local Programme are Adherent subnational governments, as listed in Table 11.1.

Table 11.1. OGP Local members from Adherents

Adherent Country	Subnational government
Argentina	Buenos Aires, Córdoba, Corrientes, Mendoza, Rosario,
Brazil	Contagem, Osasco, Santa Catarina, São Paulo,
Canada	Ontario, Québec,
Chile	Maipu, Peñalolén,
Colombia	Nariño, Bogotá, Cartagena de Indias, Manizales, Sucre,
Costa Rica	Curridabat, Sarchi,
France	Paris
Germany	Detmold, Hamburg
Ireland	Kildare
Italy	Palermo
Mexico	Nuevo León, Chihuahua, Cuauhtémoc, Jalisco, Mérida, Mexico City, Mexico State, Monterrey, Quintana Roo, San Pedro Garza García, Tlajomulco de Zuñiga, Tlalnepantla de Baz, Yucatán
Morocco	Béni Mellal-Khénifra, Tangier – Tetouan – Al Hoceima
Republic of Korea	Gwangju, Seoul
Romania	Iasi, Timisoara
Slovak Republic	Banksa Bystrica, Zilina
Spain	Aragon, Asturias, Basque Country, Catalonia, Madrid, Valencia Community
Tunisia	Carthage, El Kef, Regueb
United Kingdom	Glasgow, Northern Ireland, Scotland
United States	Austin, Los Angeles

Source: Author's own elaboration based on: OGP (2022[2]).

Some subnational governments of Adherents have further been designing and implementing their own subnational Open Government Strategies. These strategies cover various areas, including for example open government data, and aim for the inclusion of the public in the adoption process (e.g., the adoption by Parliament of the State of North-Rhine Westphalia, Germany, of their Open Government Strategy was preceded by a cross-ministerial process involving the public). Additionally, where open government strategies have been in place for years, local governments have used subnational Open Government policies to ensure coordination and sustainability (e.g., Department of Nariño's, Colombia, first Subnational Open Government Public Policy).

Box 11.1. Examples of subnational open government strategies in Adherents

- The Open Government Strategy of the Province of Alberta in Canada is an example of a holistic policy framework for open government at subnational level. It includes a vision and mission statement, identifies drivers, goals, outcomes and includes principles that shall guide policy implementation. It also lists three activity streams that include concrete commitments in the following areas: Open Data, Open Information and Open Engagement (Province of Alberta, n.d.[3]; Province of Alberta, n.d.[3]).

- The Open Government Strategy of the State of North-Rhine Westphalia in Germany (the "Open.NRW-Strategie") from 2014 was the first whole-of-government Open Government Strategy from a Federal State in Germany. The adoption by Parliament was preceded by a cross-ministerial process involving the public. The strategy includes three main components: open government data and more participation and better cooperation between the ministries/the

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state administration and citizens. The Open.NRW strategy also foresees cooperation with the municipalities in North Rhine-Westphalia.

- The Department of Nariño in Colombia has implemented open government initiatives for many years, including citizens' forums (Cabildos Abiertos) in place since 1995 and consultation processes held on the formulation of the Government Programme between 2012 and 2015. In 2018, the Department recognised that without a strategic vision the open government agenda lacked coordination and sustainability. In order to bring its open government agenda to the next level, the Nariño Department adopted the first Subnational Open Government Public Policy.

Source: Province of Alberta (n.d.[3]), and OECD (2021[4]).

Parliaments across Adherents are implementing open government initiatives but lagging behind in adopting strategic approach.

According to data collected by the OGP, 15% of all commitments included in national OGP Action Plans require legislative action to be successfully implemented (e.g., the adoption of access to information legislation) (OGP, 2022[2]). Parliaments can further support the accountability of a country's national open government agenda through hearings or committees and can, in the long term, provide sustainability to the agenda by protecting it from electoral cycles. In recent years, there has been an increasing interest from Adherents' Parliaments to implement open government initiatives. As shown by OGP data (2022[5]) in Figure 11.1, in 2018, 46% (17) of open state commitments in Adherent's OGP Action Plans were on legislative issues. Through Reviews and Scans, the OECD has gathered good practices across many Adherents' Parliaments. For example, Brazil's digital E-Democracia platform allowing citizens to monitor and interact with parliamentarians, the Brussels Parliament's first mixed committees (including both elected members and randomly selected citizens) and Argentina's digital platform allowing citizens to co-draft legislation.

Box 11.2. Examples of open parliament initiatives in Adherents

- In Brazil, the Federal Chamber of Representatives uses digital tools for transparency, accountability and participation. Developed through a collaborative approach (in the Hacker Lab -a permanent hackathon where tech communities and public officials can collaborate and create digital solutions for legislative problems), the Parliament has built the E-Democracia platform, an integrated digital ecosystem that allows citizens to monitor and interact with parliamentarians through different mechanisms (OECD, 2022[6]).

- In Belgium, the Brussels Parliament adopted the first mixed committees, comprised of 45 randomly selected citizens and 15 elected members of Parliament (MP) - from the relevant Parliamentary Committee to the topic to be discussed. The Deliberative Committees can be called in two ways: either MPs decide that a citizen contribution to a certain public issue could be valuable, or the initiative comes from citizens, as a citizen suggestion through a digital platform. The recommendations of the Deliberative Committees are then voted both by the citizens and the MPs and the accepted ones have to be discussed in the Plenary of the Parliament with the rest of the elected members (OECD, 2020[7]).

- In Argentina, the Federal Chamber of Deputies has developed a platform for citizens to co-write legislation with MPs. Leyes Abiertas is an open-source platform that provides citizens and stakeholders with information about the legislature procedure, the laws to be discussed, and gives citizens the possibility to comment, draft and vote for amendments.

Source: OECD (2020[7]), and OECD (2022[6]).

However, evidence shows that these initiatives remain scattered. As shown by OECD Survey Data (2020[8]), only three Adherents' Parliaments (Ireland, Canada and Brazil) have passed a specific legislation to support the implementation of the OGP Action Plan, and three (New Zealand, United Kingdom and Spain) monitor its implementation. Data from the OECD Survey on Open Government further indicates that among Respondents, only six Parliaments (Morocco, France, Costa Rica, Colombia, Chile and Argentina) have adopted a dedicated Open Parliament Action Plan. In other Adherents (e.g. Mexico, Portugal and Brazil), the Parliament did not adopt a policy document to guide its Open Parliament vision, but has implemented ambitious initiatives fostering transparency, participation and accountability, however, these are usually not labelled or seen as part of an open government culture.

Adherents' judiciaries are gradually implementing the open government principles.

The involvement of the Judiciary in the open state approach is beneficial for both the justice system and the overall democratic wellbeing. Following provision 10, Open Justice, hence, consists in the implementation of the principles of open government in the day-to-day functions of all justice institutions, including putting in place accountability mechanisms, establishing permanent channels of communication with citizens and using open data tools to achieve a more open justice, aligned to citizen's justice needs and pathways (Pascual, Mejia and Goessmann, 2021[9]).

As shown by OGP data (2022[5]), the number of Open Justice OGP commitments has been increasing, but it remains low compared to those implemented by subnational governments or the Legislature. Evidence from the OGP (2020[10]) and data collected through Reviews and Scans points to a strong focus on transparency and access to information in the Judiciary's efforts to implement an open government approach. Few initiatives implemented by judicial institutions focus on the pillar of participation, an opportunity that could be explored to increase access to justice and strengthen trust in judiciary institutions.

Currently, no Adherent has a strategy or policy document on Open Justice. Despite this, the results of the OECD Open Government Reviews and Scans show that good practices exist among Adherents.

Box 11.3. Examples of initiatives on open justice in Adherents

- In Costa Rica the judiciary is part of the open state arrangements at the national level, and adhered to the declarations that provide high-level support to the open state agenda (OECD, 2016[11]).

- Argentina has seen the emergence of an increasing number of open justice initiatives in recent years. In particular, the tribunals (Juzgados) number 10 and 13 of the City of Buenos Aires are implementing a series of open government initiatives that aim to restore trust in the justice system and its institutions. Those initiatives aim at improving transparency and accessibility of the justice system, through open data platform, plain language communication and real-time streaming of the tribunals sessions (OECD, 2019[12]).

- Colombia's Council of State (highest administrative court) established the Transparency and Accountability Commission in charge of publishing information and data including court memoranda and decisions, information about the court's officials, and the court's agenda. In 2017, the Court adopted an OGP commitment to implement digital tools in support of transparency and accountability, through which citizens can submit complains and claims. In addition, Colombia launched a web portal and mobile application called LegalApp to facilitate public access to information on justice services (OGP, 2020[10]).

> - As part its National Action Plan 2017-2019, the Slovak Republic adopted a commitment to increase transparency of the judicial official's appointments. Information about these procedures – including lists of candidates and their résumés – is now publicly available online, which allows for public scrutiny of the candidates as well (OGP, 2020[10]).
>
> Source: OECD (2016[11]); OECD (2019[12]); and OGP (2020[10]).

10.2: Collaborating and exploiting synergies among different levels of government and branches of the state in support of moving towards an open state approach

The move towards an open state is a reality but few Adherents are taking a coordinated and integrated approach.

The Recommendation defines the open state approach as when the executive, legislature, judiciary, independent public institutions and all levels of government "collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders". Among many Adherents, this is already a reality, as illustrated by the involvement of a variety of actors in national open government action plans designed for the OGP. According to data collected by the Open Government Partnership, between 2011 and 2018, the action plans of Adherents that are part of the OGP included 138 commitments focusing on the subnational level of government, 44 on the legislature and 38 about the Judiciary (2022[5]). The number of open state commitments has been gradually increasing, especially from the subnational level of government (Figure 11.1).

Figure 11.1. Open State commitment in Adherents' OGP Action Plans
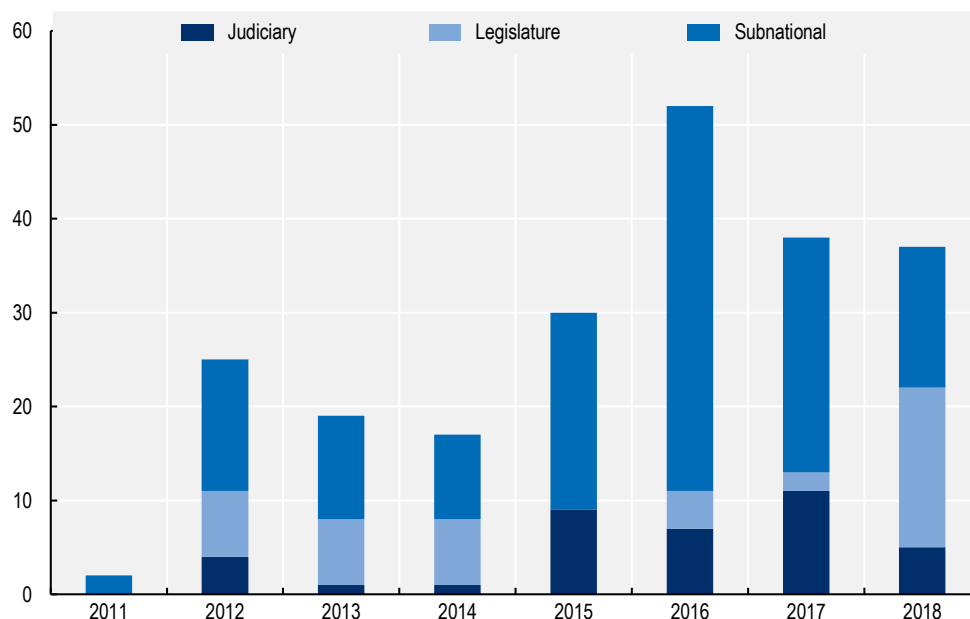
Note: N=35
Source: OGP (2022[5]).

According to the results of the OECD Survey on Open Government, 64.9% (24) of Respondents already implement joint open government initiatives, while 59.5% (22) share good practices and experience and 48.6% (18) contribute to each other's policy documents (Figure 11.2). A detailed analysis of Adherents' answers highlights certain trends. Most of the joint initiatives are happening in the context of the OGP-process (e.g., OGP events involving different branches of the state in France or subnational commitments in the national OGP Action Plans, as is the case of Spain). Usually, the initiatives reported by Adherents are related to a specific principle of open government but are not labelled as open state or open government initiatives. This is the case, for example, for the national open data platforms reported as joint open state initiatives by Belgium and Greece.

Figure 11.2. Joint initiatives to promote the open government principles undertaken by the different branches of the state and/or the different levels of government
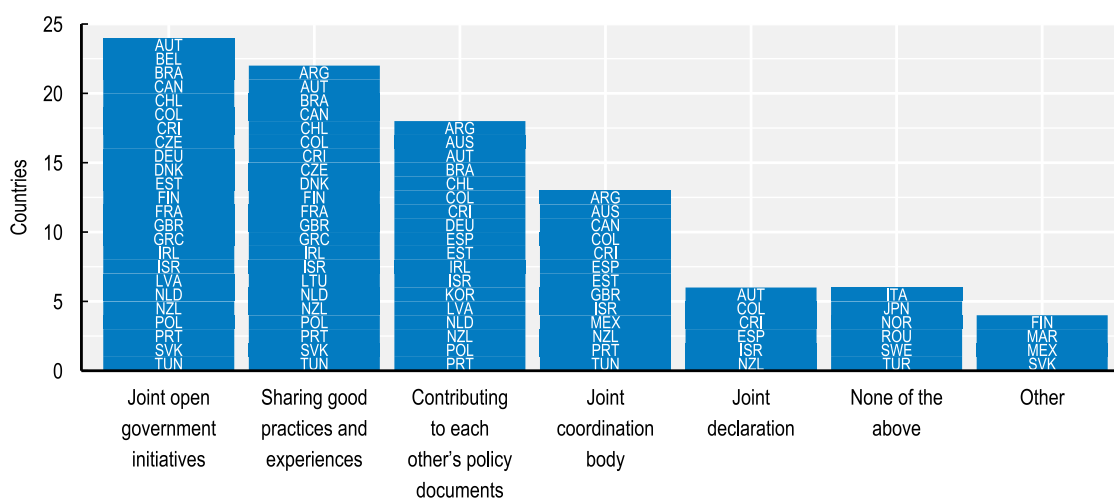
Note: N=37. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

The increase in collaboration across levels of government and branches of the state is a positive trend. However, only a small number of Adherents are moving towards a coordinated, structured and integrated open state approach. Rather, actions are taken in a scattered and isolated way. For example, in almost half of responding Adherents that are part of the OGP (12), there is no collaboration between the legislative and the central levels on the OGP Action Plan (Figure 11.3), and only a small number of their Parliaments in Adherents are actively contributing to the countries' OGP-processes by including commitments (six), or by passing specific legislation to support the implementation (three) (OECD, 2020[8]). The situation is similar when it comes to the design and monitoring of the main policy documents on open government. Legislative institutions were consulted in only 19.5% of the policy documents, and the judiciary in 22%. As for the monitoring of the main policy documents on open government, the Legislative is involved in 6.8% of the policy documents submitted to the OECD Survey on Open Government and the judiciary even less regularly with a participation in only 3.4% of the cases (OECD, 2020[8]).

Figure 11.3. Parliamentary involvement in OGP National Action Plans (NAPs)
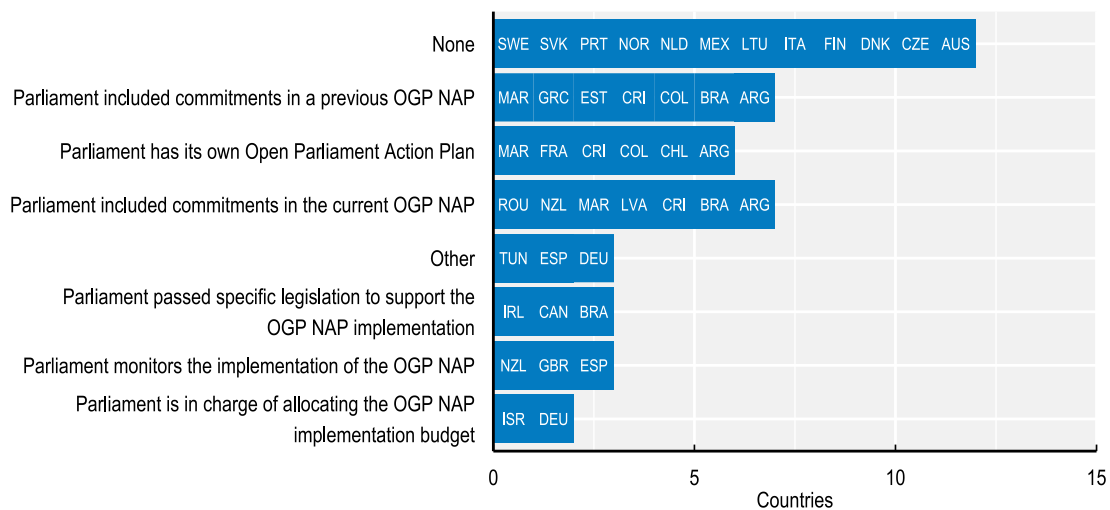
Note: N=31. Multiple selection possible.
Source: OECD (2020[8]), 2020 Survey on Open Government.

Vertical collaboration and integration are happening on an ad hoc basis.

According to the results of the OECD Survey on Open Government, Adherents are already making efforts to promote open government at the subnational level, including by adopting guidelines or by promoting the participation of the subnational level in national efforts (such as the OGP Action Plan cycle). Notable examples include:

- Colombia's third OGP Action Plan 2017-2019 included a strong focus on the subnational level, with seven commitments from departmental governments. Particularly noteworthy are commitment 20: "Design and implement the policy on open government at the department level", and commitment 23: "Promote and strengthen the processes of accountability in the 20 locations of the capital district".

- Argentina involved the subnational authorities and civil society stakeholders in the elaboration of the first Federal Open Government Programme which follows up a recommendation of the OECD Open Government Review of Argentina. This Programme aims at building an articulated open government approach by ensuring coordination between the national and subnational levels of government. In addition, the objective is to build capacities at the subnational level through networks, resources and trainings.

- Brazil and Spain provide assistance and guidance to subnational governments. In Brazil, the TIME Program aims at supporting subnational authorities in the implementation of their access to information obligations, as well as provide a space for horizontal and vertical collaboration on open government topics. In Spain, the Community of Practice on Participation (Comunidad de Práctica de Participación) involves authorities from the central and subnational levels as well as from civil society and enables a space for peer-learning and collaboration.

- Chile and Mexico developed a model of open government for subnational authorities, providing a reflection on how to adapt the open government culture to the municipal level, as well as a practical guide to implement an open government culture at the subnational level. These efforts have been effective in promoting the open government values at the subnational level and providing concrete support to increase transparency and participation.

Evidence gathered by the OECD shows that vertical integration and collaboration on open government is not systematic. As shown in Figure 11.4, 53% (17) of responding delegates reported that collaboration between the different levels of government happens on occasional basis, and 6% (two) are not aware of any collaboration (Figure 11.4). Moving forward, Adherents should increase vertical collaboration and integration of open government efforts.

Figure 11.4. To what extent are the different levels of government currently collaborating to promote an "open state"?
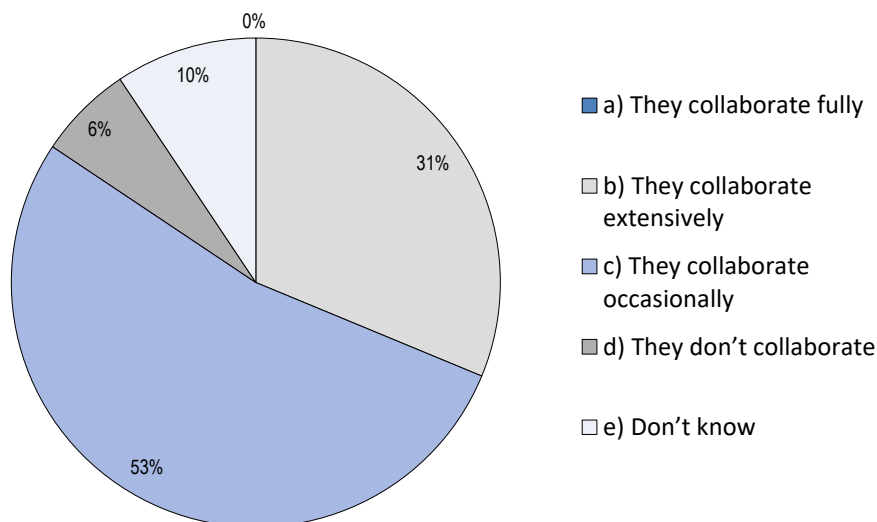
Note: N=32
Source: OECD (2021[13]), Perception Survey for Delegates of the OECD Working Party on Open Government.

Few Adherents have established multi-level governance mechanisms to ensure coordination and collaboration on open state.

OECD experience illustrates the crucial need to set up formal and informal mechanisms to reinforce multi-level dialogue and foster effective and efficient co-ordination through dedicated structures (OECD, 2017[14]). An Open State approach involves collaboration on various levels:

- **Horizontally**: between separate branches and public institutions (e.g., between the judiciary and the legislative).
- **Vertically**: between levels of government (e.g., between the central/federal government and local governments).
- **Internally**: between institutions that are part of the same branch (e.g., all the ministries of the executive branch and the chambers of the legislative branch).

Evidence collected by the OECD shows that collaboration among branches of the state is happening on a very ad hoc basis. According to the 2020 OECD Survey on Open Government, only 35.1% (13) of Respondents have established a joint coordination body on open government, and the perception survey shows that in 55% of Respondents collaboration happens occasionally, and in 16% this collaboration is non-existent (Figure 11.5).

Figure 11.5. To what extent are the different branches of the State currently collaborating to promote an "open state"?

Note: N=32
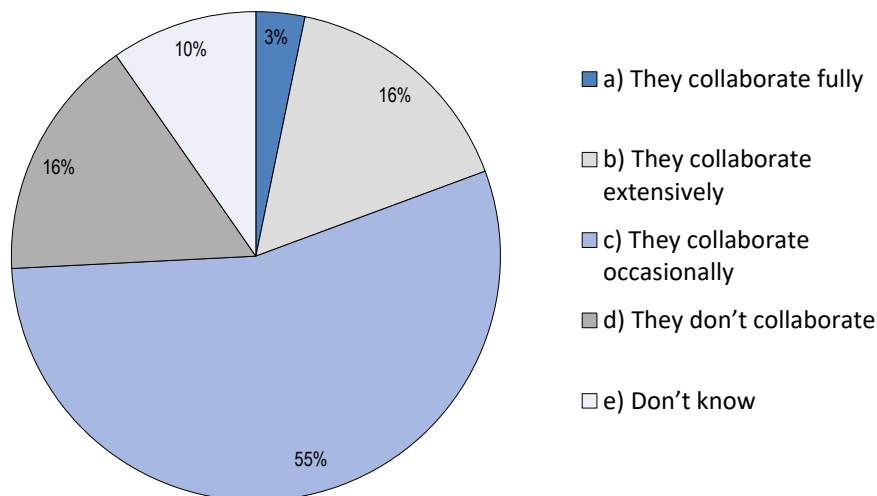Source: OECD (2021[13]), Perception Survey for Delegates of the OECD Working Party on Open Government.

Some Adherents have established mechanisms and bodies to promote coordination between the different branches and levels of State, while continuing to include all stakeholders. Notable examples include Spain's Sectoral Commission on Open Government and Costa Rica's National Open State Commission (*Comisión Nacional de Estado Abierto*) (Box 11.4).

Box 11.4. Examples of coordination mechanism between different branches and levels of State in Adherents

- Spain established two mechanisms for multilevel governance on open government. The Interministerial Group on Transparency and Open Government ensures an internal coordination among line ministries at the central level. The Sectoral Commission on Open Government is a mechanism for vertical coordination and it is constituted as a space for coordination, collaboration and dialogue between the central level and subnational level of government. Participants include the Open Government Office at the central level, as well as the offices responsible for the agenda in Autonomous Communities and Municipalities. On some occasions, the Sectoral Commission has invited representatives of the Legislative and Independent Institutions to discuss the OGP National Action Plan, allowing for a whole-of-state coordination.

- In Colombia, the OGP multi-stakeholder forum (Comité de Estado Abierto) is a body that allows for internal and vertical coordination as it is composed by representatives from the central and subnational levels of government. In addition, the participation of civil society stakeholders increases the transparency and accountability of such body. Beyond its OGP boundaries, this body played an important role in supporting the Policy on Open State and ensures the

connection between the open government agenda (mainly through the OGP Action Plans) and the open state efforts.

- As part of the Declaration on Open State, Costa Rica established in 2015 a coordination body involving all the levels of government, as well as the legislative, the judiciary and independent institutions. The National Open State Commission (Comisión Nacional de Estado Abierto) has the mandate to coordinate and facilitate the implementation of the open government principles across the state, as well as to suggest policies, strategies and guidelines to support the move towards an open state. This body ensures the articulation between different branches and monitors the implementation of the Open State Agreement and Declaration.

Source: OECD (2021[4]), Government of Spain (n.d[15]).

A small number of pioneering Adherents are taking integrated open state approaches.

A real transition towards an open state is underway in Adherents such as Mexico, Colombia, Argentina and Costa Rica which are already pursuing efforts to adopt integrated open state agendas. For example, Colombia and Costa Rica have adopted Open State Declarations or Agreements. As tools of soft law, declarations and agreements give visibility to open government reforms and ensure high-level political commitment. The signing of this kind of political documents can facilitate a dialogue and peer-learning between different actors and it is a first important step towards a more co-ordinated approach across branches of the state and levels of government. These high-level documents have both included the central and subnational levels of government, as well as the legislature, the judiciary and independent institutions (see example of Costa Rica in Box 11.5).

Box 11.5. Costa Rica's declaration for the Establishment of an Open State

In November 2015, the President of the Republic of Costa Rica and the Presidents of the other three branches of power signed a Declaration for the Establishment of an Open State (*Declaración por la Construcción de un Estado Abierto*). In it, they committed to the drafting of a plan of priority actions to "promote a policy of openness, transparency, accountability, participation and innovation in favour of the citizens", to be included in the respective institutional strategic plans and to be evaluated annually (OECD, 2016[11]). In the declaration, the branches of power further agreed to strengthen existing mechanisms of citizen participation and develop new ones in order to improve the relationship between civil society and policy makers and to provide better access to public information through the use of new technologies. In 2017, Costa Rica complemented its Declaration with an Open State Agreement which aims to "consolidate the commitment of the Powers of the Republic to promote a transparent, efficient and effective State that promotes the fight against corruption and guarantees citizen participation". The Agreement includes a number of general commitments from each branch of the state (e.g., strengthen strategic planning and annual operational plans by incorporating the principles of Open Government).

Source: OECD (2021[4]) and OECD (2016[11]).

In addition, in 2021, Colombia went one step further and adopted an actual policy on open state (Box 11.6). The policy was co-constructed with civil society and the different branches of power and levels of government and establishes five objectives and strategic orientations to implement an open state approach.

Box 11.6. Colombia's Open State Policy and Guidelines (CONPES)

In December 2021, Colombia approved its Policy and Guidelines for the implementation of an Open State (*Lineamientos de Política para la Implementación de un Modelo de Estado Abierto*). The objective of this document is to promote trust in public institutions and to improve the relationship between the State and the public. It establishes a model for an open state, meaning a more transparent, participatory and collaborative public action. This document was established through a participatory methodology and is part of an objective of Colombia's National Development Plan 2018 - 2022.

The Open State Policy has five strategic objectives that will be implemented from 2022 to 2025:

- **Transparency**: Promote the right to access public information; Promote initiatives of targeted transparency.
- **Public integrity**: Foster the culture of integrity in the management of human resources; Articulate and diffuse tools to manage and prevent conflict of interest.
- **Legality**: Promote an integrated approach to risk management; Improve management of reports and complaints of corruption and the protection of whistle-blowers; Develop tools and useful information for the investigation and sanction of corruption practices.
- **Co-responsibility (citizen participation)**: Foster social accountability mechanisms in the formulation and evaluation of public policies; Promote co-responsibility to generate trust among citizens.
- **Innovation**: Promote public innovation initiatives as a transversal mechanism to support the consolidation of an Open State.

Source: Government of Colombia (2018[16]); Government of Colombia (2021[17]).

Conclusions and way forward (provision 10)

In terms of the move from open government towards an open state (provision 10), the following conclusions can be drawn:

- 10.1: An increasing number of Adherents have been adopting open government strategies and initiatives that include the subnational levels of government and other branches of the state. Nevertheless, such efforts remain scattered and isolated, and few Adherents pursue them to coordinate their open state efforts. Vertical integration and multilevel governance mechanisms are being implemented in some Adherents, but those efforts are usually happening on an ad hoc basis. Moving forward, existing initiatives could be pursued, while increasing efforts to move to an integrated open state approach by creating coordination mechanisms, providing more support to the subnational level of government and ensuring dialogue and collaboration among all the state actors in the area of open government).
- 10.2: Public institutions beyond the central/federal level of government have become aware of the power of an open government culture of governance. Subnational authorities of Adherents are taking the lead in the area of open state by designing and implementing open government initiatives and strategies, and increasing their collaboration with the central level of government. Some Parliaments have started adopting an open parliament approach, but those efforts are not usually connected to a broader agenda of openness. The implementation of dedicated strategies remains

the exception. The Judiciary is lagging behind, with very few initiatives among Adherents and with a strong focus on transparency and open data. To harness the promise of an open state, Adherents could increase their support to other levels of government and branches of the state and provide platforms for collaboration and exchange of good practices.

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Annex A. Methodology

Background

On 14 December 2017, the Council adopted the OECD Recommendation on Open Government [OECD/LEGAL/0438], responding to a growing call from OECD Members to acknowledge and foster the role of open government as a catalyst for good governance, democracy, public trust and inclusive growth. To date, the Recommendation remains the only international legal instrument in the field of open government. As of today, all OECD Members, as well as Argentina, Brazil, Morocco, Romania and Tunisia, are Adherents to the Recommendation.

The Recommendation provides Adherents with a comprehensive overview of the main tenets of the governance of open government strategies and initiatives to improve their implementation and impact on citizens' lives. The Recommendation includes ten provisions in the areas on the enabling environment for open government (including, for example, the policy and legal framework), the implementation framework for open government and the way ahead.

The main objectives of open government – to guarantee better implementation of the rule of law and fundamental civic freedoms, increase the reliability of government decision-making and breathe new life into the policy-making process, with citizens at the helm – remain a high priority for OECD Members and their citizens. The results of the inaugural OECD Survey on the Drivers of Trust in Public Institutions (the Trust Survey) show that citizens want public administrations that are more transparent, accountable and responsive, and which actively engage with stakeholders as partners to reach agreed-upon objectives (OECD, 2022[1]). Citizens expect public policies and services to address their needs and demands, and to take their inputs into account at every stage of public decision-making (OECD, 2022[1]). Recognising the need to deepen and protect the democratic model of governance, the PGC launched the OECD Reinforcing Democracy Initiative (RDI) in 2021. In the Declaration on Building Trust and Reinforcing Democracy [OECD/LEGAL/0484], Ministers from OECD Members and four OECD accession candidate countries therefore committed to "maintain[ing] open government as a core element of our democratic systems (…)" and welcomed the OECD Action Plan on Enhancing Representation, Participation and Openness in Public Life (OECD, 2022[2]).

When adopting the Recommendation, the Council instructed the PGC to "develop process and impact indicators against which to measure the implementation of this Recommendation" and to "monitor the implementation of this Recommendation, including through the use of the developed indicators, open government reviews and comparative studies, and report thereon to the Council no later than three years following its adoption and regularly thereafter". The Report responds to the Council's instruction and provides an overview of the implementation of the Recommendation by Adherents. It also demonstrates the current relevance of open government approaches, policies and practices, in particular in the context of the RDI.

Methodology

The Working Party on Open Government (WPOG) was established by the PGC in 2019 [GOV/PGC/M(2019)2 and CE(2019)6] to support the implementation of the Recommendation and develop related indicators.

Evidence of Adherents' implementation of the Recommendation was collected through two dedicated Surveys to inform the present Report: the 2020 OECD Survey on Open Government and the 2021 OECD Perception Survey for Delegates of the WPOG, as well as through OECD Open Government Reviews and Scans.

The 2020 OECD Survey on Open Government (SOG) (OECD, 2020[3]) covers all ten provisions of the Recommendation, organised into four sections. The data was collected between 16 November 2020 and 5 February 2021, and responses went through a data validation process. 35 out of 43 Adherents to the Recommendation completed the full Survey and 4 answered selected parts of the Survey. All Adherents that responded to the Survey, whether in full or in part, are referred to as "Respondents".

The OECD conducted a Perception Survey at the WPOG meeting on 24 November 2021 (OECD, 2021[4]). The Survey captured the anonymous, individual views of 32 WPOG country delegates who work on implementing the Recommendation on a daily basis.

The Report also benefitted from the close partnership with the Open Government Partnership (OGP). At the time of the Report drafting, 29 out of 38 OECD Members and 34 out of 43 Adherents to the Recommendation were OGP members. The Report therefore includes several sections that specifically discuss how the design and implementation of those Adherents' OGP Action Plans contributed to the implementation of the Recommendation.

Process

The Report process began in early 2020 with the development of the OECD Survey on Open Government which was piloted in seven Member and non-Member countries. The OGP and numerous non-public stakeholders provided comments on early drafts of the Survey over the course of 2020. The results from the WPOG Perception Survey in November 2021, and discussions and comments from the delegates at the meeting provided the basis for the first draft of the Report.

The main findings and conclusions of the first draft of the Report [GOV/PGC/OG(2023)3] were presented and discussed at the March 2023 meeting of the WPOG, with a deadline of 18 May 2023 for comments. No substantive comments were received.

A revised version of the Report was approved by PGC written procedure on 23 June 2023 [GOV/PGC/OG(2023)3/REV1]. The final version was shared with the PGC and includes adjustments requested by delegations [GOV/PGC/OG(2023)3/FINAL].

Dissemination

The dissemination of the Recommendation has raised awareness and promoted the relevance and benefits of open government policies and practices among Adherents. It has proven to be a valuable instrument for securing political support for open government, shaping policy debates at international, national and sub-national levels, and providing guidance to Adherents in the implementation of open government agendas. The implementation assessment also shows that, while dissemination efforts have been successful overall, more attention could be given to dissemination at the sub-national level and in all branches of the State. Dissemination can be promoted further by translating the Recommendation into relevant languages, including Arabic.

Continued relevance

The Report's findings show that the Recommendation continues to be highly relevant and is a key component of the RDI and its Action Plan on Enhancing Representation, Participation, and Openness in Public Life. The Recommendation therefore in its current form continues to be fit for purpose and does not raise a need for further actions.

At the same time, the Report identifies areas of work which have become more relevant in recent years and are not fully reflected in the Recommendation's focus on open government policies and initiatives. Areas for further consideration include the need for a whole-of-government approach to participation, and an examination of the most appropriate ways to engage different stakeholders at different stages of the policy process and on different types of policy issues in a representative and innovative way. The need for promoting and protecting civic space as a precondition for open government practices in general, and participation in particular, has also emerged as a priority area for Adherents.

More comparative analysis is needed to fully understand issues related to participation and representation and how they affect the evolution of representative democracy. Once understanding is more mature, Adherents may consider the development of high-level policy principles that could be embodied in a new standard taking into account developments since the adoption of the Recommendation, including emerging trends and challenges in the area of participation and civic space. The PGC's work on reinforcing democracy, including the OECD Citizen Participation Index, provides a context to align efforts in Adherents' policy communities to ensure recognition of the Recommendation's continued relevance in today's challenging times and complement it with guidance in related policy areas.

Based on a presentation of selected key findings of the Report during the March 2023 WPOG meeting, delegates invited the Secretariat to prepare a scoping note on how to better advance work on civic space and participation, including by identifying high-level principles that could be embodied in a new standard. The Chair of the WPOG stressed that such an initiative would be in line with the mandate given to the OECD through the Action Plan on Enhancing Representation, Participation, and Openness in Public Life.

When approving the Report, the PGC supported a number of follow up actions for Council's consideration, in particular to continue supporting the Recommendation and report back on its implementation, dissemination and continued relevance in five years [GOV/PGC/OG(2023)3/FINAL].

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Open Government for Stronger Democracies

A GLOBAL ASSESSMENT

Open government is a powerful catalyst for driving democracy, public trust, and inclusive growth. In recognition of this, the OECD Council adopted the Recommendation on Open Government in 2017. To date, it remains the first - and only - internationally recognised legal instrument on open government and has guided many countries in designing and implementing their open government agendas. This report takes stock of countries' implementation of the Recommendation, its dissemination, and its ongoing significance. It is based on an OECD survey carried out in 2020/2021 among all countries that adhered to the Recommendation and other partner countries, as well as on further data collected through a perception survey with delegates to the OECD Working Party on Open Government.