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Assessment on the implementation of the Action Plan for an Open Government in Georgia



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1.Introduction

1.1. Summary

The Open Government Partnership (OGP) is a global initiative that was launched in September 2011 and lists more than 70 participant countries. At the United Nations General Assembly, the US President called upon the leaders of the countries to take responsibility for the openness of governments, the fight against corruption and the rise of civic engagement by increasing transparency and accountability.

OGP member states commit to ensuring citizen awareness and engagement in decision-making processes as well as implementing high professional and ethical standards in state services, conducting governance reforms and improving public services by means of innovative technologies.

Georgia was one of the first countries which joined to OGP in September 2011. In order to implement the initiative successfully, the Government of Georgia and civil society organizations (CSOs) established the Open Government Georgia Forum. In 2014, the OGP was expanded to cover the activities of national legislatures. Later, local municipalities, including Tbilisi City Hall, also joined OGP. In September 2017, Georgia was elected as Chair of the OGP initiative for a one-year period. Tbilisi was hosting the 5th OGP Global Summit on July 17-19, 2018.

1.2. Georgia's main achievements

Main achievements of Georgia, as a member of the Open Government Partnership, are:

- A permanent coordination mechanism for open dialogue with civil society - Open Governance Forum
- Public information is published proactively¹; Public information is available electronically;
- An electronic petition portal - I-change.gov.ge, which allows each citizen to lodge his/her petition for the Government of Georgia;
- First Open Data Portal - Data.gov.ge was created

¹ Since 2013 the Government of Georgia adopted Order which public agencies oblige to publicly disclose public information in electronic form, not to wait for the request.

- Public services became more accessible online - My.gov.ge
- All branches of government are involved in the open management process. Together with the Ministry of Justice, the Government of Georgia and the Tbilisi City Hall's Office are implementing the Open Government Plans. The Supreme Court of Georgia also participates in the process;
- Partner countries have been elected Georgia as a member of the OGP Governing Committee for two years in 2014;
- In 2016 Georgia was elected as Co-Chairman of the OGP for 2017-2018. Georgia is the sixth Chairman of OGP. (For information, the OGP high positions have been held by countries such as Great Britain, Indonesia, Mexico, South Africa and France).

In 2015, the Parliament of Georgia was one of the first to sign the Declaration on Parliamentary Openness. In the same year, the Permanent Parliamentary Council on Open Governance² and its Consultative Group³ were established. The Council is an interfractional body comprised of Members of Parliament (MP) while the Consultative Group includes CSOs and international organizations to support activities carried out by the Council.

In September 2015, the Parliament of Georgia hosted a high-level international meeting of the OGP's Legislative Openness Working Group (LOWG). The meeting was attended by representatives of more than 32 countries. On September 27, 2015, the Permanent Parliamentary Council on Open Governance won the OGP Government Champions Award for the Parliament and civil society's exemplary co-creation of openness action plans.

Tbilisi was hosting the 5th OGP Global Summit on July 17-19, 2018.

The basic principles of open governance are:

- Transparency

²Order regarding creation of Council, available <http://www.parliament.ge/ge/saparlamento-saqmianoba/komisiebi-da-sabchoebi-8/ppcotg/OGP/parlamentis-tavmdidomaris-brdzaneba-interfragiuli-digufis-sheqmnis-shesaxe>,

³ Memorandum signed between Georgian parliament and Ngo.s text is available at <http://www.parliament.ge/uploads/other/43/43911.pdf>

- Accountability
- Citizen participation
- Technology and innovation.

2. Open Government Georgia's Action Plans

During the review period, 4 action plans were developed: 2012-2013, 2014-2015, 2016-2017 and 2018-2019. This year the Government of Georgia, together with the Ministry of Justice of Georgia, has developed the fourth, National Action Plan of Georgia (2018-2019). This document had been developed through active consultations with civil society, international partners, citizens, which were planned throughout Georgia.

2.1. The National Action Plan (2012-2013)⁴

Main point:

- In 2013, during the Annual Summit in London Georgia was named among 7 most successful projects in the field of access to public information.

Within the framework of the Open Government Partnership, Georgia's first Action Plan (2012-2013) has been developed and implemented in April 2012.

Open Governance 2012-2013 Action Plan for 2012-2013 envisages 11 responsible departments and 12 obligations in compliance with the principles recognized by the Open Government Partnership - Transparency, Accountability, Citizen Engagement and Technology and Innovation.

The Action Plan was developed through the consultation process with international and local NGOs, students and academic circles. It answers four of five major points of OGP: improving public services, increasing public engagement, better management of public resources and creating safe environment.

The public consultation process started in 2 months after joining to the Partnership. Governmental agencies, NGOs and international organizations, students and academic circles participated in it.

⁴ Text available at [http://www.justice.gov.ge/Multimedia%2FFiles%2Fanalitikuri%20dep%2FDOC%](http://www.justice.gov.ge/Multimedia%2FFiles%2Fanalitikuri%20dep%2FDOC%202_%E1%83%A6)

[202_%E1%83%A6](http://www.justice.gov.ge/Multimedia%2FFiles%2Fanalitikuri%20dep%2FDOC%202_%E1%83%A6)
%E1%83%98%E1%83%90%20%E1%83%9B%E1%83%9B%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%91%E1%83%90%20%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1%20%E1%83%A1%E1%83%90%E1%83%9B%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%94%E1%83%93%E1%83%9D%20%E1%83%92%E1%83%94%E1%83%92%E1%83%9B%E1%83%90%202012-2013%20%E1%83%AC%E1%83%AC..pdf

Non-governmental organizations had its contributions to the Plan. In particular, the recommendations were prepared by the Media Coalition, which unites 13 organizations. The draft recommendations were lodged before the Ministry of Justice. The law drafting process was coordinated by non-governmental organizations: Transparency International-Georgia, Institute for Development of Freedom of Information and Jump-Start Georgia.

The list of specific recommendations included: the obligation of government agencies to proactively publicize information, increase accessibility of asset declarations of public officials, creation of a monitoring system of declarations, involvement of citizens in the legislative process, raising awareness in budget planning and court system and engaging citizens in these processes. In addition, the separate recommendation was to establish on-line platform that envisages placing public data in a formal format, allocation of on-line space for public consultation and the launch of citizen petition system, for which the relevant state agency is responsible. Accordingly, to the survey made by Transparency International Georgia - "Open Governance Georgia - Achievements and Challenges", the Government of Georgia reacted positively to the recommendations made by NGOs. Indeed, most of the recommendations are reflected in the Action Plan.

In order to gain public awareness and support, the Action Plan was drafted together with the brief description of the Open Government Initiative on the official website of the Ministry of Justice, in the specially created section of the OGP. In addition, the Ministry of Justice organized public consultations in 6 different cities across the country: Telavi, Gori, Akhaltsikhe, Kutaisi, Batumi and Tbilisi. The consultation meetings were hosted by universities or schools, and mostly attended by students and academic representatives. Finally, the Secretariat of Anti- corruption Council on the basis of the information provided by the responsible agencies and round tables within the civil society involvement issued report on execution process of implementation 2012-2013 action plan.

2.2. The National Action Plan (2014-2015)⁵

Main points for the period of 2014-2015:

⁵ Order of Government of Georgia # 557, adopted on 18, September, 2014 , available on <https://matsne.gov.ge/ka/document/view/2510377?publication=0>

- 2014 - Georgia was elected as a member of the Steering Committee, which consists of 8 members and is elected for two year timeframe the Minister of Justice is representing our country;
- 2015 - at the Mexican Global Summit Georgia was awarded by the Open Government Champion Award for the most successful cooperation with the Civil Society;
- 2015 - Regional Conference of Open Government Partnership was held in Tbilisi. Georgia is the first country in Eastern Europe to host a high level of partnership.

The National Action Plan of 2014-2015 (NAP) is a joint product of an intense cooperation of government and civil society as well as public consultations conducted throughout the country. The Plan was elaborated in the framework of the national coordination mechanism - Open Government Georgia's Forum (Forum) and Georgian citizens also participated in the process of elaborating the NAP in the framework of Public Consultations of 2014. Public consultations⁶ were held in 15 cities of Georgia with support of USAID Civic Engagement Centers and Community Centers of Public Service Development Agency. The total number of participants of 19 Public consultations is up to 700. Before submitting to the OGP Secretariat, the first draft of the Action Plan was presented before the Anti-Corruption Council session on April 14, 2014.

Additional recommendations to the commitments prepared with the civil society's support laid down in the Action Plan. They were presented after submission the first draft of the NAP to the OGP Secretariat. Almost all entirely taken into consideration and new commitments were added to the final version of the Action Plan. Georgia's National Action Plan of 2014-2015 with its 26 commitments taken by 16 responsible agencies is fully reflecting OGP values and principles of OGP declaration of principles: transparency, accountability, citizen participation, technology and innovation.

Commitments under the Action Plan corresponding to the following challenges of OGP: improving public services, increasing public integrity, more effectively managing of public resources and creating safer communities.

⁶ Plan of public consultations around the NAP draft , available.<http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%2FOGP%20%E1%83%A1%E1%83%90%E1%83%AF%E1%83%90%E1%83%A0%E1%83%9D%20%E1%83%99%E1%83%9D%E1%83%9C%E1%83%A1%E1%83%A3%E1%83%9A%E1%83%A2%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%20%E1%83%92%E1%83%94%E1%83%92%E1%83%9B%E1%83%90.pdf>

On July 9, 2013, Government adopted Decree №775 "Open Government Partnership Action Plan for the implementation of the necessary measures"(according it, the several government agencies were obliged take into account the recommendations, given by the Council of Corruption).

On 1 August, 2013, the Secretariat of the Anti-Corruption Council submitted to the Government of Georgia following documents:

- Priority for 2014-2015 Action Plan of the "Open Governance Partnership";
- Reflections on the mechanisms necessary for the involvement of citizens in the decision-making process at central and local authorities and;
- Proposals on improvement of legislative mechanisms for access to public information.

NGOs participating in the Forum expressed their full support to the commitments laid down in the first phase of the Action Plan. Additionally, their additional recommendations, which were presented after the first project of the plan, were taken into consideration and were reflected in the Action Plan for 2014-2015 "Open Governance - Georgia".⁷

2.3. Open Government Georgia's Action Plan 2016-2017⁸

Main points:

- 2016 - Georgia, together with France, became the co-chair of OGP;
- 2017 - Georgia became the Chairman of OGP. He took over the presidency from France.

Open Government Georgia's Action Plan 2016-2017 was elaborated by the Open Government Georgia's Secretariat (the Analytical Department of the Ministry of Justice of Georgia) in close collaboration with civil society, business sector and international organizations in the framework of the Open Government Georgia's Forum. The

⁷NGO-s position regarding OGP processes, available <http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%2F%E1%83%9B%E1%83%98%E1%83%9B%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%90.pdf>

⁸Decree Of Government of Georgia №539, adopted on 9 December, 2016; available <https://matsne.gov.ge/ka/document/view/3456448?publication=0>

Secretariat launched its working process in collaboration with the Forum member public agencies, nongovernmental and international organizations. The latter submitted the proposals and ideas on the future commitments to the Secretariat that, in their opinion, should have become part of the new Action Plan. Additionally, the Secretariat held individual meetings with the agencies not previously engaged in the activities of the Open Government Georgia. As a result, the Secretariat obtained a long list of suggested commitments submitted by the current and potential Forum members.

Non-governmental and international organizations have also been submitted their recommendations to the Secretariat. Their ideas have been reflected in the Action Plan in the form of commitments. The USAID project “Good Governance Initiative Georgia” (GGI) took an active participation and supported the Secretariat in the consultation process. Public consultations⁹ were held in 15 cities of Georgia; up to 800 people participated in 19 meetings conducted across the country. The Action Plan consists of 24 commitments of 24 responsible agencies which are in compliance with OGP principles – transparency, accountability, public participation, technologies and innovations for transparency and accountability. The commitments envisaged by the current Action Plan met all five grand challenges of OGP: improving public services, increasing public integrity, more effectively managing of public resources, creating safer communities, and increasing corporate accountability.

The subject of commitments under the Action Plan is sharply expanded. During the existence of "Open Governance - Georgia", the first part of the obligations includes issues related to environmental protection, health care, competition, energy and consumer rights, and topics in the competence of the Penitentiary and Prosecution Service. In addition, the new Action Plan for the first time reflects one of the major challenges of open governance - corporate responsibility - the response to three commitments.

The involvement of municipalities is another innovation of the plan. For the first time, the "Open Governance - Georgia" Action Plan is considered as independent component as well as obligations of municipalities. As a result of consultations, the Secretariat received the initiative of the five municipalities to consider the obligations under the National Action Plan.

⁹ Plan of public consultations available <http://www.justice.gov.ge/Ministry/Index/348>

The commitment under the Action Plan responds to the five challenges of OGP: improve public services, good conscience in the public sector, better management of public resources, secure environment and improving accountability responsibilities.

The action plan was prepared within the frames of "Open Governance - Georgia" Forum. The forum was attended by public institutions, non-governmental organizations: Freedom of Information Development Institute, the Young Lawyers Association, Transparency International - Georgia, Open Society - Georgia, Civil Society Institute other international missions (USAID; the United Nations Development Program (UNDP), EU and others. Their recommendations of the action plan is twofold. The most urgent problems, and action plan for the general public in order to involve the Ministry of Justice of the 13 city public consultations, which, in total, participated in more than 500 citizens - municipalities, media, non-governmental organizations including appearing on the show, students, professors and other interested persons.

2.4 Action Plan for "Open Governance - Georgia" 2018-2019

The action plan was prepared with the participation of the Open Governance - Georgia Forum. The forum was attended by public institutions, non-governmental organizations: Freedom of Information Development Institute, the Young Lawyers Association, Transparency International - Georgia, Open Society - Georgia, Civil Society Institute other international missions (USAID; the United Nations Development Program (UNDP), EU and others. The action plan was available for the public. In total, 13 city public consultations, in which participated more than 500 citizens - municipalities, media, non-governmental organizations, students, professors and other interested persons.

OGP 2018-2019 Plan of Actions is innovative. Better management of public resources, strengthen citizen engagement, strengthen accountability and transparency, better use of technologies and innovations for open governance - these are issues that include the 2018-2019 action plan. It contains 23 obligations of 21 agencies that respond to all five OGP challenges - improve public services, increase public trust in public sector, better management of public resources, create a safe environment and improve corporate liability.

The challenge of improvement of public service includes five obligations - improvement of public services; introduction of innovative platform of citizens' engagement; increase of access to public services through the introduction of a single authentication system; innovative platform of economic governance; the electronic portal will be activated to fulfill the requirements provided by the Code of Environmental Assessment.

Increasing the good faith in the public sector is related to strengthening existing core anti-corruption institutions; monitoring the objectives of sustainable development of society; elaboration of legislative acts on citizens' involvement and data analysis; to publish court decisions in a unified database and create a search engine; increase transparency of the Ministry of Internal Affairs.

The Action Plan responds to the challenge of better management of public resources - increasing citizen participation in supervising public finances; increase transparency of state grant funding system; electronic innovations for more transparency and efficiency of public procurement.

Responds to the challenge of creating a safe environment - developing a housing policy document and action plan. Responsibility for the improvement of corporate responsibility The Action Plan responds to the following commitment - strengthening openness and accountability of enterprises with state equity participation.

One of Open Governance innovations of 2016-2017 Year Plan was the municipalities involvement. For the first time the Open Governance Georgian Action Plan has identified 5 municipal liabilities (as a separate component). 2018-2019 Action Plan envisages 11 municipalities obligation, including the strengthening of transparent and honest governance in municipalities; improvement of open data collection and publication in Akhaltsikhe and Kutaisi municipalities; improvement of full participation and participation of persons with disabilities in political and public life in Akhaltsikhe and Kutaisi municipalities; improvement citizen participation in the budget process planning in Batumi through the introduction of institutional mechanism of participatory budgeting; "Your idea is the Mayor of Zugdidi"; introduction and development of e-Services in Batumi and Rustavi municipalities;

"I.Gov Zugdidi"; establishment of service level and measurement of citizen satisfaction level in Ozurgeti municipality.

This calendar outlines the 6-month cycle for Georgia to deliver the Open Government Georgia's 4th National Action Plan (NAP) was published on the site. The Government drafted a new NAP jointly with civil society and international partners in the framework of the Open Government Georgia's Forum (Forum) – a permanent dialogue mechanism between the government and civil society to co-create the open government agenda.¹⁰

¹⁰ Process evaluation details you can read the in the chapter 4 "Review of preparation procedures of Action Plan 2018-2019"

3. Parties involved in OGP

All branches of the government are involved in the Open Government processes. Together with the Ministry of Justice, the Government of Georgia and the City Hall Office are implementing Open Government Plans. The Supreme Court of Georgia also participates in the process.

The Open Government Partnership process in Georgia is managed and coordinated by the Ministry of Justice. It represents the country's various agencies in the OGP format at the international level.

3.1. Open Government Georgia's Forum¹¹

In 2013, a new national coordination mechanism, the Open Government Georgia's Forum (Forum) was established substituting the NGO forum (launched under the first Action Plan of 2012-2013) which had a number of deficiencies in its functioning. The Terms of Reference (TOR)¹² of the Forum was drafted by the Open Government Georgia's Secretariat (Secretariat), prescribing in detail functions and procedures related to its work. The composition of the Forum has been expanded to include responsible agencies and ensure better representation of local and international organizations. New model of the Forum is fully in line with the recommendations of Independent Reporting Mechanism (IRM) to Georgia in this regard. The Forum is led by co-chairs elected by the Forum – a representative of the Government and the representative of the civil society. NGOs members of the Forum jointly nominate candidacy for election.

The functions of the Forum include supporting development of Action Plan as well as planning and implementing related public consultations; supporting and monitoring of implementation of Action Plan, raising public awareness on OGP related issues. The first session of the remodeled Forum took place on January 15, 2014 where TOR and

¹¹ Official information available <http://www.justice.gov.ge/Ministry/Index/348>

¹² Official version available

<http://www.justice.gov.ge/Multimedia%2FFiles%2FOGP%2F%E1%83%A4%E1%83%9D%E1%83%A0%E1%83%A3%E1%83%9B%E1%83%98%E1%83%A1%20%E1%83%A1%E1%83%90%E1%83%AE%E1%83%94%E1%83%9A%E1%83%9B%E1%83%AB%E1%83%A6%E1%83%95%E1%83%90%E1%83%9C%E1%83%94%E1%83%9A%E1%83%9D%20%E1%83%AC%E1%83%94%E1%83%A1%E1%83%94%E1%83%91%E1%83%98.pdf>

rules of procedure were adopted by the Forum. Forum discussed and agreed upon the process of elaboration and the format of the new Action Plan. Afterwards, its meetings are being held regularly monthly at the premises of the Ministry of Justice of Georgia.

3.2. The Permanent Parliamentary Council on Open and Transparent Governance and the Consultative Group¹³

On January 16, 2017, in accordance with Order #9/3 of the Chairperson of the Parliament of Georgia, a new composition of the Permanent Parliamentary Council on Open and Transparent Governance was approved.

The new composition of the Council is as followed: Irina Pruidze (Chairperson of the Council), Georgian Dream faction; Irakli Kobakhidze, Georgian Dream faction, Tamar Chugoshvili, Georgian Dream faction; Giorgi Kakhiani, Georgian Dream faction; Kakhaber Kuchava, Georgian Dream faction; Guguli Magradze, Georgian Dream faction; Giorgi Tughushi, European Georgia – for Better Future faction; Otar Kakhidze, European Georgia – for Better Future faction; and Emzar Kvitsiani, Patriots of Georgia faction.

Furthermore, on March 2, 2017, in accordance with Order #63/3 of the Chairperson of the Parliament of Georgia, Order #9/3 of the Chairperson of the Parliament of Georgia “On Creation of the Permanent Parliamentary Council on Open and Transparent Governance” dated January 16, 2017, was amended and Tinatin Bokuchava, the United National Movement faction was added to the composition of the newly elected Council. In addition, on April 27 of the same year, the Order #9/3 was amended by the Order #147/3 of the Chairperson of the Parliament of Georgia and Eka Beselia, Georgian Dream Faction, was added to the composition of the Council.

The Permanent Parliamentary Council on Open and Transparent Government was first established on December 30, 2015. The commitment of its establishment was part of the Open Parliament Action Plan of Georgia (2015-2016) and was implemented as a result of the initiative by Institute for Development of Freedom of Information (IDFI).

The legal base for establishing the Parliamentary Council was enacted in the Parliament’s Rules of Procedure on December 18, 2015, when the Parliament of Georgia adopted the amendments to the Parliament’s Rules of Procedure on the third hearing – 76 in favor, none opposed. According to the amendment (Article 107 (23) (the number

¹³ Relevant provision is available at <http://parliament.ge/ge/saparlamento-saqmianoba/komisiebi-da-sabchoebi-8/ppcotg/sabchos-debuleba>

correlates with the Georgian alphabet)) the Chairperson of the Parliament of Georgia is obliged to create the Parliamentary Council in order to ensure transparency of the legislative activities, and coordinative and effective management of issues related to the openness of the Parliament.

The statute and the rules for composition of the Permanent Parliamentary Council on Open and Transparent Governance are adopted through the order of the Chairperson of the Parliament (Rules of Procedure of the Parliament of Georgia, Article 283¹). The primary purpose of the Council is to ensure transparency of Parliamentary activities and elaborate and monitor implementation of the Action Plan of the Parliament of Georgia within the framework of the Open Government Partnership (OGP).

In accordance with Part 2 of Article 283¹, the Council is composed of representatives of each fraction, as well as of members of Parliament that are not affiliated with any fraction. Candidate for the Council membership is presented to the Chairperson of the Parliament in writing by the chairperson of a faction. Members of the Parliament that are not part of any faction present candidates for the Council membership to the Chairperson in writing, on the basis of mutual consent. Furthermore, factions that are united in minority and majority can concede their quotas within the Council.

In addition to the Parliamentary Council, a Consultative Group was also established within the framework of the Open Parliament Action Plan of Georgia 2015-2016. The Consultative Group is composed of representatives of non-governmental and international organizations and aims to assist the Parliamentary Council in implementing and monitoring the Action Plan.

The Consultative Group consists of: Institute for Development of Freedom of Information (IDFI), National Democratic Institute (NDI), United Nations Development Programme (UNDP), United States Agency for International Development (USAID), Transparency International Georgia, Georgian Young Lawyers Association, Open Society Georgia Foundation, Civil Society Institute, German Federal Enterprise for International Cooperation, Civil Society National Platform for the Eastern Partnership, Civil Development Institute, Council of Europe, the Economic Research Policy Center and JumpStart Georgia.

The Institute for Development of Freedom of Information (IDFI) - Chairperson of the Consultative Group.

4. Review of preparation procedures of Action Plan 2018-2019

4.1. The text preparation procedures

The action plan's draft was discussed at the OGP Forum on June 29, 2018. The draft obligations were shared during the meeting and non-governmental organizations in the forum were not allowed to work in depth initiatives and to prepare comments. Discussion of the second working version of the Action Plan Open Governance was held on July 6, 2018. At the meeting of the Georgian Forum, the OGP Secretariat and responsible agencies reaffirmed the obligations that were modified and removed from the list. In spite of two workshops held within a week, IDFI¹⁴ has negatively evaluated the procedural side of the Action Plan, as consultations with the Analytical Department of the Ministry of Justice and responsible departments because of fact that the civil society participation has not been provided in the work process.

Regrettably, the draft version was introduced to the NGO's only after having it already approved by the responsible institutions and Analytical Department of the Ministry of Justice for next submitting to the Action Plan. In addition, it should be noted that civil society was not given enough time for consulting responsible public agencies. Moreover, the Ministry of Internal Affairs submitted its recommendation a several days before the Global summit, after the main consultation process was finished.

One more flaw in the process of developing the Action Plan will cover the results of public consultations throughout Georgia. Despite the fact that public consultations for the development of the new OGP Action Plan in different cities of Georgia in April and May 2018 took place, it was not discussed what changes were made as a result of the meetings, and what the responsibilities of the Action Plan were based on the recommendations and information received through the consultation. The Analytical Department of the Ministry of Justice has not even presented a summary report of public consultation, which should include suggestions which took place throughout public consultations across Georgia.

¹⁴ Text available on https://idfi.ge/ge/idfi_opinions_on_2018_2019_action_pan

4.2. Merits

Unlike previous Action Plans, the OGP Forum for the 2018-2019 Action Plan, all active civil society organizations, together with recommendation draft, presented one consolidated initiative concerning the creation of an independent anti-corruption agency.

A recommendation to establish an independent Anti-Corruption Agency to the Government of Georgia has submitted by the Transparency International Georgia, Georgian Young Lawyers' Association and Open Society Foundation together with IDFI. Unfortunately, the recommendation of the OGP Forum's active NGOs on the creation of an independent anti-corruption agency has not been taken by the Government of Georgia.¹⁵

The organizations had opinion, that the content in challenging of increase of faith in the public sector is especially weak. This issue is particularly problematic because one of the strategic directions of the OGP's vision of Georgia's chairmanship is increasing transparency and fight against corruption.

The information about the deficiencies in the existing anti-corruption system has long been discussed in various formats. The proposed commitment was particularly important in the years of Georgia's OGP chairmanship, as it was desirable in this period to provide the country with an ambitious and transitional obligation to underline Georgia's aspiration to be a regional leader in terms of anti-corruption reforms.

The investigation of the cases of "elite corruption" indicates that it is necessary to reform the existing system because it could not effectively respond to cases of high levels of corruption, which poses questions in society and negatively impacts public trust towards public institutions. Furthermore, unexpected cases of possible civil offenses encourage civil guilt and harm the country's democratic development.

In response to the international organizations' recommendations, in 2017 IDFI prepared a policy summary, which thoroughly defines the need for an independent anti-corruption service in Georgia.

¹⁵Position available at https://idfi.ge/ge/fight_against_elit_corruption_is_still_a_challenge_in_georgia

The function of prevention and fight against corruption is distributed to various public agencies in Georgia whose powers and activities are not clearly defined. Fight against corruption is not the main activity of any agency. The functions of the prevention, detection and prosecution of corrupt crimes in Georgia are mainly distributed among the following agencies:

- *State Anti-Corruption Agency (SAU) Anti-Corruption Agency;*
- *Investigative part of the Chief Prosecutor's Office of Georgia (Criminal Prosecution Division on Corruption Crimes);*
- *Investigation Department of the Ministry of Finance.*

IDFI considers, it necessary to create an independent anti-corruption service that will have public trust, high degree of independence and the relevant qualifications to investigate high level corruption cases and answer the legitimate questions accumulated in the community.

The system proposed by IDFI, an independent anti-corruption service shall be responsible for the following competences:

- *Prevention of corruption;*
- *Fight against corruption;*
- *Development of anti-corruption policy;*
- *Monitoring of Declarations of Officials;*
- *Protection of whistleblowers;*
- *Monitoring of political parties financing;*
- *Planning awareness raising and education policy on corruption issues*

The Parliament of Georgia has started working on the creation of an independent anti-corruption service and re-examination of the draft law initiated by Transparency

International Georgia in 2014. According to it, NGOs have identified two main problems: a formal nature of obligations and their performance.

It is important to assess not only the possible cases of assessing the anti-corruption environment, but also to respond to reports and indexes prepared by various international organizations.

In October 2018, the World Bank's Global Governance Indicators (World Governance Indicators), published by the World Bank, have published the progress made by 200 countries (including Georgia) during 2017. IDFI has previously written about the progress made by this index and Georgia. According to the data of 2017, Georgia has shown improvement in the two components of the index - effective governance and corruption control and worsening of 3 components: freedom of expression and accountability (-0.99), elimination of political stability and violence / terrorism (-1.43) and rule of law (- 1.92).

Despite the general importance of this index, the index focuses on minor bribery and corruption in the field of public services and does not reflect the situation in terms of high levels of corruption in Georgia. The existence of an important challenge for "elite corruption" confirms the authoritative international organizations recommendations such as the European Parliament and the Organization for Economic Co-operation and Development (OECD).

In the final draft of the 2018-2019 Action Plan, there are 21 liabilities out of which eight are presented by Ozurgeti, Zugdidi, Batumi, Akhaltsikhe, Kutaisi and Dedoplistskaro municipalities. One obligation is presented by the Supreme Court of Georgia, one of the obligations by the State Audit Office, one of the obligations of the state Purchases by the Agency, while the rest of the 10 obligation of the executive authority of various ministries, departments and divisions of public legal entities.¹⁶

Despite some achievements, the Government does not take adequate ambitious obligations, and so often, the same obligations move from one plan to another and take formal character. "The second problem is that the obligations taken are not fulfilled. For example, the Act of Freedom of Information, which was taken as obligation several

¹⁶ https://idfi.ge/ge/idfi_opinions_on_2018_2019_action_pan

years ago, was not accepted"- the representative of OSGF (Forum representative), Ketik Khutsishvili said. In addition, she said, it would not be right to say that the Ministry of Justice is not coordinated in this regard, but concrete proposals are not reflected or reflected but not reached.

Although the absolute majority of the commitment of the Action Plan is not ambitious and does not aim to implement a significant reform, there are good examples in the document. For example, IDFI positively assesses the obligations presented by the Supreme Court of Georgia concerning the creation / improvement of the electronic system of publication of court decisions. This obligation will significantly improve access to judicial decisions in Georgia, which is a major challenge. IDFI also positively evaluates the obligation of creating a Corporate Governance Guide for the enterprises. It was created by the state-owned enterprise- the National Agency of State Property, and IDFI and Georgian Young Lawyers Association were offered to joint.

The underlying commitment of the proposed Action Plan reiterates the contents of the existing commitments in the previous Action Plans and mainly improving the existing system.

For example, such an obligation can be considered adapting the House of Justice for the disabled people. While increasing access to public services to vulnerable groups is an important initiative, the obligation does not create such an important innovation that can be considered ambitious. Such a commitment as a unified authentication system allowing citizens to use the unified authentication system in online services also can be considered for increasing access to public services, and refuse to register on the website of all public agencies separately.

To summarize, by the opinion of NGO part, the OGP Action Plan presented by the Government of Georgia lacks ambitious and innovative obligations that will be evaluated as an important step toward open governance and will be an example for OGP member states.

5.Parliament of Georgia's Action Plans¹⁷

Since 2015, the Parliament of Georgia has approved three Action Plans: 2015-2016, 2017 and 2018-2019 (current). The first two Action Plans consisted of 33 commitments in total out of which 23 were fully implemented and 7 - partially.

2017 Action Plan consists Government Partnership - citizen engagement, access to information, technology, innovation, accountability and transparency of the Parliament. The 2018-2019 Action Plan makes goals even more ambitious and large-scale. Namely, was plan to: launch a new, flexible and interactive website of the Parliament, which is customized for users with impaired vision; increase citizen engagement in budget preparation and adoption process; establish a citizen engagement center in the Parliament; publish information on parliamentary oversight; simplify the procedure for citizen attendance at the committee meetings; strengthen the effectiveness and transparency of the Parliament using innovative technologies.

From 24 commitments undertaken through the previous Action Plan, 20 were fully, and the remaining 4 were partially implemented. The current Action Plan for the years of 2018-2019 is composed of 5 ambitious commitments that were elaborated by the Permanent Parliamentary Council on Open Governance and its Consultative Group. The elaboration process included 7 public meetings with civil society, media, municipality and private sector representatives in Tbilisi, Telavi, Rustavi, Marneuli, Kutaisi, Akhaltsikhe and Batumi. Three winning initiatives submitted through the youth contest 'Your Idea for Open Parliament!' were also included in the Action Plan. By implementing innovative technologies, the new Action Plan will ensure even more openness, transparency and accountability of the Parliament, raise public awareness on parliamentary democracy and strengthen public involvement in parliamentary processes.

Citizen Engagement

¹⁷“Parliamentary Openness in Georgia: key achievements 2015-2018”, available at https://idfi.ge/en/legislative_openness_in_georgia_2015_2018, <http://ogp.ge/sites/default/files/open-parliament-action-plan-first-monitoring-report-eng.pdf>

Amendments made to the Rules of Procedure of the Parliament of Georgia enable citizens to submit e-petitions to the Chairperson of the Parliament. As a result of the legislative changes, citizens are able to collect e-signatures for legislative initiatives. Legislative mechanisms for citizen engagement in the review of the Constitution of Georgia have been also refined. The Parliament of Georgia developed a plan for adapting the Parliament building (in Tbilisi) for the needs of people with impaired mobility and vision. Implementation of this plan will make it easier for people with special needs to access and move around the territory of the Parliament of Georgia. Now citizens can electronically comment draft laws posted on the website of the Parliament of Georgia. Moreover, the Parliamentary Committees have been mandated to review citizen comments and opinions on the draft laws and if necessary, include them in committee conclusions.

Access to Information

The website of the Parliament (www.parliament.ge) was customized for users with disabilities. Amendments made to draft laws are displayed on the Parliament's website in a visible format (through using the track changes function). Furthermore, audio protocols of plenary sessions of the Parliament are proactively disclosed.

Accountability

Since 2018, Parliamentary Committees are mandated to elaborate and publish their action plans and annual reports. Civil Society Day has been institutionalized at the Parliament of Georgia. The first meeting with the civil society organizations was held on March 13, 2018. In accordance with initiated amendments to the Rules of Procedure, the Parliament of Georgia is obliged to develop and publish its annual activity reports.

Transparency

A Public Information Module was created. The Module collects and regularly updates parliamentary information that is of high public interest (for example: reports on the parliamentary budget execution, information on parliamentary wages, detailed contact information of MPs, etc.). The list of proactively disclosed information was significantly expanded and includes the following information: transparency , statistical data on the quantity of legislative initiatives and adopted laws ; plenary and committee hearings of

reports submitted by the Government of Georgia and other bodies accountable to the Parliament; establishment of temporary and investigation commissions of the Parliament; conclusions, proposals and opinions elaborated in relation to draft laws ; statistical data on questions sent by MPs, committees and factions; budget execution report of the Parliament justified absence of the MPs during plenary and committee sessions; statistical data on the amount of plenary and committee hearings were postponed due to lack of quorum ; business trip expenses and reimbursements of MPs.

Technologies and Innovations

A new concept for restructuring the website of the Parliament of Georgia was elaborated. The concept includes a platform for submitting e-citizen petitions. In order to inform citizens about legislative activities, the Parliament's mobile application – GeoParliament – was developed. By using the application, the citizens can: post a comment on draft laws; track draft laws through all hearing stages; check the Parliamentary Calendar; view the agenda of the Parliament Bureau.

6. Conclusion

Open Governance Partnership is an additional opportunity for Georgia, develop undertaken reforms, and work on new directions and partnerships by sharing experience with the countries. It becomes more transparent. Within the framework of the Partnership Georgia is ready to carry out the measures simultaneously within the first, second, third and fourth challenges. Open Governance Partnership also, is a serious positive result, for example, from the side of proactive publication of public information, etc.

The fact Georgia hosts the fifth summit of the Open Government Partnership (OGP) is big achieve for it. More than 500 representatives of more than 70 civil society organizations participated in the event.

At the same time, NGOs participating in the "Open Governance Georgia" Forum have addressed Prime Minister of Georgia Mamuka Bakhtadze before the Summit in order to make the Prime Minister aware of the challenges facing Georgia as a member and chair of this partnership. The appeal reads that Georgia has failed to achieve ambitious expectations regarding the chairmanship of the partnership. "In order to ensure sustainability of Open Government Partnership in the future, it will be important if the coordination of the process will be replaced into the Prime Minister's Administration, as the latest processes show that the Ministry of Justice has not been able to properly implement the Open Government Partnership process," -the appeal consists a such text.

7. Recommendations:

- There is logical basis to modify the system of coordination OGP and is reasonable to replace the OGP coordination process to Prime-Minister Administration or to the Parliament of Georgia;
- It reasonable to hold separately discussions around Ngo's version of anti-corruption reform in Georgia;
- It seasonable to say, that the special site section of OGP placed on the site of Ministry of Justice (www.justic.ge) requires updating modules. English version should be brought to full compliance with Georgian version. The information about current processes is not lighted fully.
- There is basis to make the independent evaluation for OGP model in Georgia.

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