Independent Reporting Mechanism (IRM): Latvia Progress Report 2015–2016

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Table of Contents

Executive Summary: Latvia

Independent Reporting Mechanism (IRM) Progress Report 2015-16

NGOs played a major role in shaping Latvia's second action plan, which includes important commitments on open data, public integrity, and participation. However, many commitments were taken from existing long-term policy plans. A broader and more diverse range of participants in the OGP process could expand the reach of future action plans.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry, to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Latvia began participating in OGP in September 2011, when President Andris Bērziņš declared his country's intention to participate in the initiative. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each country that participates in OGP.

The office in charge of OGP in Latvia was initially the Ministry of Foreign Affairs (MFA). In January 2016, the State Chancellery became the lead agency. This agency oversees the Cabinet of Ministers, reports directly to the prime minister, and is responsible for implementing half the country's OGP commitments. The MFA still supports the international and diplomatic aspects of the initiative, however.

OGP Process

Countries participating in OGP follow a process for consultation during development and implementation of their OGP action plan. Latvia's second action plan was developed along with nine NGOs that submitted and discussed proposals with government representatives in an in-person roundtable discussion. Although the consultation was delayed and narrow in scope, participating NGOs played a major role in shaping the final plan.

There was no regular forum for multi-stakeholder consultation during implementation of the plan. Nonetheless, the ministries in charge of implementing commitments took advantage of their regular consultation practices to reach out to civic associations. NGOs also discussed OGP issues at the Memorandum Council, a discussion and decision-making forum consisting of both NGO and government representatives.

The government of Latvia submitted its self-assessment report late in January 2017 (Latvian version) and March 2017 (English version). The self-assessment was available for two weeks for public comment, but was not received by the OGP Support Unit until after the writing of this report. In addition, the Latvian government published an updated version of the second action plan in January 2017 with updated dates and milestones.

This report was prepared by Zinta Miezaine, Policy Analyst, "Workshop of Solutions" Association

At a Glance

Member since:	2011
Number of commitments:	10

Level of Completion

Completed:	1 of 10
Substantial:	3 of 10
Limited:	6 of 10
Not started:	0 of 10

Commitment Emphasis

Access to information:	5 of 10
Civic participation:	4 of 10
Public accountability:	1 of 10
Tech & innovation for transparency & accountability:	4 of 10

Commitments that are

Clearly relevant to an OGP value:	8 of 10
Of transformative potential impact:	3 of 10
Substantially or completely implemented:	4 of 10
All three (✪):	2

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. Latvia's second action plan contains ten commitments. The following tables summarize each commitment's level of completion, potential impact, and key next steps for future OGP action plans.

After the first year of implementation, Latvia's second action plan contains two starred commitments:

- Commitment 4: Open, fair and professional selection of public entity board members
- Commitment 7: Online voting

In early 2015, the IRM updated the star criteria to raise the standard for model OGP commitments. Under these new criteria, starred commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
1. Public sector data in open data format	■	■	■	■	■	■		
2. Single portal for legislative drafts and policy planning documents	■	■	■		■	■		
3. Common platform for public institution websites	■	■	■		■	■		
✪ 4. Open, fair, and professional selection of public entity board members	■	■	■	■	■	■	■	
5. More effective control of public resources	■	■			■	■	■	
6. A sustainable model of financing NGOs	■	■			■	■	■	
✪ 7. Online voting	■	■	■	■	■	■	■	■
8. Draft law on whistleblower protection	■	■	■		■	■		
9. Political party financing assessment	■	■	■		■	■		
10. Public administration employee handbook, including a code of ethics	■				■	■	■	

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
1. Public sector data in open data format • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited	Open data in Latvia are mainly available only upon request and are sometimes sold by government institutions. This highly ambitious commitment attempts to set legal standards for open data, publish data in a machine-readable format on a central data portal, and promote the concept of open data. In the first year of implementation, the Ministry of Environmental Protection and Regional Development conducted a feasability study for the open data portal and surveyed end users on expected functionalities. The first trial version of the portal could be ready by mid-2017. In terms of legal standards, amendments to the Freedom of Information law passed in September 2015 set several data standards and definitions. Moving forward, the IRM researcher recommends developing a better informed community of open data users and preventing institutions from selling reusable data.
2. Single portal for legislative drafts and policy planning documents • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	While citizens have regular opportunities to comment on policy and legal drafts, they must first track down drafts on individual ministerial websites. For this reason, the commitment seeks to build a portal to track draft changes and public feedback, from a document's creation to its approval by the Cabinet of Ministers. In the first year of this action plan, the Cabinet of Ministers approved a legal basis for the portal, and the State Chancellery conducted an initial phase of procurement. Financing for the portal will begin in April 2017 and the final product could be ready by late 2019. The IRM researcher recommends including NGOs during the later testing stages to help define the portal's features.
3. Common platform for public institution websites • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	Ministries and government institutions all have websites with different styles and functionalities. This makes the use of public resources inefficient and difficult for citizens to access information. This commitment aims to establish a joint platform for government websites, with new designs and functionalities based on citizens' survey information. The State Chancellery prepared technical documentation for the funding of the program during the first year of the action plan. However, financing and implementation of the platform are not expected until a few years' time. As the project moves forward, the IRM researcher suggests that the website developers be required to consult with stakeholders and that the government build a "public hearing" feature on ministerial websites to receive citizens' suggestions.
✪4. Open, fair and professional selection of public entity board members • OGP value relevance: Clear • Potential impact: Transformative • Completion:	Although the boards of state-owned enterprises in Latvia were previously abolished due to their ties to political parties, the government decided to renew them. To avoid past problems, the government committed to nominate board members based on professional qualifications, not political affiliations. During this action plan, the government instituted new procedures, such as announcing tenders, creating a supervisory institution, establishing a nominating committee, and publishing the names and qualifications of candidates. These procedures were used to select three new boards by May 2016, but the boards ended up including some members affiliated with other state-owned

Substantial	enterprises. The IRM researcher recommends following up on stakeholder ideas for improvement, such as the suggestions made by the Baltic Institute for Corporate Governance (BICG).
5. More effective control of public resources • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	The State Audit Office has uncovered several cases of misuse of funds, but there are no systemic government approaches to eliminate these practices. Hence, the commitment seeks better control of public resources management by: (1) publishing contracts, (2) penalizing wasteful spending, (3) reducing the risks of low-price procurements, and (4) improving regulations that criminalize the misuse of resources. Amendments prepared by the Ministry of Justice came into force in December 2015 that clarify the meaning of "significant damage" for holding government officials criminally liable for the misuse of funds. In addition, the State Audit Office prepared amendments to allow government institutions to demand restitution from officials who misuse funds. The IRM researcher suggests carrying forward the most OGP-relevant aspect of the commitment (the publication of contracts) to the next action plan.
6. A sustainable model of financing NGOs • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial	The commitment seeks to increase the number of public policy NGOs, as well as bridge their linguistic divides, reduce their concentration in the capital city, and strengthen their administrative and financial capacities. A government fund for NGOs was established, which in 2016, supported 66 projects related to core NGO activities, development, and advocacy. Moving forward, the IRM researcher suggests expanding resources for the fund, supporting long-term projects, and reducing the administrative burdens on NGOs.
✪7. Online voting • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete	Prior to the action plan, citizens had to gather and notarize physical signatures to initiate or vote on a referendum. The commitment streamlined the process by creating a portal for e-signatures on referenda and legal amendments. In January 2015, the government launched the new portal. Later in 2015, it made it easier for citizens to access the system by: (1) allowing them to use their commercial bank account authorization, and (2) allowing third parties to collect signatures online. At the time of this writing, two referenda initiatives were live on the portal, though neither had collected 1,000 votes. The IRM researcher recommends improving navigation on the site and raising awareness of the new tool to increase usage.
8. Draft law on whistleblower protection • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	As there are no regulations in Latvia to protect whistleblowers, incentives to reveal cases of corruption are lacking. According to *Eurobarometer* data, 92% of Latvians did not report corruption of which they were aware. The commitment attempts to overcome this issue by developing a whistleblower protection draft law. By July 2016, the draft law was still being discussed in a working group. In the next action plan, the IRM researcher suggests focusing on monitoring the implementation of the law and evaluating how it changes the culture of reporting cases of corruption.
9. Political party financing assessment	To reduce the role of private money in politics, the government carried out several activities related to political party financing. These included studying the effect of

• OGP value relevance: Unclear • Potential impact: Minor • Completion: Limited	government subsidies on parties, reducing pre-election campaigning, creating a handbook, and studying lobbying reform. However, by the end of the first year of implementation, there were few tangible results other than proposed amendments to regulate lobbying. The government prepared a methodology for political parties, developed guidelines, and prepared legal amendments, but these were neither public nor final. Looking ahead, the IRM researcher suggests prioritizing the assessment of subsidies to political parties and lobbying, which could inform the other activities.
10. Public administration employee handbook, including a code of ethics • OGP value relevance: Unclear • Potential impact: None • Completion: Substantial	This commitment seeks to produce a handbook and code of ethics for public servants to standardize expectations and define basic principles of public integrity across government. The draft code of ethics was developed via eight focus groups with government and civil society. By July 2016, the draft was complete, but approval by the Cabinet of Ministers was pending. The draft includes expectations regarding gifts, relations with lobbyists, and activities outside of the office, among other areas. As next steps, the IRM researcher suggests disseminating the new expectations and following up on the code's implementation during the next action plan.

Recommendations

Although Latvia's second action plan includes several important issues, most commitments were derived from existing policy plans. Broader participation in the development of the next action plan could establish OGP as a unique space to highlight and add priority issues to the agenda. The Memorandum Council, specifically, could serve as a forum for defining and monitoring open government issues.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action plan cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic in that they are Specific, Measurable, Answerable, Relevant, and Time-bound. Given the report's findings, the IRM researcher presents the following key recommendations:

Table 3: Top Five SMART Recommendations

Establish the Memorandum Council as a regular forum for defining and monitoring OGP issues.
Include commitments in the next action plan that are well defined, ambitious, and feasible in a two-year period.
Brainstorm ways of using open data for better policy development, and prioritize releasing datasets in high demand, such as state budget data.
Identify channels to better involve stakeholders in the early stages of policy development and proactively reach out to unorganized vulnerable groups in society.
Expand the thematic reach of OGP action plans to include priority issues, such as media policy and corporate transparency.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit bit.ly/1929F1I.

Zinta Miezaine is a policy analyst and board member of the "Workshop of Solutions" association. The association promotes public participation and decision-making at the local, national, and EU levels by bringing together decision-makers and their constituents.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Open
Government
Partnership

I. National Participation in OGP

1.1 History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to a common pursuit of open government.

Latvia began formally participating in September 2011, when President Andris Bērziņš declared his country's intention to join the initiative.[1]

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, for strengthening citizen engagement, and for fighting corruption. Objective, third-party indicators are used to determine the extent of country progress on each of the dimensions. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond the status quo. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Latvia's first action plan ran from July 2012 to June 2014. The second national action plan was supposed to begin in July 2014, but was not finalized and submitted until December 2014 and January 2015, respectively. The delay shifted the implementation period to 1 July 2015 through 30 June 2017. For this reason, some of the activities assessed in this report were completed by the government prior to the official start of the plan.

The Government of Latvia released an updated version of its second national action plan in January 2017 that contains revised dates and milestones. However, this midterm progress report covers the first official year of implementation of the plan, from 1 July 2015 to 30 June 2016. Given that the updated action plan was released after the close of this report's period of evaluation, the revised plan will be assessed in the IRM end-of-term report, which assesses the final status of progress at the end of the action plan's two-year period. Any activities or progress made after the first year of implementation and by 30 June 2017 will be assessed in the end-of-term report.

This report follows on an earlier review of OGP performance, "Latvia Progress Report 2012-13," which covered the development of the first action plan and implementation from 1 July 2012 to 30 June 2013. The government published its first self-assessment in December 2013 and was developing its second self-assessment at the writing this report. This second self-assessment was not available to the researcher.

To meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Zinta Miezaine, who carried out this evaluation of the development and implementation of Latvia's second action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP-participating country. Methods and sources are dealt with in a Methodology and sources section (Section VI) in this report.
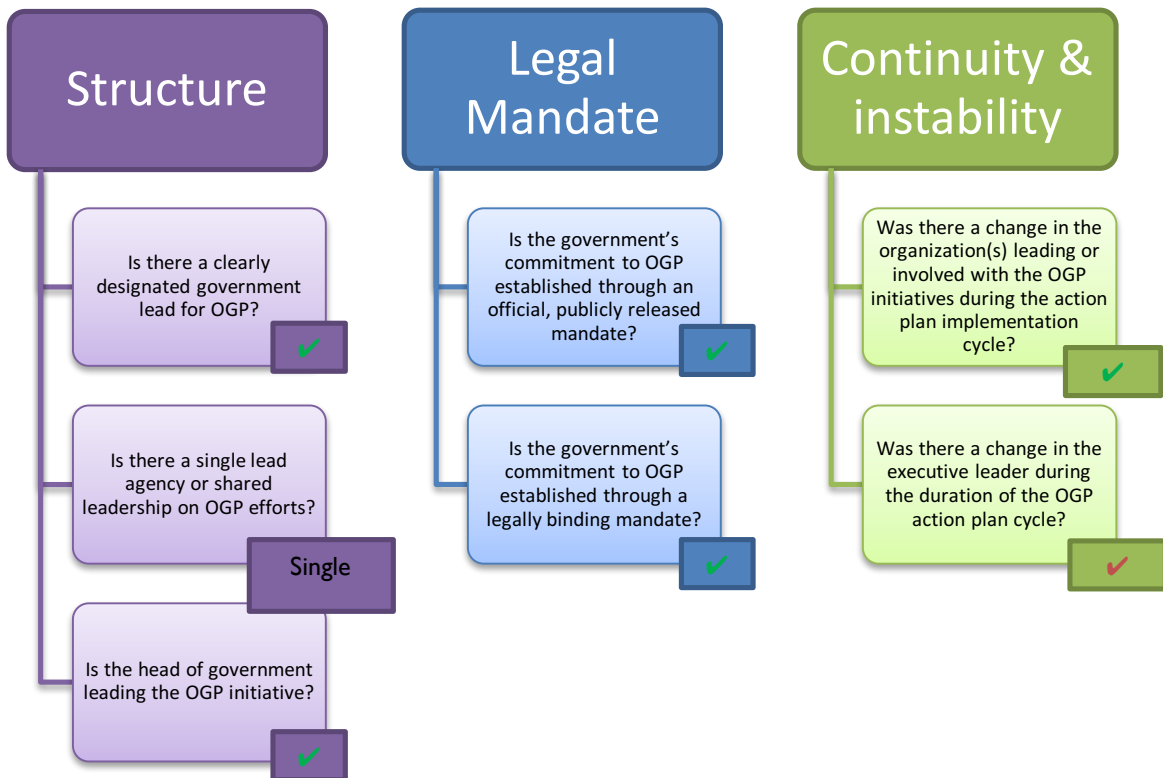
The IRM researcher gathered information from multiple stakeholders for this report. She held 16 semi-structured interviews with implementing agencies, supporting agencies, and stakeholder representatives. She also participated in a stakeholder discussion on open data

issues and analyzed stakeholder discussions at the Memorandum Council. Finally, she evaluated key policy documents and their annotations, and reviewed media reports concerning the policy initiatives included in the action plan. Numerous references are made to these documents throughout this report.

1.2 OGP Leadership in Latvia

This sub-section describes the OGP leadership and institutional context for OGP in Latvia. Table 1.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 1.1: OGP leadership in Latvia

Structure	Legal Mandate	Continuity & instability
Is there a clearly designated government lead for OGP? ✔	Is the government's commitment to OGP established through an official, publicly released mandate? ✔	Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle? ✔
Is there a single lead agency or shared leadership on OGP efforts? **Single**	Is the government's commitment to OGP established through a legally binding mandate? ✔	Was there a change in the executive leader during the duration of the OGP action plan cycle? ✔
Is the head of government leading the OGP initiative? ✔		

The Ministry of Foreign Affairs (MFA) was the lead office for OGP commitments initially. However, as a line ministry, it did not actually implement the commitments but played only a coordinating role, with little substantial impact on OGP policy areas and implementation. The ministry also lacked a wide consultation mechanism and the financial resources to introduce one. As a result, the MFA was not a proactive agent for leading OGP.

On a recommendation from the previous IRM report, the Cabinet of Ministers legally transferred the responsibility for OGP to the State Chancellery in January 2016. This office provides organization support to the Cabinet of Ministers and the prime minister of Latvia on public administration policy and public administration human resources management policy. The State Chancellery is directly supervised by the prime minister. The MFA assumed a supporting role, assisting with international and/or diplomatic aspects of the initiative as necessary.[2]

The State Chancellery, led by its Director, is in charge of implementing several commitments and coordinating the work of the Council for Implementation of the Cooperation Memorandum between Nongovernmental Organisations and the Cabinet of Ministers (Memorandum Council). The Council can call on particular ministries to report on

implementation of policies of interest to NGOs, as is the case with most OGP commitments.

The Council's aim is to facilitate an efficient public administration system by ensuring the involvement of civil society in decision-making at all levels and stages of the process. The NGO-led initiative was established in 2005 when the prime minister signed a memorandum with 57 NGOs. The document is open for new member organisations to join. By July 2016, there were 404 NGOs participating in the Council.[3] The participation mechanism is inclusive and open. Any party can join Council meetings and initiate issues for discussion. Agendas and supporting documents are available two weeks prior to the meetings, and members are notified by email upon their release. Meetings are streamed online and, as of March 2016, are available on the State Chancellery's *Youtube* channel.[4]

Latvia joined OGP on the basis that no additional budget resources be allocated for its participation in the initiative. The State Chancellery has delegated the responsibility to oversee, monitor, and coordinate the OGP process in Latvia to an officer who is also in charge of other tasks.

At the writing of this report, only six months had passed since the transfer of OGP responsibilities to the State Chancellery. As such, it is much too early to judge if the new arrangement has brought about positive results. There was a briefing on OGP at the Memorandum Council's meeting on 24 August 2016 and the officer responsible for the initiative highlighted the plan's areas of intervention. He also invited NGOs to consider suggestions for the next action plan.[5]

Latvia is a parliamentary democracy with clear separation of powers. It has been a member of the European Union since 2004 and joined the OECD in 2016. Operating with scarce budget resources and strong fiscal restraint after the economic crisis of 2009,[6] the country derives its OGP commitments from already planned policies and fine-tunes them with NGOs. On 11 February 2016, the Parliament elected a new Cabinet of Ministers headed by Prime Minister Māris Kučinskis. The changes in the composition of the government did not affect the implementation of the action plan because, as stated previously, the commitments are taken from existing government work plans, which are not affected by the change. See Table 1.1 on the leadership and mandate of OGP in Latvia.

1.3 Institutional participation in OGP

This sub-section describes which government (state) institutions were involved at various stages in OGP. The next section will describe which non-governmental organisations were involved in OGP.

Table 1.2 Participation in OGP by government institutions

How did institutions participate…?		Ministries, Departments, and agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other, including constitutional independent or autonomous bodies.	Subnational governments
Consult[7]	Number	14	0	2	1	0
	Which ones?	See endnote[8]		Prosecutor General Supreme Court	The Corruption Prevention and Combatting Bureau	
Propose[9]	Number	5	0	0	1	0
	Which ones?	See endnote[10]			The Corruption Prevention and Combatting Bureau	

Implement[11]	Number	5	0	0	1	0
	Which ones?	See endnote[12]			The Corruption Prevention and Combatting Bureau	

In Latvia, participation in OGP is centered around the executive branch. Most policies are formulated and implemented by the executive and subject to decision-making and oversight by Parliament.

Upon identifying stakeholder priorities, the Ministry of Foreign Affairs invited other government institutions to contribute suggestions for commitments and to assess the feasibility of stakeholder proposals. Six institutions proposed commitments in line with stakeholder priorities and previously planned activities. This approach stemmed from the fact that Latvia joined OGP with the understanding that no additional budget would be allocated to those activities. Later, civil society organisations and government institutions reached consensus on the contents of the action plan. Seventeen institutions participated in the consultation meeting, which is explained in greater detail in Section 2.1.

Table 1.2 above provides further details about the institutional involvement in Latvia's OGP.

The State Chancellery is in charge of implementing five out of ten commitments. Those commitments that impact the judiciary are implemented together with relevant agencies, such as the Prosecutor General, the Supreme Court, and the Corruption Prevention and Combatting Bureau. The Ministry for Environmental Protection and Regional Development is responsible for two commitments. The Ministry of Culture, Ministry of Finance, and Corruption Prevention and Combatting Bureau are responsible for the remaining three commitments. Many other agencies are involved in particular aspects or milestones of the planned policy initiatives. Two of the planned activities involve all government institutions. Two NGOs — Transparency International's local chapter, "Delna," and the Free Trade Union Confederation — have been nominated as partner organisations for one of the commitments.

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[1] OGP's home page, http://www.opengovpartnership.org/country/Latvia.

[2] Regulations of Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?dateFrom=2015-07-30&dateTo=2016-07-29&text=Atv%C4%93rtas&org=142982&area=0&type=0.

[3] Home page of the Cabinet of Ministers, http://www.mk.gov.lv/content/informacija-par-nvo-un-ministru-kabineta-sadarbibas-memorandu.

[4] Youtube channel of the State Chancellery, https://www.youtube.com/user/valstskanceleja.

[5] http://www.mk.gov.lv/lv/content/2016gada-24augusta-sedes-darba-kartiba#overlay-context=lv/content/2016gada-24augusta-sedes-darba-kartiba-protokols.

[6] See changes in GDP at http://www.tradingeconomics.com/latvia/gdp.

[7] These institutions were invited to or observed the development of the action plan, but they may or may not be responsible for commitments in the plan.

[8] These are the Ministry of Defence, Ministry of Foreign Affairs, Ministry of Economics, Ministry of Finance, Ministry of Interior, Ministry of Education and Science, Ministry of Culture, Ministry of Welfare, Ministry of Transport, Ministry of Justice, Ministry of Health, Ministry of Environmental Protection and Regional Development, Ministry of Agriculture, and State Chancellery.

[9] These institutions proposed commitments for inclusion in the action plan.

[10] These are the Ministry of Economics, Ministry of Culture, Ministry of Environmental Protection and Regional Development, Ministry of Finance, and State Chancellery.

[11] These institutions are responsible for implementing commitments in the action plan whether or not they proposed those commitments.
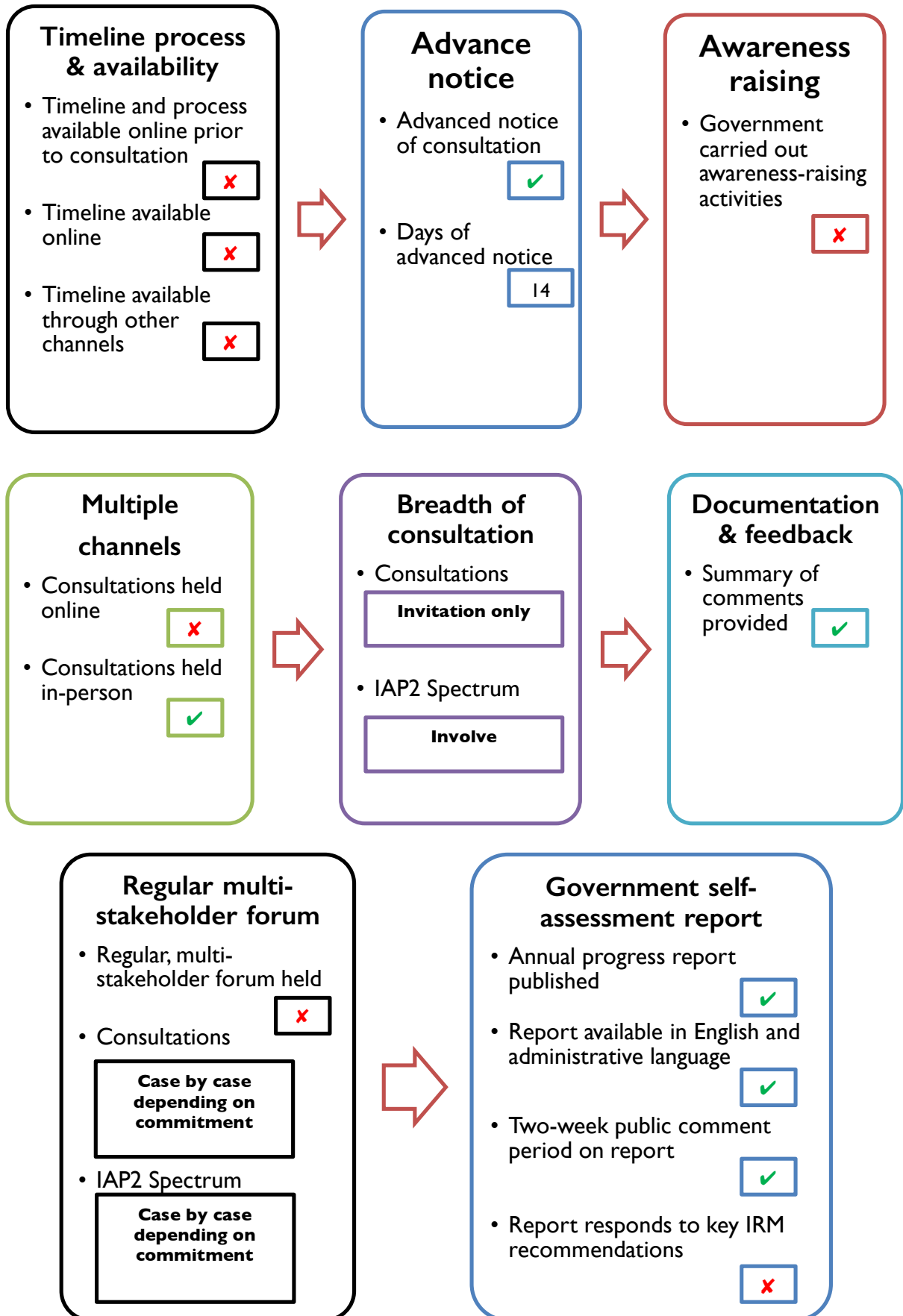
[12] These are the Ministry of Economics, Ministry of Culture, Ministry of Environmental Protection and Regional Development, Ministry of Finance, and State Chancellery.

II. National OGP Process

Although consultations during development of the second action plan were both delayed and narrow in scope, participating civil society organisations played a major role in creating the plan. Consultations during implementation are mostly decentralized; they follow each ministry's regular practices for soliciting public opinions. The Memorandum Council, which meets at least once a month, also serves as a space for regular discussion of open government issues between civil society organisations and government institutions.

Countries participating in OGP follow a set of requirements for consultation during development, implementation and review of their OGP action plan. Table 2.1 summarizes the performance of Latvia during the first 12 months of the 2015-2017 action plan.

Table 2.1: National OGP Process

Timeline process & availability
- Timeline and process available online prior to consultation ✘
- Timeline available online ✘
- Timeline available through other channels ✘

Advance notice
- Advanced notice of consultation ✔
- Days of advanced notice 14

Awareness raising
- Government carried out awareness-raising activities ✘

Multiple channels
- Consultations held online ✘
- Consultations held in-person ✔

Breadth of consultation
- Consultations
  Invitation only
- IAP2 Spectrum
  Involve

Documentation & feedback
- Summary of comments provided ✔

Regular multi-stakeholder forum
- Regular, multi-stakeholder forum held ✘
- Consultations
  Case by case depending on commitment
- IAP2 Spectrum
  Case by case depending on commitment

Government self-assessment report
- Annual progress report published ✔
- Report available in English and administrative language ✔
- Two-week public comment period on report ✔
- Report responds to key IRM recommendations ✘

2.1 Action Plan Development

NGOs that followed the calendar on the OGP website initiated consultations on the second action plan. "Providus," a public policy institute, invited several other NGOs to contribute suggestions, which they did on 9 June 2014. These NGOs included "Providus," European Movement Latvia, "Delna" (the local chapter of Transparency International), Civic Alliance Latvia, "Mana balss" (an online public initiative platform), Atvērtas pārvaldības partnerība Latvijā (Open Government Partnership in Latvia), the Latvian Confederation of Employers, the Free Trade Union Confederation, and the Latvian Platform for Development Assistance. Their joint "wish list" was sent to the relevant officer at the Ministry of Foreign Affairs (MFA) on 13 June 2014.

The MFA organized a meeting with them to discuss their proposals on 14 July 2014. The ministry sent the invitation on 30 June 2014 and all nine NGOs that contributed to the proposals were in attendance. The MFA then circulated the NGO proposals among relevant government institutions, which were then invited to an in-person meeting to develop the plan. The State Chancellery, Corruption Preventing and Combating Bureau, and line ministries — Ministry of Culture, Ministry of Finance, and Ministry of Welfare — all were present to discuss the feasibility of the NGO-proposed commitments.

At the 14 July meeting, the MFA discussed with NGOs and government institutions the feasibility of the proposed commitments, and the parties reached consensus on the content of the next action plan. NGOs were allowed to comment on the minutes of the meeting, while NGOs not present at the meeting could receive the minutes upon request.

The roundtable constituted a space for sharing and discussing the viewpoints of both government and civil society, and the minutes were agreed upon by all parties (though only available on request). The result was a consensus decision to include all feasible NGO suggestions (10 out of 21) in the second action plan. The feasibility of the commitments was determined on the basis of the viability of including proposed actions into existing policy plans and budgets. However, it took another six months to steer the plan through the various stages of government approval, including receiving and responding to comments from the ministries. Other ministries were allowed to submit opinions when the plan was approved by the Cabinet of Ministers, in accordance with their Rules of Procedures.

The timely and proactive consultations by the MFA at the beginning of 2014 likely helped to finalize the document by mid-2014 when the first action plan ended. Furthermore, the consultation was narrow; only NGO representatives already active in open government-related issues and experienced in advocacy were involved. Given Latvia's small geographical size, the consultation could have involved more organisations.

The MFA could have also ensured wider civic participation by informing society about OGP and seeking different views on what should be included in the government's plan. The publication and dissemination of a clear timeline of activities would have helped this cause.

Despite delays and limited NGO participation in the consultation process, the MFA managed to ensure adequate discussion of NGO suggestions and to balance them against the capabilities of the relevant government institutions. Thus, participating NGOs had an opportunity to both represent their members and shape the government's agenda on issues of open government.

2.2 Ongoing multi-stakeholder forum

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one. This section summarizes that information.

There is no forum for regular multi-stakeholder consultation on OGP implementation in Latvia. The consultations took place in a decentralised, case-by-case manner that depended

on both the character of the commitment and the consultation practices of the responsible agencies.

The law stipulates that all commitments involving the development or amendment of laws and regulations require civic consultations. Consultations must lead to publication of a "green paper" two weeks prior to submittal of the draft to the Cabinet of Ministers. All opinions on drafts during this time are systematized and added to the draft in its annotation. The next stage is a two-week open consultation period for all ministries and interested parties. Opinions are systematized, changes are made where possible, and a consultation meeting is held to settle issues of disagreement. The systematized document is not public, but available to all those consulted. In cases of disagreements, issues are decided at the state secretary meetings (with officers at the highest administrative levels), in the Cabinet of Ministers Committee (a joint meeting of state secretaries and ministers), and/or by the Cabinet of Ministers. NGOs can attend these meetings and defend their proposals. The Cabinet of Ministers' meetings are streamed online and the recordings are also available online afterwards. The initial annotation and draft are publically available online during the consultation period and, following decisions, they can be found on the home page of the Cabinet of Ministers.[1] In some instances, NGOs and other stakeholders have participated in working groups developing these documents.

There are other options for institutions that wish to promote drafts. One is to submit their proposals directly to parliamentary committees, which then submit them for voting in Parliament. In this case, drafts do not go through the consultation routine described above and there is less transparency. The Corruption Preventing and Combating Bureau (CPCB), for example, usually works this way; hence, the results of their work are less visible during the initial stages of policy development. At the same time, the CPCB usually invites NGOs interested in particular issues to join working groups and debates.

Several commitments have been discussed in greater detail within the Memorandum Council. Even though it is not OGP-specific and does not track progress of the OGP action plan, it is a regular meeting place where NGOs have discussed issues included in the OGP work plan.

The Memorandum Council is a discussion and decision-making forum consisting of NGO and government representatives. NGO members are elected parties to the Memorandum. On the government side, participants are designated by the State Chancellery. The Statute[2] of the Council stipulates that ministries must be represented by state secretaries. Council meetings are chaired on a parity principle by the elected NGO Chair and by the Director of the State Chancellery. Council debates usually lead to consensus decisions (though a simple majority vote can also take place) and, possibly, a resolution by the prime minister that is binding to the ministries and institutions concerned. In such a case, the ministries responsible would be required to solve the issue with relevant actors and to report back to the Council on results achieved.

The Council meets at least once a month. Both ministries and NGOs can initiate issues for debate, and NGO parties to the Memorandum can participate in meetings and discussions. They can also raise issues for discussion to be approved by the Council. Council meetings are held at the Cabinet of Ministers' meeting hall. They are streamed online and the records (including minutes) are available to the public subsequently.

As a leader of an NGO that is party to the Memorandum, the IRM researcher receives notices about the meetings of the Memorandum Council. However, she was not involved in developing or discussing commitments.

2.3 Self-Assessment
The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-
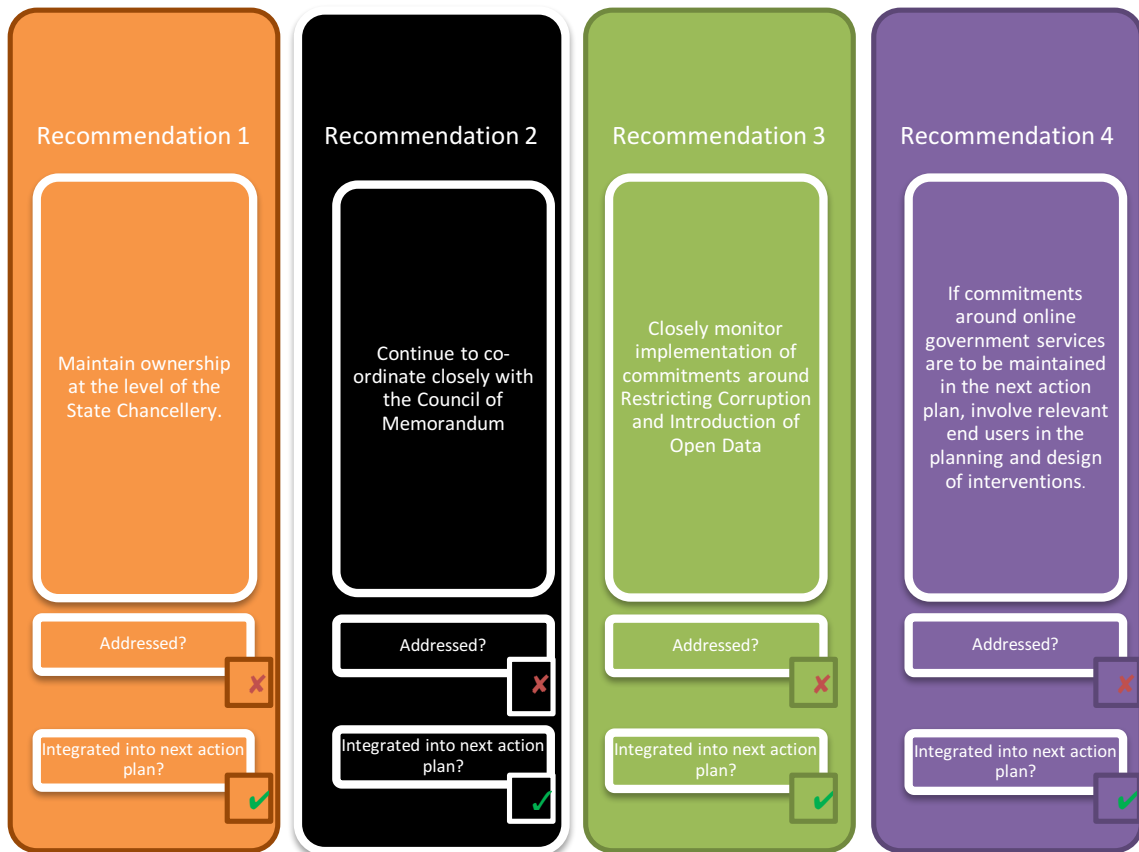
assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The Latvian government's self-assessment was not available during the development of this report. The draft self-assessment, along with other discussion documents, was published for comments (for 14 days) on the Cabinet of Ministers' webpage on 7 October 2016.[3] All parties to the memorandum between the Cabinet of Ministers and NGOs were invited to comment via mailing list. The final Latvian version of the self-assessment was then published on the Cabinet of Ministers' webpage in December 2016.[4] It was submitted to the OGP Support Unit late in January 2017. The English version was submitted in March 2017.

The government's self-assessment describes most of the activities accomplished in the first year of the action plan's implementation. It outlines the main results for each commitment in the plan as well as milestone level, and offers general conclusions and next steps.

2.4 Follow-up on Previous IRM Recommendations

Table 2.2: Previous IRM report key recommendations

Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4
Maintain ownership at the level of the State Chancellery.	Continue to co-ordinate closely with the Council of Memorandum	Closely monitor implementation of commitments around Restricting Corruption and Introduction of Open Data	If commitments around online government services are to be maintained in the next action plan, involve relevant end users in the planning and design of interventions.
Addressed? ✗	Addressed? ✗	Addressed? ✗	Addressed? ✗
Integrated into next action plan? ✓	Integrated into next action plan? ✓	Integrated into next action plan? ✓	Integrated into next action plan? ✓

As of 2015, governments must respond to the key recommendations made by IRM in the previous progress report by addressing them in their self-assessment reports. In the 2012-13 progress report, the IRM researcher presented four main recommendations (see Table 2.2). The government's self-assessment report did not address these recommendations, though it did include them in the development and implementation of the second action plan.

The first recommendation, on designating a new lead agency for OGP, was addressed in the second action plan. As described previously, the State Chancellery is now the coordinating body for OGP. The second recommendation was not explicitly mentioned in the second action plan, but the Memorandum Council was involved in monitoring several commitments included in the plan.

The third recommendation was integrated into the plan, thereby continuing oversight by OGP of both open data policy and anti-corruption efforts. In line with the fourth IRM recommendation, the second plan did not include e-service commitments that were irrelevant to OGP values.

In addition to these four main recommendations, the previous IRM report further highlighted three stakeholder recommendations:

1. Continue work on access to information, e-participation, and legislative tracking;

2. Revise and enhance commitments, including whistle-blower protection, by adding comprehensive protection and clearer rules for persons receiving state funds for NGO work, and facilitating NGO lobbying;

3. Add commitments on improving participation in policy planning in the early phases of the process; strengthening the capacity of NGOs to use existing and planned mechanisms for participating and monitoring; and developing new finance mechanisms for the medium term.

The first recommendation was addressed in the second action plan via inclusion of commitments on e-participation and legislative tracking. Specifically, the government committed itself to establishing open portals for collecting e-signatures and tracking draft legislation.

The second recommendation was also addressed. The plan contains commitments related to whistleblower protection, lobbying, and the responsibilities of private persons using public funds. As described in Section 3: Analysis of Action Plan Contents, implementation of these commitments includes new approaches to tackling these issues.

The final recommendation, improving resources for NGOs in the medium term, was included in the action plan and has brought about results, with strong oversight and support from the NGO community. However, NGO capacity-building for increased participation in the early stages of policy planning was not included in the plan. These issues were omitted from the OGP agenda when the second plan was being developed. Still, both continue to be on the agenda of stakeholders and there has been progress in both areas, as detailed in Section 4: National Context.

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[1] The address for the home page is http://tap.mk.gov.lv/mk/tap/.

[2] http://likumi.lv/doc.php?id=263733.

[3] The home page of the Cabinet of Ministers is http://www.mk.gov.lv/lv/aktualitates/valsts-kanceleja-aicina-sniegt-priekslikumus-par-latvijas-otra-nacionala-ricibas-plana.

[4] http://www.mk.gov.lv/sites/default/files/attachments/ogp_2_plans_vidusposma_zinojums_05.12.2016.pdf.

III. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.

What makes a good commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and analyzes them for their first year of implementation.

While most indicators used to assess each commitment are self-explanatory, a number deserve further explanation.

- **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
  - **High** (Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective)
  - **Medium** (Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective)
  - **Low** (Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be)
  - **None** (Commitment language contains no measurable activity, deliverables or milestones)
- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance of the commitment to OGP values are:
  - **Access to Information:** Will government disclose more information or improve quality of the information disclosed to the public?
  - **Civic Participation:** Will government create or improve opportunities or capabilities for the public to inform or influence decisions?
  - **Public Accountability:** Will government create or improve opportunities to hold officials answerable to their actions?
  - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[1]
- **Potential impact:** The IRM is tasked with assessing the *potential impact* of the commitment, if completed. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan and;
  - Assesses the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:
- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[2]
- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Latvia's action plan contained two starred commitments, namely:
- Commitment 4. Open, fair and professional selection of candidates for the membership on the boards and councils of public entity enterprises
- Commitment 7. Online voting

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Latvia and all OGP-participating countries, see the OGP Explorer.[3]

General overview of the commitments
The action plan contains 10 commitments in three key areas — promoting open data solutions, including those that promote public participation; preventing corruption and handling public resources; and regulating the financing of political parties as well as improving the integrity of public administration.

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[1] Open Government Partnership, IRM Procedures Manual (July 2016), http://bit.ly/2nfehfk, and OGP Values Definition at http://bit.ly/2nfbSRY.
[2] The International Experts Panel changed this criterion in 2015. For more information, visit http://www.opengovpartnership.org/node/5919.
[3] bit.ly/1KE2Wil.

1. Concept paper on publishing the public sector data in a machine readable format (open data)

Commitment Text:

Data and information held by public administration institutions is a resource that offers unexplored economic and social potential. The value of data increases when making them available for the use in creating new commercial products and services, in research, the analysis of public processes. This will have a positive impact, in terms of GDP growth and tax yield, not only on national economies but also directly on the budget revenues, a part of which can be used for sustaining and funding this direction in the activities of public administration. To achieve that public administration related data are technically and legally accessible, are published in a proactive format, and their use is facilitated in the creation of new solutions.

In order to support and facilitate making of public data available for re-use, the following measures will be supported:

- *technical solutions for preparing and publishing data in a publicly accessible, transparent, harmonised and automatically processable form, where possible, while ensuring the protection of personal data;*
- *establishment of the ICT infrastructure required for sharing to make the current data on national data registers available for reuse;*
- *creation of a unified, centralised data catalogue, where data structures and interfaces are described following a harmonised model and available in a centralised catalogue;*
- *working out a solution for centralised data distribution, including decentralised solutions, where expedient.*
- *support for activities required to ensure the functionality of data sources with the aim of re-use and converting into a reusable format of the data held in those sources, including anonymisation measures;*
- *alongside the (technical) solutions, the necessary policies should be devised and legal framework put in place:*
  - *for implementation into national law of Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information (PSI Directive), incl. charging and licencing provisions, e.g. in the area of geospatial information;*
  - *for changing the model of financing public administration institutions, in order to promote the re-use and sharing of data held by the state, thereby reducing, as much as possible, direct dependency of the core activities of an institution on revenues gained from offering information for re-use;*
- *measures promoting the use of open data in the creation of new and innovative products (application software, solutions contests, educational seminars and workshops).*

Infrastructure measures to be supported:

- *shared use solutions for the processing, publishing and previewing of the open data;*
- *creating open data applications (incl. dataset aggregation and integration).*

Responsible institution: Ministry of Environmental Protection and Regional Development (VARAM)

Supporting institution(s): N/A

Start date: 2014   **End date:** 2020

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
1. Overall			✔		✔			✔				✔	Yes		✔		
1.1. Technical solutions			✔		✔			✔				✔	Yes		✔		
1.2. Policy measures				✔	✔						✔		Yes		✔		
1.3. Promotion activities			✔		✔			✔			✔		Yes	✔			

Context and Objectives

Publicly gathered data allow opportunities to create new commercial products and conduct policy research when open for third party use. At the end of 2013, open data were accessible in Latvia mainly upon request. There were no technical mechanisms for releasing data for reuse, nor regulations to prohibit institutions from selling the data at commercial prices. Global Open Data survey results suggest that available data are now offered mostly free of charge.[1] Scarce data also made it hard for policy analysts and journalists to evaluate various policy areas. The Ministry of Environmental Protection and Regional Development, which is responsible for this commitment, prepared a policy planning document highlighting many of these data shortcomings.[2]

The objective of the commitment is to ensure that public administration data are technically and legally accessible, published proactively, and are reusable. It is to be achieved by way of a three-pronged approach: developing technical mechanisms, such as an online data portal; setting legal requirements and standards; and implementing promotional activities following launch of the system. The commitment entails a broad long-term program, which also includes a large investment project (the development of the open data portal). The commitment is relevant to access to information and innovation and technology because it focuses on making public data more open and usable through improved technology infrastructure.

There is a medium level of specificity in the commitment. As written, the technical solutions and promotional activities' milestones lack details, such as the scale and expected audience of the activities and the features of the proposed ICT infrastructure. Both milestones require expert input during later stages to determine needs and to adjust implementation accordingly.

If implemented as described, the commitment could have a transformative effect. Free, accessible data in a centralized location would be a significant departure from the status quo. Currently, data are available only upon request and government institutions are allowed to charge for access to data. The data portal and policy measures that facilitate reuse would simplify interactions between the government and those who provide and use data. On the demand side, there is a growing multi-stakeholder community of investigative journalists, academics, and civil society organisations — not to mention government institutions and local governments themselves — that would benefit from open data for better policy

planning and assessments. Open data enthusiasts have developed a small and steadily growing community, and have created an open data portal where interested persons can share their data needs, technical obstacles in obtaining data, and findings on new data sets.[3] If fully implemented, the commitment would improve the quantity and quality of data available for both these communities and the public at large. However, success will depend on the specific data sets chosen for publication and the commitment's ability to expand the community that will benefit from use of the data for commercial purposes, policy research, and journalism.

Completion

Interviews with officers at the ministry[4] show that most milestones are in progress. The Ministry of Environmental Protection and Regional Development has developed the legal basis for the investment project to develop an open data portal (milestone 1). This will be funded by the European Fund for Regional Development. The project is among the funding priorities approved by the Cabinet of Ministers. While financing is pending, the ministry is conducting a feasibility study for the project. It was estimated, at the time of writing, that the study would be available and technical specification for procurement developed by the end of 2016. The ministry also conducted a survey of end users on the expected functionalities of the portal. According to the ministry,[5] the first trial version of the portal could be ready by mid-2017.

New policy developments (milestone 2) include amendments to the Freedom of Information Law passed on 3 September 2015.[6] The amendments implemented into national law Directive 2003/98/EC of the European Parliament and of the Council concerned the re-use of public sector information (PSI Directive). The amendments provide definitions for concepts such as 'reuse', 'open data', and 'meta data'. The law also establishes limits on data produced by the government to avoid an unnecessary burden on public resources. For example, an institution is not required to collect and disclose data that are not necessary for fulfilling its own public functions. It also specifies pricing guidelines if data are not free.

The annotation to the amendments reveals that NGOs did not participate and were not consulted during the development of the law.[7] The ministry[8] stated that this was a "highly technical" project, which would not have been of interest to citizens. The annotation states that the draft was sent to professional associations working on information technology for their opinions. These associations — LIKTA (Latvian Association of Technologies for information and Communication)[9] and LATA (Latvian Association for Open Technologies) — did not object. Nor did other NGO experts object to the new open data amendments or how the ministry is proceeding with implementation of the commitment.[10]

The ministry has not begun promotional activities (milestone 3), which are planned for later stages. However, ministry officials are active participants at data users' forums, such as the NGO Data School, its *Facebook* group,[11] and an informal Google discussion group on open data.

It is difficult to judge whether a commitment is on time according to the action plan, which does not give a clear time schedule. From interviews with the ministry, it appears that all activities are on time and there are no delays or obstacles preventing further implementation.[12] Other stakeholders[13] also had no concerns about the delay of expected outcomes. As a result, the IRM researcher considers the commitment to be on time.

Early Results (if any)

The implementation of the commitment is in its early stages. The laws adopted are an important basis for developing the open data portal and publishing data in the future. However, it is too early to judge results. The NGO "Data School" organized a discussion on data needs and availability for data providers and users.[14] The discussion revealed that some ministries, institutions, and local governments are already opening their data outside the OGP framework. For example, the Riga City Council started publishing data on available

territories for gardening; city-owned spaces for rent; and statistics on taxpayers, marriages, and citizen communications to the Council. These data are renewed monthly. The Council also offers services and tools for downloading machine-readable data from its server.[15] It is now working on offering data in more engaging and attractive ways to foster public interest and usage.

The State Revenue Service, too, consulted journalists, policy researchers, and data technology specialists on the functionalities of its web page. According to data experts, the agency has made it easier to gather machine-readable data from the income declarations of government officials.[16]

Next Steps

IT professionals, researchers, journalists, and policy analysts all want data in formats that are comparable. Participants at the data discussion mentioned above made several observations about the current state of data in Latvia:

- There is a lack of awareness in the community about this commitment and the government's plans to open data sets.
- There is a poor understanding of the differences between the "technical" and "human" perceptions of open data. Formats for researchers and journalists are not the same as they are for IT specialists, though there is a demonstrated interest in learning more about the needs and opportunities of both sides.
- IT companies experiment and offer platforms for publishing open data, such as SIA "ZZDats," the company that developed and donated its software to the Riga City Council for its data initiative.
- IT professional associations are strong players in lobbying for e-governance solutions, though open data end users are less organized and less knowledgeable.
- There is a lack of expertise on issues such as data privacy to protect sensitive data and prevent inferring personality traits or public transportation habits, for example.

Given these observations, the IRM researcher recommends moving forward on all three milestones of the commitment and introducing promotional activities before the launch of the portal to develop a more informed community of open data users. In addition, open data must be free of charge.[17] The IRM researcher recommends preventing institutions from setting prices on reusable data sets in cases where a price is set. For the second milestone, the government could explore the possibility of not selling data to reimburse production costs. The commitment calls for "reducing, as much as possible, direct dependency of the core activities of an institution on revenues gained from offering information for re-use." However, this principle is not implemented in law and will require continued engagement from stakeholders to move forward.

Stakeholders recommend that the next action plan focus on opening data sets of particular interest to the public. These include budget data, lists of lobbyists, and lists of people who have visited ministries or parliamentary committees (through data on entry passes). The government could introduce a consultation system with regard to data sets of interest to journalists and researchers to ascertain the demand for data and explore possibilities for data releases. The functionalities for consulting data users should be considered whenever improving existing data portals or developing new ones.

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[1] Global Open Data index, http://global.census.okfn.org/place/lv.
https://arxiv.org/ftp/arxiv/papers/1406/1406.5052.pdf
[2] Database of policy documents, http://tap.mk.gov.lv/lv/mk/tap/?dateFrom=2013-01-01&dateTo=2013-09-30&text=VSS-548&org=0&area=0&type=0.
[3] Open data portal, http://data.opendata.lv/.
[4] Interviews were conducted with Toms Ceļmillers, Jānis Glazkovs, and Inese Gaile, Ministry of Environmental Protection and Regional Development, 15 August 2016.

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5 This is according to an interview with Toms Ceļmillers, Ministry of Environmental Protection and Regional Development, 15 August 2016.

6 Official database of Law, http://likumi.lv/ta/id/276655-grozijumi-informacijas-atklatibas-likuma.

7 Ibid.

8 Interview with Toms Ceļmillers, Ministry of Environmental Protection and Regional Development, 15 August 2016.

9 Home page of the association, LIKTA, https://www.likta.lv/EN/Pages/home.aspx.

10 Data providers and suppliers made these comments to the IRM researcher at an informal dinner organized by the Data School on issues of open data policy, 25 August 2016.

11 https://www.facebook.com/groups/560163084143465/.

12 Interview with Toms Ceļmillers, Jānis Glazkovs, and Inese Gaile, Ministry of Environmental Protection and Regional Development, 15 August 2016.

13 Comments were made by data providers and suppliers at an informal dinner organized by the Data School on issues of open data policy, 25 August 2016.

14 For a list of participants at the meeting, see https://docs.google.com/document/d/18n-INtznUVJvsuFSV5IXbVzLoIsrREyi4EBNlUqOkyU/edit.

15 Home page of the Riga City Council, https://opendata.riga.lv/.

16 Comments by data providers and suppliers were made to the IRM researcher at an informal dinner organized by the Data School on issues of open data policy, 25 August 2016.

17 Open Data barometer, http://opendatabarometer.org/open-data/.

2. Portal for development and harmonization of draft legal acts

Commitment Text:

The decision making process is complicated, and, due to that, hardly transparent and not easily accessible for the public. This places limitations on public engagement.

The main objective is to make easier and increase civic participation in public administration processes through expanding possibilities for the use of e-participation tools.

To this end, there are plans to develop and put into operation by the beginning of 2016 a joint portal for drafting of legislation and development planning documents. The portal is expected to enhance the transparency of the processes of document drafting and decision-making in the central government and local authorities, as well as making it easier for the general public to quickly obtain clear information on the legislation and development planning documents being drafted, and engage and participate in the drafting. The decision making process will be visible and accessible as a whole, from the idea to making the final decision. The general public will have opportunities for presenting their proposals on changes in legislation or administrative practice, as well as for following the progress of draft legislation through all the stages until the adoption and directly contributing their opinions.

Responsible institution: State Chancellery

Supporting institution(s): Ministry of Environmental Protection and Regional Development

Start date: 2013 ....   **End date:** 2016

Editorial note: The original name of this commitment was: "Single portal for the drafting of legislative and development planning documents". The name of the commitment is now the official translation of the portal's name.

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
			✔		✔	✔		✔			✔		No		✔		

Context and Objectives

The policy development process in Latvia is well structured with clear "doors" for NGOs and the public to step through to give their opinions and suggestions. Government institutions are required to seek consultation with civil society organizations on documents, online or via other formats, depending on the issue, affected target groups, and institutional resources. The government must also publish drafts for comment on the Cabinet of Ministers website, report on consultations and civic involvement in annotations to drafts (publically available before the Cabinet makes a decision), and react to questions raised by NGOs and report on progress at the Memorandum Council (an open meeting, streamed online, with presentations in advance online).

At the same time, it is not always easy for NGOs to track the development of new draft policy documents or legal acts. Planned amendments and timelines are not published beforehand, hence, the various ministry websites must be checked regularly for updates. It is difficult, therefore, for citizens to be proactive participants. For the first action plan, NGOs advocated for easier tracking of drafts, from the proposal of the project to its approval by the Cabinet of Ministers and Parliament. This included access to records of discussions and opinions submitted on drafts by ministries, institutions, and NGOs. These were already available, but required searching the individual records of participating institutions, such as a ministry, the Cabinet of Ministers, Parliament, or the European Union.

In the current version of the commitment, the State Chancellery proposes a joint portal for elaborating legal and policy documents so opinions of and changes in drafts can be tracked. Moreover, NGOs and politicians would save resources by being able to access all prior debates when reviewing drafts. The portal would simplify the process for ministries; they would be able to develop drafts directly on the site, instead of sending them from one institution to another.

The objective of the commitment is to increase civic participation in public administration processes by expanding opportunities to use e-participation tools.[1] The commitment is an integral part of a large investment project that seeks to build new IT systems for public administration use. The portal would also provide a user-friendly interface for civil society members interested in tracking the development of particular drafts. In this way, the commitment is relevant to access to information and civic participation because it makes information on policy discussions more accessible and easy to follow, which in turn facilitates active participation by citizens.

The commitment has a medium level of specificity as it establishes a clear deliverable (the portal). However, it provides no details on the portal's building blocks, such as which drafts and institutions would be included. The State Chancellery has suggested that it (the portal) could link all data on the elaboration of draft policy documents, laws, and regulations (i.e., from the creation of a working group to approval by the Cabinet of Ministers). This would entail linking the resources of ministries at the State Chancellery. However, the NGOs interviewed[2] interpreted the commitment text differently and would still like to see Parliament's inclusion.

Government representatives[3] indicate that the project will not include access to national policy positions on EU issues, nor allow the tracking of drafts in Parliament. This is a problem because NGO arguments on drafts are submitted multiple times to decision makers in ministries, the Cabinet of Ministers, the Parliament Committee and, in some instances, the Deputies of the European Parliament and Committees. Although adequate technical means for accessing the records of individual institutions are already in place, citizens still need to consult several other sources to get a full picture of debates on particular drafts. Despite this limitation, the potential impact of the commitment is moderate as it would begin centralizing draft discussions, which would help citizens be proactive in following the policy development process.

Completion

The government began, but did not complete, this commitment during the first action plan. It developed regulations regarding the publication of discussion documents, public involvement in legislative documents, and planning documents.[4] The result is that ministries now publish discussion documents on their websites, and the home page of the Cabinet of Ministers has become the central location to track discussion documents.[5] There are also provisions for public access to draft documents before they are circulated throughout ministries, and for enhancing the agenda-setting powers of NGOs in the Memorandum Council. The government instituted further a new page on the Cabinet of Ministers' website that will link to the portal upon its launch. The portal and its planned functionality was presented at the Memorandum Council in October 2013.[6]

During the second action plan's first year of implementation, the Cabinet of Ministers elaborated and approved a legal basis for developing the portal on 17 November 2015. Decree No. 653[7] includes the portal as one of the funding priorities of the investment program, financing for which will begin in April 2017. According to the government, the portal is expected to be ready for use by late 2019 or the beginning of 2020. The proposed timeframe of the commitment is not expected to be met, hence, it is delayed.

The State Chancellery conducted an initial phase of procurement, gathered technical ideas for developing the portal, and shortlisted bidders for the next stages. Two professional Latvian IT associations applied for the bid. The State Chancellery will hold additional discussions on user needs during later stages of the project's development. The company that wins the bid will be required to respond to the needs of civil society organisations. Presently, the portal will offer three open data sets — draft legal acts with annotations, the classification of legal acts, and the classification of policy areas.

Early Results (if any)
The portal is not yet operational. Therefore, there are no early results in terms of greater access to information or civic participation. The usability and functionality of the portal will be assessed once it is in public use.

Next Steps
Moving forward, implementation of the commitment will require a high level of collaboration between ministries, the State Chancellery, and Parliament, as well as significant financial investments. The IRM researcher suggests including this commitment in the third action plan when practical IT solutions will be modeled and citizen monitoring will be most needed. NGOs interviewed[8] expressed an interest in including the elaboration of national positions on EU issues on the portal, as well as helping to define functionalities and test solutions during later stages of the portal's development. The government could also consider including drafts under review by Parliament on the portal during later stages.

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[1] http://tap.mk.gov.lv/lv/mk/tap/?dateFrom=2015-09-23&dateTo=2016-09-22&mk&text=653&org=0&area=0&type=0.

[2] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; and Kristīne Zonberga, Civic Alliance Latvia, 23 August 2016.

[3] Interview with Signe Rudzīte, State Chancellery, 17 August 2016.

[4] http://likumi.lv/doc.php?id=270934.

[5] http://www.mk.gov.lv/content/ministru-kabineta-diskusiju-dokumenti.

[6] http://www.mk.gov.lv/content/2013gada-30oktobra-sedes-darba-kartiba.

[7] http://www.varam.gov.lv/lat/likumdosana/normativo_aktu_projekti/2014__2020_gada_eiropas_savienibas_fondi/?doc=20890.

[8] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; Kristīne Zonberga, Civic Alliance Latvia, 23 August 2016; and Andris Gobiņš, 22 August 2016.

3. Establishing a common platform for the management of public institution websites

Commitment Text:

Status quo: Many public institutions have functionally and technically outdated websites, which do not meet the requirement of modern technologies, cannot ensure customer-oriented services, and are not user-friendly. Different contents management platforms exist, and it is not possible to share best practices. A study established that only 16 out of 115 government institution websites have been recognised as good by users. It has been admitted that the websites have low functionality and non-transparent structures.

The main objective: Public institutions have state-of-the-art, user-friendly websites tailored to the needs of the public. This will be achieved by devising a uniform website management platform centralised at the government level. The reform will be conducive to achieving the following aims:

> *1. The quality and security requirements for the public institution websites in the country are set in a centralised manner.*
> *2. Customer-targeted service is a quality communication channel that facilitates public participation. The websites are based on state-of-the-art technological solutions, they are user friendly and of straightforward design.*
> *3. A considerable financial benefit ensured, as possibilities are precluded for creating new websites or investing into those on the grounds of subjective decisions. Public administration will not have to overspend due to the same functionalities being developed on repeated occasions.*
> *4. More effective planning of the development of public institution websites*

Responsible institution: State Chancellery; Ministry of Environmental Protection and Regional Development

Supporting institution(s): Public administration institutions (ministries and subordinated institutions), General public

Start date: 2013 ....   **End date:** 2020

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
		✔			✔			✔			✔		Yes		✔		

Context and Objectives

Each ministry and government institution uses its own IT system to procure its home page. Regulations compel government institutions to follow common principles for their websites, but institutional home pages have different styles and functionalities. This makes it difficult for end-users to easily navigate and find necessary information. Public resources are also not being used efficiently as institutional pages can be updated following changes in leadership, identity, or style, rather than functional needs. In addition, few websites are currently adopted for viewing on mobile devices.

The aim of the commitment is to develop a joint platform for the home pages of all ministries and government institutions. The government intends to establish quality and

security requirements, up-to-date technologies, a simple functionality, and new designs. This would facilitate citizens' access to information and provide new technologies for civic participation. In this way, the government would implement EU Directive 2016/2102 and European Standard EN 301 549 V1.1.2[1] by ensuring access to websites for persons with disabilities, and using specific tools and programming solutions for citizens to get acquainted with online information provided by the public administration.

As written, however, the commitment does not specify how it expects to involve citizens. The text mentions that "customer-targeted service is a quality communication channel that facilitates public participation," but does not identify which new services will be provided, or how they will improve communication channels between government and citizens. The government requested NGO input, which is expected to feed into changes to the website; this consultation occurred in 2013, prior to the start of the current action plan.[2] As a result, the commitment is relevant to access to information and technology and innovation.

The commitment is low on specifics. It proposes a "common platform" for government websites, but does not specify any features or functions one could assess. It also does not indicate how exactly the websites will become "state-of-the-art," "user-friendly," or more effectively planned.

The IRM researcher considers the potential impact of the commitment to be moderate, since uniformity will make it easier for citizens to access information. Moreover, the standards of the home pages will be elaborated on the basis of the needs of the ministries as well as NGO suggestions. The results could simplify the process of finding information, increase the amount of open data and e-services offered by ministries, and enable the public to track policy developments.

Completion

This commitment was also part of the first action plan. Research results and government-approved conception guidelines shaped ideas for improving the websites. These ideas were elaborated and published for discussion among ministries and the public on 19 December 2013.[3] Later, on 21 August 2014, the State Chancellery extended the discussion period to February 2015 to secure consent and compliance from all institutions involved. This commitment was carried forward to the second action plan. The State Chancellery surveyed NGOs in early 2014 as to their needs and the functionality of the existing home pages. According to the agency, this internal survey data will be used to develop the new website functionalities.

During the second action plan's first year of implementation, the State Chancellery elaborated on the technical documentation for the investment program, which was to be funded by the European Regional Development Fund. The project was not included as a first-year funding priority, though, when interviewed, the State Chancellery indicated its intent to accelerate the process and prepare documentation for the Cabinet of Ministers to change the schedule of planned investments.[4] It should be noted that the project will not produce results for a few years since it must go through the complicated and time-consuming procedures of EU funding. Nonetheless, the commitment is considered on time, according to information provided by the State Chancellery and given that it is a long-term investment project.

NGOs interviewed[5] are anxious for faster solutions, but there are no other resources at the government's disposal for investment programs, and home pages are but one part of the broader public IT system.

Early Results (if any)

There are no results at this stage, apart from the technical documentation for the investment program.

Next Steps
This commitment should be carried forward to the next action plan, given its timeframe and importance to civil society. To ensure two-way communication, the IRM researcher recommends that developers' terms of reference include consultations with stakeholders on the functionality and content of home pages.

In the aftermath of discussions at the Memorandum Council on including NGOs in the early stages of policy making, they (NGOs) suggested publishing yearly ministerial work plans. These plans, as well as opportunities to participate in the elaboration of drafts, should be included in the design of new website pages. The IRM researcher further recommends that a "public hearing" functionality be included on ministry home pages so that citizens can submit suggestions for improved policies overall.

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[1] EU Directive 2016/2102 requires EU countries to improve the accessibility of public sector websites and mobile applications by making them more perceivable, operable, understandable, and robust. The Directive is available here: http://bit.ly/2oEWm40. European Standard EN 301 549 V1.1.2, on the other hand, establishes the accessibility requirements for all Information and Communication Technology (ICT) products and services in public procurement. The Standard is available here: http://bit.ly/1MSXUHm

[2] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/sabiedribas-lidzdaliba/vk-dokumenti/-/timekla-vietnu-attistibas-koncepcija/

[3] Guidelines for developing government websites at http://tap.mk.gov.lv/sabiedribas-lidzdaliba/vk-dokumenti/-/timekla-vietnu-attistibas-koncepcija/.

[4] Interview with Linda Jākobsone, State Chancellery, 17 August 2016.

[5] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; and Kristīne Zonberga, Civic Alliance Latvia, 23 August 2016.

Version for public comments: please do not cite

✪ 4. Open, fair and professional selection of candidates for the membership on the boards and councils of public entity enterprises

Commitment Text:

Status quo: Different practices in procedures for the selection of candidates for the membership on the board and council of a public entity enterprise; the process is often not transparent, which casts doubt on whether the most suitable candidates are being approved.

Main objective: To nominate candidates for the posts of board and council members on the basis of professional competence criteria (education, experience, knowledge of the field, finance, management, etc.), in which a candidate's political affiliation is not a decisive factor.

Responsible institution: State Chancellery/Cross-sectoral Coordination Centre

Supporting institution(s): NA

Start date: 2014 .... **End date:** 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
				✔	✔	✔						✔	No			✔	

Context and Objectives

Government-owned enterprises manage a significant amount of public resources; therefore, it is important to ensure their effective management and avoid conflicts of interest among supervisory board members. Supervisory boards of state-owned enterprises (SOEs) were abolished in Latvia in 2009, as journalists and corruption analysts discovered that their politically appointed members were generous donors to political parties.[1]

Having ministry officials oversee the enterprises did not solve the problem of proper and sufficient state control, however. The Baltic Institute for Corporate Governance (BICG) stated that "[O]fficials tasked with SOE oversight are clearly stretched beyond the limits of their technical and physical capacity. The absence of properly established professional boards of directors, or structures better able to monitor management…could be leaving Latvian SOEs vulnerable to further governance failures in the future."[2] Taking into account OECD recommendations, the government decided to renew the supervisory boards.

The commitment seeks to nominate members on the basis of their professional qualifications. Though the commitment text above does not specify which new mechanisms, procedures, or tools will promote the "open, fair and professional" selection of board members, the new procedures are set out in the Law on Governance of Capital Shares of a Public Person and Capital Companies, and in a set of Cabinet of Ministers instructions, both of which are cited in the action plan.[3] Among other things, the Law specifies that there will be a public application procedure and a nomination committee that will nominate candidates. It also outlines the disqualifying criteria for candidates.[4] For this reason, the commitment is considered to have a high level of specificity.

Similarly, while the commitment text above does not make clear how the proposed new procedures would involve the public, the Law cited in the action plan specifies that the nomination committees must include independent experts, and if necessary, independent observers with advisory rights.[5] In addition, the Cabinet of Ministers regulation cited in the action plan establishes a requirement to "inform the public about the candidates and the selection process of candidates, and the results of the evaluation process…"[6] As a result, the commitment is considered relevant to both access to information and civic participation.

By involving citizens in the monitoring process of nominating and selecting board and council members, the commitment could help minimize the misuse of public resources. Concretely, the commitment could significantly improve openness by allowing journalists and society to monitor whether the income generated from serving on a board is redirected to political parties. Given that there was limited public information about this important process prior to the action plan, the active involvement of citizens in monitoring would go beyond mere transparency of the process and would represent a significant departure from the status quo.

Completion

Drafting a law to manage public person-owned enterprises and procedures for selecting board members took place under Latvia's first action plan. The draft Law on Governance of Capital Shares of a Public Person and Capital Companies was adopted in the second reading on 3 July 2014. The draft Cabinet of Ministers' Instruction, "Procedures for selecting candidates for membership on a board or a council in companies in which the State as shareholder has the right to nominate board or council members," was adopted at the Cabinet of Ministers meeting on 23 September 2014. Parliament approved the bill and it came into force on 1 January 2015.[7] The bill set procedures for publicly announcing a tender, establishing a nominating committee, publicizing names of elected board members, and setting criteria for professional competence, including education, experience, knowledge of the field, finance, and management.

During the current plan, the government delegated supervisory functions to the Cross-Sectoral Coordination Centre,[8] a government strategic and policy-planning institution that reports to the Prime Minister.[9] In addition, the government established new procedures, including announcing tenders, establishing a committee, and publishing names and qualification of candidates.

Early Results (if any)

By the end of May 2016, three boards were selected according to the new procedures. The new procedures require publishing the intent to select a board, advertising a tender outlining criteria for the selection of candidates, including social partners in nomination committees (such as the Latvian Employee Federation), and publishing names of selected candidates as well as the framework for their remuneration. The process was transparent in that journalists and the public could follow the tenders on the internet — from publication of the advertisement to publication of the final list of nominees.[10] Yet, some candidates selected were in one way or another linked to other SOEs.[11] Consequently, stakeholders identified shortcomings in the selection process and in the criteria used to choose potential board members.

The BICG is a well-organized stakeholder forum for this commitment.[12] To assess why the new selection procedures did not yield the expected results, BICG organized a public debate entitled, "How to Create Professional Supervisory Boards in State-Owned Enterprises," in March 2016 with representatives from ministries and SOEs, entrepreneurs, and experts. From the discussion and OECD corporate governance principles, BICG developed a list of recommendations that were presented to government institutions. The recommendations are available in both Latvian[13] and English.[14]

There are four recommendations:

1. Change the strategy for selecting supervisory board members;
2. Use new guidelines to recruit nominating committees;
3. Define requirements for potential supervisory board candidates in line with the needs of the particular enterprise and its board; and
4. Enhance communication practices to ensure transparency in the selection process.[15]

Each recommendation is explained in greater detail in the publication, including practical steps to be implemented for future selection processes. Interviews show that the BICG recommendations were well received by the Cross-Sectoral Coordination Centre, which prepared the necessary amendments to the law. The amendments were approved in October 2016—after the close of the period under evaluation in this report—and will be assessed in the IRM end-of-term report.

Next Steps

The NGOs interviewed[16] proposed widening the commitment to establish close oversight of board members at government-owned enterprises and the recruitment of managers at national and local government institutions. The IRM researcher agrees with the BICG's suggestions. The IRM End-of-Term report will evaluate the government's progress in implementing these recommendations.

Even if good selection measures are in place, as was the case at the end of the first action plan, not all aspects and outcomes of the process can be foreseen. For this reason, the IRM researcher suggests continued monitoring of the issue, specifically, public monitoring of the selection of management personnel for local and national government institutions.

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[1] See the article, http://www.diena.lv/raksts/latvija/politika/delna-valsts-un-pasvaldibu-uznemumi-joprojam-tiek-izmantoti-ka-partiju-barotnes-13900312.

[2] Baltic Institute of Corporate Governance, *Governance of State-Owned Enterprises in the Baltic States* (2012), http://bit.ly/2jFdW0R.

[3] Government of Latvia, Second OGP Action Plan, 2015-2017, http://bit.ly/2ptZ0sq

[4] Government of Latvia, Law On Governance of Capital Shares of a Public Person and Capital Companies, 18 June 2015, http://bit.ly/2pdA1sG

[5] Ibid, Section 31.

[6] Cabinet of Ministers, Amendments to Regulations No.686, http://bit.ly/2pqlgkK

[7] See the official law data base, http://likumi.lv/ta/id/269907-publiskas-personas-kapitala-dalu-un-kapitalsabiedribu-parvaldibas-likums.

[8] Official law data base, http://likumi.lv/ta/id/274282-par-valsts-kapitalsabiedribu-un-valsts-kapitala-dalu-parvaldibas-koordinacijas-instituciju.

[9] Home page of the Cabinet of Ministers, http://www.pkc.gov.lv/par-pkc.

[10] Home page of the Cabinet of Ministers, http://www.pkc.gov.lv/kapit%C4%81lsabiedr%C4%ABbu-p%C4%81rvald%C4%ABba.

[11] See http://financenet.tvnet.lv/zinas/610687-valsts_uznemumu_padomes_joprojam_izvelas_politiki.

[12] The Baltic Institute of Corporate Governance (BICG) is a non-profit, non-governmental initiative with strong involvement from Baltic businesses and political leaders. BICG is a leader in helping to create better governed public and private companies. It provides studies and guidelines on corporate governance for private sector entities and state-owned enterprises, and implements education programs for top managers, business owners, and members of supervisory and management boards.

[13] See the BCIG home page at http://www.bicg.eu/wp-content/uploads/2016/07/BICG-Recommendations-on-Nomination-Process-of-Supervisory-Board-Members-in-Latvian-SOEs.pdf.

[14] BCIG home page, http://www.bicg.eu/wp-content/uploads/2016/07/Recommendations-2.pdf.

[15] BCIG, http://www.bicg.eu/wp-content/uploads/2016/07/Recommendations-2.pdf.

[16] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; Jānis Volberts, TI local Chapter "Delna," 22 August 2016; Liene Gātere, TI local Chapter "Delna," 22 August 2016; and Andris Grafs, Baltic Institute for Corporate Governance, 23 August 2016.

5. Introduce more effective supervision or enforcement mechanisms of control over the activities of the officials responsible for handling public resources

Commitment Text:

Status quo: The actions of public officials with state or local government property and funds, and transactions carried out by public institutions should be assessed on their compliance with legislation in order to detect mismanagement, abuse of office, abuse of authority for personal unearned gain or for that of other persons. To monitor the prevention of the conflict of interest in the actions of public officials and compliance with prohibitions and additional restrictions set out in legislations in regard to public officials.

Main objective: To counter corruption by force of law and public support, to achieve that public power is used with integrity in the interests of the state and community. Where violations of the Law "On the prevention of the conflict of interest in the actions of public officials" are detected, to prosecute public officials administratively – hold administrative hearings, enforce liability for violations of corruption prevention provisions, seek damages from officials in respect of loss resulting from their actions. The following tasks have been set:

> *• Consider a possibility for enabling public access online to information on all contracts signed by public authorities on the supply of good and services, and other deals, and develop recommendations for ensuring such measures;*
> *• Consider a possibility for introducing more effective supervision or enforcement mechanisms to control the activities of public officials responsible for handling public funds, i.e., administrative liability for misuse (wasteful spending) of public property and funds by officials;*
> *• Analyse risks of misuse of funds and corruption in the below-threshold public procurement and purchases not covered by external legislation and provide recommendations for risk reduction.*
> *• Assess legislation on criminalizing corruption and, in accordance with the problems identified in practices of the application the law, to produce draft legislation seeking a more effective application of liability provisions regarding unlawful actions with public funds and property.*

Responsible institution: The Ministry of Finance, the Corruption Prevention and Combating Bureau

Supporting institution(s): Ministry of Justice

Start date: 2014 ....   **End date:** 2018

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
5. Overall		✔			✔					✔			No		✔		
5.1. Publishing all contracts		✔			✔					✔			No	✔			
5.2. Administrative liability		✔			Unclear relevance					✔			Yes		✔		
5.3. Threshold for procurements		✔			Unclear relevance					✔			Yes		✔		
5.4. Criminalizing corruption		✔			Unclear relevance					✔			Yes				✔

Context and Objectives

Corruption is one of the most difficult issues to grasp and prove. The State Audit Office points to ministries and institutions that could have used public funding more effectively.[1] For example, a large investment project for creating a digital space for school management, costing 3.5 million euros, was halted and proven ineffective in 2015 after showing no results.[2] No one has been found guilty of corruption and there are no systemic approaches in place to eliminate such practices. The head of the State Audit Office, Elita Krūmiņa, stated that there are no precise figures on corruption available,[3] but cited other examples of the misuse of funds.[4] There are demonstrated cases of unlawful activities, such as fees paid for services without verifying their delivery, fees collected without the necessary supporting documents, and money transferred to private bank accounts for services received from a legal entity.[5]

To deal with these issues, the commitment seeks to establish legal and technical measures to eliminate risks for the misuse of public funds. The Corruption Prevention and Combating Bureau (CPCB) offers four courses of action to do so:

- Achieve greater transparency of procurement contracts at the national and local levels of government by making these contracts public.
- Provide an enforcement mechanism that requires public officials who misuse funds to pay back the estimated loss to the state budget.
- Analyze the risks of low-price procurement contracts and develop suggestions on how to eliminate these risks.
- Improving the legal framework for ensuring liability for the ineffective use of public resources.

In this cluster of actions there is only one activity that has a public-facing element — the publication of procurement contracts, which is relevant to access to information. The other actions, while meant to increase the effective use of public resources, have no clear connection to OGP values of access to information, civic participation, or public accountability. The milestones are directly related to holding government officials accountable, but they do not specify channels through which the public can participate or

monitor government activity. As a result, the commitment is only relevant to access to information.

The specificity of the commitment is low because it is not clear how the milestones will be met. Their timelines are not defined, there are no starting points for the activities, and the actions lack concrete deliverables to be achieved during the period of the action plan. For example, the government does not specify how it will analyze the risks of misuse of funds, criminalize corruption, or develop recommendations for increased public access to contracts. Since it is possible to construe the general direction of the proposed actions, the IRM researcher considers the specificity of the commitment to be low.

Even if fully implemented as written, the proposed activities would amount to only minor improvements in the management of public resources. This is largely due to the vagueness of the expected outcomes. For instance, two milestones call for the development of recommendations, without specifying if or how they could be implemented. Furthermore, the milestones are written in such a way as to not promise concrete results. They begin with "consider a possibility," "analyse risks," and "assess legislation."

The IRM researcher believes that the enforcement mechanisms and criminalization of corruption proposed in the second and fourth milestones would have greater effect if more cases of misuse of funds were disclosed. This would require complementary measures to strengthen the CPCB's investigative capacity. Although the first milestone calls only for developing recommendations for the publication of contracts, the disclosure of contracts itself would bring about greater transparency and data for journalists and the general public. All contracts already exist in digital form, hence, publishing them should not be difficult.

Completion
In interviews with a CPCB officer,[6] the IRM researcher ascertained the following progress:

- The *publishing of all contracts* has not yet started. The deadline for implementation has been postponed to the end of December 2020.
- The milestone on *administrative liability* is being developed further by the State Audit Office. The office has proposed amendments that allow institutions to claim refunds of misused public resources from corrupt officers. These amendments are currently being debated in Parliament and are not publically available. The deadline for implementation is the end of December 2017.
- The CPCB insists that, in order to control resources spent for public procurement, the threshold for the application of the Public Procurement Law must not be lowered. The bureau's comments on the draft Public Procurement Law were not taken into account by the Cabinet of Ministers. The CPCB officer interviewed asserts that the bureau will make the same arguments again when the draft is discussed in Parliament.
- Amendments to the criminal code were developed by a working group led by the Ministry of Justice. The amendments clarify the meaning of "significant damage" for holding government officials criminally liable for the misuse of funds. The amendments came into force on 3 December 2015 and are published on the Official Law database in Latvian.[7]

According to information provided by the CPCB, all of the activities are on schedule. The CPCB officer interviewed revealed that almost 30% of contracts under the existing threshold of public funds are potentially at a high risk for abuse. If the threshold is raised, as proposed in the draft Public Procurement Law, the CPCB claims the amount of public resources under risk will increase. The CPCB's solution is to maintain the threshold and/or apply simpler procedures for procurements under the threshold.

During development of the action plan, NGOs insisted on including the first activity in the commitment. However, given the lack of progress, there have been no comments. Regarding

the other activities, Delna discussed and commented on draft amendments at the Cabinet of Ministers and participated in parliamentary committee meetings. Delna representatives also do not have opinions that differ from those of the CPCB.

Early Results (if any)

It is too early to discuss results for the first three milestones. There have been no applications of the amendments to the criminal code as yet. Representatives from both the CPCB and NGOs agree that the amendment was a minor — though decisive — step in applying criminal liability in cases of serious damage.

Next Steps

The first milestone is relevant to OGP and should be included in the next action plan. This is important because it is an NGO priority for the current plan.

The IRM researcher notes that a separate activity, aimed at eliminating the misuse of public funds by NGOs, was included in the first action plan. This was criticized by NGOs since the proposed CPCB measures would apply to all NGOs regardless of their use of public funds. The activity is not included in the second action plan, but is still on the CPCB's agenda and should be further discussed with NGOs.

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[1] Official government portal, http://m.lvportals.lv/visi/viedokli?id=277754?show=coment.
[2] School management portal, https://www.e-klase.lv/lv/zina/zinas/aktualitates/portala-skolaslv-projekta-zaudeti-35-miljoni-eiro/.
[3] Official government portal, http://m.lvportals.lv/visi/viedokli?id=277754?show=coment.
[4] Media (TV) report, http://skaties.lv/zinas/latvija/sabiedriba/neprofesionalitate-un-neieiteresetiba-tie-ir-galvenie-iemesli-valsts-lidzeklu-izskerdesanai-secina-vk/.
[5] Official Government portal, http://m.lvportals.lv/visi/viedokli?id=277754?show=coment.
[6] Interview with Sintija Helviga Eihvalde, Corruption Preventing and Combating Bureau, 18 August 2016.
[7] Official Law portal, http://likumi.lv/ta/id/277894-grozijumi-likuma-par-kriminallikuma-speka-stasanas-un-piemerosanas-kartibu-.

6. Establish a sustainable model of financing NGOs

Commitment Text:

Status quo: According to the Enterprise Register data, 14,704 organizations were registered in Latvia as of August 2011. However, a comparatively small part of the country's population are members of those organizations, and a downward trend has been observed. A large part of NGOs are working in the areas of sports, culture and recreation (39%), while a considerably lower percentage are active in human rights protection, combating corruption, addressing ecological problems, and similar sectors. There is a tendency for organizations to be linguistically separated – Latvian and Russian-speaking. Latvia's NGOs remain financially and administratively weak, are far more often being set up in Riga than in other regions of the country, and have a low number of members. Nevertheless, under the socio-economic crisis, it was NGOs that provided services in the social sector and in the field of interest education, where the public administration budget was limited. At the same time, civil society organizations are not involved in public policy making to their full capacity, which undermines trust in public administration.

Main objective is to enhance the legal and financial framework for increasing the institutional capacity of associations, quality participation of NGOs in decision making, strengthening them as social partners, promoting the delegation of public functions, where it is possible, to associations and foundations, especially in matters of civic education.

Responsible institution: Ministry of Culture

Supporting institution(s): NA

Start date: not specified………   **End date:** not specified

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
		✔				✔				✔			Yes			✔	

Context and Objectives

During development of the action plan in June 2014,[1] NGOs submitted a proposal to find a sustainable way to finance Latvian NGOs by the end of 2015. They argued that their financing depended on international support from, for example, the European Economic Area and Norway Grants and the European Social Fund, which they claimed was unsustainable. NGOs insisted on the creation of a government-financed fund. The idea of a national NGO fund was first proposed by policy researchers and NGOs in 2004,[2] when it was approved[3] by the government in a long-term policy plan for civil society development. Since then, NGOs have lobbied for such a fund and insisted that it be included in the current action plan.

The Ministry of Culture drafted a vague commitment to strengthen the legal and financial framework and institutional capacity of NGOs. The commitment aims to increase the number of NGOs working on public policies and to reduce their linguistic divide, geographic centralization, and administrative and financial weaknesses. This responds to one of the

recommendations from the previous IRM report — the allocation of domestic financial resources to build NGO capacity.

The wording of the commitment is not specific since no concrete deliverable is proposed. It identifies the targets of capacity-building (i.e., NGOs, foundations, and associations) and indicates a possible focus (civic education), but does not specify any activities, such as the establishment of a fund. In fact, it is written in such a way as to include any government policies or activities that enhance NGO participation in decision-making. This is why it is not possible to assign a moderate potential impact. The government's focus on establishing an NGO fund could have a significant impact on civic participation in Latvia. National funding for NGOs is a major step forward and has been a priority of Latvian NGOs since 2004. However, scarce financial resources, overly rigid procedures, and the unsustainability of financial flows could reduce the effect of the fund.

Completion
There is substantial completion of the commitment in light of the government's creation of the fund for NGOs.[4]

The government had committed itself to a national NGO fund by 2016 and created a working group that drafted a concept note entitled, "On the Creation of a Government-funded NGO Fund."[5] The Ministry of Culture held public consultations on the concept note on 21 October 2015 and agreed on the new model. The model earmarks funds as a special line item in the state budget and assigns fund management to the Society Integration Fund, a public foundation with expertise in supporting NGO programs and projects. The Cabinet of Ministers approved the concept note and allocated 400,000 euros for project implementation in 2016, though it did not earmark a separate annual budget line.[6]

Early Results (if any)
The Society Integration Fund first called for projects on 3 March 2016. It would fund three main areas: strengthening NGO core activities, supporting civil society development activities, and strengthening NGO advocacy efforts. The first call resulted in 261 project proposals,[7] 66 of which were approved (35 for strengthening NGO core activities, 22 for civil society development activities, and nine for strengthening advocacy efforts).[8] Other organisations are expected to participate in policy development processes, such as working groups, supervisory committees, and policy monitoring, in their respective areas.

NGO representatives who were interviewed[9] were generally satisfied with the establishment of the fund, the inclusive development process, and the opportunity to participate in the fund's strategy developing committee. However, they also pointed out several shortcomings. One is that more resources should be budgeted to meet the demand. According to those interviewed, the National Development Plan earmarked EUR 700,000 annually for the Fund,[10] but the government so far has earmarked only EUR 400,000 for 2017 and 2018.

Another issue is annual budgeting. The fund supports only programs and projects that can be implemented within five months. The call for projects was announced in March 2016 and, within a month, NGOs submitted proposals. Results were published on 1 June 2016. However, projects had to be implemented by 31 October 2016 for the Foundation to prepare accounts, release final payments, and submit reports to the government to release funds for the next year. This bureaucratic procedure, subject to the government budget process, does not allow for sustainable long-term policy monitoring efforts and, in some cases, can undermine NGOs that do advocacy work and depend on domestic financial resources. These issues were discussed at a meeting of the Memorandum Council on 29 June 2016. NGOs have asked the implementing agency to begin the next call for projects earlier.[11]

Next Steps

The IRM researcher suggests that the commitment be carried forward to the next action plan and focus on the quality of the NGO financing model. The following issues must be resolved moving forward:

- Allocating a greater proportion of the national budget to the fund to meet the demand for wider public involvement in decision-making;
- Securing sustainable financial flows for NGOs throughout the year, focusing on long-term programs;
- Securing national budget financing even if NGO programs receive foreign funds; and
- Reducing the administrative burdens on NGOs receiving financial support.

The IRM researcher also suggests monitoring other govermental sources of potential NGO income, such as new EU fund programs, and monitoring legal frameworks to prevent the reduction of existing indirect support to NGOs (such as tax breaks or existing regulations of economic activities).

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[1] See Section 2.1 on the development of the action plan.
[2] Policy analysis portal, http://providus.lv/article_files/1451/original/PSALsitan.pdf?1331627245.
[3] Official Law magazine, https://www.vestnesis.lv/ta/id/103070.
[4] Home page of the Cabinet of Ministers, http://www.mk.gov.lv/sites/default/files/attachments/ogp_2_plana_vidusposma_zinojums_07.10.2016.pdf.
[5] Official Law portal, http://likumi.lv/doc.php?id=278602.
[6] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?dateFrom=2015-09-28&dateTo=2016-09-27&text=Par+valsts+finans%C4%93ta+&org=0&area=0&type=0.
[7] Home page of Latvian Society Integration Fund, http://www.sif.gov.lv/index.php?option=com_content&view=article&id=9965%3ASogad-tiks-istenoti-66-projekti-programma-%E2%80%9CNVO-fonds%E2%80%9D&catid=14%3AJaunumi&Itemid=186&lang=lv.
[8] Home page of Latvian Society Integration Fund, http://www.sif.gov.lv/index.php?option=com_content&view=article&id=9913&Itemid=127&lang=lv#projekti.
[9] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; Jānis Volberts, TI local Chapter "Delna," 22 August 2016; Liene Gātere, TI local Chapter "Delna," 22 August 2016; and Kristīne Zonberga, Civic Alliance Latvia, 23 August 2016.
[10] Official Law portal, http://likumi.lv/doc.php?id=253919.
[11] Home page of the Cabinet of Ministers, http://www.mk.gov.lv/lv/content/nevalstisko-organizaciju-un-ministru-kabineta-sadarbibas-memoranda-istenosanas-padomes-201-1.

✪ 7. Online voting

Commitment Text:

Status quo: It was possible for the residents of Latvia to initiate referenda and amendments to legislation by collecting signatures on paper, which then would need to be witnessed by a notary public. Thus far no possibilities existing of collecting the signatures online. Amendments to the Law on National Referenda, Legislative Initiatives and the European Citizens Initiative envisage that as from 1 January 2015 people will also be able to sign online the initiatives on referenda and legislation – via the portal Latvija.lv, and online systems created by private entities. In addition to its primary purpose, the solution also offers an innovative and open approach – the principle of open interfaces. The Law and the subordinate Cabinet of Ministers regulations stipulate that also private entities are also able to devise and offer solutions for the collection of signatures online, provided their systems comply with security and technical requirements laid down by the state, and has been certified by a competent institution. The state provides a platform for the submission, checking and counting of votes submitted online. Main objective: The online collection of signatures for initiating referenda, offered as an e-service on the single state and local government portal www.latvija.lv, aims at providing more convenient and widely accessible possibilities for taking part in the legislative and referendum initiatives, thereby making it easier for people, incl. those staying abroad, to directly participate in democratic processes in their country.

- *Cabinet of Ministers Regulations No 471 "Security and technical requirements for signature collection online systems"*

- *The new service is offered on the single state and local government www.latvija.lv*

Responsible institution: Ministry of Environmental Protection and Regional Development

Supporting institution(s): Public administration institutions (ministries and subordinated institutions), General public

Start date: November 2012..   **End date:** Not specified

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
7. Overall			✔			✔		✔				✔	Yes				✔
7.1. E-signature regulations		✔				✔						✔	Yes				✔
7.2. Operational Platform		✔				✔		✔				✔	Yes				✔

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

Context and Objectives

This commitment is an ongoing initiative. It began in 2012 as a means for citizens to collect signatures online for referenda. Iveta Kažoka, a leading expert on governance issues at the public policy centre, "Providus," stated that gathering signatures on paper became too expensive and unviable after the government significantly raised the number of signatures required to launch a citizens' initiative.[1] The law states that one out of 10 voters, or currently 155,000 people, must sign a petition to initiate a referendum.[2]

The commitment seeks to design technical opportunities to gather signatures via the Internet (in particular, an e-signature portal) and establish security and technical requirements for e-signature collection systems. Although the milestones do not specify the nature of the new requirements, only referencing a new online service, the objective is explained in the body of the commitment text — a platform for the submission, verification, and tallying of e-petition signatures that will be open to use by third parties.

This is an important step in ensuring direct democracy and public participation. It is potentially transformative as it would enable initiating and signing referenda online for the first time. Previously, Latvian residents could only initiate referenda by collecting physical signatures witnessed by a notary public. The creation of a portal for e-signatures would expand the potential for participation by making it significantly easier for citizens to initiate and vote on referenda and legal amendments.

Completion

The government launched a service for collecting signatures electronically on 1 January 2015. It developed the portal in late 2014, prior to the dates of implementation, in accordance with the amendments to the Law on National Referenda, Legislative Initiatives, and the European Citizens Initiative. Delays in the approval of the action plan led to development of the portal after the drafting of this commitment. As of 1 January 2015, citizens are now able to collect signatures and initiate a referendum online through the Latvija.lv government portal.[3] Collection of a sufficient number of signatures allows the Central Election Commission to initiate a referendum in accordance with the law.

There were two shortcomings of the system upon release:

1) It required citizens to register using an official electronic signature most did not have; and
2) It lacked the capacity to collect signatures through online systems created by private entities.

During the implementation period, the government addressed both of these shortcomings.

The amendments to the Cabinet of Ministers' regulations, which passed on 9 June 2015, provide for a new approach, the principle of open interfaces.[4] The law and subordinate regulations stipulate that private entities can devise and offer solutions for the collection of signatures online, provided their systems comply with the state's security and technical requirements and have been certified by a relevant institution.

The 15 December 2015 amendments to the Cabinet of Ministers' regulations expand citizens' access to the e-signature system by allowing them to access the portal and sign petitions using their commercial bank account authorization.[5] This is an important step forward since almost every Latvian citizen has internet access to a commercial bank, but only few had an electronic signature. The latter is used mostly by businesses and public institutions.

Annotations to the amendments indicate that there were no NGO or expert opinions on the amendments during the regular consultation period prior to their discussion by the government. Still, the new legislation is in line with expert opinions expressed publically[6] when the government increased the number of signatures necessary to initiate referenda.[7]

Early Results (if any)

At the writing of this report, two referenda initiatives on the portal were up for voting. However, voter activity was not high so neither initiative collected 1,000 votes. The IRM researcher attributes this lack of engagement to the fact that the initiatives themselves were not of interest to citizens, and that the NGOs responsible for the initiatives did not carry out effective outreach campaigns. Referenda are not the usual way issues are resolved in Latvia. Moreover, there were no proactive information campaigns on the new service. Information on this new tool is available at the official site of the Central Election Commission and on the official government portal, Latvia.lv.

NGO representatives interviewed were satisfied with the results achieved thus far.[8]

The introduction of an e-service for gathering signatures enabled citizens to initiate referenda in a much cheaper way than before. However, the IRM researcher's analysis of the e-service found minor shortcomings that limit the effectiveness of the system. These are:

1) *Outdated information about the procedure.* An official e-signature is still required for voters even though this is no longer the case;
2) *Difficulty navigating the portal.* A search for the word 'referenda' leads to a description of the service but no links to actual referenda;
3) *Difficulty locating actual referenda.* These can be found by searching under 'voter initiatives' or by browsing through the law enforcement and public participation pages to find the referenda tab; and
4) *Inability to view current referenda unless the user goes through an authorization process.*

As of August 2016, no alternative private applications had been developed for the electronic gathering of signatures.

Next Steps

Once the government improves navigation on the Latvia.lv portal and describes the authorization process properly, the commitment will not have to be carried forward to the next action plan. It is important that the government raise awareness of the new e-signature platform to encourage its use by citizens. Also, NGOs should continue monitoring possible new legal amendments to ensure continued opportunities for participation.

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[1] News portal, http://www.tvnet.lv/zinas/viedokli/430447-referendumu_likums_vajag_vai_nevajag_pieckart_apgrutinat_tautas_iniciativu.

[2] Official law portal, http://likumi.lv/doc.php?id=252963.

[3] Official government portal, https://www.latvija.lv/pv.

[4] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?pid=40354247&mode=mk&date=2015-06-09.

[5] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?dateFrom=2015-08-28&dateTo=2016-08-27&text=Parakstu+v%C4%81k%C5%A1anas&org=0&area=0&type=0.

[6] News portal, http://www.tvnet.lv/zinas/viedokli/430447-referendumu_likums_vajag_vai_nevajag_pieckart_apgrutinat_tautas_iniciativu.

[7] Ibid.

[8] Stakeholder interviews with who?, August 2016.

8. Draft law on the protection of whistleblowers

Commitment Text:

Status quo: Negative perceptions among the general public about whistleblowers and a mechanism for their practical protection. Main objective: Creating positive perception of whistleblowers among society and public officials in order to establish an atmosphere of mutual trust.

Responsible institution: State Chancellery

Supporting institution(s): Ministry of Justice, Ministry of the Interior, Ministry of Welfare, Supreme Court, Prosecutor General's Office. NGO Delna Free Trade Unions Organisation of Latvia

Start date: 2014........................   **End date:** 2014

Editorial Note: The end date above is from the original action plan. In the updated action plan published in 2017, the closing date is revised to 31 December 2016.

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
		✔					✔				✔		No		✔		

Context and Objectives

This commitment was designed to develop a law to protect whistleblowers. The issue was on the agenda of NGOs and government institutions during implementation of the first action plan. The State Chancellery had created an inter-ministerial working group to develop a concept note on whistleblower protection, which resulted in the 2014 decision to develop a draft law.

Whistleblower protection is a major public policy issue in Latvia. So far there are no regulations in force to protect such persons, hence, no incentive to inform on corruption cases. Whistleblowers are punished in other legal ways, such as decreasing their pay, rotating them to other jobs, reorganizing an institution to fire them, and stalling career development. *Eurobarometer* data show that 92% of respondents in Latvia did not report corruption of which they were aware (EU countries report an average of 74%).[1] The survey also reveals that people do not trust institutions they could inform on; these include the police, courts, prosecutor's office, and trade unions. Only 29% of those surveyed would report to the police and only 7% to the legal system.

Despite the importance of this issue, the language of the commitment is vague. For example, it does not specify the content of the proposed regulation or how it will achieve the stated objective of creating a better perception of whistleblowers in society. As a result, it is difficult to determine the possible impact of the proposed legislation. The annotation to the draft law shows that several NGOs have participated in its working group. These NGOs include the local chapter of Transparency International, "Delna," (which provided expertise and methodological materials), the Latvian Free Trade Union Confederation, and the Association of Large Cities (which gave written comments on the drafts).[2] While the quality of experts in the working group is high, the draft law's development is inclusive, and

whistleblower regulations are of national importance, the IRM researcher considers the potential impact of the commitment to be moderate.

Annotations to the regulations (which are not publically available) and information on the Cabinet of Ministers website[3] suggest that the law will contain the following principles:

- Identify institutions to which a person can submit a report in oral, written, or electronic format;
- Establish legal protection measures for whistleblowers, to be enacted if deemed necessary;
- Enable the Corruption Prevention and Combating Bureau to initiate discipline cases against civil servants who have tried to act against whistleblowers;
- Allow whistleblowers to be compensated for material and/or moral loss suffered as a result of the unlawful actions of a civil servant.

As written, the commitment is relevant to public accountability. If properly designed and implemented, it would allow citizens to raise concerns, inform the government of the misuse of public resources and unlawful actions of public servants or institutions, and be confident of their subsequent protection and well-being.

Completion
During the first year of implementation of the action plan, the draft law was discussed by the working group. The Cabinet of Ministers extended the deadline for approval of the draft to 31 December 2016. A harmonization meeting took place in July 2016 and the draft law was approved by the Cabinet of Ministers in March 2017. However, these two events took place after the close of the period evaluated by this report (July 2015 – June 2016). As a result, the commitment had only a limited level of completion at the midpoint of the action plan.

Early Results (if any)
Though the government published information online on the draft law,[4] this updated information was not available until after the first year of implementing the plan. This information will be fully assessed in the IRM end-of-term report. The draft law was not publically available at the time of the writing of this report. Participating NGOs approve of the draft, which they believe contains all the principles required for effective whistleblower protection. However, early results were limited at the time of this evaluation, given the draft's pending approval by government and Parliament.

Next Steps
The IRM researcher suggests adopting the draft while preserving principles in accordance with transparency standards, such as:

- A requirement to build whistleblower protection systems within organisations;

- A joint framework for dealing with submissions for all institutions involved in handling reports; and

- Protection measures for whistleblowers, including anonymity, a prohibition on applying measures against the person, and a burden of proof on the side of the employer.

The next action plan could focus on monitoring the implementation of the new law and evaluating how it changes the culture of reporting on corruption cases and misconduct in other areas such as fraud, public health, and construction.

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[1] Special Eurobarometer 397 (2014), http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf.
[2] http://tap.mk.gov.lv/lv/mk/tap/?pid=40377799&mode=vss&date=2016-12-15.
[3] http://www.mk.gov.lv/lv/content/trauksmes-celeji.
[4] Please see http://bit.ly/2piXWYI and http://www.mk.gov.lv/lv/content/trauksmes-celeji

9. Assessment of the system of financing of political parties

Commitment Text:

Status quo: Law on Financing Political Organisations (Parties) stipulates that political organisations may be financed by the State budget and lays down certain conditions for receiving and using the funds. To establish whether the allocation of the State budget funds has achieved the primary objective – the reduction of the impact of major donors in politics, as well as identifying which types of party expenditure can be funded by the State – the functioning of the system for financing political organisations and parties needs to be evaluated, the existing drawbacks and problems identified, and solutions offered to remedy the situation.

Main objective: Limit the power of money in politics. The work to achieve the objective will be carried out in the frame of eight measures.

1. Assess the functioning of the system for financing political parties and political organisations in the wake of amendments to the Law on Financing Political Organisations (Parties) regarding the allocation of the State budget funds to political parties, and develop recommendations to ensure the functioning of parties in periods between elections, reduce the dependence of parties on large-scale donations, and promote the attraction of small-scale contributions.
2. Ensure the transparency of financial activities of political organisations (parties) by raising the effectiveness of the mechanisms of enforcing liability for violations and imposing less severe sanctions for lesser administrative violations in the field of political party financing, incl. considering a possibility of reducing the administrative burden.
3. On the basis of applications received and checks carried out by the Corruption Prevention and Combating Bureau (KNAB), to analyse the manifestations of covert pre-election campaigning in the earlier pre-election periods and provide recommendations for legislative amendments aimed at preventing the risk of covert campaigning.
4. Create and put into operation an electronic declaration system of political parties.
5. On the basis of earlier analysis on the issues of interest for parties and other election participants in the pre-election period and on the election days, to charge the CPCB/KNAB with producing a methodological material for political parties.
6. Produce recommendations for the reduction of an increasing impact of private interests on the legislative process and promotion of the transparency of lobbying, as well as publicising procedures for public officials' (including members of the parliament) communication with lobbyists and other stakeholders who attempt to influence the process.
7. Assess the impact of lobbying on the Law on of the State Budget, the construction sector, bankruptcy procedures, and other sectors and provide recommendations for reducing the impact of disproportionate lobbying.
8. Assess the legal framework related to publicising the identity of a donor and set a limit to the amount of a donation, below which the donor's information is not made public, thereby promoting the involvement of small-scale donors in providing financial assistance to political organisations.

Responsible institution: Corruption Prevention and Combating Bureau (CPCB)

Supporting institution(s): NA

Start date: 2014.......................   **End date:** 2020

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-Time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
9. Overall		✔			Unclear					✔			No		✔		
9.1. Assessment		✔			Unclear					✔			Yes	✔			
9.2. Effective liability		✔			Unclear					✔			Yes		✔		
9.3. Amendments on covert agitation		✔			Unclear					✔			Yes		✔		
9.4. Electronic declaration			✔		Unclear					✔			Yes		✔		
9.5. Methodology for Political parties			✔		Unclear					✔			No			✔	
9.6. Regulation of lobbying		✔			Unclear					✔			Yes		✔		
9.7. Assess impact of lobbying		✔			Unclear					✔			Yes	✔			
9.8. Small donations			✔		Unclear					✔			Yes		✔		

Context and Objectives

In Latvia, there are only few government subsidies for political parties. Those subsidies began in 2012 and equal roughly Eur 0,3 per capita. The limited subsidies help explain why political parties are dependent upon private donations and susceptible to the influence of money. In response to this problem, NGOs suggested that the government assess the impact of its subsidies on political parties and propose changes in the OGP framework if needed.[1] NGOs proposed this as a commitment in the second action plan. In their view, additional government subsidies would enable more professional political parties to develop human resources for well-crafted long-term policy decisions. The government took up the NGO proposal, including it in the action plan along with other activities that are expected to take place before the completion of the assessment.

The objective of the commitment introduced by the government is to reduce the role of private money in politics, especially that of large private donors or of unclear origin. There are eight steps toward achieving the objective:

1. An assessment of how government subsidies to political parties have impacted the current situation;
2. More effective liability mechanisms for violating political party financing, including minimizing sanctions for less significant administrative violations;

3. Solutions for reducing covert pre-election campaigning;
4. An electronic system for party finances;
5. A handbook for political parties on the legal framework of their activities;
6. Increased transparency in lobbying;
7. An assessment of the impact of lobbying in various areas; and
8. A threshold for the size of anonymous donations.

On the whole, the specificity of the proposed measures is low. While there are some concrete deliverables, such as an electronic system for political party financial declarations and a handbook for political parties, most milestones are vague and lack detail. For example, many milestones aim to "assess" systems and regulations but do not indicate how this will be carried out or what the end product will look like. Other milestones aim to "provide recommendations." In these cases, it is difficult to identify how these recommendations will be developed or implemented.

The potential impact of the commitment is also difficult to predict given its vagueness. For instance, depending on their content, measures to regulate lobbying could be effective or completely ineffective. The commitment's activities could all lead to positive results, such as reducing the influence of money in politics, but they do not contain a public-facing element. The proposed actions are all internal to government and, as such, are not considered relevant to the value of open government.

Completion

After the first year of implementation, there are almost no tangible outputs of the commitment to analyze and discuss. The most important shortcoming is that there has been no analysis as to whether granting subsidies from the state budget to political parties is an effective policy.

Although the CPCB has prepared several legal amendments, none of the proposals are publically available or have been approved thus far by the Cabinet of Ministers or Parliament. Completion of the commitment is considered limited, therefore. Two milestones that should have led to new policies — assessments of existing government subsidies to political parties and of the impact of lobbying — are yet to begin. However, all the commitment's activities are long-term policy measures, which the responsible agency considers to be on schedule.

The CPCB reports the following progress for each milestone:

- The CPCB set 31 December 2016 as the deadline for the *assessment* of the state's financing of political parties. Instead of an assessment, however, the government developed amendments to the law on financing political parties, which states that a person must not donate all of their declared income. The government is attempting to keep large donors from distributing resources to false "small donors" who then donate to political parties. The amendments have been submitted to a parliamentary commission and are not public.
- *Effective liability* measures are meant to reduce sanctions to political parties for minor administrative offences. The deadline set by the CPCB is 31 December 2016. The CPCB elaborated draft guidelines that are not yet in force nor publicly available for comment.
- The CPCB has participated in parliamentary committee meetings and is developing *amendments on covert agitation*. Its deadline is 31 December 2016. Drafts are not yet publically available for comment.
- The introduction of an *electronic declaration* of political party resources is underway. It will not change the information political parties disclose or its public availability (the information has already been submitted and publicised by the CPCB). The measure will reduce the administrative burden on the Bureau and change how political parties disclose their financial information to the government. As a result, it

does not make any additional information available to the public, but is aimed at improving the effectiveness of the Bureau. The deadline set by the CPCB is 31 December 2017.

- The CPCB has elaborated a *methodology for political parties* describing the laws and regulations that must be obeyed before elections. The material was presented to a parliamentary committee; it is not published or available to the public. This measure is not relevant to OGP and only explains the law to political parties. The CPCB's deadline was 31 December 2015. The IRM researcher considers completion to be substantial since the material only needs to be released for public access in order for the milestone to be complete.

- The *regulation of lobbying* has a long-standing history in Latvia. It was one of the anti-corruption milestones included in the first action plan. The CPCB put forward a draft Law on Transparency of Lobbying, which was open for consultation with other ministries and NGOs on 14 July 2012. However, there was lack of agreement on the draft among ministries. The first self-assessment report suggested that the commitment was implemented, but the draft had actually not been approved by the Cabinet of Ministers and Parliament. As a result, the prime minister passed a resolution on 25 October 2014 that lobbying be regulated via amendments to the existing laws. A working group composed of experts from the CPCB and Ministry of Justice proposed amendments to the Law on State Order[2] and Parliament Rules of Procedure[3] on 26 May 2016. Discussions among ministries and the parliamentary committee have not yet resulted in a viable solution. The deadline set by the CPCB is 31 December 2016.

- The CPCB committed itself to *assessing the impact of lobbying* on various policy areas, such as construction and development of the state budget. This activity has not begun. The CPCB's deadline is 31 December 2018.

- The CPCB is currently working on setting a threshold under which donations to political parties would remain anonymous. However, there are no concrete results at this point. The deadline set is 31 December 2016.

Early Results (if any)

Since the activities have not yet been completed, there are no results to evaluate. The general observation of the IRM researcher and NGOs interviewed[4] is that the assessments of government subsidies and lobbying would assist in developing related policies. These policies would be based on an analysis of existing practices, which would strengthen arguments for their approval and implementation.

Next Steps

The IRM researcher recommends that the assessments of government subsidies on the state and the impact of lobbying on Latvian politics be prioritized. Policies that tackle the influence of money in politics should be based on the results and recommendations from these analyses. Without underlying studies, such measures as more effective liability enforcement mechanisms and thresholds for anonymous donations proposed in this commitment could be formulated in such a way as to worsen the status quo. The IRM researcher recommends focusing on fewer, higher-impact milestones that specify expected outcomes and how they will be achieved (rather than vague actions) in the next plan.

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[1] Interview with Iveta Kažoka, Policy Centre "Providus," 22 August 2016.
[2] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?pid=40390230.
[3] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?pid=40390231.
[4] Iveta Kažoka, Policy Centre "Providus," 22 August 2016; Jānis Volberts, TI local Chapter "Delna," 22 August 2016; Liene Gātere, TI local Chapter "Delna," 22 August 2016; Jānis Veide, TI local Chapter "Delna," 22 August 2016.

10. A Public Administration Employee's Handbook, including a Code of Ethics for those employed in direct public administration

Commitment Text:

A common legal framework needs to be developed. Main objective is to produce a public administration employee's handbook.

Responsible institution: State Chancellery

Supporting institution(s): Government institutions, Civil society, Private sector

Start date: December 2014 .   **End date:** December 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				On-time	Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative		Not started	Limited	Substantial	Complete
		✔			Unclear				✔				Yes			✔	

Context and Objectives

A strong work culture is one of the main building blocks in achieving an effective public administration. There are laws and regulations in Latvia that require civil servants to consult with the groups most influenced by policies. This they do via policy impact assessments and during the development of policy documents, draft laws, and regulations. However, the requirements can also be fulfilled formally by inviting a few NGOs, avoiding proactive consultations with those who are affected by policies but who are not well organized, and responding to citizen requests without solving their issues. In addition, behavior guidelines involving conflicts of interest, moral stances, connections with lobbyists, and behavior outside the office are unclear.

A code of ethics is an important step toward the integrity of the public service and informs the public as to what is expected in terms of the work and attitudes of public servants. Many institutions have codes of ethics, but there is no single document that defines the basic principles of public service. Since the public institutions are all run by the government, they should all have the same values and principles.

According to the Annual Report of the State Chancellery (not available publically) and information gathered during interviews,[1] the aim of the Code is to promote integrity in the actions of public service while serving the interests of society in accordance with the law, values and principles, and professional ethics defined by the state. The Code of Ethics supplements existing legal norms, details expected behavior, and lays down principles to follow.

As written, the specificity of the commitment is low. It states only that a code of ethics will be developed within a given period of time without specifying the expected contents of the code or its intended objective. Given this vagueness, it is difficult to determine the potential impact. A consistent set of expectations regarding ethics and public integrity could help to create a citizen-oriented culture in government, but there is no way of predicting the scope and influence of the proposed code from the text of the commitment. As a result, it is not

possible to predict that the code will have a positive impact. However, the IRM End-of-Term report will evaluate the code's content and assess its ultimate contributions to open government. Finally, the commitment is not relevant to OGP values because it is internal to government and does not engage citizens.

Completion

The draft code is complete and in the consultation phase. It is available on the Cabinet of Ministers' website,[2] but its approval was pending at the writing of this report.[3]

The code was developed through an inclusive process, in tandem with public servants. Eight focus groups were conducted to determine the content of the document. The following institutions participated: the Ministry of Defense, Ministry of Economy, Ministry of Finance, Ministry of Education and Science, Ministry of Culture, Ministry of Welfare, Ministry of Communications, Ministry of Justice, Ministry of Health, Ministry of Environmental Protection and Regional Development, Ministry of Agriculture, Latvian Agency for Investment and Development, National Health Service, Public Procurement Monitoring Office, State Social insurance Agency, State Centre for Educational Content, State Revenue Service, Monitoring Inspection for Raffles and Lotteries, Data Center for Agriculture, Food and Veterinary Agency, Agency of Medicines, Central Agency for Finance and Contracts, State Agency for Technical Monitoring, Patents Office, State Forest Service, Latvian State Archive, and State Technical Railway Inspection. Three groups of officers participated in the focus groups — new civil servants, members of ethics committees, and high-level managers. The public policy centre, "Providus," was directly involved in developing the code at the expert level.

The draft was offered for public consultation on 30 September 2015.[4] Two NGOs (Delna and the Latvian Civil Alliance "Elpa") offered suggestions, which were incorporated into the text. The NGOs interviewed agree. There was no input from private sector entities. The draft was then open for discussion by the civil service at the Cabinet of Ministers. During the writing of this report, the draft was still in the consultation period, and the government extended the final date for its submission to the Cabinet of Ministers to the end of 2016. This was done to ensure enough time for quality discussions.

Early Results (if any)

The draft code contains the following sections: General issues; Basic values and principles; Basic rules; Conflict of interests and gifts; Relations with lobbyists; Additional rules for managers; Rules to obey outside the office; Consideration of violations; and other issues. The code also makes recommendations as to how ethics committees within institutions should operate and offers a mechanism for mutual learning (i.e., an annual exchange of good practice in "difficult situations").

The NGOs that commented on the code were generally satisfied with both the process and result. The Civic Alliance of Latvia expressed minor concerns about the language of the text (specifically the phrases, "should" and "could") and recommended greater explanation of terms used throughout the document. Delna suggested holding trainings on client relations in line with the Code at the State Administration School. NGOs further suggested developing a code of ethics for political-level managers (namely, ministers) for their work at the Cabinet of Ministers and in pre-election periods, as well as guidelines on the relationship between political and administrative decision-making.[5]

Next Steps

The IRM researcher suggests following up on the implementation of the Code of Ethics in the next action plan. The Code is a good standard by which to measure achievements and changes in the attitudes of government officials. The State Chancellery and NGOs could spread the word about the code among journalists and through social media. It would offer citizens a means by which to measure everyday situations and conflicts between government officials and clients, and debate the ethics of possible conflicts of interest and lobbying cases.

The upshot would be greater public understanding of the government's work, the institution of standards, and the establishment of realistic expectations. The IRM researcher also supports a code of ethics for ministers and the development of training activities based on the Code.

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[1] Interview with Inese Kušķe, State Chancellery, 17 August 2016.
[2] Home page of the Cabinet of Ministers, http://tap.mk.gov.lv/lv/mk/tap/?pid=40382041.
[3] Ibid.
[4] Home page of the Cabinet of Ministers, http://www.mk.gov.lv/lv/content/pazinojums-par-lidzdalibas-iespejam-attistibas-planosanas-dokumenta-vai-tiesibu-akta-3.
[5] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; Jānis Volberts, TI local Chapter "Delna," 22 August 2016; and Kristīne Zonberga, Civic Alliance Latvia, 23 August 2016.

IV. Country Context

Latvia was on track toward open government before it joined OGP, as strong and active NGOs contributed to fostering transparency. In the first decade of the 2000s, the government introduced effective and open mechanisms for public participation. For example, it required Ministries to seek NGO opinions (or to report why they were not consulted), and created the Memorandum Council, an open forum for debates on issues of importance to NGOs.

Latvia is also a member of such international organisations as the Council of Europe, the European Union, and the OECD, all of which strive for transparency, integrity, public participation, and other open government goals. Membership in these organisations requires developing and implementing policies in line with OGP values and challenges, including open data policies, setting standards for government institutions' websites, fighting and preventing corruption, and ensuring depoliticized state-owned enterprises. OGP action plans in Latvia have included some long-term goals in these policy areas, particularly as they relate to NGO and OGP interests and values.

OGP has had a relatively low profile among both government and civil society organisations. Most open government issues and OGP commitments were already on the government/ NGO agenda before Latvia joined OGP. While OGP has provided opportunities to fine-tune policies at the moment of debate, the process of co-creating open government reforms has not been affected much by Latvia's participation in the initiative.

Civic Engagement

According to Civicus, there is a "mostly enabling space" in Latvia for citizens to exercise their civic freedoms.[1] The organization points out that civil society is small in size because of "limited financing and limited popular support," but acknowledges, along with Freedom House, that civil society and trade unions are increasingly institutionalized and involved in policy-making.[2] Examples of this increasing engagement are the creation of the Memorandum Council, detailed in Section 2.2: Ongoing Multi-stakeholder Forum, and the green book principle. This latter was introduced in 2014 for civil society to provide input before drafting legislation. An example of its application includes the consultations on EU economic policy-making.[3] In addition to these developments, the government has also taken concrete actions outside the OGP framework on NGO capacity-building for better monitoring and participation in policy-making. These actions include the following:

- The State Chancellery analyzed the effectiveness of public involvement during the process of developing legal and policy documents, and presented the results to the Memorandum Council at its meeting on 23 December 2015.[4] The results show[5] that, in general, the existing variety of consultation opportunities and regulations does engage NGOs. However, there are a few shortcomings. One is *formal* engagement. Instead of publishing only a policy or project idea, the government may publish a detailed policy plan or legal document for comment. This puts an extra burden on NGOs to analyze draft legal documents with the help of a lawyer. Another shortcoming is the lack of a single access point of involvement. One must search various sources for information. Furthermore, in some cases, only a few representatives of affected groups are invited to participate. The State Chancellery has acknowledged that civic participation in the early review process of draft laws and policy documents must be made easier. The agency came up with next steps for improvement. These include developing timelines of planned drafts and lists of NGOs interested in them, as well as announcing the intent to develop a draft document and a short outline prior to consultation, thus giving NGOs an opportunity to apply for participation in working groups.[6] After a series of debates, the State Chancellery was tasked with developing specific legal amendments to implement these ideas.

- The NGO, "Zaļā brīvība," developed a survey on the capacity of NGOs to participate in the monitoring and supervision of EU fund distribution. The results were presented to the Memorandum Council at its meeting on 29 July 2015. After the discussion, the Council asked the Ministry of Finance to elaborate on the issue and report on the possibilities of using EU technical assistance funds to compensate NGOs for their participation in EU fund supervision and monitoring committees.[7] As a result, the Ministry of Finance was requested to include financing possibilities for NGOs, as stipulated in the protocol of the Memorandum Council, from 30 March 2016.[8] There is no reaction from the ministry regarding funding so far, but it has offered training for NGOs involved in oversight of EU funds.

Open data

According to the European Data Portal, which assesses member states' implementation of open data policies, Latvia has developed a legal framework for successful open data policies and is on its way to developing an open data portal.[9] The website finds that the main barriers for reuse of data is politicians' lack of awareness of the benefits of open data. A political decision is needed to grant government funding to institutions that depend on the sale of data as part of their current financing.[10] The Government of Latvia has elaborated a long-term strategy, the Information Society Development Guidelines for 2014-2020,[11] which includes policy initiatives and investment projects that correspond with EU open data policy principles and directions.

Anti-corruption

Latvia is a member of the Council of Europe Group of States Against Corruption (GRECO). This council regularly assesses corruption prevention efforts regarding members of parliament, judges, and prosecutors on such issues as ethical principles and rules of conduct, conflicts of interest, prohibition or restriction of certain activities, declaration of assets, income, liabilities and interests, enforcement of the rules regarding conflicts of interest, and awareness. The Latvia report[12] highlights government progress in strengthening the legal framework for fighting corruption in Latvia and making the enforcement of legal norms more effective. At the same time, the report lists policies that need improvement, including strengthening the political independence of the Corruption Prevention and Combating Bureau; introducing rules on how Members of Parliament engage with lobbyists and other third parties; adopting a code of ethics and enforcement mechanisms for parliamentarians and the judiciary; eliminating administrative immunities for parliamentarians, judges, and prosecutors; and raising awareness of corruption prevention. One of these policies (the development of lobbying regulations) is included in the current action plan and considered important by the NGO community.[13]

In addition, Latvia is a signatory to the UN Anti-Corruption Convention and joined the OECD Anti-Bribery Convention in May 2014. It is also an active member of the OECD Working Group on Bribery, which is monitoring the implementation and enforcement of the OECD Anti-Bribery Convention. Latvia has twice undergone monitoring by the OECD Working Group on Bribery, which in 2015 noted positive developments in awareness-raising, legislative reforms, and the range of investigative techniques and international collaboration on corruption cases. Nonetheless, the Working Group also recommended improving the effectiveness of the Corruption Prevention and Combating Bureau, foreign bribery investigations, anti-money laundering measures, and whistleblower protections.[14]

Media policy

Media experts concur that Latvia's media legislation is liberal, and that barriers to entry into the market are generally low.[15] Despite a diverse media system, the small size of the market results in a high level of competition. The European University Institute's Media Pluralism Monitor contends that this weakens the system because it limits each player's capacity to earn a profit. The Monitor also argues that the lack of sustainability of the media business

has resulted in an "essentially oligopolistic" market.[16] In this context, government funding of public media is insufficient.[17]

In addition to the high concentration of media ownership, experts see moderate to high risks in the following areas:

- *Protection of freedom of expression.* The government has not decriminalized defamation in the press and there are still occasional delays in legal remedies against violations of freedom of expression.[18]

- *Journalistic standards and professionalism.* The professional association represents few journalists and NGOs are unable to advocate for editorial independence. As per the Law on the Press and other Mass Media, the editor-in-chief of a media outlet has editorial independence, but there are few procedural guarantees in practice.[19]

- *Transparency of media ownership.* Media entities are not required to publish ownership information or changes in ownership, hence, many media owners are unknown.

- *Independence of reporting,* particularly for news agencies and public service media.

- *Limited availability of local media,* which is often politically affiliated.

On 8 November 2016, the Latvian Cabinet of Ministers approved Basic Principles of the Latvian Media Policy,[20] a new policy document providing the general targets and tasks for media policy from 2016 to 2020. The Ministry of Culture will prepare an interim assessment of the fulfillment of the Principles by 1 July 2018 and submit it to the Cabinet of Ministers.

Corporate transparency
According to a study on the current state of tax justice in Latvia, there are several risks that can lead to international tax avoidance. They include:

- *Low taxes for certain types of legal entities' income from cross-border sources,* such as dividends, interest payments, and intellectual property payments that are not subject to bilateral cooperation agreements regarding the exchange of tax information between countries;
- *Weak control over the banking sector;*
- *Ineffective policy in determining beneficial ownership information*; and,
- *Weak capacity in exposing fictitious enterprises.[21]*

Stakeholder priorities
The OGP action plan addressed most issues raised by stakeholders involved in the process. Nonetheless, there were relevant proposals not included in the second action plan, such as:

- *State budget data and tools to analyze and visualize them.* The State budget is a complicated structure of various income and expenditure items. In many instances, the government's response to new policy proposals is that there is no money for them in the budget, a claim that is difficult to prove. The Latvian government could build upon existing good practices in visualizing budget data, such as the 2016 budget and 2015 budget expenditure visualizations.[22] It could also provide greater access to budget data for more in-depth analysis and visualization.

- *Greater transparency of civil servant trainings.* Most systemic training is carried out by the State Administration School. In some instances, government institutions procure training services from other actors. NGOs suggest widening participation to include private actors such as NGOs and universities. A database on the training needs of civil servants and existing trainings could enable development of new training products by the private sector to address remaining gaps.

- *Access to Latvia's national positions on EU policies.* A database for developing national positions has been created for the use of ministry employees, but it is not accessible to NGOs. Regulations[23] state that NGOs and social partners must be informed electronically. Given that national positions can be sensitive, especially when decisions have not yet been made, there could be a mechanism to grant access to NGOs that participated in discussions on particular issues. This would enhance participation since NGOs would be able to see the results of their work, identify allies, and understand the arguments that determine the final shape of national positions.

- *Including more policy research in ex-ante policy impact assessments.* In 2014, NGOs proposed including incentives in the second action plan to develop policies based on data and research. Given the complexity of policy issues, especially in assessing the local impact of EU policies, the government must be equipped with in-house (e.g., in Parliament) or outsourced policy analysis capabilities. Policy research and its financing must be planned in advance, following developments in society and EU policy agendas.

- *Gathering good practices in consultations.* Effective consultations are usually time, labor, and resource intensive. Undoubtedly, good examples of consultation practices exist. Cases in which ministries managed consultations with little resources and good results (e.g., better informed, more easily implemented, and well accepted policies) could be collected and published to prepare public officials and inform future policies.

- *Promoting corporate social responsibility.* Stakeholder suggestions focused on both the government and private sector. Recommendations included highlighting corruption and identifying ways of preventing or fighting it in corporate business.

- *Independent public media.* Stakeholders contend that government-financed public media should provide information without the influence of private money. While policy options are still debated among media professionals and politicians, there is no law that guarantees the financing and, thus, independence of the media.

Scope of action plan in relation to national context

The second action plan deals with highly relevant open government issues. Still, it lacks an "OGP focus" since it contains activities pulled from pre-existing policy plans. OGP needs to be a resource for highlighting current issues that can be added to the agenda and addressed within the two-year action plan period. Such issues include corporate transparency and accountability, media policy, fiscal transparency, and civic engagement.

In terms of civic engagement, there is no culture of *proactively seeking the opinions of unorganized, sometimes vulnerable, groups of people* affected by planned policy changes, even though it is required by law. The same is true for the *participation of potential end-users of government services.* Meanwhile, professional associations and service providers with resources are very active in proposing changes and participating in consultations and working groups.

Capacity building is another issue that relates to civic participation. NGO representatives in government working groups or committees should understand government processes and have access to the same information, but they should also have the tools and procedures to identify needs and consult members and constituencies. The State Chancellery has made initial progress toward this goal by informing members of the Memorandum Council about OGP and inviting them to generate ideas for the next action plan. Moving forward, an informal open space for developing ideas to include in the next plan could be an opportunity to generate ideas that go beyond existing policy plans and practices.

[1] Civicus, Monitor Tracking Civic Space, https://monitor.civicus.org/newsfeed/2016/11/01/latvia-overview/.

[2] Freedom House, Nations in Transit: 2016 Latvia, https://freedomhouse.org/report/nations-transit/2016/latvia.

[3] Home page of Ministry of Economics, https://www.em.gov.lv/lv/eiropas_savieniba/piedalies_es_publiskajas_konsultacijas_/.

[4] Home page of the Cabinet of Ministers, http://www.mk.gov.lv/lv/content/nevalstisko-organizaciju-un-ministru-kabineta-sadarbibas-memoranda-istenosanas-padomes-6.

[5] Home page of the Cabinet of Ministers, https://prezi.com/jwqv5lx5zgwh/sabiedribas-lidzdalibas-iespeju-izvertejums-un-priekslikumi/.

[6] Ibid.

[7] Home page of the Cabinet of Ministers, http://www.mk.gov.lv/sites/default/files/editor/julijs_memo_protokols_tm.pdf.

[8] Home page of the Cabinet of Ministers,, http://www.mk.gov.lv/sites/default/files/editor/marts_memorands_protokols.pdf.

[9] European Data portal, https://www.europeandataportal.eu/en/dashboard#tab-country-overview.

[10] European Data portal, https://www.europeandataportal.eu/sites/default/files/country-factsheet_latvia.pdf.

[11] Home page of the Cabinet of Ministers, http://polsis.mk.gov.lv/documents/4518.

[12] Home page of the Council of Europe, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c6d6e.

[13] Interviews with Iveta Kažoka, Policy Centre "Providus," 22 August 2016; Jānis Volberts, TI local Chapter "Delna," 22 August 2016; Liene Gātere, TI local Chapter "Delna," 22 August 2016; and Jānis Veide, TI local Chapter "Delna," 22 August 2016.

[14] OECD, Latvia's fight against foreign bribery overshadowed by enforcement weaknesses, 21 October 2015, http://bit.ly/2qkE0Co

[15] Home page of European University Institute, http://monitor.cmpf.eui.eu/mpm2015/results/latvia/.

[16] Ibid.

[17] Home page of European Journalism Centre, http://ejc.net/media_landscapes/latvia.

[18] Home page of European University Institute, http://monitor.cmpf.eui.eu/mpm2015/results/latvia/.

[19] Ibid.

[20] Official Law portal, https://likumi.lv/doc.php?id=286455.

[21] Home page of Latvian Platform for Cooperation Development, http://lapas.lv/wp-content/uploads/2016/04/English_version_Latvian_policy_research_LAPAS_Tax_Justice_together.pdf.

[22] Home page of the Ministry of Finance, http://www.fm.gov.lv/files/infografikas/2015-01-06_budzets.jpg.

[23] Official Law portal, https://likumi.lv/doc.php?id=187425.

V. General Recommendations

Wider participation in the development of the next action plan would give more of an "OGP profile" to Latvia's participation. To ensure this, the IRM researcher suggests the following:

1. The State Chancellery and NGOs could fully explore and make use of the Memorandum Council as a regular stakeholder forum to define and monitor OGP issues. The Council has become an important space for collaboration between government and civil society, and is recognized as such at both the national and international levels.[1] Using it as a forum for regularly scheduled meetings dedicated to OGP would give CSOs a unique channel through which they could follow up on commitments, monitor OGP progress, ask questions, and bring new issues to the agenda.

2. Activities in the next action plan should be well defined and highly specific, highlight ambitious aspects of larger policy issues of interest to NGOs and other stakeholders, and be feasible to complete within a two-year period. The current practice of including broad policy issues and long-term plans makes it too complicated for NGOs to follow up on developments. On the government side, institutions essentially "double report," since the OGP calendar does not correspond with reporting on government plans. Ultimately, copying commitments from other plans should be avoided since it leads to overgeneralization and few specifics.

3. Future action plans should carry forward only the public-facing elements from the current plan. In other words, future OGP commitments should only contain milestones that are directly related to access to information, civic participation, or public accountability. In this sense, all proposed actions should directly involve citizens, whether in the development of new policies, use of new data, or monitoring of regulations.

4. The State Chancellery should expand the thematic areas included in OGP action plans to such issues as media policy and transparency in corporate enterprises. As explained in Section III above, NGOs have pushed for possible inclusion of these priority issues in future action plans, with a joint government-NGO focus on identifying and implementing best policies in these areas.

5. The State Chancellery should continue exploring ways for public institutions in Latvia to reach out to unorganized vulnerable groups in society, as well as involve stakeholders in the early stages of policy development, as part of the OGP process. This issue was mentioned both in the country context and stakeholder priorities sections of this report. A requirement to publish annual ministerial and working group work plans would help in this respect. Current regulations[2] require publication of government plans and are generally well implemented, but ministerial plans to develop new policy documents and draft regulations or laws are not accessible in an easy to browse table or calendar format and do not show when work begins on a particular policy initiative. Amendments to regulations could also require publishing project ideas for discussion (rather than just a draft law or policy document) and a summary of NGO proposals.

6. The State Chancellery and Ministry of Environmental Protection and Regional Development could think of ways to involve citizens and understand their demands for information. An important next step would be to brainstorm which data are essential for release, as well as come up with ways to use open data for better policy development. For example, data sets of high value to the public, such as fiscal transparency data, could be prioritized for release.

Table 5.1: Top Five SMART Recommendations

1. • Establish the Memorandum Council as a regular forum for defining and monitoring OGP issues.

2. • Include commitments in the next action plan that are well defined, ambitious, and feasible over a two-year period.

3. • Brainstorm ways of using open data for better policy development, and prioritize releasing datasets in high demand, such as state budget data.

4. • Identify channels to better involve stakeholders in the early stages of policy development and proactively reach out to unorganized vulnerable groups in society.

5. • Expand the thematic reach of OGP action plans to include priority issues such as media policy and corporate transparency.

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[1] See the home page of the Cabinet of Ministers, http://www.mk.gov.lv/sites/default/files/attachments/konference_prezentacija_krievins_1.pdf.
[2] Official Law portal, http://likumi.lv/doc.php?id=154198.

VI. Methodology and Sources

The IRM midterm report is written by well-respected governance researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Each report undergoes a 4-step review and quality control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.

2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole.

3. Pre-publication review: Government and select civil society organisations are invited to provide comments on content of the draft IRM report.

4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in section III of the Procedures Manual.[1]

Interviews and focus groups

Each IRM researcher is required to hold at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

The IRM researcher conducted the following stakeholder interviews.

Government representatives:
- Inese Kušķe, State Chancellery, 17 August 2016
- Signe Rudzīte, State Chancellery, 17 August 2016
- Linda Jākobsone, State Chancellery, 17 August 2016
- Viktors Sidorenkovs, State Chancellery, 17 August 2016
- Solvita Vēvere, Ministry of Culture, 18 August 2016
- Anita Kleinberga, Ministry of Culture, 18 August 2016

- Sintija Helviga Eihvalde, Corruption Preventing and Combating Bureau, 18 August 2016
- Jānis Glazkovs, Ministry of Environmental Protection and Regional Development, 15 August 2016
- Toms Ceļmillers, Ministry of Environmental Protection and Regional Development, 15 August 2016
- Inese Gaile, Ministry of Environmental Protection and Regional Development, 15 August 2016

NGO representatives:
- Iveta Kažoka, Policy Centre "Providus," 22 August 2016
- Jānis Volberts, TI local Chapter "Delna," 22 August 2016
- Liene Gātere, TI local Chapter "Delna," 22 August 2016
- Jānis Veide, TI local Chapter "Delna," 22 August 2016
- Kristīne Zonberga, Civic Alliance Latvia, 23 August 2016
- Andris Grafs, Baltic Institute for Corporate Governance, 23 August 2016

On 25 August 2016, the IRM researcher attended an informal dinner organized by the Data School to discuss current issues of open data policy. The IRM researcher also analyzed stakeholder discussions and attached materials on the development of an NGO fund at the Memorandum Council on 25 May 2016 and 29 June 2016. Draft laws and regulations (as well as their annotations), elaborated as part of the commitments, also served as an important source of information. Finally, the IRM researcher consulted investigative journalism reports on issue areas dealt with by the commitments. All sources are provided in endnotes.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- César Nicandro Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Showers Mawowa
- Fredline M'Cormack-Hale
- Ernesto Velasco

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

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[1] Open Government Partnership, IRM Procedures Manual (July 2016), http://bit.ly/2nfehfk.

VII. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Table 7.1: Eligibility Score for Latvia

Criteria	2011	Current	Change	Explanation
Budget transparency[2]	N/A	N/A	N/A	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (9.12) [5]	4 (8.82) [6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	12/12 (100%)	12/12 (100%)	No change	75% of possible points required to be eligible

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[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

[2] For more information, see Table 1 at http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

[3] The two databases used are Constitutional Provisions, which can be found at http://www.right2info.org/constitutional-protections, and Laws and draft laws at http://www.right2info.org/access-to-information-laws.

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in Government at a Glance 2009, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1clokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

[5] The Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat," (London: Economist, 2010), http://bit.ly/eLC1rE.

[6] The Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents," (London: Economist, 2014), http://bit.ly/18kEzCt.