

Independent Reporting Mechanism (IRM): Georgia Progress Report 2016-2017

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Executive Summary: Georgia

Independent Reporting Mechanism (IRM) Progress Report 2016-2018

While Georgia's third action plan covered a diverse range of topics, a number of commitments were not relevant for opening government. Major achievements include the monitoring system for public officials' asset declarations and launching of the new Budget Monitor portal by the State Audit Office. Moving forward, adoption of the Freedom of Information Act, transparency in government contracting and institutionalisation of public participation at all levels of government remain a priority.

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. Georgia began participating in OGP in 2011 and was elected as a co-chair of the partnership in May 2016. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

The Analytical Department at the Ministry of Justice (MoJ) is the focal point for coordinating OGP activities in Georgia.

The OGP Forum, consisting of government agencies and civil society representatives, acts as a permanent multistakeholder body overseeing the development and implementation of the OGP action plan.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The OGP Secretariat held 19 public consultations in 15 cities across the country, involving 800 participants from local CSOs, members of local governments, media, academia, students, and other interested citizens. The government did not conduct separate awareness-raising activities, other than informing the participants about the OGP process and action plan commitments during the meetings. Based on the input from the public generated through the consultations, several new

At a Glance:

Member since:	2011
Number of commitments:	24

Level of Completion:

Completed:	25% (6)
Substantial:	33% (8)
Limited:	42% (10)
Not started:	0% (0)

Commitment Emphasis:

Access to information:	67% (16)
Civic participation:	25% (6)
Public accountability:	13% (3)
Tech & innovation for transparency & accountability:	17% (4)

Commitments that are

Clearly relevant to an OGP value:	71% (17)
Of transformative potential impact:	17% (4)
Substantially or completely implemented:	58% (14)
All three (★):	13% (3)

commitments, such as the commitments on participatory budgetary process in local self-governments, were added to the action plan. The process could be improved further with an online feedback mechanism for those who cannot attend the consultation meetings in person. Additionally, the government should do a better job explaining the mission, mandate, and values of OGP to solicit more OGP-relevant commitments from participants.

As of November 1, 2017, the government had not published the self-assessment report.

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Georgia action plan contains 24 commitments. Table 1 summarizes each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Georgia's third action plan contains 3 starred commitments. Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Georgia received three starred commitments (Commitments 9, 14, 16).

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
<p>⊕ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>								
1. Adapting Tbilisi City Service Hall (PSH) to the needs of disabled								
2. Healthcare system information portal								
3. Electronic licensing system for natural resources								
4. Spatial geographic data web portal for the energy sector								
5. Innovative ecosystem								
6. Portal for state property registration – Customer's Module								
7. Development of FoI law								
8. Monitoring and assessment system for government policy and legislative acts								
⊕ 9. Public officials' asset declarations monitoring system								
10. Unified regulations to publish court decisions								
11. Transparency and integrity strategy and action plan for regional development and infrastructure								
12. Database on the convicted								

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
⊕ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.								
13. Publication of phone tapping data								
⊕ 14. Citizens' engagement in audit								
15. Electronic innovations for public procurement transparency								
⊕ 16. Adoption of the Environmental Assessment Code								
17. Introduction of a mobile app as an alternative channel to connect to "112"								
18. Local councils for crime prevention								
19. Guidebook for economic agents								
20. Quality control program for commercial service								
21. Presentation of company reports								
22. E-petition portal and Zugdidi INFO								
23. Transparency of Ozurgeti municipality assembly meetings								
24. Electronic mechanism for local budget planning in Kutaisi, Ozurgeti, Batumi, and Akhaltsikhe								

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	RESULTS
<p>1. Adapting the Public Service Hall to the needs of people with disabilities</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Complete 	<p>This commitment aimed to adapt the Tbilisi Public Service Hall (PSH) to the needs of blind and visually impaired people. The commitment represents a minor improvement for accessibility of PHS services to the disabled as the action only envisages the adaptation to the needs of blind and visually impaired people. By February 2017 the Tbilisi PSH had installed a special navigation system to help the blind and visually impaired beneficiaries with directions. PSH also launched audio reading software on its website with information about services. More than 400 PSH operators in Tbilisi, Batumi, Kutaisi, and Rustavi were trained on communication methods for the target group. It is recommended for the government to develop a unified standard for adapting the buildings to the needs of users with various disabilities. To make the commitment directly relevant to OGP values, a more inclusive approach is needed to ensure persons with visual and hearing impairment actively take part in the development of assistance programs tailored to their needs.</p>
<p>2. Launch of the unified healthcare system information portal</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited 	<p>A unified healthcare portal (e-portal) is meant to display information regarding medical facilities and services, but also include citizens' medical history and electronic prescriptions, allowing them to make appointments with healthcare service providers. The Ministry of Labor, Health and Social Assistance (MoLHSA) is in the process of drafting the concept of the portal but civil society has noted the lack of clear vision on the content and launching of the portal. There is a high risk related to including a large amount of sensitive personal data on the portal and citizens should be given a choice on what type of personal data should be housed in the portal. Due to insufficient funding, the portal is unlikely to be launched by the end of 2017. If carried into the next action plan, the ministry needs to collect input from citizens to tailor the portal to their needs. A more relevant commitment in this sector would be integration on the portal feedback/complaint mechanism specifically on healthcare providers and potential corruption cases.</p>
<p>3. Introduction of electronic licensing system in the field of natural resource application</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>To improve the licensing procedures the National Environmental Agency committed to set up a new digitization system and to publish statistics, online maps, and guidebooks on the licensing of natural resources. The Agency concluded the first phase by analyzing business processes. Currently the Agency is considering the feasibility of integrating the Environmental Supervision Department into the new system to monitor the implementation of licensees' obligations. Moving forward, civil society recommends that the government publish the information about the planned licensing in advance and explain its benefits prior to the auctioning process.</p>

<p>4. Creation of spatial (geographic) data web-portal for the energy sector</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>To address the scarcity of publicly available energy data, the Ministry of Energy has committed to create an online portal with information on the location and characteristics of government energy projects. The Ministry has created an internal working group and reached consensus on the type of information to be made available on the portal. Energy companies under the jurisdiction of the ministry have started sharing some of their data. The Ministry is considering publishing data on the contracts with investors and the values of those contracts, however, investors might insist to classify this information under the commercial secrecy rules. As of August 2017, the portal has not been launched. Lack of sufficient funds for software and the lack of IT personnel might result in delay. Civil society stresses the need to disclose methodology for the selection of investors, as well as terms of contracts concluded with them, to involve the public at the initial phase of decision-making on the energy object and to publish the projects' impact assessment reports.</p>
<p>5. Creation of innovation ecosystem</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Moderate • Completion: Limited 	<p>The Innovation and Technology Agency aims to support entrepreneurship and citizens' skill-building trainings by developing techno-parks and innovation centers. The agency opened one techno-park in Zugdidi and three innovation centers in Kharagauli, Baghdati and Tchoporti instead of the initially planned two techno-parks and 13 innovation centers. Lack of available buildings in the given regions has prevented opening of other centers. Techno parks and innovation centers provide ICT-based trainings, distance learning courses, grant programs for innovative ideas, high-tech facilities, and consultation services. While the centers have an unclear connection with OGP, the IRM researcher recommends creating a unified online portal including detailed information about the programs and services provided. The centers could also organize regular hackathons to encourage local governments to use IT technologies while helping them develop online tools for identifying the needs of local populations and surveying them on issues of local concern.</p>
<p>6. Electronic portal for registering and disposal of state property – Customer's Module</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited 	<p>To mitigate corruption risks and cut down on paperwork, this commitment aims to create an electronic portal, Customer's Module, allowing citizens to register state property under their ownership and manage it at their discretion. This commitment also aims to publish information about state-owned property, auction announcements, and more, thereby making it relevant to access to information as well as technology and innovation. At the time of writing, the National Agency of State Property has begun work on the software program and is currently in the process of testing the backup system for the Customer's Module. The IRM researcher recommends the government declassify data on bidders and the terms of their bids based on public administration proceedings with the aim of improving CSO monitoring and advocacy efforts to hold government accountable.</p>

<p>7. Development of the Freedom of Information Law</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited 	<p>This is a pre-existing commitment under which the government pledged to draft a separate Freedom of Information (FoI) law and submit it to the Parliament for adoption. If the provisions of the existing FoI draft are enforced in their current form, the new law would have a transformative impact on improving access to information in Georgia. In May 2017, the Ministry of Justice (MoJ) shared the updated draft with all relevant stakeholders, including the Anti-Corruption Council and the members of the working group and the OGP Forum. The new draft includes many of the provisions from the previous draft, most importantly the enforcement mechanism in the face of the Information Commissioner and sanctions for non-compliance. The MoJ received numerous comments on this draft and the Ministry has held bilateral meetings with different public agencies to explain the novelties proposed. As of September 2017, the draft had not been submitted to the Government. CSOs commend the new provisions in the draft and call for the swift adoption of the law. In addition, they suggest expanding the list of information to be published proactively, to have clearer definitions on classification of information, to declassify personal information of high public interest, and to expand FoI provisions on enterprises with significant state shares.</p>
<p>8. Development of a monitoring and assessment system of the Government policy and legislative acts</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>The Administration of the Government of Georgia aims to develop a unified system for assessing effects of government regulations, ex-ante and ex-post assessment of the country's policy planning documents and legislative acts. At the time of writing, the Administration selected five pilot ministries to draft specific strategies and undertake monitoring, and is currently working to create the monitoring component of the electronic system. From the activities carried out so far, it is unclear to what extent citizens will be able to access this new system, or submit and receive feedback. Moving forward, the government is recommended to create an online mechanism for stakeholder consultation and feedback, engage stakeholders to develop regulatory measures, and publicly disclose which acts will undergo assessment.</p>
<p>⊛ 9. Introduction of the public officials' asset declarations monitoring system</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Substantial 	<p>This pre-existing commitment from the previous action plans entails creation of a formal verification mechanism for public officials' asset declarations. Parliament approved the necessary legal amendments in December 2016 mandating verification of randomly selected declarations or in response to written evidence. Selection of declarations is to be overseen by the independent commission. The Civil Service Bureau (CSB) is mandated to publish the monitoring results proactively on an annual basis. On February 14, 2017, the Government issued a Decree containing detailed instructions based on which the CSB developed an electronic system, linked to all public databases that allows for easy cross-checking and identification of inaccuracies in submitted declarations. As of August 2017, the CSB has identified around 40 violations in randomly selected asset declarations and issued administrative fines. CSOs critically assess the provision allowing the CSB to refuse creation of the independent commission if there are not enough applications for commission membership submitted by CSOs or academic representatives. CSOs recommend the CSB to better promote the announcement for the submission of applications and to determine exactly how many declarations can be monitored from each agency and which specific types of officials can submit classified declarations.</p>

<p>I0. Establishing unified regulations to publish court</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial 	<p>The Supreme Court committed to develop unified standards for publishing court decisions online to allow easy reuse of data. The Court created the working group which developed unified regulations including those on protecting personal data. The regulations detailing the categories of information and publication format were approved and published by the High Council of Justice. Against the recommendation of CSOs, the Council decided not to disclose data on criminal charges of public officials. As of August 2017, the Supreme Court is working on implementing the new regulations, while dealing with funding and technical procedures for publishing decisions on info.court.ge. IRM researchers recommend disclosing data of high public interest if the benefit received from disclosure outweighs the potential harm.</p>
<p>I1. Development of transparency and integrity strategy and action plan in the field of regional development and infrastructure</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Complete 	<p>In order to address the general lack of anti-corruption strategies on a sectoral level, the Ministry of Regional Development and Infrastructure (MRDI) committed to approve the Transparency and Integrity Strategy and the action plan to ensure the existence of a guiding document for the Ministry and subordinate units' efforts in managing and overlooking large-scale projects. This commitment, developed in response to OECD recommendations, details the proactive publication of information, making it relevant to the value of access to information. The MRDI approved the strategy (which covers transparency, civic participation, integrity standards, enhanced monitoring, etc.) and action plan in April 2017, and some planned capacity-building activities are currently under way. Moving forward, the IRM researchers recommend commitments be taken up in the next action plan to ensure the implementation of the strategy and action plan. Further, the MRDI could make procurement deals more transparent by providing decision information and statistics in a user-friendly form.</p>
<p>I2. Improvement of the database of the convicted and transfer of the penitentiary department entirely onto the electronic workflow management</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Limited 	<p>In order to address the limited information regarding the penitentiary system among the public and specialized organizations, the Ministry of Corrections has committed to analyze the existing databases, study best international standards, and subsequently update or create a new database. While this is an important step to improve data classification within the penitentiary system, the updated database will be for internal use only, thereby making this commitment is of unclear relevance to OGP values. At the time of writing, the Ministry of Corrections has partnered with the European Union for Justice Project to assess the current databases and has developed a concept for the new electronic system. However, the Ministry is unable to afford the necessary software, and their request for external donor assistance was denied. The IRM researcher recommends the Ministry continue to improve existing databases by publishing high-demand statistics (e.g. age, crime type), producing data that predicts the likelihood of repeated offences by those released from custody, and increasing transparency of spending.</p>

<p>13. Publication of phone tapping data according to the nature of the crime and geographic area</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Complete 	<p>Addressing the IRM recommendation, the Supreme Court committed to publish the phone tapping data broken down by the nature and geographic distribution of crimes for which the courts grant motions on tapping the phones of crime suspects. The Supreme Court started publishing the new data in January 2017. Data published in PDF format provides the six-month statistics based on the type of crime for which the courts grant the motions on phone tapping. The table published on the Supreme Court website includes articles of the Criminal Code that suspects are charged with, the number of requests of the Prosecutor's Office to grant motions for phone tapping, and the number of motions that were granted or denied. In a separate PDF file, the Supreme Court provides geographic distribution of District and City Courts, and the statistics of motions discussed by those courts. The new data is published in PDF format and not in a Microsoft Excel spreadsheet as pledged in the commitment text. The IRM researchers recommend the Court to create and publish the archive of the old data to enable comparisons over the years and to analyze new trends.</p>
<p>14. Increasing citizen participation in supervision of public finances (public audit)</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Complete 	<p>The Supreme Audit Office (SAO) is an independent institution responsible for supporting Parliament in conducting government oversight. In order to bolster civic participation in the audit process, SAO committed to launch a web platform, which would inform citizens on state budget and audit findings, as well as providing a mechanism for public feedback on potential institutional violations. This commitment addresses all four OGP values and specifically outlines a multi-faceted disclosure approach and monitoring tool. The web platform, Budgetmonitor.ge, was launched in March 2017 and has received overwhelmingly positive evaluations. SAO has also held many awareness-raising events and has disseminated an informational video over social media. The IRM researcher recommends SAO continue to create a mechanism for anonymous submissions and maximize the benefit of the platform by initiating a large-scale outreach campaign, including workshops and conferences.</p>
<p>15. Electronic innovations for more transparency and efficiency of public procurement</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>The State Procurement Agency (SPA) continues to build on past commitments by publishing aggregated data on tenders, annual plans for procuring agencies, and the estimated value of each procurement object in the existing e-procurement system. As of writing, the SPA launched an e-Market module (on emarket.spa.ge) which includes information about suppliers, products, prices, warranty terms, etc., and contains more than 6,000 data entries. The SPA has been working with World Bank experts to publish the tender information in Open Contracting Data Standard. A test webpage was launched in August 2017. Moving forward, the SPA should move ahead with implementation and publish data in open format and in a way to allow for regional breakdown. Additionally, the SPA should limit the number of exemptions from the e-procurement system, develop promotional ads for the e-Market module, and provide an Application Programming Interface for CSOs.</p>

<p>16. Adoption of the Environmental Assessment Code</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Substantial 	<p>The Ministry of Environmental and Natural Resources Protection committed to adopt an environmental assessment code with the objective to assess activities against environmental protection interests, and to inform and engage citizens in the decision-making process during approval of permits for projects. The code was adopted in 2017 and includes provisions for the public's right to participation in decision making and states the Ministry's obligation to engage citizens. The code spells out various means for ensuring public input including written, electronic, and public discussion, and obliges the decision-making body to consider public input and provide feedback on incorporated suggestions. While CSOs strongly commend the new legislation, they identify several shortcomings, including issuance of permits prior to conducting environmental assessment with the involvement of the stakeholders. .</p>
<p>17. Introduction of a mobile app as an alternative channel to connect to "112"</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Substantial 	<p>To address the problem of timely response to emergency situations, the "112" Emergency Response Center under the Ministry of Internal Affairs has planned to launch a mobile application to automatically activate GPS upon access by the user and to send the location to the Center and to carry out a public information campaign on the new service. The mobile application was developed and is ready to be launched. Currently the "112" Center is partnering with a number of educational institutions to involve students in quality assurance testing of the application and to enhance user experience. To make this commitment relevant to OGP values, the IRM recommends "112" to select initiatives for the next action plan that entail proactive disclosure of statistics of calls and responses provided by the Center, app usage as well as a built-in feature for providing public feedback.</p>
<p>18. Development of local councils for crime prevention</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Complete 	<p>To engage citizens in crime prevention at the local level, this commitment entails establishment of local councils in six regions and conducting at least 10 local council meetings. 12 crime prevention councils were set up across the country, including major regional cities and multiple districts in the capital Tbilisi. The councils are comprised of permanent and non-permanent members, including local prosecutors, local police, ombudsman and self-governing bodies, while CSOs and interested individuals can attend meetings. Council meetings are used for presenting information on the criminal situation in the region and initiatives aimed at preventing specific types of crime. Some of the issues proposed by councils, such as early marriage and domestic violence are implemented as awareness-raising projects. However, not all issues raised by CSOs are being taken up by the councils. IRM researcher recommends considering this commitment for the next action plan to determine formal rules for participation in councils, carry out outreach campaigns, encourage experience exchange among councils, and publish agendas and summaries of their meetings.</p>
<p>19. Development of a guidebook for economic agents</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial 	<p>To increase awareness of the Competition Law among the business community, the Competition Agency committed to draft a Guidebook for Economic Agents and conduct an advocacy campaign and meetings for market players. The Agency adopted the guidebook in May 2017, defining the term "economic agent" and possible scenarios where a market player is violating competition standards, such as abuse of a dominant position on the market, price discrimination, and refusal of supply. The agency is yet to carry out dissemination activities which will include a conference for the business community.</p>

<p>20. Development and introduction of the quality control program of commercial service</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Moderate • Completion: Substantial 	<p>In order to more fully implement the standards laid out in the “Commercial Quality Rules of Service,” the Georgian National Energy and Water Supply Regulatory Commission (GNERC) has committed to develop an internal mechanism to monitor the performance of utility companies according to the legal document. Commitment 20 aims to develop an internal quality assurance program, which will monitor service delivery and protect consumers’ rights. Commitment 21 introduces normative acts, which will allow for the electronic submission of company reports and the subsequent systematization of information. Both commitments have unclear relevance to OGP values, as they aim to develop internal-facing processes that do not improve access to information. At the time of writing, the GNERC launched the service monitoring program and the electronic platform for report submission, however, the monitoring program has faced some implementation challenges. To maximize impact, the IRM researcher recommends the GNERC ensure all nine standards of quality assurance are applied in the monitoring program. Additionally, both commitments should be made relevant to OGP values by launching a user-friendly online feedback mechanism or other forms of complaint submission.</p>
<p>21. Presentation of company reports in an electronic form and provision of their accessibility</p> <ul style="list-style-type: none"> • OGP Value Relevance: Unclear • Potential Impact: Moderate • Completion: Complete 	
<p>22. Introduction of an electronic petition portal and “Zugdidi-INFO” on the webpage of Zugdidi Municipality Assembly</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial 	<p>Zugdidi Municipality Assembly took a commitment to launch Zugdidi INFO, an SMS service notifying citizens about Assembly meetings and other highlights, and an electronic petitions system, allowing citizens to submit policy suggestions. The SMS service has been running since May 2016, prior to the adoption of the action plan. The Assembly has a database of 11,000 citizens, who regularly receive news about assembly meetings and other updates on government projects in the city. An e-petitions portal is in the process of development. SMS regarding implemented projects and upcoming Assembly meetings are delivered regularly but there are no indications to what extent Zugdidi INFO has increased the level of public participation. IRM researcher recommends launching the online portal and setting up an electronic feedback mechanism to notify citizens’ suggestions have been considered.</p>
<p>23. Transparency of Ozurgeti Municipality Assembly meetings</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial 	<p>This commitment by the Ozurgeti municipality assembly entails direct transmission of the assembly meetings and an online forum where citizens can leave comments and ask questions during live streaming, an SMS notification system on assembly meetings and an electronic survey to raise issues important to their community. The Assembly has started broadcasting the meetings via “Manage from Home” online transmission together with the comment section on the Assembly website. Local CSOs positively assess online transmission of meetings as an alternative method for citizen engagement. The Assembly also started the SMS notification system for citizens and the electronic survey has also become functional, offering an online form for a citizen to raise an issue relevant to their community. Additionally, the Assembly successfully opened five out of 28 Centers for Civic Engagement, where citizens can assemble to watch direct transmission of the Assembly meetings, ask questions online, and participate in discussions.</p>

<p>24. Creation of electronic mechanism for local budget planning in Kutaisi, Ozurgeti, Batumi, and Akhaltsikhe</p> <ul style="list-style-type: none"> • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited 	<p>To bolster civic participation in the budgetary process, four municipalities took a commitment to establish an electronic mechanism for public engagement in budget preparation. Three out of four municipalities (Batumi, Kutaisi, Akhaltsikhe) that have been supported by USAID Good Governance Initiative in Georgia (GGI) publish their city budget in a program budget format, while Ozurgeti city program budget is currently under development. Batumi Town Hall published citizen’s guidebook for local budget 2017, Kutaisi and Akhaltsikhe governments made, printed and disseminated guidebooks, but did not make them available online. Three of the municipalities are currently working to finalize the concept of the “Plan City Budget” website that would allow citizen engagement in choosing budget priorities. IRM researchers stress the need for launching the website and an awareness-raising campaign to help maximize public engagement in the budgetary process. In addition, it is strongly recommended to have a more uniform approach in implementing such innovative participatory tools in all municipalities across the country.</p>
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Recommendations

While progress has been made in implementing the commitments, some areas need strengthening and reinforcing. A main recommendation is for the government and civil society to jointly develop an open government strategy and policy vision to enhance public participation at all levels. Georgia should leverage its year as a lead co-chair of OGP to deliver on ambitious commitments, including the timely passage of the Freedom of Information Law and expanding transparency and public engagement efforts in public contracting.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning 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; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

Develop an open government strategy and a policy vision to enhance public participation at all levels of government.
Leverage Georgia's year as lead co-chair of OGP to deliver an exemplary new action plan and model best practices in co-creation and participation in 2018.
Develop a wide-ranging public awareness campaign about the values and benefits of Open Government and OGP.
Adapt and use the Open Contracting Data Standard in conjunction with stakeholder collaboration to increase transparency of government contracts in the licensing of natural resources, privatization and public procurement in infrastructure projects.
Ensure the prompt adoption of the Freedom of Information Law with key provisions provided on universal standards for proactive disclosure in open data format, and the independent oversight and enforcement mechanisms.

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/1929F11.

I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder 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 organizations, and the private sector, all of which contribute to a common pursuit of open government.

Georgia began its formal participation in August 2011, when then Minister of Foreign Affairs, Gregory Vashadze, declared his country's intention to participate in the initiative.¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public officials' asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Georgia developed its third national action plan from March 2016 to July 2016. The official implementation period for the action plan was 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from July 2016 to June 2017. It should be noted that while the draft action plan was ready on July 1, it was submitted to OGP support unit in December 2016 after being officially approved by a special Government Decree.² Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation ending June 2017 will be assessed in the end-of-term report. The government had not published its self-assessment as of 1 October 2017.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with independent researchers, Lasha Gogidze and Tamar Gzirishvili, who carried out this evaluation of the development and implementation of Georgia's third action plan. To gather the voices of multiple stakeholders, the IRM researchers held individual interviews with stakeholders in Tbilisi as well as other regions of Georgia, and a focus group in Tbilisi. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

¹ The link to the Letter is no longer available. See the relevant information on the Ministry of Justice website: <http://justice.gov.ge/ministry/Department/347>.

² Government of Georgia, Decree #539 on Approving Georgia's 2016-2017 OGP Action Plan, December 9, 2016, <https://matsne.gov.ge/ka/document/view/3456448>

II. Context

While Georgia is a regional leader in terms of democracy, freedom of information, and public participation, more could be done to strengthen open government values of transparency and public accountability. Compared to the previous action plans, the government has made more relevant commitments and expanded the thematic scope of the action plan. However, a large number of commitments still lack features that could make government more transparent, and open to public scrutiny and participation.

2.1 Background

Georgia stands out as a front-runner of democratic reforms in the South Caucasus and the wider region. Following the Soviet legacy of top-down command, rigged elections and one-party authoritarianism, the country now boasts competitive multi-party elections and the presence of a fragmented but vocal opposition. Citizens are largely able to exercise fundamental freedoms of expression, assembly, and association while civil society organizations play an active role in policy-making processes. The Georgian media landscape is free and diverse, which is a remarkable exception in the region. The key democratic institutions are in place and well-functioning, while Georgia's success in fighting petty corruption is held up as an international best practice. The country has signed an Association Agreement with the European Union (EU) and since March 2017 has had visa-free travel to the EU's Schengen area. The country is on track for closer integration with EU countries and the transatlantic community. At the same time, Georgia's democratic development and Euro-Atlantic integration are marred by the Russian occupation of two breakaway regions of Abkhazia and South Ossetia and Moscow's continuous pressure to divert from the country's chosen path toward the Western model of governance.

Most importantly, Georgian citizens have demonstrated an overwhelming support for the country's democratic future. This in turn has resulted in increased public access to information and enhanced public participation in decision-making, something that has improved significantly over the past years.

Georgia scores first out of 13 countries in the Eastern Europe and Central Asia region for open government, according to the World Justice Project's open government index.¹ The country has particularly strong positions on the exercise of civil and political rights and the right to information. However, the index points to major weaknesses when it comes to how well the government informs people about expenditures and how local governments consult their communities before making decisions. The report highlights weak or non-existent complaints mechanisms at local level for holding government officials accountable.²

The right to information is enshrined in the Constitution and is regulated by the General Administrative Code of Georgia, adopted in 1999. Georgia scores 37 out of 111 countries globally with its freedom of information legislation.³ However, civil society organizations and media watchdogs have long called to improve access to information. The implementation of the law remains problematic particularly when it comes to sanctioning non-release of public information requests. In 2013, as part of its participation in OGP, the government committed to refine regulations governing access to information by requiring public agencies to establish websites, publish certain public information online and accept electronic requests for information.⁴ However, the long-standing government commitment to enact a dedicated Freedom of Information Act with strong enforcement mechanisms, remained unfulfilled after the second action plan (2013-2015).⁵ The commitment has been carried over to the third OGP action plan and its implementation is assessed in this report.

The government of Georgia provides the public with substantial budget information and makes eight key budget documents publicly available online in a timeframe consistent with international standards.⁶ However, the Open Budget Survey points out that the government provides the public with limited opportunities to engage in the budget process and recommends establishing effective mechanisms for capturing input on budget matters and consulting the legislature on the spending of contingency funds.

Public officials in Georgia are required to fill out an asset declaration on annual basis, reflecting on the financial assets owned by them and their family members. In 2010 the Civil Service Bureau launched an online system of asset declarations, an initiative that won the United Nations (UN) Public Service Award in 2013.⁷ Online portal declaration.gov.ge provides access to annual asset declarations of 3,100 public officials and is searchable according to the name of a public official. However, the challenge in terms of preventing corruption has been that there is no mechanism for verifying the accuracy of those declarations, something civil society has been criticizing. Civil society organizations (CSOs) have often reported public officials hiding important information on their assets or providing wrong data in their declarations. In the first two action plans the government committed to establish a monitoring system and allow CSOs to be directly involved in the work of the verification commission. The monitoring system was not functional by the end of the second action plan. As a high priority for civil society, this commitment was carried over to the third action plan.⁸

Participation in OGP has helped to advance open data principles in public administration. Georgia's first and second action plans contained specific commitments on proactive publication of information, establishment of the open data portal (opendata.ge) and starting electronic submission of requests. Despite progress the concept of open data is not widely institutionalized. According to the findings of the Open Data Barometer, where Georgia scored 37.88 out of a possible 100 points and is ranked number 40 overall, some key government datasets are still not open, such as land ownership data, detailed census data, detailed government spending, and company registration data.⁹ Research conducted by the Institute for Development of Freedom of Information (IDFI) showed that only 24 public institutions utilize www.data.gov.ge, a platform for proactive publication of information in open data format, publishing a total of 117 datasets, whereas IDFI identified an additional 162 types of data that need to be added to this platform. Suggestions include a database of state debt (external and domestic), a registry of taxpayers, a database of roads, bridges and tunnels, and a registry of environmental projects. The study also found that out of 106 public entities contacted through a freedom of information request, 13 provided no response, calling for a higher level of accountability on behalf of the government bodies.¹⁰

The development and implementation of the third action plan coincided with important political events that will have long term implications in shaping the governance landscape in the country.

Georgia's parliamentary elections of October 2016 marked the beginning of a three-year electoral cycle, with local elections taking place in October 2017 and a presidential vote in 2018. As a result of the parliamentary elections, the ruling party Georgian Dream (GD) won a constitutional majority with 115 mandates out of 150, the United National Movement (UNM), the strongest opposition party, won 27, and another opposition party Patriot's Alliance won six.¹¹ The National Democratic Institute (NDI)'s post-election public opinion poll showed that a majority of Georgians were confident in the electoral process and assessed the parliamentary election as calm and orderly. On a negative note, the same poll did not show a strong attachment to individual majoritarian candidates as 35 percent of voters could not name their majoritarian Member of Parliament (MP) shortly after the election.¹² Following the elections, several key developments occurred in legislation

concerning the constitution, the electoral system, local self-government, and surveillance by law enforcement entities, as well as a scandal involving the former Chair of the State Audit Office and the former General Prosecutor with possible corruption implications.

Electoral reform

Following the parliamentary elections in 2016, the government formed a Constitutional Commission, which put forward several key changes to the electoral system.¹³ A shift from a mixed to fully proportional composition of the parliament was one of the proposed initiatives, which will enter into force in 2024. Another important change concerns the election of the president of Georgia, which shifted from the current direct election by popular vote to an indirect election through an electoral college starting in 2023, even though 84 percent of citizens prefer direct election of the President.¹⁴ Furthermore, proposed changes reduced the threshold for entering the parliament from 5 percent to 3 percent and allowing electoral blocks for 2020 elections only.¹⁵ The Venice Commission, local CSOs, and opposition parties expressed their concern over the last-minute decision to delay the transition to fully proportional system from the initially planned date of 2020 to 2024.¹⁶ They also criticized indirect election of the president.¹⁷ Despite these concerns, on September 26, the parliament approved the new constitution with the changes mentioned above. The opposition lawmakers did not take part in the vote.¹⁸

Local government reform

Shortly before the municipal elections in October 2017, the government proposed changes to the local government legislation, which would deprive seven cities out of 12 of their self-governing status, by merging them with respective communities. Besides being assessed as rushed, lacking transparency and inclusiveness, 123 civil society organizations suggested that the proposed reforms would widen the gap between the local citizens and their elected officials in those cities, deprive respective cities and communities of their own budget, revenues and property, and would be detrimental to the independence and development perspective of self-governing units.¹⁹ 10 CSOs have filed an appeal requesting the court to annul the decision of parliament, claiming that mandatory public consultations were not conducted.²⁰

Furthermore, six of the seven cities will have significantly less voting power in their sakrebulo (local legislature) majoritarian constituencies compared to that of their surrounding communities. For example, one of the cities with approximately 50,000 registered voters, would have five majoritarian seats in the sakrebulo, while the surrounding community, with approximately 70,000 registered voters, would have 30. This provides the community with more than four times the voting power as those in the city.²¹ The president vetoed the amendment package, which was later overridden by the ruling party, Georgian Dream, which has a constitutional majority. The amendments were approved by the third reading on 30 June 2017, and enforced on July 26.²²

Surveillance law

Georgian civil society organizations have consistently criticized surveillance practices in the country, resulting in frequent phone tapping of politicians, journalists, and ordinary citizens. In April 2016, Georgia's Constitutional Court ruled it unconstitutional for the security agency to have a right to an unlimited access to the telecom operator's network for the purpose of surveillance. In line with the court's decision, in March 2017, an ad hoc parliamentary group approved amendments to the legislation, calling for creation of a new agency, Operative-Technical Agency, under the State Security Service. This agency would be entitled to monitor telephone and internet communications, as well as to conduct video and audio surveillance.²³

CSOs that were part of the parliamentary working group and were the leading force behind the “This Affects You Too” campaign against law enforcement agencies’ unrestricted surveillance of citizens criticized these amendments. According to their statement, the proposed model disregards Constitutional rights of citizens by maintaining unlimited access to their personal information through an agency that is still under the State Security Service.²⁴ This in turn creates a challenge of agency’s independence and lack of oversight mechanisms. The President’s administration also expressed concerns regarding the independence of the new agency.²⁵

Independence of oversight institutions

While Georgia has a good track record for fighting corruption in public service, independence of oversight bodies remains one of the key issues for ensuring more effective checks and balances between different branches of government. A study conducted by Transparency International Georgia (TIG) showed that the State Audit Office (SAO), despite having sufficient safeguards for independence by law, continues to be susceptible to political influences²⁶. In light of the existing concerns, a recent scandal involving the former General Auditor raises questions regarding the strength and independence of the supreme audit agency in Georgia.

In May 2017, the then General Auditor Lasha Tordia was allegedly beaten up by the former General Prosecutor Otar Partskhaladze and his bodyguards in a nightclub in Tbilisi. As a result, Mr. Tordia received a brain concussion. On the next day, the MIA started an investigation on the grounds of article 126 of the Criminal Code envisaging sanctions for beating up or otherwise violently attacking a person that resulted in a physical injury. On the same day, CSOs issued a statement saying that this was not a beating up of a regular person but that of the General Auditor requiring the application of other articles of the Criminal Code, envisaging punishment for crimes against state institutions and public servants in relation to their official duties. According to Mr. Tordia, this assault is linked to the State Audit Office’s (SAO) disclosure of corruption schemes in the Prosecutor’s Office during Mr. Partskhaladze’s term in office as a General Prosecutor.²⁷ However, no decision has been made on the case yet and no offenders are subjected to liability under the law.

2.2 Scope of Action Plan in Relation to National Context

While the third national action plan covers a wide range of areas compared to previous action plans, such as environment, energy, penitentiary, as well as local government, there have been certain developments in the national context that could find their way into the new commitments. The previous section provides a brief overview of the key changes that could impact the OGP implementation in Georgia, which, along with the commitments the country took at the London Anti-Corruption Summit in May 2016, could be used to inform the next action plan. For instance, Georgia committed to create a unified company registry containing beneficial ownership information, along with the commitment to introduce the Open Contracting Data Standard.²⁸ The latter is particularly relevant given Georgia’s progress in enhancing the transparency of the public procurement system via the unified online portal, widely used by local watchdog organizations, among other stakeholders. Considering the vulnerability of government procurement in the face of corruption risks, complementing the existing system with further safeguards for transparency and accountability, such as Open Contracting, would be a significant step forward in promoting openness in the field.

As discussed in the previous section, concerns about the unrestricted access of the State Security Agency to the personal data of citizens and the lack of effective oversight mechanisms remain. In the OGP context, including a commitment which would bolster

public accountability and transparency of the new agency under the State Security Agency, Operative-Technical Agency, would be a huge step forward. For example, the last two action plans feature Supreme Court's commitments on proactive publication of phone tapping data, as well as the Ministry of Internal Affairs' (MIA) commitment to publish interactive crime statistics. While the former was successful in implementing the undertaken commitment, the MIA did not deliver on its pledge. That said, the MIA should make a bigger effort to provide the public with detailed data on the crime situation in the country, which would increase citizens' trust and confidence in the mandate and activities of law enforcement agencies.

In light of the presidential elections in 2018, efforts to raise awareness about the electoral process among all target groups remain a high priority. The second national action plan of 2014-2016 addressed a given issue by providing educational activities to different groups of voters with a special focus on the youth. One of the recommendations put forward by the IRM researcher was to expand these educational activities to other target groups and to keep the momentum after the elections. However, the current action plan does not include any election-related commitments. Other suggestions in this area include making the Central Election Commission (CEC) website more user-friendly, by publishing information in open data format, as well as providing an application programming interface (API) to interested organizations, which would automatically link their websites to the official election database and be able to undertake deeper analysis of the available data.

For the first time, the current action plan contains commitments by local government bodies, which address OGP principles by proposing to enhance the transparency of local council meetings, participatory budgeting, and the e-petitions system. These commitments should be commended. However, given the CSOs' concerns over the changes in local government legislation, it is important to develop and implement uniform standards for civic participation and proactive disclosure of information across all 69 municipalities. Such efforts could translate into specific commitments, including institutionalizing viable mechanisms of participatory budgeting, online petitions, live streaming of local council meetings (such as in the case of Ozurgeti local council), and allowing citizens to report and seek redress of community problems.

¹ World Justice Project, <http://data.worldjusticeproject.org/opengov/#/groups/GEO>

² World Justice Project, <http://data.worldjusticeproject.org/opengov/#/groups/GEO>

³ Right to Information Rating, <http://www.rti-rating.org/country-data/>

⁴ Freedom of the Press: Georgia, <https://freedomhouse.org/report/freedom-press/2015/georgia>

⁵ Georgia IRM End of Term Report 2014-2016, <https://www.opengovpartnership.org/documents/georgia-end-of-term-report-2014-2016-public-comment>

⁶ International Budget Partnership: Georgia, <http://bit.ly/2IVN8w0>

⁷ United Nations in Georgia, <http://bit.ly/2AuABF3>

⁸ Georgia IRM End of Term Report 2014-2016, <https://www.opengovpartnership.org/documents/georgia-end-of-term-report-2014-2016-public-comment>

⁹ Open Data Barometer, Georgia Country Detail, <http://bit.ly/2G15Zim>

¹⁰ IDFI, "Access to Open Data in Georgia", <https://idfi.ge/en/access-to-open-data-in-georgia>

¹¹ Central Election Commission, 2016 parliamentary election results, <http://bit.ly/2CHWwOJ>

¹² NDI, November 2016 Public Opinion Poll, <http://bit.ly/2umiwec>

¹³ Civil.ge, "Parliament Sets Up Constitutional Reform Commission", <http://bit.ly/2m0p7oa>

¹⁴ NDI, April 2017 Public Opinion Poll, <http://bit.ly/2t9PWv5>

¹⁵ Amendments to the Constitution of Georgia, Chapter 11, Article 2, paragraph 9, 13 October 2017, <https://matsne.gov.ge/ka/document/view/3811818>

¹⁶ Venice Commission, Opinion on Georgia's Draft Revised Constitution, 16-17 June 2017, <http://bit.ly/2wYRBkO>

¹⁷ Civil.ge, "NGOs Criticize Constitution Draft, Propose Further Debate", 22 April 2017, <http://bit.ly/2Aup7kU>

¹⁸ Civil.ge, "Parliament Approves Constitutional on Final Reading", 26 September 2017, <http://bit.ly/2Av3Ya4>

¹⁹ Open Society Georgia Foundation, CSO statement on the abolishment of seven self-governing cities, <http://bit.ly/2CHB1gs>

²⁰ Civil.ge, "Parliament Reduces Number of Self-Governing Cities", 3 July 2017, <http://bit.ly/2CY4792>

²¹ NDI, Statement of the NDI Pre-Election Delegation to Georgia, 21 July 2017, <http://bit.ly/2CHGpkq>

²² Civil.ge, "Parliament Reduces Number of Self-Governing Cities", 3 July 2017, <http://bit.ly/2CY4792>

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- ²³ Civil.ge, “President Margvelashvili Vetoes Surveillance Bill”, 20 March 2017, <http://bit.ly/2FIsdjM>
- ²⁴ Georgia Today, “NGOs Criticize Majority Bill on Covert Investigation”, 13 February 2017, <http://bit.ly/2CTumgF>
- ²⁵ Civil.ge, “President Holds Talks on Surveillance Bill”, 16 March 2017, <http://bit.ly/2Cund5l>
- ²⁶ Transparency International Georgia (TIG), Georgian National Integrity Assessment (NIS) 2015, <http://bit.ly/2qsxDRC>
- ²⁷ Civil.ge, “Georgia’s State Audit Office Chairman Assaulted”, 15 May 2017, <http://bit.ly/2IXqvat>
- ²⁸ Georgia Country Statement, London Anti-Corruption Summit, May 2016, <http://bit.ly/2ghbUaT>

III. Leadership and Multistakeholder Process

The Analytical Department of the Ministry of Justice (MoJ), serving as an OGP Secretariat, leads the process of public consultations and coordinates implementation of the action plan. While the public was notified in advance regarding consultation meetings, the process could be improved further with an online feedback mechanism for those who cannot attend the consultation meetings in person.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Georgia. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✓	
	Shared	Single
Is there a single lead agency on OGP efforts?		✓
	Yes	No
Is the head of government leading the OGP initiative?		✓
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	✓	
Is the government's commitment to OGP established through a legally binding mandate?	✓	
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✓
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✓

Georgia is a unitary state, and the powers are separated between the executive, legislative and judicial branches of government. OGP is a responsibility of the executive branch, specifically the Ministry of Justice (MoJ) and its Analytical Department, which serves as Open Government Georgia's Secretariat. Although Georgia's National Action Plan is approved by the Government Decree and therefore ensures that the commitments' implementation process is legally binding and enforceable, the MoJ itself has limited political and legal power to coerce and enforce policy changes on other agencies within the government. Thus the MoJ's mandate largely lies in coordinating the development and implementation of the national action plan. (See Table 3.1 on the leadership and mandate of OGP in Georgia). The Head of Government, the Prime Minister, is not directly involved in the action plan development and implementation processes, but is represented in the OGP Forum (National Coordination Mechanism) as one of the responsible agencies in charge of specific

commitments. While the government has not allocated a separate budget or staff for OGP, the expenditures necessary for implementation of the action plan are incorporated into existing programs under the state budget.

In April 2012, the government developed an interagency coordination mechanism called NGO Forum to work on the implementation of 2012-2013 national action plan. At the initial stage, the Forum's meetings were informal and involved a few leading civil society organizations (CSOs) in the field, along with the government contact person for OGP. In the period between November 2012 and January 2014, the MoJ stopped hosting the Forum meetings. This decision was also affected by highly contested parliamentary elections, held in October 2012, and the ensuing power transfer from the then ruling party (United National Movement) to the opposition coalition (Georgian Dream). During this period of transition, OGP coordination was limited to occasional roundtables supported by international donor organizations, such as the United States Agency for International Development (USAID). On 15 January 2014, the MoJ re-launched the NGO Forum, now called Georgia's Open Government Forum, as a multi-agency structure. Under the current Terms of Reference, the Forum has an expanded list of around 40 members, including different public agencies, CSOs, and international organizations.¹

The expanded and diversified composition of the Forum contributed to the widening of the focus areas of the commitments of the 2016-2018 national action plan, covering new sectors such as environment, energy, and penitentiary system. For the first time since Georgia's participation in OGP, the national action plan also includes a series of commitments by local governments, aimed at increasing their transparency, accountability, and public participation.

As stressed in the previous IRM progress reports, the first legal document serving as a basis of OGP process in Georgia was issued in the form of a government Decree in July 2013. The Decree assigned the responsibility of implementing OGP commitments to a number of agencies, including the Ministry of Justice, Ministry of Finance and State Procurement Agency, and delegated the oversight role to the government as a whole. The same Decree designated the MoJ's Analytical Department as lead agency in charge of coordinating the development and implementation of the national action plan.² The Inter-agency working group has permanent representatives from the Government Administration, Ministry of Foreign Affairs, Tbilisi City Hall, and the Parliament of Georgia. Heads of all Forum member civic society organizations are also invited to the group. UNDP and the USAID also take part in the group meetings.

In addition, an inter-agency working group was created to make strategic decisions regarding the upcoming summit and the chairmanship year. To ensure that all branches are involved in this process, permanent members of the inter-agency include key governmental agencies as well as local CSOs and donor organizations, including Ministry of Justice, Ministry of Foreign Affairs, Government Administration, Tbilisi City Hall, Parliament, GYLA, TIG, OSGF, IDFI, USAID, UNDP, GIZ, and EU Delegation to Georgia. That said, CSOs find it important that the Prime Minister is actively involved in the OGP processes, especially for the period of Georgia's Chairmanship. Similarly, to the recommendation regarding the PM's direct involvement in the work of the OGP Forum, the issue has been raised continuously both by the IRM researchers as well as the local CSOs.³

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 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: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	12	0	0	27	0
Propose: These institutions proposed commitments for inclusion in the action plan.	6	0	1	15	5
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	2	3	1	4	5

In Georgia, during the first two action plan cycles, the OGP process was mainly driven by executive agencies and several independent agencies, as well as judiciary. In the third action plan, participation has also expanded to local self-government bodies.

The Ministry of Justice circulates an invitation to all government agencies to participate in the OGP process. Interested parties fill out a template for action plan commitments, reviewed by and agreed upon with the OGP Secretariat within the MoJ. The participation is ad hoc, with no binding obligation on behalf of the government entities. All interested stakeholders are free to be a part of the consultation and implementation process.

Given the Ministry of Justice could not provide the data on the number and names of the agencies participating in consultation and proposal stage of the action plan development, the table above provides information regarding the implementing agencies only. The third action plan features an expanded list of implementing agencies, including municipal bodies, which is a step forward in having a more inclusive OGP process.

3.3 Civil Society Engagement

Prior to developing the 2016-2018 national action plan, the OGP Secretariat held 19 public consultation events in 15 cities spanning different regions of Georgia. The consultation process was carried out with active support of the USAID Georgia Good Governance

Initiative (GGI) project, and the meetings were held at the USAID Civic Engagement Centers and the Community Centers of Public Service Development Agency. 800 participants were involved in the process, including representatives of local CSOs, members of local governments, media, academia, students, and other interested citizens.⁴ Unlike before, when MoJ had an online mechanism for soliciting public input, this round of consultations was largely limited to in-person public and individual meetings.⁵

While the timeline and process were not available online on the MoJ website prior to the consultation process, the Ministry disseminated the information through USAID Civic Engagement Centers and Community Centers of Public Service Development Agency. The Centers shared the information through their distribution lists one week in advance of the meetings.⁶ In addition, local media outlets were involved in promoting upcoming consultations. The government did not conduct separate awareness-raising activities, other than informing participants about the OGP process and action plan commitments during the meetings.⁷ According to the stakeholders, this lack of OGP awareness made it a challenging task to lead discussions in the spirit of openness. Nevertheless, stakeholders also noted that the Ministry of Justice was very active and eager to conduct as many consultations as possible and they were also very well prepared for presenting the draft action plan.⁸ Also on a positive note, the USAID GGI project is currently assisting MoJ to develop/finalize an OGP communication strategy followed by an action plan to better promote this platform to the general public. USAID GGI will support MoJ in implementation of the Action Plan activities.⁹

The consultation meetings took the form of a workshop with special focus on soliciting participant feedback on the action plan commitments. According to the MoJ, the USAID GGI project took the lead on producing the minutes for each meeting, which were shared with the Secretariat, and reflected in the action plan.¹⁰ However, these minutes, as well as the summary of public comments, were not publicly available on the MoJ OGP website during the period covered by this report. The MoJ started publishing the consultation plan and the minutes of some regional meetings on 17 July 2016.¹¹

Based on the input from the public generated through the consultations, several new commitments, such as the commitments on participatory budgetary process in local self-governments, were added to the action plan.¹²

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Georgia during the 2016-2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 2 of 7						
Before	1. Timeline Process & Availability			2. Advance Notice		
	Timeline and process available online prior to consultation	Yes	No	Advance notice of consultation	Yes	No
			✗		✓	
	3. Awareness Raising			4. Multiple Channels		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes	No
			✗			✗
			4b. In-person consultations:	Yes	No	
				✓		
5. Documentation & Feedback						

	Summary of comments provided				Yes	No
						✗
During	6. Regular Multistakeholder Forum					
	6a. Did a forum exist?	Yes	No	6b. Did it meet regularly?	Yes	No
		✓			✓	
After	7. Government Self-Assessment Report					
	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
			✗			✗
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
		✗			✗	

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹³ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓	
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

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

The pre-existing OGP Forum that is dedicated to OGP has served as the main mechanism for consultation both during the development and implementation of the action plan since the beginning of Georgia’s participation in the platform. The Forum has formal procedures of participation adopted in January 2014.¹⁴

Based on previous practice, the Forum meetings take the form of in-person consultations and are held once every two months at the MoJ premises in the capital Tbilisi. In addition to regular meetings, the MoJ also held a number of individual meetings with stakeholders who suggested their recommendations for commitments in the third national action plan. In contrast with the previous cycle, the minutes of the Forum meetings are not publicly

available on the MoJ website, which is in contradiction to the aforementioned procedures of participation.

Any participant whether from a civil, business, or public sector can express interest to join the forum as a member. A positive turnaround from previous practice is that private sector entities such as the American Chamber of Commerce (AmCham) and the International Chamber of Commerce (ICC) joined the Forum as members.¹⁵ According to stakeholders, AmCham has hosted a discussion with OGP secretariat and representatives of the private sector as well as contributed with a valuable input on the commitments which entails allowing business agents among other stakeholders to participate in the review of the government’s policy and legislative acts.¹⁶ However, some stakeholders report a low level of CSO participation, especially from sector-specific organizations. This could be due to a lack of promotional activities of OGP and of the work of the Forum. Another reason for low level engagement is a lack of resources among CSOs, a large majority of which have no earmarked funds or staff for OGP.¹⁷ Furthermore, regional CSOs have difficulty attending Forum meetings in Tbilisi. Therefore, as IRM recommended in the previous progress report, MoJ should develop and promote an online module for public participation during development and implementation of the action plan.

While the Forum has no rules to ensure the gender balance of its members, the practice shows that the composition is balanced.

At each Forum meeting, five or six responsible agencies update the Forum members about the progress in the implementation of commitments while CSOs are actively involved in discussions, where they can pose questions, as well as suggest recommendations for improvement.¹⁸

The IRM researcher has observed the processes described above since Georgia developed its first OGP national action plan in April 2012.

3.5 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.

As of 30 October 2017 government has not published the self-assessment report.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	Develop a government strategy and a policy vision on OGP to make it a country-wide project with direct impact on citizens’ lives.	No	No
2	Involve high-level decision-makers in the work of the OGP Forum to raise the responsibility of relevant agencies in charge of specific OGP commitments.	No	No
3	Include more bottom-up commitments in the next national action plan so that citizens feel ownership	Yes	Yes

	over their implementation.		
4	Involve local governments as responsible agencies for future OGP commitments to contribute to the opening up of policy-making at the local level and to the empowerment and sustainable development of local communities.	Yes	Yes
5	Make it a binding obligation for all public agencies to publish data on data.gov.ge so that this portal becomes a primary source of reference for receiving government data that is open, automated and up-to-date.	No	No

Of the five recommendations, the government addressed two, which were reflected in the action plan. Namely, the recommendations on developing more bottom-up commitments, and involving local governments as responsible agencies were addressed. Through public consultations conducted in the regions, the MoJ collected feedback from the participants, which focused mainly on social and healthcare issues, as well as service delivery and local government accountability. According to the stakeholders, these suggestions were incorporated into the commitments in the third action plan.¹⁹ A good example of a bottom-up commitment is the adaptation of Tbilisi Public Service Hall to the needs of people with special needs, which was developed following the request through the *Voice of the Consumer* feedback mechanism.²⁰

The second recommendation addressed in the action plan is the involvement of local government entities as responsible agencies. Currently, the key local decision-making bodies from five municipalities are implementing three commitments related to transparency of local council meetings, participatory budgeting, as well as electronic petition mechanism.²¹

¹ Ministry of Justice, Georgia OGP Forum, Guiding Principles, <http://bit.ly/1xnGePV>

² Government of Georgia, "Decree 'About the Necessary Measures for the Implementation of the Action Plan of Georgia for the Open Government Partnership'," Government of Georgia, 9 July 2013, <http://bit.ly/2tqNZX2>

³ IDFI, comments on the draft progress report of 2016-2017, December 25, 2017

⁴ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁵ Ketevan Tsanava, National Coordinator of OGP Georgia, phone interview with IRM Researcher, 15 July 2017

⁶ Mikheil Darchiashvili, Governance Program Manager, Levan Samadashvili, Deputy Chief of PartyMarika Gorgadze, Governance Program Manager, Tetra Tech ARD, 4 August 2017

⁷ Zurab Sanikidze, Head of the Analytical Department of the Ministry of Justice of Georgia, Ketevan Tsanava, National Coordinator of OGP Georgia, interview with IRM researcher, 27 July 2017.

⁸ Darchiashvili, Samadashvili, Gorgadze, interview, August 2017

⁹ Darchiashvili, Samadashvili, Gorgadze, interview, August 2017

¹⁰ Tsanava, interview, July 2017

¹¹ Ministry of Justice, <http://bit.ly/2u1IiRP>

¹² NAP 2016-2018, <http://bit.ly/2t2eFxU>

¹³ IAP2's Public Participation Spectrum, <http://bit.ly/2qVYafz>

¹⁴ Ministry of Justice, Georgia OGP Forum, Guiding Principles, <http://bit.ly/1xnGePV>

¹⁵ Sanikidze, Tsanava, interview, July 2017

¹⁶ Darchiashvili, Samadashvili, Gorgadze, interview, August 2017

¹⁷ Saba Buadze, Anti Corruption Direction Lead, and Levan Avalishvili, Programs Director, Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017

¹⁸ Sanikidze, Tsanava, Interview, July 2017

¹⁹ Buadze, Avalishvili, interview, July 2017

²⁰ NAP 2016-2018, <http://bit.ly/2t2eFxU>

²¹ NAP 2016-2018, <http://bit.ly/2t2eFxU>

IV. 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.¹

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 the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. 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:** This variable evaluates the commitment's 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 are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for 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?²
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. 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
 - Assess 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:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- 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.³
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Based on these criteria, Georgia’s action plan contained three starred commitments, namely:

- Commitments, 9, 14 and 16

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Georgia and all OGP-participating countries, see the OGP Explorer.⁴

General Overview of the Commitments

The action plan focused on three key areas: improvement of the integrity of public administration agencies, improvement of the quality of public services, and improvement of the efficiency of using community resources.

Georgia’s third national action plan focused on addressing all five OGP grand challenges—improving public services, increasing public integrity, more effectively managing public resources, creating safer communities, and increasing corporate accountability. All 24 commitments span these five grand challenges. The 24 responsible agencies include the Government Administration, six ministries: Ministries of Justice, Labor, Health and Social Affairs, Energy, Corrections, Environment and Natural Resources Protection and Regional Development and Infrastructure and the Prosecutor’s Office. Responsibilities also lie with seven Legal Entities of Public Law (LEPL) subordinated to different Ministries as well as five independent agencies (Civil Service Bureau, State Procurement Agency, Competition Agency, State Audit Office, and Georgian National Energy and Water Supply Regulatory Commission). The Supreme Court and five local government bodies are also included as responsible agencies.

It should be noted that the current action plan passed through several significant changes before it was approved by the government. Firstly, the MoJ amended the initial draft of the action plan by removing a number of technical and service-oriented commitments carried over from the previous action plan, such as internal electronic system for human resources management in public service, internal electronic modules for improving public finance management as well as a commitment on improving the functionality of electronic ID cards. Secondly, stakeholders suggested diversifying the list of responsible agencies and developing more OGP-relevant commitments, including initiatives from local government bodies. Based on these considerations, the MoJ updated the final action plan.

Themes

The IRM did not change the initial structure of the action plan as approved by the government. Due to the technical nature of the milestones, this report provides assessment at the commitment level, not at the milestone level. IRM groups two commitments (#20 and #21) based on their similar nature, context, and analysis.

¹ Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), <http://bit.ly/2IZTbQe>

² IRM Procedures Manual, available at, <http://bit.ly/2pdJlwL>

³ The International Experts Panel changed this criterion in 2015. For more information visit, <http://bit.ly/1IUMUho>

⁴ OGP Explorer and IRM data, bit.ly/1KE2WII

I. Adapting the Public Service Hall to the needs of people with disabilities

Commitment Text:

In the framework of the Open Government Georgia's Action Plan of 2014-2015, LEPL – the Public Service Hall (PSH) successfully introduced a feedback system – “Voice of the Consumer”. By means of this program customers can fill out a special application and submit their comments/ recommendations to the PSH. On its part, PSH is liable to review the received letters within 30 days and take particular steps, if possible, and afterwards, contact the citizen and provide him/her with detailed information about his/her case.

In November 2015, PSH was addressed by a citizen with disabilities via “Voice of the Consumer”. The author of the letter described the difficulties people with disabilities face in PSH while receiving public or private services. The letter also contained concrete recommendations about how to handle this problem.

Together with the author of the letter and other organizations competent in the field, PSH developed a new project, which later was translated into the current commitment of the 3rd Action Plan of Georgia.

The goal of this commitment is that the infrastructure of PSH shall meet the standards that are mandatory for people with disabilities to move around and receive services without any trouble. At the initial stage, PSH decided to adapt Tbilisi branch to the needs of people with disabilities.

- In the hall of PSH Tbilisi branch a special navigation system will be created for blind people or people with poor eyesight;

Training of Tbilisi, Batumi, Kutaisi and Rustavi branch employees in terms of communication skills when interacting with disabled persons.

Responsible institution: LEPL – Public Service Hall, Ministry of Justice of Georgia

Supporting institution(s): UNDP, Embassy of Poland, Coalition of Independent Living, NGO Mariani

Start date: July 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
I. Adapting the Public Service Hall to the needs of the people with disabilities				✓	Unclear					✓			Yes				✓

Context and Objectives

In Georgia, people with special needs face difficulties in accessing basic public information and services because most government buildings and infrastructure are not adapted to their needs. In response to the request from the end-users themselves, this commitment aimed to adapt the Tbilisi Public Service Hall (PSH) to the needs of blind and visually impaired people.

Given that the commitment language does not entail disclosure of any new information to the public or make the existing information more accessible, it has unclear relevance to OGP. Further, the commitment envisages only the adaptation of Tbilisi PSH to the needs of blind and visually impaired people, meaning that it would have a minor impact on improving the access of the disabled to key public services. A transformative reform would entail expanding this commitment to cover all PSHs and government agencies as well as other groups of people with special needs, by improving their access not only to public services but also to the public information and decision-making processes. This way there will be a clearer link between the commitment and the OGP principles.

Completion

The Tbilisi PSH started adapting its infrastructure to the needs of blind and visually-impaired people in the fall of 2016 and completed the project in February 2017. The PSH installed a special navigation system, including tactile paths and braille maps to help the beneficiaries with directions both outside and inside of the Tbilisi PSH. In addition, the PSH launched the audio reading software on its website to help the blind and visually impaired people receive information about the PSH-provided services.¹ The PSH presented this website to the end-users and received positive assessment of the adapted content.²

Activities also included trainings of more than 400 PSH operators in Tbilisi, Batumi, Kutaisi and Rustavi on communication methods for the target group of this commitment. At the next stage, the PSH plans to add the component of gesture communication to these trainings so its operators also treat another target group of the deaf and hearing-impaired people.³

Mariani, a local organization working on the rights of blind and visually impaired people was the main implementer of the project, with financial assistance from Polish Aid.⁴ According to the Director of Mariani, it was challenging to cooperate with the PSH on this commitment since there was always a conflict between the PSH's branding and design strategy on the one hand and internationally recognized standards for developing infrastructure for blind and visually impaired people on the other. For instance, according to the latter standards, yellow is the most suitable color for visually impaired people. However, the PSH opted for white since it was more suited to the building design. The same issue occurred with white braille maps that were installed at the PSH entrance. In addition, tactile paths outside the PSH are not strongly attached to the ground and they shake as a result of the vibration caused by cars. The braille plates also often fall down and get misplaced and put back in the wrong way.⁵

Early Results (if any)

Neither the PSH nor Mariani maintain the statistics on how many blind or visually-impaired people have used the new infrastructure within the Tbilisi PSH and what their level of satisfaction is. However, according to the Director of Mariani, a few end-users consulted provided positive assessment of the commitment.⁶

Next Steps

The PSH developed a plan to adapt the Batumi and Kutaisi PSH to the needs of blind and visually impaired people. They also plan to adapt the online version of the Voice of the Consumer feedback mechanism to help vulnerable groups provide comments on PSH services.⁷

Mariani's recommendation to the government is to develop a unified standard for adapting the buildings to the needs of the blind, visually impaired, deaf or hearing-impaired people since the existing legal basis, Government Decree #41, only provides standards for physically disabled people.⁸ Without such a unified standard, the branding visuals would always be prioritized over the needs of beneficiaries. Another recommendation is to ensure more government openness in this area in general. Specifically, a strong government commitment in this area should include a more inclusive approach for the blind and visually impaired people to actively take part in the development of assistance programs for this group of beneficiaries, consult with them on a regular basis to identify special needs and to tailor assistance programs to those needs.⁹

¹ Public Service Hall, <http://psh.gov.ge/>

² Ani Gigineishvili, Head of Marketing and Service Development Department, interview with IRM researcher, 8 August 2017

³ Gigineishvili, interview, August 2017

⁴ Gigineishvili, interview, August 2017

⁵ Mariam Mikiashvili, Director of NGO Mariani, phone interview with IRM researcher, 9 August 2017

⁶ Mikiashvili, interview, August 2017

⁷ Gigineishvili, interview, August 2017

⁸ Government of Georgia, Decree #41 on *Approving Technical Rules on Making the Space and Architectural and Design Elements for People with Disabilities*, 6 January 2014, <http://bit.ly/2glQWqU>

⁹ Mikiashvili, interview, August 2017

2. Launch of the unified healthcare system information portal

Commitment Text:

To raise public awareness, the Ministry of Labour, Health and Social Affairs of Georgia (hereinafter, the MoLHSA) plans to set up an information portal in the framework of the unified healthcare system (E-Health).

This commitment aims to raise public awareness, improve transparency of health care system and increase accountability and effectiveness in the field.

In close cooperation with local civil society and international organizations, the main concept of the information portal will be created. Through this portal, citizens will have an access to reliable and complete information about: the state healthcare programs, medical services, service providers (professional qualification, etc.), medical equipment, blood bank, number of beds, beneficiaries, medical staff and their working places. The portal will enable a citizen to check his/her insurance status and see which services are available for him/her in the frames of the health care programs. Current and updated information about healthcare reforms and its monitoring results will also be uploaded on the portal.

Creation of the information portal will promote transparency and accountability of the processes undergoing in the healthcare field and increased response to the citizens' needs.

Responsible institution: Ministry of Labour, Health and Social Affairs of Georgia

Supporting institution(s): LEPL L. Sakvarelidze National Center for Disease Control & Public Health, LEPL Social Service Agency, World Health Organization

Start date: November 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
2. Unified healthcare system information portal				✓	Unclear					✓			No		✓		

Context and Objectives

In 2013, the Government of Georgia adopted a Universal Healthcare Program, offering healthcare coverage to all Georgian citizens. According to the Ministry of Labour, Health, and Social Affairs of Georgia (hereinafter, the MoLHSA), while citizens are aware of the existence of the Universal Healthcare Program, they are not sufficiently informed regarding the actual rights they have within the framework of the Program, as well as the services they are entitled to.¹ The creation of a unified healthcare system information portal (e-portal) would provide citizens with a variety of information regarding availability of hospital beds, background of medical staff, and service providers. The portal (e-portal), would also serve as

a personal information portal for patients. According to the MoLHSA, the citizens would be able to not only browse information regarding medical facilities, but also to retrieve their medical history and electronic prescriptions, as well as make appointments at healthcare service providers.²

The commitment is highly specific and if implemented fully, would have a minor impact on improving health service provision. As stated by the MoLHSA, many functions of the portal are already available on the Ministry's website, whereas the portal would combine these features.³ For example, the website of the Ministry already features data on blood bank, availability of hospital beds, and information regarding healthcare providers.⁴ The portal would combine these modules with personal services for the patients, such as registration of birth/death, medical history, immunization and more, which is already available but not fully functional on the Ministry's website.⁵ While combining personal services with information ranging from immunization to pharmaceuticals in the unified electronic portal could simplify citizens' access to health information, the commitment does not entail provision of significant information that was previously unavailable to the public. Therefore, the commitment is coded as having no clear relevance to the OGP principles.

Completion

The implementation of the commitment is behind schedule.⁶ The concept of the portal was not developed as of August 2017. According to the main partner of the MoLHSA on drafting the concept, there is a lack of coordination and unified vision regarding the content of the portal, as well as on the rough estimate on financial support needed for launching the portal.⁷ As stressed by the Institute for Development of Freedom of Information (IDFI), drafting the concept of the portal is a crucial procedural step for the full implementation of the commitment.⁸

USAID's Good Governance Initiative (GGI) project in Georgia is actively assisting the MoLHSA in drafting the concept paper of the portal⁹. With the help of the consultant hired through the above mentioned joint grant project, the MoLHSA expects to have a clear picture of what electronic features are already available on the website of the Ministry and what modules need to be added in fall 2017. Considering that the Ministry is already collaborating with the partners on drafting the concept of the portal, the completion of the commitment is coded as "limited."

According to the MoLHSA, the Ministry held various consultation meetings with individual partners such as USAID GGI, Office of the Personal Data Protection Inspector, Institute for Development of Freedom of Information (IDFI), Estonian E-Governance Academy, as well as sub-ministry entity National Center for Disease Control (NCDC) on specific components of the portal.¹⁰ However, no single consultation was held with the NGOs, public, and other stakeholders dedicated specifically to the portal.¹¹

The MoLHSA refers to two main obstacles to the implementation of the commitment. Firstly, as the portal is envisioned to contain a significant amount of personal data, the Ministry had to settle the issue with the Office of the Personal Data Protection Inspector (OPDPI). While the MoLHSA and the OPDPI held several meetings, according to the representative of the OPDPI, it was difficult to provide specific recommendations on the portal as the concept paper is yet to be developed. However, the OPDPI stresses high risk related to including large amounts of sensitive data on the portal, as well as underlines the importance of giving citizens a choice on what type of personal data they would like to be available on the portal. For example, the MoLHSA can provide an alternative method of service-delivery to a patient, in case they refuse to use the portal, or object to having data stored in the system. Another example would be allowing citizens to choose what type of personal data they would like to be available online.¹²

Secondly, the Ministry has highlighted that there is a problem with funding. Considering that the launch of the web platform requires additional funds, the process might be stalled due to

an absence of donors.¹³ Based on stakeholders' perspectives, it is unlikely that the portal will be launched by the end of 2017.¹⁴

Next Steps

Considering the delay, the IRM researchers recommend that the commitment is implemented in the remaining period of the current NAP. Additionally, as the concept paper is in the development phase as of September 2017, it would be useful if the MoLHSA organized public consultations and discussions as stated in the commitment text to receive input from citizens as they are direct beneficiaries of the commitment. Therefore, acquiring input from the public on specific features and modules is key to finalizing a concept paper, and moving on to creating the portal.

Additionally, based on the recommendations of the OPDPI, the MoLHSA should take into consideration the issue of sensitivity of personal data envisaged to be included in the portal, and take appropriate measures to:

- allow the citizens to determine what type of personal data is uploaded in the portal;
- provide alternative channels for service provision may the patient refuse to use the portal;
- ensure the portal is secure from an accidental data leak, or illegal disclosure of information.

If carried into the next action plan, the link with the OGP principle should be strengthened. For example, the Ministry can integrate a feedback/complaint mechanism specifically on government services, which would enhance accountability of the sub-ministry entities, whether it has problems with registration, possible corruption cases, or others. Another example of such a link would be proactive publication of information that the Ministry owns, determined through public discussions and based on public feedback. Lastly, the MoLHSA can conduct impact assessment of the healthcare policy (including Universal Healthcare Program) on overall health of the population, in order to inform citizens regarding the Ministry's programs and their benefits.

¹ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>.

² Ketevan Goginashvili, Head of Staff, interview with IRM researcher, 2 August 2017

³ Goginashvili, interview, August 2017

⁴ Information Portal of the Ministry of Labour, Health, and Social Services, <http://cloud.moh.gov.ge/Pages/SearchPage.aspx>

⁵ List of modules of the portal, <http://ehealth.moh.gov.ge/Hmis/Portal/Default.aspx>

⁶ Goginashvili, interview, August 2017

⁷ Mikheil Darchiashvili, Governance Program Manager, Levan Samadashvili, Deputy Chief of Party, Marika Gorgadze, Governance Program Manager, Tetra Tech ARD, 4 August 2017

⁸ Saba Buadze, Anti-Corruption Direction Lead, OGP Forum Meeting, 14 July 2017

⁹ According to USAID GGI, this activity will be followed by development of the terms of reference (ToR) through joint grant project with Estonian Foreign Ministry issued for e-Governance academy of Estonia and its local partner - Institute for Development of Freedom of Information (IDFI).

¹⁰ Ketevan Goginashvili, Head of Staff, e-mail correspondence with IRM researcher, 12 September 2017

¹¹ Goginashvili, interview, August 2017

¹² Salome Bakhsholiani, Head of Legal Department, Office of the Personal Data Protection Inspector, email correspondence with IRM researcher, 21 September 2017

¹³ Goginashvili, interview, August 2017

¹⁴ Darchiashvili, Samadashvili, Gordadze, interview, August 2017

3. Introduction of electronic licensing system in the field of natural resource application

Commitment Text:

Currently, issuance of licenses for using natural resources (except for oil and natural gas) are only partially electronicized by the National Environment Agency. A licensee is only able to participate in the auction through electronic means.

A citizen who is willing to obtain a license and/or receive any other paid services outside the auction, within the auction or afterwards, must complete additional paperwork (for example, submission of an application and other accompanying documents, the owner’s consent and decision, statistical form, etc.) before and after the auction. This process requires additional time and financial resources both for the citizen and the agency. Sorting and analyzing information received non-electronically is another complication. The current licensing system is problematic because it is important to distribute high quality information in a timely fashion not only for formation of the database, but to deliver virious services promptly for the the licensees, license seekers, public structures and other stakeholders.

Through this commitment, the National Environment Agency shall issue licenses and render other paid services entirely in an electronic manner. The new electronic system allows for documents pertaining to the licensing field to be available electronically. As a result, the agency will be able to sort and form the statistical database of collected information in a much more efficient manner. The system will ensure prompt, high-quality delivery of the processed information. Furthermore, the customer will have simplified access to any public information (statistics, online map of resources, guidebook, etc.) available in the licensing field. It is important that and the licensees will be able to contact and share information with one another.

Responsible institution: LEPL – National Environment Agency, Ministry of Environment and Natural Resources Protection of Georgia

Supporting institution(s): None

Start date: December 2015

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
3. Introduction of electronic licensing system in the field of natural resources application			✓		✓				✓				No		✓		

Context and Objectives

Investors in Georgia have faced difficulties in obtaining licenses from the National Environment Agency for using natural resources. There is a significant amount of paperwork to do, and the process drags. This commitment aims to expedite the processing of licensing documentation by introducing an electronic licensing system.

Currently, most requests for licenses concern the exploitation of sand, gravel, and water. Prior to developing this commitment, the National Environmental Agency conducted numerous focus groups with large and small enterprises, most of whom asked for the creation of the electronic licensing system. As part of the consultation process, the Agency also met with key CSOs in the field, such as the Green Alternative and the Caucasus Environmental NGO Network (CENN), who provided positive feedback on the commitment.¹

The new system represents a positive but minor step in improving the licensing procedures in the field of natural resources. The new system would allow investors to register online with a username and a password and create personal pages containing all relevant information that they exchange with the National Environment Agency. The system will use the same model as the Revenue Service website, *rs.ge*, which contains personalized information exchanged between the Service and the taxpayers. The new electronic licensing portal will also include publicly available information, such as statistics on the number of licenses issued, characteristics of the licensed objects, an online map of resources, and guidebooks.² Therefore this commitment is relevant to advancing the OGP value of access to information.

Completion

At the midterm point, the commitment's implementation is limited. The Agency representative noted that the first phase, including analyzing business processes, was successfully completed in June 2017. However, at the next stage, the Agency came up with two new ideas that turned out to be more challenging to implement: 1) integrating the Environmental Supervision Department into the new system to monitor how the licensees are implementing their obligations; and 2) developing more robust electronic modules in the field of mineral resources application. The Agency's IT specialists are currently analyzing whether it is possible to add these two components to the system, which might result in a delay in implementation.³

Next Steps

Stakeholders commended the government's decision to expand the OGP action plan to cover the area of environment and natural resources, especially if it would allow citizens to have access to statistics, online maps, and guidebooks on the licensing of natural resources. They also agreed that digitizing the process of issuing licenses in natural resources application would improve relations between the National Environment Agency and the investors while making it easier for the latter to apply for relevant licenses.⁴

That said, stakeholders had numerous recommendations for increasing transparency in the management of natural resources:

- Specifically, citizens should be involved in decision-making over the selection of natural resources that need to be auctioned from the very beginning and not at a later stage when the resource is already auctioned and the license for its exploitation is already granted. This means that the government should publish the information about the planned licensing and explain its benefits to the public prior to proceeding to the auctioning process.
- Secondly, all reports on how the companies are fulfilling their licensing terms should be proactively published. Currently, most of this information is closed under the commercial secrecy rules. The Green Alternative appealed to the Constitutional Court to declassify this and all other information concerning the environment based

on public administrative proceedings.⁵ Therefore, it is important that the new online licensing system operates under the principles of transparency and accountability set by the Environmental Assessment Code.⁶

- According to stakeholders, the new system should also cover other types of natural resources, such as the forest and the land. For instance, given 35–40 percent of Georgian territory is comprised of forests, there should also be an online portal for forest management, including the component of public monitoring.⁷ Further, in accordance with the Food and Agriculture Organization (FAO) guidelines on land tenure, the government should consider land as a natural resource and apply internationally recognized protection standards for its exploitation.⁸

¹ Elene Kemashvili, Head of the Systemic Management Service at Strategic Planning and Systemic Management Department of National Environment Agency, interview with IRM researcher, 10 August 2017

² Kemashvili, interview, August 2017

³ Kemashvili, interview, August 2017

⁴ Nino Antadze, Energy and Environment Team Leader at United Nations Development Programme (UNDP), interview with IRM researcher, 14 August 2017

⁵ Ketu Gujaraidze, Policy Analyst at Green Alternative, interview with IRM researcher, 9 August 2017

⁶ Environmental Assessment Code, 2017, <http://bit.ly/2xdr4Vy>

⁷ Rezo Getiashvili, Environmental Projects Coordinator at Caucasus Environmental NGO Network (CENN), interview with IRM researcher, 11 August 2017

⁸ Food and Agriculture Organization of the United Nations, *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, Rome, 2012, see here: <http://bit.ly/1IZY3gX>

4. Creation of spatial (geographic) data web-portal for the energy sector

Commitment Text:

Geo-Information Systems (GIS) in the energy sector need development and further elaboration. There is no relevant software or united internet space where stakeholders can find information about the location of the energy objects and their various characteristics. This makes it difficult for interested stakeholders (investors among them) to obtain information in a timely manner; interest to implement various projects decreases, and projects are not developed efficiently.

In the framework of the given commitment, the Ministry of Energy shall create a publicly accessible electronic space to periodically update information about spatial data. The portal will enable stakeholders (both in the country and abroad) to remotely obtain information about the location of the energy objects and their characteristics. This will facilitate more efficient project implementation at the initial stage, as well as throughout the implementation process.

The commitment promotes improving principles of efficiency of governance, innovation and technologies.

Responsible institution: Ministry of Energy of Georgia

Supporting institution(s): None

Start date: September 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
4. Spatial (geographic) data web-portal for the energy sector			✓		✓			✓		✓			No		✓		

Context and Objectives

Georgian citizens have little information about the government's energy projects including their location and characteristics. To address this, the Ministry of Energy committed to creating a publicly accessible online portal that would contain the missing data mentioned above.

If fully implemented, creation of the portal could have a minor impact on improving public access to energy data. Previously, there has been no publicly available data on the location and characteristics of power plants; only a limited group of experts had this information. However, this commitment entails publishing very limited public interest information. A transformative reform in this area would entail publishing detailed information about the criteria for the selection of energy objects for exploitation, as well as the terms of contracts with investors and the impact assessment reports of energy projects. This would also include creating easily accessible mechanisms for citizens to engage in every stage of the decision-making process.

Completion

At the mid-term point, the commitment saw limited implementation since the new energy portal was not launched. According to the Ministry representative, they created an internal working group, including relevant public agencies and state-owned energy companies, and reached a consensus as to what kind of information should be made available on the portal. The Ministry has also identified energy companies under its jurisdiction that have to provide data for the portal. The companies have already started sharing some of their data and the Ministry is currently in the process of analyzing this data.¹

The new portal would contain data about the location, power, and connectivity of grids of the following energy objects: hydropower plants, gas pipelines, and oil wells. Renewable energy sources, namely wind and solar, are included in potential projects and the information about these sources will also be published. The energy object construction projects will be categorized across three criteria: completed, ongoing and potential projects. Updating the information on the portal will be the responsibility of both the energy companies and the Ministry. While the Ministry is also considering publishing data on the contracts with investors and the values of those contracts, the challenge they face is that the investors might want to classify this information under the commercial secrecy rules.² The Ministry plans to launch the new energy portal on their website by the end of 2017. However, the lack of sufficient funds for buying the necessary software, as well as the lack of IT personnel working on the project, might result in a delay in implementation.³

Next Steps

While commending this commitment, stakeholders think that in the OGP context it is more important to implement the following:

- Open up the process of selecting the energy objects for exploitation, disclosing the methodology used for selection as well as the terms of contracts and memos concluded with the investors. The whole process should follow the public administrative proceedings as was the CSO recommendation for issuing licenses in the field of natural resources application.
- The Ministry needs to involve citizens at the very initial phase of decision-making regarding the exploitation of the energy object and disclose the project's impact assessment reports. This was not the case with the notorious Nenskra, Namakhvani and Khudoni hydropower plant projects when the government classified important project documents under the commercial secrecy rule while also falling short of ensuring the wide public consultation process.⁴ Another issue is that many lack trust in the government's impact assessment reports since sometimes these do not consider the real damage that an energy project could inflict on the local climate, environment and population. As an illustration, the government could not provide enough justification for implementing the Khudoni hydropower plant project in Georgia's mountainous region of Svaneti, which triggered huge public controversy.⁵
- Stakeholders recommend the government to develop biomass from wood processing as a renewable source of fuel for producing a significant amount of energy, especially the heating resources that Georgia is currently lacking. A related recommendation is to integrate the already existing digital map of the country's energy resources, including the biomass, into the new portal and use it as a basic reference point.⁶ This map divides Georgia into different zones and provides information on which energy sources are required for constructing a building in a given zone and how efficient it will be based on the characteristics of each region.⁷

¹ Irakli Tavartkiladze, Head of Legal Department at Ministry of Energy, interview with IRM researcher, 16 August 2017

² Tavartkiladze, interview, August 2017

³ Tavartkiladze, interview, August 2017

⁴ Ketii Gujaraidze, Policy Analyst at Green Alternative, interview with IRM researcher, 9 August 2017

⁵ Nino Antadze, Energy and Environment Team Leader at United Nations Development Programme (UNDP), interview with IRM researcher, 14 August 2017

⁶ Rezo Getiashvili, Environmental Projects Coordinator at Caucasus Environmental NGO Network (CENN), interview with IRM researcher, 11 August 2017

⁷ Zaal Kheladze, Director of New Technology Center, interview with IRM researcher, 7 September 2017

5. Creation of innovation ecosystem

Commitment Text:

An idea to take commitment on creating innovation ecosystem derives from the research prepared by the World Bank.

In order to create an innovation ecosystem, it is important to have a complex infrastructure that would inspire forming innovative society and the knowledge-based economy.

By taking the two-component commitment in the framework of this Action Plan, Georgia's Innovation and Technology Agency (hereinafter, GITA) aims to create easier citizen access to the modern high-tech units, computer technologies and high-speed internet. This will develop computer literacy in the society and relevant skills for business commercialization.

Component I – Innovation Agency plans to develop the innovation infrastructure (techno-park) currently available in the capital city and create additional innovation infrastructure in other Georgian regions through financial assistance from the World Bank. The development of innovation infrastructure envisages: 1. Development of innovation infrastructure currently available in the capital; 2. Establishment of regional innovation hubs in the big cities; 3. Establishment of innovation centers (innovation centers will be established on the basis of the available infrastructure (libraries, educational institutions) in close cooperation and with active participation of the municipalities in the countryside); 4. Increase access to internet in the regions. To measure the results, IT-based beneficiary management system will be developed.

A regional innovation hub (center) is a mini-technopark. One regional hub will be established in a big city of a region, which will be connected to a number of district innovation centers. The location of innovation centers will be selected based on the preliminary researches. These hubs will provide various training services. Based on the findings of the skills feasibility study, trainings will be conducted in response to the needs of a particular location. In addition to educational service, the innovation centers will have meeting-rooms to conduct meetings, presentations or monitoring on various topics. The services will be delivered free of charge.

Component II – Provides population with increased access to innovation services by conducting trainings, Olympiads, distant learning, consulting services, improves basic computer literacy and relevant skills of individuals and entrepreneurs.

Responsible institution: LEPL – Innovation and Technology Agency, Ministry of Economy and Sustainable Development of Georgia

Supporting institution(s): Advisory Body of Georgian Government – Research and Innovation Council, The World Bank

Start date: June 2015

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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. Innovation ecosystem			✓		Unclear						✓		No		✓		

Context and Objectives

Citizens living in rural areas of Georgia have limited access to continued education and training resources which in turn contributes to the lack of qualified candidates on the country's job market and low productivity levels.¹ Under this commitment, the Innovation and Technology Agency aims to support entrepreneurship and job creation by developing an innovation ecosystem, techno-parks and innovation centers, which would provide citizens with free access to modern technologies and skill-building trainings.

The commitment's connection to OGP is unclear. If fully operational across the country, techno-parks and innovation centers have the potential of improving the socio-economic status of local populations by offering them free education and supporting their entrepreneurial efforts. A transformative reform in the OGP context would entail creating viable mechanisms for end-users to raise their innovative ideas directly with local authorities and to contribute to local decision-making.

Completion

At the mid-term point, the commitment saw limited implementation. During the reporting period, the agency opened one techno-park and three innovation centers instead of the initially planned two techno-parks and 13 innovation centers. Specifically, in October 2016, the Agency opened a new techno-park in Zugdidi, which is the second of its kind after the pre-existing Tbilisi techno-park. In addition, three pilot innovation centers were opened in Kharagauli, Baghdati, and Tchoporti. By the end of 2017, the Agency plans to open another techno-park in Telavi.² As mentioned above, the Agency was also supposed to open another 10 innovation centers in the regions but due to problems related to the dire conditions of old buildings meant there was a delay in implementation. There are two options to solve this issue: 1) allocate funds from the state budget for constructing new buildings; 2) rent private space for the centers. The Ministry of Economy and Sustainable Development of Georgia has already allocated funds for constructing 10 new buildings, however, the first tender failed and now the Ministry is in the process of announcing the second tender.³

The locations for techno-parks and innovation centers were selected based on World Bank research that took into consideration the socio-economic situation in a given region, the level of access to broadband internet and the level of digital literacy, the quality of service delivery, as well as the readiness of local governments to collaborate.⁴ According to the Agency representative, local governments have been very cooperative throughout the project. Specifically, they funded the renovation of selected municipal buildings to be redesigned for innovation centers. While the techno-parks are owned by the Agency and will remain so, the innovation centers will be owned by local governments.⁵ Both techno-parks and innovation centers are different from public service halls and community centers being run by the Ministry of Justice. The former facilitates innovative business solutions through ICT-based trainings, distance learning courses, grant programs for innovative ideas,

high-tech facilities and consultation services while the latter provide basic public services, such as the registration of personal documents and property.⁶

Early Results (if any)

The needs assessment conducted by independent consultants prior to selecting the locations for the techno-parks and innovation centers showed that local stakeholders, including municipal governments, school teachers and students, as well as CSOs were highly interested in using the new services provided by the Agency.⁷ They were especially interested in consultations on business startups in the fields of production, agriculture, and tourism, as well as in trainings on IT programming.⁸

According to the Agency representatives, CSOs are involved in the provision of innovation services. For instance, in Kareli the center building had to be adapted to the needs of people with special needs and the Agency worked with International Association for Inclusive Tourism to make this happen.⁹ In addition, in all five centers, Elva Community Engagement and GeoLab provided 10 trainings on IT programming, social media, business management, and graphic design for 150 local students. Elva and GeoLab also organized 10 events with the participation of 300 people, including participants of distance learning course on IT programming. These events aimed to summarize the trainings conducted, organize competitions on developing innovative ideas for online applications, and discuss the topics of IT technologies and business.¹⁰

The data provided by Innovation and Technology Agency shows that 3,100 citizens visited one new techno-park and the three innovation centers. Specifically, 800 people visited Zugdidi techno-park while 2,300 people visited innovation centers in Kharagauli (940), Baghdati (1170), and Tchoporti (190). In the latter three centers, 1,500 people were provided with trainings offered by the Agency while 350 beneficiaries were trained at Zugdidi techno-park. The Agency has not conducted a survey to study the level of user satisfaction with the trainings and services provided. Therefore, it is difficult to analyze the early results achieved through those interventions. In addition, the Agency has not conducted a study to find out to what extent internet access has increased in the locations of techno-parks and innovation centers.¹¹

Next Steps

The director of GeoLab and an independent consultant had a positive assessment of this commitment to create an innovation ecosystem in Georgia. According to them, an opportunity for using high-tech products and computer technologies, distance employment and a co-working space are the greatest benefits that the centers provide to citizens.¹² However, they also noted that these innovation centers are not meant for increasing government transparency and accountability or public participation in local-decision making. They simply provide spaces for public meetings and trainings that local authorities and CSOs could voluntarily use to better connect with the citizens.¹³

While the centers have an unclear connection with OGP, the IRM researcher recommends the Innovation and Technology Agency to better promote the existing techno-parks and innovation centers to the wider public by creating a unified online portal including detailed information about the programs and services provided. As Agency representatives noted, they organize innovation days in Zugdidi once every quarter to encourage local residents to use the Zugdidi techno-park's services more actively.¹⁴ Similar promotional activities can also be conducted in other locations where the techno-parks and innovation centers are already opened or will be opened in the future. The Agency should also consider offering local governments their assistance in using online technologies for better connecting with their constituents and soliciting their ideas for designing needs-based policies. This could include developing software applications to help citizens submit petitions to local governments or participate in budget-making processes. The centers could also organize regular hackathons to encourage local governments to use IT technologies while helping them develop online

tools for identifying the needs of local populations and surveying them on issues of local concern.¹⁵

¹ World Bank, *National Innovation Ecosystem (GENIE) Project*, February 19, 2016, <http://bit.ly/2wFEiZP>

² Giorgi Kintsurashvili, Head of Strategic Development Department at Innovation and Technology Agency, interview with IRM researcher, 18 August 2017

³ Kintsurashvili, interview, August 2017

⁴ World Bank, February 2016, <http://bit.ly/2wFEiZP>

⁵ Kintsurashvili, interview, August 2017

⁶ Giorgi Bezhitashvili, RIH/IC Coordinator at Innovation and Technology Agency, interview with IRM researcher, 18 August 2017

⁷ Sandro Asatiani, Director of GeoLab, interview with IRM researcher, 18 August 2017

⁸ Lasha Dalakishvili, independent consultant, interview with IRM researcher, 18 August 2017

⁹ Bezhitashvili, interview, August 2017

¹⁰ Nino Nanitashvili, Country Director at Elva Community Engagement, interview with IRM researcher, 8 September 2017

¹¹ Mariam Dakhundaridze, Consultant at Innovation and Technology Agency, email correspondence with IRM researcher, 7 September 2017

¹² Asatiani, interview, August 2017

¹³ Dalakishvili, interview, August 2017

¹⁴ Kintsurashvili, interview, August 2017

¹⁵ Nanitashvili, interview, September 2017

6. Electronic portal for registering and disposal of state property – Customer’s Module

Commitment Text:

The National Agency of State Property (hereinafter, Property Agency) is focused to offer its customers quick and affordable services, including remote services countrywide so that people can obtain information and services from the Agency without leaving homes.

Under Action Plan, the Property Agency will create an electronic portal for registration and disposal of State property – customer’s module. Creation of a customer’s module not only serves to introduce electronic services, but also to build more transparent processes.

The customer’s module will enable the stakeholders to obtain information about state property, objects under privatization, and announcements of auctions. This will increase competition and it will be easier for customers to identify the property and services (privatization/lease) they are interested in.

Responsible institution: LEPL – National Agency of State Property, Ministry of Economy and Sustainable Development of Georgia

Supporting institution(s): None

Start date: April 2016

End date: July 2016

Commitment Overview	Specificity				OGP Value Relevance				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
6. Electronic portal for registering and disposal of State Property – Customer’s Module			✓		✓		✓		✓				No		✓		

Context and Objectives

To mitigate corruption risks and reduce paperwork, in recent years the government has placed a special focus on digitizing the provision of public services. Under this commitment, the National Agency of State Property aimed to create an electronic portal, Customer’s Module, allowing citizens to register state property under their ownership and manage it at their discretion. Apart from the service aspect, this commitment also envisages publishing information about the property owned by the state, objects under privatization, and auction announcements.

The Customer’s Module will only cover immovable state property since all movable property is in the ownership of the Ministry of Finance (and not the Ministry of Economy and Sustainable Development that the National Agency of State Property is subordinated to). Interested parties will be able to express their interests in immovable state property through the new module, after which the Agency will either satisfy their requests and put

the object up for auction, or reject it and explain the reasons why a given object cannot be auctioned. While the Agency will publish the list of privatization objects, information about bidders and their bids will not be open to the public due to commercial secrecy and privacy.¹ The existing eAuction.ge platform already contains data on the state-owned privatization objects, their characteristics and procedures for bidding. Therefore, by just creating an online map of immovable state property without disclosing the data on bidders and the terms of their bids, the Agency's efforts would have only minor impact on improving public access to information.

Completion

The commitment saw limited implementation at the mid-term point. With the financial assistance of the United Nations Development Programme (UNDP), the National Agency of State Property started working on the software program, State Property Management System (SPMS), in 2016, together with the National Agency of Public Registry (NAPR). As representatives of the responsible agency noted, the main challenge is making this program operational and linking it to the systems of individual public agencies. Under the initial plan, the Customer's Module was supposed to be launched on the website of the National Agency of State Property, but later the Agency decided to use the already existing mygov.ge platform, the main reference point for online public services in Georgia. While the service part of the module will be made available on mygov.ge, online maps of state objects and their ownership status will be published on the Agency's website. As for the auctioning itself, it will be done through the existing eauction.ge web platform.²

As of August 2017, the Agency is in the process of testing the backup system for the Customer's Module. Starting from September, they will work closely with the NAPR on different components of the module, which is scheduled to be launched by March 2018.³

Next Steps

Stakeholders agreed that this commitment is mainly about service delivery; however they commended the part where the National Agency of State Property commits to disclosing information about state property, privatization objects and auctions.⁴ Yet, as mentioned above, it remains to be seen what new information beyond the already available eAuction.ge data will be published about the state-owned privatization objects, especially given that important data on bidders and their bids will be classified under commercial secrecy considerations. The IRM researcher recommends declassifying this data based on public administrative proceedings, including providing information on how the bidders are fulfilling the terms of the leasing agreements that envisage the renovation or maintenance of historical and cultural heritage buildings. Such data will help watchdog CSOs improve their monitoring and advocacy efforts to hold the government accountable for such important decisions as selling or leasing the state property.

¹ Maka Mikaberidze, Head of Planning and Control Unit at Strategic Development Department of National Agency of State Property, 9 August 2017

² Mikaberidze, interview, August 2017

³ Mikaberidze, interview, August 2017

⁴ Levan Avalishvili, Programs Director at Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017

7. Development of the Freedom of Information Law

Commitment Text:

Improving legal framework of freedom of information and elaborating new provisions in compliance with international standards which are gradually being implemented, is one of the top priorities for the government of Georgia.

In the framework of the first Action Plan of Georgia, decree of the government of Georgia “About the Form of the Electronic Request of Information and Proactive Disclosure of Public Information” was adopted. Through this reform, Georgia became one of seven finalist countries at the “Bright Spots” competition held by the OGP Global Summit in London. The goal of the competition was to demonstrate successful reforms implemented as a result of civil society-government cooperation.

At the next stage, the government started more ambitious project of elaborating a stand-alone act on freedom of information. To carry out a wide-scale consultations, a special working group comprised of representatives from the Ministry of Justice, civil society, and independent experts was created. This working group carried out an important work: (1) to identified key problematic issues in the field, thematic working groups were established; (2) the first version of the project with potential amendments was drafted and submitted to the Anti-Corruption Council; (3) meetings with the focus groups (judges, journalists, persons responsible for information disclosure) were held; (4) the draft law prepared by the working group was presented to the Ministry of Justice; (5) the draft project underwent primary international expertise.

Ministry of Justice will negotiate the draft law with all governmental agencies in the framework of the given Action Plan. After the detailed review of the draft law, in the framework of the Anti-corruption Council activities, Ministry of Justice will conduct one more consultation round with governmental and civil society organizations to finalize the text of the draft law.

Responsible institution: Ministry of Justice of Georgia, Anti-Corruption Council

Supporting institution(s): Parliament of Georgia, Open Society Foundation – Georgia, Institute for Development of Freedom of Information (IDFI)

Start date: Not provided

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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. Development of the Freedom of Information Law				✓	✓		✓					✓	Yes		✓		

Context and Objectives

This is a pre-existing commitment under which the government pledged to draft a separate Freedom of Information (Fol) law and submit it to the Parliament for adoption. As reported in the previous progress report, a working group led jointly by Open Society Georgia

Foundation (OSGF) and the Ministry of Justice (MoJ) shared the first draft in October 2014. This draft included important innovations, such as introducing an independent oversight body, Freedom of Information Commissioner, with the authority to issue administrative fines to agencies that violate the FoI legislation; creating a unified registry to categorize and manage public information, and allowing quick and simple access to it; expanding the list of agencies responsible for granting access to information, including state-owned enterprises; reducing the number of working days from ten to three for issuing readily available information; and obliging public agencies to explain the damage that could be inflicted on the state and society by publishing the classified information, as well as their obligation to declassify secret information that is in high public demand.¹

If the provisions of the existing FoI draft are enforced in their current form, specifically those on the new oversight body, sanctions for violations, public interest test, and public agencies' obligation to publish their data on data.gov.ge, this commitment would have a transformative impact on improving access to information in Georgia.

Completion

At the mid-term point, the commitment saw limited implementation since the updated draft was not submitted to the Government. The MoJ put the initial draft, presented in October 2014, on hold for more than two years. Only in May 2017, the Ministry shared the updated draft with all relevant stakeholders, including the Anti-Corruption Council and the members of the working group and the OGP Forum. As mentioned above, the new draft includes many of the provisions from the previous draft, most importantly the enforcement mechanism in the face of the Information Commissioner and the sanctions (administrative fines ranging from GEL 200 to GEL 1000) for violating the obligation of responding to public requests for information and proactive publication among other provisions. In response to the IRM recommendation from the previous progress report, the draft also obliges public agencies to publish and update their information on the unified open data portal, data.gov.ge. Further, citizens will be able to use this portal for submitting online requests for public information that is not proactively published.² The MoJ received numerous comments on this draft and they are currently in the process of addressing those comments. The Ministry also holds bilateral meetings with different public agencies to explain them the novelties proposed. The MoJ planned to submit the new draft to the Government by the end of 2017, after which it was to be sent to the Parliament.³

Next Steps

Stakeholders positively assessed the fact that the updated FoI draft shared by the MoJ is largely based on the previous draft developed by active participation of local civil society and the field experts.⁴ They especially commended the government's commitment to establish an independent oversight body in the face of Freedom of Information Commissioner and to oblige public agencies to publish and update their information in open data format on data.gov.ge. They also prioritized the introduction of public interest test and the unified registry of public information.⁵

That said, stakeholders provided their recommendations for improvement.

- Transparency International Georgia suggests that provisions of the new FoI law should also apply to companies founded by the state or having 50 percent or more state ownership shares as well as to individual state-funded entrepreneurs performing public functions.
- The government needs to expand the list of information that needs to be published proactively, including broken-down data on individual salaries, bonuses, and business trip allowances of public servants.
- Persons appealing against the agency's refusal to grant information should be able to appeal directly to the Information Commissioner and then to the upper level

administrative body and the court. Fourth, the Commissioner's decisions should be enforced immediately and not within 10 days as envisaged by the draft.⁶

- The Georgian Young Lawyers' Association (GYLA) recommends the government to define more clearly what type of information can be classified and under what reasons; to declassify personal information in high public demand if the benefit received from disclosing such information is higher than that of keeping it secret; to raise the legitimacy of the Information Commissioner by announcing a new call for competition for this position in case none of the candidates garners the support of the majority of Parliament members; and to impose reasonable sanctions for the repeated violation of the law, which should be higher than those imposed for the first time offense.⁷
- Stakeholders suggested defining clearly who will be responsible for making the decision on disclosing the classified information based on the public interest test and what specific criteria will be applied in such instances.⁸
- Finally, although outside of the evaluation period, current ongoing draft amendments to the constitution proposed by the MoJ and having passed the second hearing in December 2017, has been pointed out by CSOs as something problematic⁹ since they envision broadening the scope of restrictions to the access to public information through listing additional grounds for denying this access.¹⁰

¹ Georgia's IRM Midterm Progress Report 2014-2015, <http://bit.ly/2wdTJow>

² Ministry of Justice, Draft FoI Law as of May 2017, shared with IRM researcher on 11 September 2017

³ Zurab Sanikidze, Head of the Analytical Department of the Ministry of Justice of Georgia, interview with IRM researcher, 27 July 2017

⁴ Levan Avalishvili, Programs Director at Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017

⁵ IRM researchers' focus group meeting with journalists and researchers, 27 September 2017

⁶ Transparency International Georgia, comments on the FoI draft shared with IRM researcher, 11 August 2017

⁷ Georgian Young Lawyers' Association, comments on the FoI draft, 23 May 2017, <http://bit.ly/2vRWVPg>

⁸ Focus group, September 2017

⁹ Open Society Georgia Foundation, comments on the draft progress report of 2016-2017, December 21, 2017

¹⁰ Civil.ge, "New Constitution to Specify Grounds for Restricting Access to Public Information", 15 December 2017, <http://bit.ly/2EYw6Fg>

8. Development of a monitoring and assessment system of the Government policy and legislative acts

Commitment Text:

The Administration of the Government of Georgia in cooperation with the Ministry of Justice will develop a unified system for monitoring and assessment of the government policy planning documents and legislative acts. By means of the system, on the basis of ex-ante and ex-post assessment, it will be possible to identify challenges regarding the implementation of the commitments taken by the Government in a timely manner. This will make the policy management process more efficient. In addition to this, on the basis of ex-ante assessment it will be possible to identify particular problems that could be addressed by relevant legislative acts and/or policy planning. In order to engage society, the platform for dialogue will be enhanced. On the one hand, this will enable the government to provide citizens with information, while on the other hand, our society will also be able to use the space to offer the government its recommendations. In particular, citizens will have an access to the system and will be able to present their ideas in writing in an electronic form.

Following analysis of the information, obtained through the monitoring process, the monitoring report will be prepared, contributing to an even more transparent and accountable government. Monitoring on the changes implemented through a short-term and a long-term documents (for example, nationwide documents or sectoral strategies) will be performed on an annual basis. Monitoring of short-term documents (annual working plan, Action Plan) shall be conducted quarterly or biannually. Monitoring and reporting of internal documents (Ministry plans, department plans and individual plans) shall be handled on a monthly basis. Monitoring and reporting mechanism for each planning document shall be defined during the strategy implementation process.

Furthermore, in 2017 a new electronic system will be introduced for the government to better carry out and monitor its activities. The system will ensure: (1) creating electronic reports about the activities planned by different public agencies in the framework of the government annual action plan; (2) monitoring and analysis of implementation process. Various sectorial and multi-sectorial action plans will also be integrated into the system. The platform will enable stakeholders to organize information by sector or direction.

Responsible institution: Administration of the Government of Georgia

Supporting institution(s): Ministry of Justice of Georgia

Start date: March 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
8. Development of a monitoring and assessment system of the Government			✓		✓						✓		No		✓		

Context and Objectives

Under this commitment, the Administration of the Government of Georgia aimed to develop a unified system for ex-ante and ex-post assessment of the country’s policy planning documents and legislative acts. This also included creating a monitoring and reporting system with the participation of citizens who would be able to submit their ideas and recommendations.

The government’s situation analysis, conducted in 2014, has identified numerous problems in the existing system. For instance, public agencies had difficulties writing clear strategies and action plans, defining budgets and other indicators that are necessary for effective policy implementation and measuring the progress achieved. Further, the government had no unified methodology on how to conduct monitoring of its policy acts. In 2015, the Government Administration developed a Strategy for Policy Planning System in cooperation with the EU. In 2016, they drafted guidelines for public agencies to use uniform methodology for developing policy strategies and action plans as well as a monitoring and assessment log frame that was approved by a special Government Decree. This Decree obliges all public agencies to conduct monitoring and assessment of the implementation of their policy strategies and action plans.¹

If fully implemented across the spectrum, this commitment could have a moderate impact on increasing government accountability and tailoring government policies to public needs. However, this can only be achieved if citizens have full access to the new monitoring and assessment system of the government’s policy and legislative acts as well as an opportunity to submit their comments and receive feedback from the government.

Completion

At the mid-term point, the commitment saw limited implementation. While being in the process of implementing the aforementioned Decree, the Government Administration selected five pilot Ministries (Ministry of Labor, Health, and Social Affairs; Ministry of Justice; Ministry of Education and Science; Ministry of Agriculture; and Ministry of Economy and Sustainable Development), who have to draft their specific strategies and undertake the monitoring. Next the Administration wants to add seven more pilot Ministries to the system and, later, all other Ministries. However, some Ministries lack the capacity to participate, which creates a challenge for operating the system within all government agencies.²

As part of this commitment, the Government Administration also plans to develop an electronic system of monitoring and assessment containing all policy planning documents, including those from the Ministry of Internal Affairs, Ministry of Defense, and legal entities of public law. According to the UNDP, which is providing assistance on this project, the work is under way on the monitoring component only. The new electronic system should cover such important documents as Anti-Corruption Action Plan, OGP Action Plan, Sustainable Development Goals, Government Annual Action Plans, EU-Georgia Association Agreement, and Public Administration Reform Roadmap. This will be an internal system and only parts of it might become public. However, the government has not yet reached an agreement on which parts of the system will be made publicly available.³ It should be noted that the Government Administration is only responsible for developing RIA for the government's policy acts while developing the same system for legislative acts is the responsibility of the Ministry of Justice in cooperation with the Parliament.⁴ According to the representative of the Government Administration, they will not be able to launch this new system by the end of 2017 as planned. This is mainly due to the challenges related to coordination and consensus building among many different public agencies, process that has turned out to be more time-consuming than expected. As mentioned above, the delay in implementation is also due to the lack of capacity of some agencies to pilot the new system.⁵

Next Steps

While acknowledging the benefits of undertaking the monitoring and assessment of the government's policy and legal acts, stakeholders thought that the assessment system itself is not sufficient for addressing OGP values. Instead, it is best used as a tool to improve the quality of government decision-making if it includes elements for enhancing openness, public participation, and accountability. International best practice from countries like the United Kingdom (UK) suggests that the government should publish the following Regulatory Impact Assessment (RIA) documents: explanatory note and budget impact of each draft of policy and legal act; simplified analysis of pros and cons about the proposed change; number and name of stakeholders consulted, including the summary consultation report and government responses. The government should make sure to consult with all key stakeholders on a given proposal to enhance competition in the relevant sector.⁶ In addition, the government should create an online mechanism for consultations with stakeholders so every interested party has an opportunity to provide individual feedback.⁷ As it stands now, the Georgian government's assessment system is an internal system that has no public-facing component.⁸ That said, the government should place a special focus on engaging stakeholders in identifying issues around which it could then develop regulatory measures, as envisaged by the commitment text. The citizens should also be able to know which specific government acts will undergo the assessment, who will be in charge of doing this assessment, and what parts of it will be made public.⁹

¹ Government of Georgia, Decree #628, December 30, 2016, <http://bit.ly/2wkwgSE>

² Mariam Danelia, Adviser to the Unit of Government Plans and Innovations at the Government Administration, interview with IRM researcher, 16 August 2017

³ Natalia Baratashvili, Capacity Development Specialist at UNDP, interview with IRM researcher, 8 August 2017

⁴ Danelia, interview, August 2017

⁵ Danelia, interview, August 2017

⁶ Aurelio Antonio La Torre, Team Leader/Senior legal expert of EU-funded project *Support to the Georgian Competition Agency*, interview with IRM researcher, 19 September 2017

⁷ UK Government, Impact Assessments, <http://bit.ly/2w6Satt>

⁸ Avalishvili, interview, July 2017

⁹ Nino Tsukishvili, Parliamentary Secretary at Georgian Young Lawyers' Association, interview with IRM researcher, 5 September 2017

★ 9. Introduction of the public officials' asset declarations monitoring system

Commitment Text:

In compliance with the Law of Georgia on Conflict of Interest and Corruption in Public Service, starting from 2017, the Civil Service Bureau will conduct monitoring of the asset declarations of public officials. Monitoring shall be conducted annually by an independent committee based on obvious and objective criteria, also for the declarations randomly selected by the electronic system. Prior to the civil service reform, this issue was not regulated by the law. There was no tool to audit the economic interest and property data disclosed by public officials. Monitoring of the public officials' asset declarations aims to improve accountability of public officials and prevent corruptive offences.

Responsible institution: LEPL – Civil Service Bureau

Supporting institution(s): Government of Georgia, Anti-Corruption Council, LEPL – Data Exchange Agency

Start date: March 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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. Introduction of the public officials' asset declarations monitoring system			✓				✓					✓	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 is a pre-existing commitment included in the previous two action plans. It envisages the creation of a formal verification mechanism for public officials' asset declarations in Georgia. Informal reviews conducted by local CSOs have showed numerous instances of public officials hiding important information on their assets or providing wrong data in their declarations, which is a criminal offense under the law.¹ The challenge was that there was no official mechanism to verify the accuracy of the content provided in officials' asset declarations. The Civil Service Bureau (CSB) pledged to complete this pre-existing commitment and launch the new verification mechanism by December 2017.

This commitment is relevant to the OGP value of public accountability, as the Civil Service Bureau pledges to make the results of monitoring of asset declarations public, allowing citizens and watchdogs to hold officials publicly accountable. An important element of the

accountability is allowing CSOs and experts to be part of the independent commission in charge of selecting declarations for monitoring. Sanctions are foreseen for public officials for failure to file a declaration or to file an inaccurate one.

If fully implemented, the functioning system for verification of asset declarations could have a transformative impact on preventing corruption in public service as well as on raising the standards of ethical conduct of public officials.

Completion

At the mid-term point, the commitment was substantially implemented. The legal amendments necessary for the operation of the new verification mechanism were approved by Parliament in December 2016 and entered into force on 1 January 2017. Under these amendments, public officials' asset declarations should be subjected to verification if they are randomly selected through the unified electronic system or if there is written evidence showing the violation in the submitted declaration. In addition, the Director of Civil Service Bureau (CSB) should create an independent commission, which will use special methodology to select random asset declarations for monitoring. The CSB should publish the monitoring results proactively on an annual basis at the end of each year.²

On February 14, 2017, the Government issued a Decree containing detailed instructions on how the aforementioned legal provisions should work in practice.³ Based on those instructions, the CSB developed an electronic system, which is linked to all public databases in Georgia and allows for easy cross-checking and identification of any violations in the declarations submitted by public officials.⁴ The Decree also obliges the CSB to create an independent commission composed of five members, three from CSOs and two from academia by December 15 of each year. At least three weeks before that date, the CSB should announce on its website a call for commission membership, which is an unpaid voluntary function.⁵ If the CSB receives more than five applications, they will cast the lottery ballot in the presence of the applicants to select the five commission members.⁶ By January 15 of each year, the commission has to select 5 percent of all asset declarations, 300 out of around 6,000, for monitoring based on the four main criteria: 1) declarations of state and political officials; 2) declarations with outstanding corruption risk; 3) declarations of high public interest; and 4) declarations of officials who violated the submission requirements in previous years. Information about the selected declarations and public officials that will undergo the monitoring should be published on the CSB's website.⁷

There are two types of sanctions for violations that the CSB can apply 1) issuing an administrative fine of GEL 1000 if an official fails to submit the declaration in time; 2) reporting to the Prosecutor's Office if the fined official fails repeatedly to submit the declaration⁸ or if s/he intentionally provides incomprehensive or wrong information about the assets owned.⁹

By the end of each calendar year, the CSB should proactively publish a report, including statistics on how many declarations were monitored and how many officials were fined or subjected to criminal prosecution.¹⁰

Early Results (if any)

As of August 2017, the CSB has identified around 40 violations in randomly selected asset declarations and issued administrative fines of GEL 1000 for each violation. In addition, the Bureau received external requests to verify suspicious declarations from such actors as Transparency International Georgia, Ministry of Internal Affairs, and a lawyer.¹¹

Next Steps

Stakeholders think that establishing effective systems for asset disclosure and monitoring is an important tool for preventing corruption and misbehavior in public service. Therefore, they commended the government's commitment to create a formal system of monitoring the disclosed assets of public officials. On a negative note, local CSOs were critical of the

fact that it took the government a long time to launch this new system. They also thought that the government should determine exactly how many declarations of public officials can be monitored from each agency and which specific types of officials can submit classified declarations. For instance, stakeholders think that none of the public officials working in the state security sector should be entitled to submit fully classified declarations to the CSB due to high public interest and corruption risks involved.¹²

Stakeholders also criticized the provision in the aforementioned Government Decree, which authorizes the CSB to refuse to create the independent commission in charge of selecting asset declarations for monitoring. Specifically, after the deadline of applications for commission membership, if there are less than three applications received from CSOs or less than two - from members of academia, the CSB may only once extend the deadline and for not more than three days. If there are no new applications submitted during those three days, the CSB can decide not to create the commission.¹³ According to stakeholders, this restriction may hinder public participation in declaration monitoring and ensuring accountability of public officials, which is the main objective of this commitment.¹⁴ That said, CSOs recommend the CSB to promote the announcement for the submission of applications for the commission membership beyond the CSB webpage. This would include spreading this announcement through various online and offline sources, including www.hr.gov.ge, a web directory of public sector jobs, Facebook and other social media networks as well as universities.¹⁵

Finally, certain declarations might require a more comprehensive content review when the cross-check in databases reveals inaccuracies or omissions and the official in question fails to provide an explanation. In such instances, the CSB would require assistance of other public agencies that can collect data that the CSB has limited or no access to. To simplify this cross-agency collaboration on complex cases and to give the fight against corruption considerable momentum at all levels of government, stakeholders believe Georgia should create an independent anti-corruption agency with an authority to investigate corruption cases of high-level politicians and government officials.¹⁶

¹ Transparency International, *Verification of Asset Declarations: Why Georgia Needs It and What International Practice Tells Us*, May 2015, <http://bit.ly/2x1IQZn>

² Law of Georgia on Conflict of Interest and Corruption in Public Service, Article 18 (1), <http://bit.ly/1Lo3Pbg>

³ Government of Georgia, Decree #81 on Approving Instructions for Monitoring Public Officials' Asset Declarations, 14 February 2017, <http://bit.ly/2ffYkB7>

⁴ Elguja Makalatia, Head of Declaration Monitoring Department at Civil Service Bureau, interview with IRM researcher, 16 August 2017

⁵ Government Decree #81, Articles 7 and 8, <http://bit.ly/2ffYkB7>

⁶ Makalatia, interview, August 2017

⁷ Government Decree #81, Article 11, <http://bit.ly/2ffYkB7>

⁸ Conflict of Interest and Corruption in Public Service, Article 20, <http://bit.ly/1Lo3Pbg>

⁹ Criminal Code of Georgia, Article 355, <http://bit.ly/2ft6QIk>

¹⁰ Makalatia, interview, August 2017

¹¹ Makalatia, interview, August 2017

¹² Tsukhishvili, interview, September 2017

¹³ Government Decree #81, Article 9, <http://bit.ly/2ffYkB7>

¹⁴ IDFI, *The IDFI Evaluates New Mechanism of Monitoring of Asset Declarations*, April 11 2017, <http://bit.ly/2oQWNGY>

¹⁵ IDFI, comments on the draft progress report of 2016-2017, December 25, 2017

¹⁶ Transparency International, May 2015, <http://bit.ly/2x1IQZn>

10. Establishing unified regulations to publish court decisions

Commitment Text:

Establishing unified regulations to publish court decisions aims to improve transparency, accountability and efficiency of the court system. This commitment intends to increase trust between a citizen and the court and also to improve access to information.

The working group will develop a project aiming to define key directions and principles in publishing court decisions through unified system. The given project will be submitted to the High Council of Justice for its approval.

Based on the unified regulations elaborated, the court decisions will be published on the court webpage.

In the framework of the third wave of the reform, in compliance with the Order of the Supreme Court Chairperson (Order #30-s/18.12.2015) a working group was formed that will develop main directions and principles for establishing a unified standard to improve court decision accessibility. The objective of the working group is to work out recommendations on the rules concerning issuance of general court decisions, also concerning the rules for anonymization of personal data for transferring them to the third person.

Main objective – Improve accountability and transparency of the court system, also taking into account high public interest, improve information accessibility; publicity of the court decisions shall be ensured by observing international and national standards of the personal data protection.

Responsible institution: Supreme Court of Georgia

Supporting institution(s): General Courts, High Council of Justice of Georgia

Start date: July 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
10. Establishing unified regulations to publish court decisions			✓		✓						✓		Yes			✓	

Context and Objectives

In Georgia, there is no unified standard for publishing court decisions while citizens often face difficulties in searching for those decisions online and not all court decisions are published, particularly those on criminal cases. To address this issue, the Supreme Court committed to developing key directions and unified standards for publishing court decisions online in a way that would allow easy reuse of this data.

If fully implemented across all levels and decisions of the court system, this commitment could have a moderate impact on increasing the transparency of the judiciary in Georgia.

While publication of all decisions in the court system is a major step, this commitment falls short of changing transparency practices of the judiciary, that are closely linked to the procedures for appointing judges, allocating cases to judges and disclosing information about disciplinary measures taken against members of the judiciary.

Completion

At the mid-term point, the commitment saw limited implementation. In July 2016, the Supreme Court created the main working group that consisted of representatives of all three tiers of Georgia's court system, Supreme, Appellate, and District Courts, as well as the Personal Data Protection Inspector, High Council of Justice and local CSOs (GYLA, IDFI, TI, Lawyers' Association and the Charter of Journalistic Ethics). This working group developed unified regulations in accordance with the internationally recognized standards, including those on protecting personal data. The regulations were approved by High Council of Justice on 12 September 2016, which published them on its website.¹

Based on the new amendments, a pre-existing unified online portal, info.court.ge, should be used for publishing final decisions of Supreme, Appellate and District Courts, including decisions on civil, administrative and criminal cases. The citizens should be able to search for the data across the following categories: court that made the decision; case number; date when the decision was made; administrative body; judge; composition of the chamber of judges; subject of the dispute and the key words. The court decisions should be published in a way that allows copying, downloading and printing of the data presented. The Department of Common Courts under the High Council of Justice should be responsible for operating the info.court.ge portal while the contact information of a specific person in charge should also be made public. As mentioned above, all court decisions should be published in due consideration of the personal data protection, meaning that the name, ID number, birth date, address, workplace, and the vehicle registration number of persons and organizations involved will be concealed.²

As of August 2017, the Supreme Court is working on implementing these new regulations in practice. The main challenge is the complexity of refining technical procedures related to publishing decisions online and the lack of funds for buying expensive software necessary for the redesign of info.court.ge. According to the Supreme Court representative, the court decisions will be published in a PDF format in order to better conceal the personal data provided. The European Union for Justice Project and the Gesellschaft für Internationale Zusammenarbeit (GIZ) are providing technical support and trainings for this commitment in cooperation with the government.³

Next Steps

Stakeholders commended the Supreme Court's openness on this commitment, specifically the fact that the Court created a working group with active participation of local CSOs that raised numerous recommendations on improving the standards of the publication of court decisions. However, important recommendations were not then reflected in the Decision of the High Council of Justice since those required changes in law that the High Council of Justice had no mandate to make. One important recommendation was to disclose the data on criminal charges of public officials as well as the personal information of organizations involved in the court disputes. While the publication of the latter data is not limited by the personal data protection legislation, the High Council of Justice decided to conceal it anyway.⁴ The IRM researcher recommends the Supreme Court to disclose the data of high public interest if the benefit received from disclosing such data is higher than that of keeping it secret. To increase public accountability of courts, it would also be useful to publish statistics on guilty judgements by different courts and judges, and the length of times these trials have taken.

¹ Nino Shonia, Assistant to Chair of Chamber on Criminal Law of Legal Aid at Supreme Court of Georgia, interview with IRM researcher, 21 August 2017

² High Council of Justice, Decision on Approving Rules for Issuing and Publishing Court Decisions of Common Courts, 12 September 2016, <http://bit.ly/2f8HlhD>

³ Shonia, interview, August 2017

⁴ Tsukhishvili, interview, September 2017.

II. Development of transparency and integrity strategy and action plan in the field of regional development and infrastructure

Commitment Text:

The Ministry of Regional Development and Infrastructure of Georgia (hereafter, Ministry of Infrastructure) disposes huge amounts of budget funds annually. Hence, it is expedient to further improve the Ministry's standard of transparency and integrity. The Ministry of Infrastructure, together with relevant international and nongovernmental organizations, is currently working on the development of the Transparency and Integrity Strategy and Action Plan in the Regional Development and Infrastructure. In the given strategy document the standards of transparency and integrity will be elaborated for the Ministry of Infrastructure and the entities under its system or management. In order to introduce these standards, an Action Plan will be developed. The introduction of the standards set forth in the document will eventually facilitate improvement of accountability and efficiency of the Ministry.

Responsible institution: Ministry of Regional Development and Infrastructure of Georgia

Supporting institution(s): Institute for Development of Freedom of Information (IDFI), U.S. Agency for International Development (USAID), Good Governance Initiative in Georgia (GGI) Program

Start date: 2016

End date: March 2017

Commitment Overview	Specificity				OGP Value Relevance				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
II. Transparency and integrity strategy and action plan in the field of regional development and infrastructure			✓		✓						✓		Yes				✓

Context and Objectives

The Ministry of Regional Development and Infrastructure (MRDI) manages and oversees large-scale projects, which makes it one of the key government bodies to implement anti-corruption measures for greater transparency and integrity. While the Government of Georgia approved its first National Anti-Corruption Plan in 2005 and continued the practice since,¹ there were no sectoral anti-corruption strategies in place.² This commitment, and more specifically the development of sectoral Anti-Corruption strategies, was developed in response to the key recommendations of the OECD. Development of sectoral anti-

corruption strategies is one of the key recommendations of the OECD to Georgia.³ The MRDI took a commitment to approve Transparency and Integrity Strategy and the Action Plan with the overall objective to ensure the existence of a guiding document for transparency and integrity efforts in the Ministry and subordinate units, such as LEPL – Municipal Development Fund (MDF), LEPL – Vano Khukhunashvili Center for Effective Governance Systems and Territorial Arrangement Reform, Roads Department of Georgia, as well as LLC Solid Waste Management Company of Georgia, LLC United Water Supply Company of Georgia, and LLC State Construction Company.

The impact of the commitment is coded as moderate. The commitment would be transformative if it entailed specific mechanisms to increase transparency and integrity in the sector. The commitment is in line with the OGP value of access to information due to activities such as proactive publication of information.

Completion

The strategy, which has already been approved,⁴ is comprehensive as it includes areas such as 1) increasing transparency and civic participation, 2) strengthening ethics and integrity standards, 3) improving human resource management, and 4) enhancing planning, monitoring, and internal financial control system.⁵ The issues covered by the strategy, such as the importance of whistleblower protection makes it a big step forward in establishing anti-corruption measures.⁶ The action plan, set out in four six-month phases, lays out specific activities with regards to the areas covered in the strategy.

The action plan that has emerged includes activities such as proactive publication of information, whistleblower protection (aimed at improving public accountability), and electronic surveys for acquiring citizens' input when developing important political documents, thus, enhancing civic participation using technology and innovation.⁷ The commitment is completed, as the MRDI approved the Transparency and Integrity Strategy and the Action Plan⁸ by the Minister's Decree #69 in April 2017, whereas commitment text indicates March 2017 as the end date.⁹ USAID Good Governance Initiative in Georgia (GGI) through its grant to the Institute for Development of Freedom of Information (IDFI) provided support to the MRDI in development of Transparency and Integrity Strategy and the Action Plan.

Prior to adopting the documents, the MRDI disseminated the draft among the representatives of the civil sector, and organized a conference where the CSOs had an opportunity to discuss the strategy and the action plan. The speakers of the conference included the director of the Institute for Development of Freedom of Information (IDFI), as well as the Chief of Party of Tetra Tech ARD, USAID Good Governance Initiative in Georgia (GGI), who were the main partners of the MRDI when developing the document. The attendees included leading NGOs such as Georgian Young Lawyers Association (GYLA) and Transparency International Georgia (TIG).¹⁰

According to GYLA, while the document is a step forward in terms of increasing transparency and integrity in the sector, their recommendation to ensure transparency of procurement in the Ministry and subordinate entities was not incorporated. The organization called for launching a separate section on the MRDI website, which would list all simplified procurements, as well as electronic tenders, along with the Ministry's explanation note on why specific companies were chosen. Additionally, GYLA urged the MRDI and subordinate bodies to publish quarterly reports of simplified procurements in an easily understandable manner (e.g. in form of infographics).¹¹ To this recommendation, the MRDI representative responded that defining procurement policy is not the competence of the Ministry, and therefore, the Ministry cannot be responsible for including the issue in the sectoral strategy.¹²

Early Results (if any)

Some activities under the Transparency and Integrity Strategy and the Action Plan are being implemented. For example, Build.gov.ge, a website that publishes information regarding construction projects under sub-entities of the ministry, is up and running.¹³ The tool is easy to navigate, and offers basic information regarding all construction projects across the country. Enhancing whistleblower protection is also under way, as the website features a link to the whistleblower information page and submission form.¹⁴ Additionally, the Audit Unit was turned into a department with added functions such as protection of ethics norms—a function formerly undertaken by the Administrative Department, having insufficient capacity to fulfill the task.¹⁵ The MRDI expects that the activities set out in the plan will be implemented according to the timeline set out in the document.¹⁶

Furthermore, the Transparency and Integrity Action Plan includes several capacity-building activities such as raising awareness of the employees on ethics and integrity in public service, informing employees regarding changes in public administration due to new regulations in civil service, trainings in human resource management and performance appraisal. As a part of the United Nations Development Programme (UNDP) project “Fostering Regional and Local Development in Georgia,” UNDP has been conducting trainings at MRDI in Civil Servant Skills, Performance Appraisal, Internal Audit, Civil Service Reform, and Policy Analysis and Evaluation in 2016, and trainings in Project Management and Public Procurement in 2017. Therefore, some of the capacity-building activities are already under way.¹⁷ Additionally, USAID Good Governance Initiative in Georgia (GGI) will provide support to the MRDI to effectively implement some of the activities defined by the Transparency and Integrity Action Plan.

Next Steps

The commitment is a big step forward in fighting corruption in one of the most important sectors such as infrastructure and regional development. While the commitment is fully completed with the adoption of the Transparency and Integrity Strategy and the Action Plan, the Action Plan of the MRDI is yet to be implemented. The MRDI already took a commitment to implement initiatives laid out in Georgia’s National Anti-Corruption Strategy and Action Plan for 2017-2018, which stem directly from the internal Transparency and Integrity Action Plan.¹⁸ To further ensure that the initiatives laid out in the two documents are implemented in practice, it would be useful to include other activities under the Transparency and Integrity Action Plan in the next OGP National Action Plan as well.

Additionally, based on the feedback of the representative of GYLA, the IRM researcher recommends that the issue of transparency of simplified procurement and electronic tenders in the Ministry and subordinate units is taken into the next action plan. While the Ministry is not a decision-maker in procurement policy and it complies with the general procurement standards and requirements in the country, the existing procurement system faces specific challenges, such as exemptions from the e-procurement system and the possibility of simplified procurement. Considering the vulnerability of the sector to corruption, the MRDI can take one step further towards making its procurement deals more transparent to the public by providing information regarding the decisions online, along with the statistics of such deals in user-friendly form.

¹ Ministry of Justice, <http://www.justice.gov.ge/Ministry/Index/174>

² Eka Sepashvili, Advisor to the Minister, Tamar Jorkoshvili, Advisor at the Legislation Division, interview with IRM researcher, 3 August 2017

³ OECD, Anti-Corruption Reforms in Georgia: 4th Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2016, <http://bit.ly/2Dx42LX>

⁴ Decree #69 of the Minister of the Ministry of Regional Development and Infrastructure on the approval of Transparency and Integrity Strategy and the Action Plan of the Ministry, <http://bit.ly/2CsfViO>

⁵ Transparency and Integrity Strategy of the Ministry of Regional Development and Infrastructure 2017-2020, <https://goo.gl/pN8WhG>.

⁶ Saba Buadze, Anti Corruption Direction Lead, and Levan Avalishvili, Programs Director, Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017

⁷ Transparency and Integrity Action Plan of the Ministry of Regional Development and Infrastructure, <http://bit.ly/2ExfiFh>

⁸ USAID Good Governance Initiative in Georgia (GGI) through its grant to the Institute for Development of Freedom of Information (IDFI) provided support to the MRDI in development of Transparency and Integrity Strategy and the Action Plan.

⁹ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

¹⁰ Sepashvili, Jorkoshvili, interview, August 2017.

¹¹ Salome Sagaradze, Lawyer, Georgian Young Lawyers Association, email correspondence with IRM researcher, 12 September 2017

¹² Sepashvili, Jorkoshvili, interview, August 2017

¹³ Database of construction projects of the MRDI, <http://build.gov.ge/ge/projects>

¹⁴ Whistleblower page of the MRDI, <https://mkhileba.gov.ge/>

¹⁵ Sepashvili, Jorkoshvili, interview, August 2017

¹⁶ Sepashvili, Jorkoshvili, interview, August 2017

¹⁷ Marika Shioshvili, Project Manager, UNDP Project “Fostering Regional and Local Development in Georgia”, phone interview with IRM researcher, 13 September 2017

¹⁸ Georgia’s National Anti-Corruption Strategy for 2017-2018, <http://bit.ly/2mX2bGI>

12. Improvement of the database of the convicted and transfer of the penitentiary department entirely onto the electronic workflow management

Commitment Text:

The Ministry of Corrections of Georgia will improve the existing or create a new convicted database for 2017. The existing database cannot provide adequate processing/sorting of the data; complete data is not outlined in the database, and appropriate filtration is not possible.

Updated database will be introduced gradually. At the first stage the shortcomings of the existing system will be identified. The Ministry will study good practices of various countries and successful systems in this field. At the later stage, the future system model will be developed and tested.

The updated base will allow the entire transfer of Penitentiary System and Penitentiary Department to an electronic workflow management system. Concurrently, this will enable better processing and analysis of statistical data, and better protection of personal data.

Responsible institution: Ministry of Corrections of Georgia

Supporting institution(s): European Union (EU) Technical Assistance Project

Start date: April 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
12. Database of the convicted and electronic workflow management				✓	Unclear					✓			Yes		✓		

Context and Objectives

The penitentiary system has always been the closed realm in Georgia. The public has had very little information about the processes within the system and even the specialized organizations have faced difficulties obtaining official data about prisoners and their conditions. This is partly due to the fact that the Ministry of Corrections lacks comprehensive databases of the convicted, while the existing databases are not integrated with each other, making it challenging for the Ministry to respond to external requests for information.¹ Under this commitment, the Ministry of Corrections pledged to study the shortcomings of the existing databases, study the best international standards for building and running the databases of the convicted, and update or create a new database based on those best standards.

While being a step forward in improving the data classification and management processes within the penitentiary system, the updated database will be for internal use and citizens

could only indirectly benefit from it if they receive some information through an FoI request. Therefore, this commitment has an unclear connection with OGP values and will have only minor impact on improving the public availability of data within the penitentiary system.

Completion

At the mid-term point, the commitment saw limited implementation. The Ministry of Corrections has worked on improving its databases in partnership with the European Union for Justice Project. The assessment conducted within the system identified the need to harmonize different databases of the convicted and to create a new unified database, which would automatically generate the information needed. According to the Ministry representative, the new database will be for internal use only. Even within the penitentiary system, there will be different levels of access to it, meaning that not everyone will have the full access.² For instance, medical records of the convicted should only be accessed by the Medical Department whereas the data on the rehabilitation programs of the convicted should be accessed by the National Probation Agency.³

The Ministry developed a concept for the new electronic system that would allow for better processing and management of the prisoners' data. Yet they could not afford buying the necessary software, which is costly. While the Ministry asked for external donor assistance, specifically from the UN, the latter refused to address their request since in the past UN-funded databases of a similar kind were not used in practice by the responsible agencies. Therefore, in cooperation with the European Union for Justice Project, the Ministry is focused on improving the existing databases and complementing them with additional information to allow for more rigorous analysis of the data. This project runs until May 2019 and the database updating process should be completed by then.⁴

Next Steps

Stakeholders think it is important that the Ministry of Corrections is committed to improving its databases of the convicted, which would allow for deeper analysis and categorization of this data internally as well as for producing more informative statistics for external use. However, the Ministry should also place a special focus on proactively publishing the statistics that are in high public demand, such as the total number of prisoners and the percentage of prison population by penitentiary facility, confinement regime, gender, age, citizenship, and crime type. In addition, the Ministry should start producing the reoffending data, which would allow citizens to find out how likely it is that those released from custody will go on to commit further offences, and how many offences they will typically commit. Publishing such data would also help organizations running the prisoner rehabilitation programs measure the impact of their work and improve the outcomes for offenders.⁵

On a related note, the Ministry of Corrections could increase the transparency of its spending and start publishing detailed statistics on how it is spending public funds. For instance, citizens should know what percentage of the state budget is allocated for improving the conditions of medical facilities within the prisons and the catering of each prisoner, as well as the effects of state-funded rehabilitation/resocialization programs among the offenders. This would also help the Ministry better diagnose the problems within the system and develop viable mechanisms for addressing those problems.⁶

¹ Tsira Chanturia, Regional Director at Penal Reform International (PRI) in Georgia, and Irena Gabunia, Fundraiser/Project Coordinator at PRI, interview with IRM researcher, August 29, 2017

² Elena Beradze, Head of Department of International Relations and European Integration at Ministry of Corrections, interview with IRM researcher, August 11, 2017

³ Tinatin Uplisashvili, Deputy Team Leader of Penitentiary and Probation Support Project of the EU Technical Assistance Project, interview with IRM researcher, August 16, 2017

⁴ Uplisashvili, interview, August 2017

⁵ Chanturia and Gabunia, interview, August 2017

⁶ Chanturia and Gabunia, interview, August 2017

13. Publication of phone tapping data according to the nature of the crime and geographic area

Commitment Text:

The given commitment is a prominent example of the cooperation of the government and the civil society. By the recommendation of the Forum member NGOs, in the framework of the second Action Plan of the Open Government Georgia, the Supreme Court of Georgia started to proactively publish phone tapping statistics. Due to this fact, Georgia entered a small group of countries where such data is publicly disclosed. Independent Reporting Mechanism (IRM) of OGP marked this commitment of the second Action Plan as ‘starred’ commitment.

In addition, the IRM report noted that data shall be published in such a manner that it can be sorted by crime and geographic area. The Chairperson of the Supreme Court directly reacted to the recommendation and stated that the court would adopt this as a new commitment in the framework of the Third Action Plan of OGP.

Hence, the court plans to introduce new statistical reporting forms that will allow for obtaining and publishing detailed phone tapping data, as well as processing the data according to the crime differentiation and courts. Data will be published in Excel files on the website www.supremecourt.ge under the section of OGP, on the News block and Statistics link.

Responsible institution: Supreme Court of Georgia

Supporting institution(s): None

Start date: July 2016

End date: January 2017

Commitment Overview	Specificity				OGP Value Relevance				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
13. Publication of phone tapping data according to the nature of the crime and geographic area			✓		✓					✓			Yes				✓

Context and Objectives

This commitment is directly addressing the IRM recommendations from the previous mid-term progress report. Specifically, the Supreme Court was recommended to publish phone tapping data broken down by the nature and geographic distribution of crimes, for which the courts grant motions on tapping the phones of crime suspects. The Supreme Court pledged to address this recommendation and publish the requested information in Microsoft Excel files on its website.

If fully implemented, this commitment could have a minor impact on raising public awareness of the frequency of the government's secret phone tapping practices while helping citizens find out whether this trend is increasing or not. The commitment in the previous action plan was transformative as it was the first publication of statistics on phone tapping, while this commitment is an add-on pledging the publication of more disaggregated data.

Completion

At the mid-term point, the commitment was completed. The Supreme Court started publishing the new data in January 2017. This data is published in PDF format and provides six-month statistics based on the type of crime for which the courts grant the motions on phone tapping. The table published on the Supreme Court website includes articles of the Criminal Code that suspects are charged with, the number of requests for the Prosecutor's Office to grant the motions for phone tapping, and the number of motions that were granted, partially granted or not granted at all.¹ In a separate PDF file, the Supreme Court provides geographic distribution of District Courts, the number of motions discussed by those courts, and the number of motions they granted, partially granted or denied.² According to the Supreme Court representative, the new data is published in PDF format and not in an Excel spreadsheet as pledged in the commitment text, due to security considerations so that users do not manipulate the information provided.³

Early Results (if any)

The phone tapping data is used to a different degree by local CSOs. Some organizations, such as the Institute for Development of Freedom of Information (IDFI), are using it more actively in their monitoring and advocacy efforts while others less so.⁴ Part of the reason for the not-so-high usage of this data is the lack of details provided in it, according to the representative of the Georgian Young Lawyers' Association (GYLA).⁵

Next Steps

Stakeholders commended the Supreme Court's efforts to complement the existing data on the government's phone tapping activities with more details as to the nature and geographic distribution of crimes for which the motions on phone tapping are granted by the courts. However, they think this data can be further broken down across such useful details as the categories of persons that are secretly surveilled by the government, as well as the statistics produced by the Prosecutor's Office on how many motions they submit to courts and in what frequency. Further, CSOs disagree with the Supreme Court's justification that a PDF format provides a better protection of the published data as opposed to the Excel spreadsheets. According to CSOs, this argument is not valid since the publishing authority can have security measures against forgery in any of its original documents regardless of the format. Moreover, the Supreme Court did not mention this as an issue in the commitment text and the Court already has the experience of publishing its data in Excel spreadsheets.⁶

Stakeholders also recommend both the Supreme Court and the Prosecutor's Office to take a joint commitment in the next OGP action plan with the aim to instill more transparency into the government's secret surveillance practices.⁷ Further, while the Supreme Court discloses general aggregated statistics annually on how many secret surveillance records were destroyed by the District Courts after the completion of the Prosecutor's Office's investigative activities, there are no separate statistics published on the number of phone tapping records destroyed. The latter was another IRM recommendation from the previous report. The current data from 2016 is very general and provides the number of secret surveillance records destroyed by Tbilisi City Court, which stands at 33, while similar data from other District Courts is not provided.⁸

The Supreme Court does not archive the biannual phone tapping statistics, which are simply replaced by the updated statistics on the Court's website. The IRM researcher recommends the Court to create an archive of the old data and publish it on its website so every interested user is able to make comparisons over the years and to analyze new trends.

Finally, the phone tapping statistics should be easily searchable and usable on the Court's homepage under the section of OGP.

¹ Supreme Court, phone tapping statistics, <http://bit.ly/2EqVxzI>

² Supreme Court, phone tapping statistics, <http://bit.ly/2EqVxzI>

³ Lia Mchedlishvili, Head of Statistical Sector of Legal Aid at Supreme Court, interview with IRM researcher, 21 August 2017

⁴ Avalishvili, interview, July 2017

⁵ Tsukhishvili, interview, September 2017

⁶ IDFI, comments on the draft progress report of 2016-2017, December 25, 2017

⁷ Tsukhishvili, interview, September 2017

⁸ Supreme Court, secret surveillance data, <http://bit.ly/2jzjskY>

14. Increasing citizen participation in supervision of public finances (public audit)

Commitment Text:

In cooperation with the civil sector, the State Audit Office plans to enhance citizen participation in the supervision process of public finances (public audit), that will build their trust in the State Audit Office.

At the initial stage a strategy will be drafted, in close cooperation with the civil sector. Considering the best practice of various countries, the strategy will provide mechanisms to ensure constructive citizen participation in the complete audit cycle, including the monitoring stage of recommendation implementation.

In addition, by means of an innovative ICT web platform mechanism, citizens will receive complete information about the state budget, public finance management, audit findings, given recommendations and the status of its implementation. Various methods of visualization will be applied to make information easily perceivable on the web-platform.

The web platform will form a channel for bilateral communication between the State Audit Office and citizens. On the one hand, citizens will become familiar with the information provided by the Audit Office, on the other hand, they will be able to notify the Office about a concrete malefaction, as well as the drawbacks of government services identified by them. Furthermore, citizens will be able to submit proposals based on professional surveys on the improvement of the identified shortcomings. The information received from a citizen will be analyzed and taken into consideration if recommended in the drafting and implementation process of the audit plan.

Citizens' participation in the public audit process will raise public awareness on the budgetary processes and will rise their demand for transparent management of the public resources. Thorough information will improve the quality of citizen supervision of the governance processes.

Milestones:

Conducting public consultations with the representatives of civil sector for developing and improving various mechanisms of citizen participation in the public audit process

Drafting the citizen participation strategy in the public audit process

Finishing and approving the citizen participation strategy in the public audit process

Defining the concept of webplatform and agreement with the representatives of civil sector

Technical development of a webplatform and its presentation to the society

At least 15 workshops with the representatives of the municipalites, students and media are organized by the State Audit Office to rise awareness on the right to request public information and webportal

Shooting a short video on webplatform and its distribution through social media

Responsible institution: State Audit Office

Supporting institution(s): Advisory group comprising representatives of the State Audit Office and civil sector, working on the citizen participation issues in the public finance management supervision

Start date: August 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
★ 14. Increasing citizen participation in supervision of public finances (public audit)				✓	✓	✓	✓	✓				✓	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

Supreme Audit Office (SAO) is an independent institution responsible for supporting the Parliament in conducting oversight over government. The functions of the SAO include conducting external audits of the public sector, monitoring party financing, and providing recommendations to the Parliament.¹ While the SAO received 100 out of 100 points in budget oversight, according to the Open Budget Survey (OBS) 2015, Georgia scored significantly lower in Public Participation with 46 out of 100.² To bolster civic participation in the audit process, as well as to promote budget transparency in general, the SAO took a commitment to launch a web platform, which would inform citizens on the state budget and audit findings in an easily understandable manner, as well as provide a mechanism for public feedback on potential violations by public institutions.³ The main objective of the commitment is to improve transparency and accountability in the public sector through involvement of citizens, while OGP challenges referred to in the text are increasing public integrity, improving public services, and more effectively managing public resources.⁴

The commitment is coded as having high specificity, as it has clearly verifiable activities, such as conducting public consultations with the civil sector, drafting and approval of a citizen participation strategy in the public audit process, and launching the web platform, followed by 15 workshops with various target groups on how to use the platform. Additionally, the SAO selected specific indicators such as 50 unique visitors to the web platform per month, at least 12 citizen proposals on audits per year, and a minimum of three citizen proposals considered in the audit plan.⁵ The commitment provides a multifaceted approach for proactively disclosing information on the state budget in a user-friendly manner, as well as providing a tool for public engagement by monitoring public finance and making specific audit suggestions.⁶ Based on the detailed account of the initiative in the commitment text, coupled with the assessment of the commitment by the stakeholders as an exemplary undertaking in promoting budget transparency,⁷ the commitment is coded as having transformative impact. Additionally, the commitment addresses all four of the OGP principles, as it employs web technologies 1) to proactively publish information and therefore, increase access to information, 2) to allow citizens to voice their concerns and suggestions, and thus, engage in the audit process, which promotes civic participation, and 3) to give citizens a tool to monitor public finance by voicing out potential violations as well as possible corruption cases, which improves public accountability.

Completion

The commitment is fully implemented as of September 2017. On 24 December 2015 the Auditor General issued Decree #196/37, which called for the establishment of a consultation working group with the involvement of multiple organizations, including the Association of Young Economists Georgia (AYEG), ISET Policy Institute, PMC Research Center, Civil Development Agency (CiDA), Institute for Development of Freedom of Information (IDFI) and others. The objective of the working group was to develop a concept for the web platform.⁸ Additionally, with the help of the research company Georgian Opinion Research International (GORBI), the SAO held 14 focus groups, where participants filled out a survey on what modules they would like to be featured on the web platform.⁹

The SAO approved the Citizen Participation Strategy in Oversight of Public Finance by the Decree #04597/21 on 14 July 2017.¹⁰ The Strategy underlines the importance of creating a consultation group, and developing the web platform Budgetmonitor.ge, and includes sections on proactive publication of information and the establishment of citizen engagement mechanisms.¹¹ Upon accepting the Strategy, the SAO also approved the concept of the web platform, describing the scope, modules, and detailed features of Budgetmonitor.ge.¹²

Budgetmonitor.ge was launched and, consequently, presented to the Parliament of Georgia in March 2017.¹³ The IRM researcher assesses the website as user-friendly and easy to navigate. The platform is positively evaluated by watchdog groups, pointing to its usefulness for budget transparency.¹⁴ Budgetmonitor.ge offers different modules such as “State Budget”, “Municipal Budget”, “Audits”, “Citizen Page”, and more.¹⁵ According to the SAO, while the goal of the portal was to engage citizens in the oversight process of public finances, first, citizens must be informed regarding important documents to make sound judgements. Therefore, the platform provides information on the state budget, finances of Legal Entities of Public Law, as well as the municipal budget.¹⁶ Users can look up expenditures and revenues, search different expenditure and revenue categories, and compare spending by different public bodies according to the year.¹⁷ Secondly, the platform offers users an easily navigable tool to find various audit reports according to the spending agency.¹⁸ Lastly, “Citizen’s Page” offers several features such as 1) “Plan With Us,” offering citizens to make suggestions when planning Annual Audit Plan, 2) “Fight Corruption,” to report possible cases of corruption, and 3) “Sort Our Priorities,” to indicate preferred field for future audits.¹⁹ The sections are easy to navigate and offer full anonymity. Therefore, no additional procedures for authorization are required.

As for dissemination activities, the SAO has already held 13 out of 15 meetings aimed at raising awareness of the portal across Georgia, including Zugdidi,²⁰ Telavi,²¹ Rustavi,²² and Batumi.²³ Audiences included Members of Parliament, representatives of local self-governments, the media and civil society sector, and students, as well as representatives of the international community (international conferences).²⁴ The SAO developed the video on Budgetmonitor.ge, which is disseminated through social networks.²⁵

Early Results (if any)

The IRM researcher considers the commitment to be fully implemented (with two remaining meetings to be held), and some early results are already available. According to the SAO, the number of users of Budgetmonitor.ge varies significantly. In the early days, following the presentation, around 1,000 customers visited daily, whereas sometimes the numbers are 100 users per day, or 10 users per day. As for public feedback, around 10 proposals have been submitted as of now, including a few reports of potential corruption cases.²⁶ The web platform had some media coverage,²⁷ and was disseminated by civil society organizations, which is expected to lead to increased activity on behalf of the citizens.²⁸

In September 2017, Budgetmonitor.ge received the Global Initiative Fiscal Transparency (GIFT) award as an innovative web platform for transparency and citizens’ involvement.²⁹

Next Steps

Based on the stakeholder assessment and the researcher's evaluation, the commitment is exemplary in terms of its relevance to all four OGP values, providing a multifaceted approach to informing citizens, engaging them in the oversight process, and promoting public accountability through citizen participation. SAO followed up closely with the commitment text by fulfilling deliverables in a timely manner. The main recommendation of the IRM researcher is to maximize the benefit of the already existing platform through a large-scale outreach campaign. First, the leading agency should conduct all dissemination activities (remaining two meetings) before the end of the current action plan period. Subsequently, considering that the SAO has already developed a user-friendly and efficient platform for information provision, citizen engagement, and promotion of public accountability, it is recommended that the SAO takes a new commitment in the next action plan dedicated to widespread dissemination activities, workshops, and conferences to raise awareness regarding the tool and maximize its impact. Targeting populations in different regions of Georgia would be commended as it would allow for reaching larger audiences.

Additionally, while all submitted comments and suggestions from the public are directed to a relevant auditor, who reports directly to the user, there is no such mechanism for anonymous suggestions.³⁰ According to SAO, they are currently working on adding the feature to Budgetmonitor.ge. The IRM researcher assesses a feedback mechanism for anonymous submissions as a crucial feature to the website, and recommends that it is added to the platform in a timely manner.

Another assessment by a representative of the civil sector is that while the platform provides a unique instrument for the oversight of public finance, some data could be provided in a more detailed manner. For example, some users, including watchdog NGOs, require such information as a breakdown of expenditures of non-profit (non-commercial) legal entities (N(N)Les) under different municipalities, as opposed to total numbers.³¹ While such a breakdown would be a useful addition to the web platform, SAO might not have sufficient resources to incorporate such detailed data, and it would be unrealistic to put forward the recommendation to SAO only. However, such an advancement of the platform could be possible with a joint effort of SAO and other public entities such as municipal bodies, and/or central government, if they express willingness to get involved.

¹ Supreme Audit Office, official webpage, accessed 10 August 2017, <http://sao.ge/about-us/office-structure-and-functions>

² Open Budget Survey 2015 – Georgia, <https://goo.gl/o6hA4Y>

³ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁴ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁵ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁶ Saba Buadze, Anti-Corruption Direction Lead, and Levan Avalishvili, Programs Director, Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017

⁷ Buadze, July 2017

⁸ Decree #196/37 of Auditor General, 24 December 2015

⁹ Marika Natshvlishvili, Head of the State Budget Analysis and Strategic Department, Mariam Khergiani, Head of the Strategic Planning Division, Nino Tsintsadze, Lead Analyst, interview with IRM researcher, 10 August 2017

¹⁰ Decree #04597/21 of Auditor General, 14 July 2017

¹¹ “Sub-strategy for Citizen Participation in Oversight of Public Finances 2017-2019”, provided by SAO, 25 July 2017

¹² “Terms of Reference: Elaboration of the Information Portal for the State Audit Office of Georgia”, provided by SAO, 25 July 2017

¹³ State Audit Office, “Presentation of the New Webplatform of the State Audit Office in the Parliament of Georgia”, 9 March 2017, <http://sao.ge/news/857>

¹⁴ Giorgi Nasrashvili, Senior Analyst, Transparency International Georgia, interview with IRM researcher, 15 September 2017

¹⁵ State Audit Office, “Budgetmonitor.ge”, <http://budgetmonitor.ge/en>

¹⁶ Natshvlishvili, Khergiani, Tsintsadze, interview, August 2017

¹⁷ State Audit Office, “Budgetmonitor.ge”, <http://budgetmonitor.ge/en>

¹⁸ State Audit Office, “Budgetmonitor.ge”, <http://budgetmonitor.ge/en>

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- ¹⁹ State Audit Office, “Budgetmonitor.ge”, <http://budgetmonitor.ge/en>
- ²⁰ State Audit Office, “Public Discussion with the Representatives of the State Audit Office in Zugdidi”, <http://sao.ge/news/872>
- ²¹ State Audit Office, “Public Discussion with the Representatives of the State Audit Office in Telavi”, <http://sao.ge/news/868>
- ²² State Audit Office, “Public Discussion with the Representatives of the State Audit Office in Rustavi”, <http://sao.ge/news/866>
- ²³ State Audit Office, “Public Discussion with the Representatives of Adjara Region”, <http://sao.ge/news/866>
- ²⁴ State Audit Office, “Implementation Report of the Commitment within the Framework Open Government Partnership”, 2017
- ²⁵ “Video on Budget Monitor Webplatform”, <http://bit.ly/2CwwkCN>
- ²⁶ Natsvlshvili, Khergiani, Tsintsadze, interview, August 2017
- ²⁷ Maestro TV, Nino Lomjaria, First Deputy Auditor General, State Audit Office, 13 March 2017
- ²⁸ Transparency International Georgia (TIG), “How to Find Information on Public Finances?”, <https://goo.gl/uxyRUU>
- ²⁹ GIFT, <http://bit.ly/2eQQAVe>
- ³⁰ Nino Tsintsadze, Lead Analyst, Supreme Audit Office, interview with IRM researcher, 4 December 2017
- ³¹ Nasrashvili, September 2017

15. Electronic innovations for more transparency and efficiency of public procurement

Commitment Text:

Transparent public procurement and increasing the level of accountability, elimination of geographic barriers and rising competitiveness in this process is a permanent priority of the Government of Georgia. To achieve this objective, the State Procurement Agency plans to introduce the following innovative projects:

Component 1 – Aggregated data on tenders: Starting from December 2010, tenders on public procurement are held only through a unified electronic system (procurement.gov.ge) of public procurement. Around 36000 tenders are announced through this system and this number, as well as many other data tends to increase. The mentioned trend complicates the accumulation and analysis process of information on particular procurement object or tender for the stakeholders.

Aggregation of tender data in one space will make the following data easily accessible:

- Data on procurement objects, tender types, number of bidders, potential and contract values of a tender, winning bidders, number of disqualified bidders, etc.;
- Annual data (data will be located in the machine-readable format (CSV, JSON, XML)).

Aggregated data on tender in a new format will allow contracting authorities, interested organizations to participate in public procurement, start-ups and representatives of small businesses and NGO sector to fully analyze the state of the market and make business forecasts.

Component 2 – Aggregated data on annual plans of public procurement: Public procurement is carried out in compliance with pre-defined annual procurement plans, registered in the unified electronic system of public procurement – e-Plan module by contracting authority. As for stakeholders, they currently have access only to general information about the annual plan. The planned changes in the electronic module will allow the customer to obtain detailed information on the annual procurement of each procuring organization, and consolidate information on the planned public procurement according to the regions and price. As a result, the representatives of the business sector will have a unique opportunity to obtain information on scheduled procurement, its price and location (region) by one or more entities among 4469 procuring organizations registered in the e-Procurement system by using a CPV code. Additionally, the publication of a list of top procurement objects and their total amount is planned on the official webpage of the public procurement. These innovations will enable better assessment of the market requirements and better planning of the future activities of the business representatives.

Component 3 – E-catalogue on the procurement objects and economic operators (e-Market): Establishment of the estimated value of the procurement object is preceded by a market research conducted by the contracting authorities, which is important for both arranging a concrete tender objectively, and for correctly defining the annual procurement budget while developing the annual plan.

Hence, elaboration of an electronic catalogue for key procurement products is recommended, which will:

- objectively reflect the market prices;
- accumulate prices of various products by economic operators;
- reflect information on economic operators countrywide, as well as regionwide; etc.

This innovation will allow the agencies to plan procurement more efficiently and obtain information on the market prices, economic operators, and conditions in a short period of time at the public procurement preparation stage. Maximum data openness will help the procuring agencies to define correctly the estimated price of the procurement object, which will reduce the risks of setting high prices by contracting authorities, corruption and failed tenders.

Introduction of innovations envisaged by these three components ensures transparency, elimination of geographic inequality, enhancement of anticorruption endeavor and support to business in the public procurement process countrywide.

Responsible institution: LELP – State Procurement Agency

Supporting institution(s): LELP – National Agency of Public Registry

Start date: June 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
15. Electronic innovations for more transparency and efficiency of Public Procurement			✓		✓						✓		Yes		✓		

Context and Objectives

Georgia boasts its e-procurement system, launched in December 2010, which many consider as a global best practice in terms of transparent public procurement processes. The State Procurement Agency (SPA), the main responsible body for running this system, has taken commitments in all three OGP national action plans, demonstrating the agency's unwavering commitment to openness. This specific commitment aims to instill more transparency into the existing system by publishing an aggregated data on tenders, annual plans of procuring agencies and the estimated value of each procurement object as provided by the suppliers.

If fully implemented this commitment could have a moderate impact on improving public access to procurement data. A transformative reform in this area would entail publishing more details about the simplified procurement that public agencies often use to order an expedited tendering involving large amounts of money based on urgent need and public necessity. This would include providing aggregated data on the number of such tenders, the grounds for simplified procedures, the value of contracts and the annual statistics to make comparisons over the years.¹

Completion

At the mid-term point, the commitment saw limited implementation since its first two components were not completed. In early 2017, World Bank experts made an assessment of Georgia's public procurement system and found the following: First, there is a high share of direct procurement in public agencies' procurement activities. Second, there are numerous failed procurement tenders in the regions. Third, there are many exemptions from the e-procurement system on the grounds of urgent need and public necessity. And finally, the available procurement data is not published in open data format.² In response to these

findings, the SPA pledged to publish the aggregated data on tenders and annual procurement plans in open data format, which is also part of the agency's commitment to comply with open contracting requirements that would allow citizens to undertake deeper analysis of the available data. With the assistance of World Bank and the United Kingdom Department for International Development (UK Aid), the SPA conducted research and a workshop on Open Contracting Data Standard (OCDS) while later they also developed an action plan.³

In June 2017, Transparency International (TI) Georgia, the Institute for Development of Freedom of Information (IDFI) and the Georgia Young Lawyers' Association (GYLA) sent a letter to the SPA demanding the prompt implementation of the two components. In their recommendations, these CSOs also asked the SPA to adjust their website to TI Georgia's existing tendermonitor.ge web platform.⁴ They also created a Microsoft Excel spreadsheet visualizing the detailed breakdown of documents they needed to be publicly available, including aggregated data on tenders, direct state tenders, permissions for direct state tenders and public agencies' annual procurement plans. CSOs asked for this information to be published in open data formats. In their response letter sent on July 12, the SPA said that they are still working on those two components together with the World Bank experts.⁵ This was also confirmed by the SPA representative who mentioned in an interview with the IRM researcher that the agency's IT programmers are testing the technical components of the new system, which is scheduled to be launched by the end of 2017.⁶

The third component of the commitment, an e-Market module, was launched in the fall of 2016. In accordance with SPA guidelines, this new module on emarket.spa.ge aims to help public agencies conduct market research and preliminary preparations before announcing the procurement tender. The e-Market module contains information about suppliers, their products, prices, warranty terms and the shipment location. The module will be updated on a quarterly basis and be complemented with additional data on suppliers and their products.⁷

As of September 2017, emarket.spa.ge includes more than 6,000 data entries and as the SPA representative noted the number of companies providing information about their products is increasing. The SPA wants to expand this module to cover all suppliers. However, the latter do not have the obligation to provide their data and some companies might even be reluctant to share their price lists with their competitors. On a voluntary basis, the companies fill out a special online form and submit it to the SPA.⁸ The agency has a database of all suppliers who are sent individual notifications asking them to fill out these forms. According to the SPA, the companies are eager to provide their data on emarket.spa.ge and are looking at it as an opportunity to promote their products. The SPA, for its part, tries to promote its new e-Market module on its Facebook page as well as during meetings with stakeholders.⁹

Early Results (if any)

As mentioned above, the SPA is still working on publishing the aggregated data on tenders and the e-Plan module containing detailed breakdowns of annual procurement plans of public agencies. Outside of the reporting period, in August 2017, the SPA launched the test version of its separate webpage containing aggregated data on tenders conducted in 2015 and 2016 and published in Open Contracting Data Standard. As of September 2017, this webpage includes the following information about 39,026 tenders: number, type, dates and completion status of tenders as well as names and ID codes of procuring entities.¹⁰ However, it has not been promoted to the public and only a handful of stakeholders, such as the IDFI, are aware of its existence.¹¹ As for the e-Market module, stakeholders said that the public and CSOs rarely use it, mainly because they are not aware of its existence. While it could be a useful new source for CSOs to verify the market prices of different procurement objects, it is still the procuring entities and the suppliers that will benefit most from the e-Market module.¹² The SPA has not yet conducted research to find out how the procuring entities assess the new module and what benefits it brings to them.¹³

Next Steps

According to stakeholders, the most useful part of the SPA's commitment is publishing the aggregated data on tenders and the agencies' procurement plans in open data format. They recommend the SPA to move ahead with the implementation process and to publish this data in a way that makes it possible to break it down across different regions and to download it in bulk.

The SPA should place strong emphasis on the following activities:

- Improve the data quality in terms of completeness and coverage of all five contracting stages from planning to implementation, as per Open Contracting Data Standard
- Raise awareness about the open data module to engage more users. Take steps to ensure key stakeholders, such as businesses and watchdog CSOs, engage with disclosed data. Following best practice examples of other OGP countries, this can be done through building BI tools, in collaboration with business associations and CSOs

At the same time, the government should limit the number of exemptions from the e-procurement system and introduce a threshold on the value of tenders that can be processed under the simplified procurement rules while imposing additional regulations for the tenders that exceed this threshold. This would prevent corruption and further raise the transparency of the public procurement system.¹⁴ Another recommendation is for the SPA to provide an Application Programming Interface (API) to interested CSOs so the latter link their independent portals, such as tendermonitor.ge, to the official procurement data and generate automatic updates.¹⁵ Regarding the e-Market module, stakeholders recommended developing promotional ads and a public awareness-raising campaign to attract more people to start using this module as a source for analyzing the range of government suppliers and the prices of their products.¹⁶

¹ Georgian Young Lawyers' Association, Simplified State Procurement, 2017, <http://bit.ly/2jCmTNh>

² Giorgi Lomtadze, Research Direction Lead at IDFI, interview with IRM researcher, 18 August 2017

³ Mariam Tavdgiridze, Chief Specialist at International Relations Unit of State Procurement Agency, interview with IRM researcher, 10 August 2017

⁴ TI Georgia, Tender Monitor, <http://bit.ly/2nZbveE>

⁵ Giorgi Nasrashvili, Senior Analyst at Transparency International Georgia, interview with IRM researcher, 11 August 2017

⁶ Tavdgiridze, interview, August 2017

⁷ State Procurement Agency, e-Market module, <http://emarket.spa.ge/>

⁸ State Procurement Agency, online form, <http://bit.ly/2wygkMN>

⁹ Tavdgiridze, interview, August 2017

¹⁰ State Procurement Agency, aggregated tenders, <http://bit.ly/2fd2gSq>

¹¹ Lomtadze, interview, August 2017

¹² Lomtadze, interview, August 2017

¹³ Tavdgiridze, interview, August 2017

¹⁴ Salome Sagharadze, Lawyer at Georgian Young Lawyers' Association, interview with IRM researcher, 19 September 2017

¹⁵ Lomtadze, interview, August 2017

¹⁶ Lomtadze, interview, August 2017

★16. Adoption of the Environmental Assessment Code

Commitment Text:

This commitment implies adoption of the environmental assessment code that will envisage the requirements of the convention “on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters” (hereafter, Aarhus Convention) in the environmental protection issues and will ensure public participation in the decision-making process in relation with effects on the environment, particularly:

- to bring potential negative impact of high risk activities on the condition of the natural environment, as well as on human life and health under the environment assessment regulation, in compliance with the requirements of EU directive 2011/92/EC “on the assessment of the effects of certain public and private projects on environment”;
- Public participation in the elaboration and adoption process of bylaws (strategic documents) regulating activities that might have potential impact on natural environment and human life and health as well, dissemination of the information through printing media and electronically at the initial stage of the elaboration of strategic documents, involvement of public and scientific opinion in the process of public discussions conducted for the purposes of elaboration above mentioned documents;
- Environmental decision-making, public engagement at the initial stage according to the principles of public administrative proceedings. Publication of information on the place of planned activities, as well as electronically and through printing media, conducting public discussions on the place of planned activity, consideration of proposals and opinions during the decision-making process.

Responsible institution: Ministry of Environment and Natural Resources Protection of Georgia

Supporting institution(s): Financial support – EU, program “Greening Economies in the European Union’s Eastern Partnership (EaP) Countries” – EaP GREEN; program implementer UN Economic Commission for Europe–UNECE

Start date: Not provided

End date: August 2017

Commitment Overview	Specificity				OGP Value Relevance				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
★ 16. Adoption of the Environmental Assessment Code				✓	✓	✓						✓	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

From 1997 to 2005, environmental legislation called for civic participation in the process of project approvals and offered a comprehensive procedure for assessing the negative impact of a project, which was closer to the European Union (EU) standards.¹ According to the representative of the local environmental CSO Green Alternative, the process was abolished in the mid-2000s, depriving civil society of any opportunity to engage in decision-making on specific projects.² The Ministry of Environment and Natural Resources Protection of Georgia (MENRP) took a commitment to adopt the environmental assessment code with the objective of bringing activities having a potential effect on the environment under the Ministry's regulation, assessing activities against environmental protection interests, and informing and engaging citizens in the decision-making process during approval permits for the projects.³

The commitment identified specific activities including: 1) the adoption of the environmental assessment code, 2) staffing and training of a specific structural unit with the main function of adjusting the MENRP's work to the new regulations, 3) informing other administrative bodies who are involved in authorization regarding the new code, and 4) training members of academia and other stakeholders in preparation of environmental impact assessment in accordance with the new regulations.⁴ The commitment is coded as having a transformative effect if fully implemented as the new legislation has the potential to open up the platform for civic participation in the decision-making process.⁵ Considering the intended results of the Environmental Assessment Code, including an obligation to inform the public regarding project proposals, seeking input from the public regarding negative impact on the environment, as well as an obligation to consider feedback from citizens,⁶ the commitment is coded as having relevance to two OGP principles, namely, increasing access to information, and promoting civic participation.

Completion

The Environmental Assessment Code was adopted at the beginning of 2017. Chapter IV of the Code includes Articles defining the public's right to participate in decision-making under the given law, and states the Ministry's obligation to promote civic engagement in the process. Article 32 of the Code defines MENRP's commitment to inform civil society regarding project proposals via different channels, including the webpage of the Ministry, newspapers, and the building of the Municipal body in the region where the project is to be implemented. Article 34 of the code states various means for acquiring public feedback including written, electronic, or during public discussions, whereas Article 35 obliges the decision-making body to consider citizen input, as well as to provide feedback on whether the proposed suggestions were incorporated in the decision.⁷

CSOs assess the drafting process of the Environmental Assessment Code as unsatisfactory. While there were several discussions where representatives of the civil sector were invited, participants did not always receive feedback on their input. For example, a Policy Analyst at Green Alternative submitted 60 pages of comments, with no response from the Ministry on whether they were incorporated in the draft.⁸

Since the OGP point person at the MENRP is no longer performing the duty, and the Ministry was not responsive during the research process, the IRM researcher has no information regarding other deliverables pertaining to internal staffing and training of the responsible unit.⁹

Early Results (if any)

While representatives of CSOs working in the environmental sector indicate two specific loopholes in the document, they strongly commend the new legislation for opening up the platform for civic participation in the decision-making process.¹⁰ Stakeholders assess the code positively, but they refer to several shortcomings in the legislation. According to Green Alternative, when it comes to licensing projects on mining, the National Environment Agency gives out permits prior to the assessment. Therefore, in case of all projects

pertaining to mining, regardless of the opinions voiced during public discussions, the license is already obtained.¹¹ While the licensees cannot start their activity without the decision of the environmental assessment, CSOs believe that giving out permits prior to the assessment is illogical, and leaves room for the risk of attempting to influence the environmental assessment process on behalf of the interested parties.¹²

Another similar loophole indicated by Caucasus Environmental NGO Network (CENN) is that the law does not cover certain permits for the activities in forestry. The argument behind the decision to exclude such activities was that they would be regulated by the Forest Code of Georgia. However, there have been cases when the decision of the Ministry violated the Forest Code of Georgia in favor of complying with the permissions regulation, during which the Aarhus Secretariat ruled the decision to be acceptable, as it ensured protection of one of the laws. Such a loophole is dangerous as it sets the precedent of violating one law in favor of another, which creates a risk that certain regulations in the Forest Code could be further neglected.¹³

Considering that the Code is newly adopted, it is too early to assess whether the public engagement process has been fruitful in preventing a negative impact on the environment.

Next Steps

The commitment is a significant step towards opening the environmental impact assessment process to the public, increasing access to information regarding new project proposals, and allowing representatives of academia and other interested stakeholders to engage in the process with a higher objective of preventing initiatives harmful to the environment. To complete this commitment, the Ministry needs to implement the remaining activities, namely, conducting all necessary adjustments to the new law until the end of the current action plan.

In addition, while the code itself makes sure that no harmful activity can begin even if a company already obtained operation permit/license without the decision of the environmental assessment (such as in the case of mining permits), it is recommended that the procedure is made more coherent. This could be done by preventing giving out permits and licenses without obtaining environmental assessment decision first, which would further eliminate any risks of bias during the assessment procedure.

¹ Liberali.ge, Dato Parulava, 16 March 2017, “How Will the ‘Environmental Assessment Code’ Protect the Environment?”, <https://goo.gl/eGAmrV>

² Ketii Gujaraidze, Policy Analyst, Green Alternative, interview with IRM researcher, 9 August 2017

³ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁴ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁵ Rezo Getiashvili – Environmental Projects Coordinator, Caucasus Environmental NGO Network (CENN), interview with IRM researcher, 11 August 2017

⁶ Law of Georgia on “Environmental Assessment Code”, adopted on 1 June 2017, <https://matsne.gov.ge/ka/document/view/3691981>

⁷ Chapter IV, Articles 30-36, Law of Georgia on “Environmental Assessment Code”, adopted on 1 June 2017, <https://matsne.gov.ge/ka/document/view/3691981>

⁸ Gujaraidze, interview, August 2017

⁹ Email correspondence with the Ministry dating 18 August 2017, 16 September 2017 – no response; phone call 15 August 2017 – no response.

¹⁰ Rezo Getiashvili – Environmental Projects Coordinator, Caucasus Environmental NGO Network (CENN), interview with IRM researcher, 11 August 2017

¹¹ Gujaraidze, interview, August 2017

¹² Ketii Gujaraidze, Policy Analyst, Green Alternative, phone interview with IRM researcher, 21 January 2018

¹³ Getiashvili, interview, August 2017

17. Introduction of a mobile app as an alternative channel to connect to “112”

Commitment Text:

The mission of LELP “112” of the Ministry of Internal Affairs is to reduce the time of emergency response. In order to process the emergency message without delay, identification of exact location of the caller is of utmost importance. When the caller is in the location without an address or he/she is not able to exactly identify the location, identification of his/her location is complicated. Furthermore, there are cases when, due to the specificity of the situation, the caller is not able to talk on the phone with the 112 call-taker.

In order to identify the location without delay introduction of a mobile app – an alternative communication channel to “112” is recommended. Respectively, a long-term strategy was drafted, one of the priorities of which is creation alternative communication channels to connect to “112”.

The biggest advantage of the project is a) immediate contact between the caller and 112 call-taker and b) the possibility to identify the location of the caller without delay- vital for a citizen waiting for emergency assistance.

Responsible institution: LELP – “112” Ministry of Internal Affairs of Georgia

Supporting institution(s): None

Start date: 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
17. Introduction of a mobile app as an alternative channel to connect to “112”			✓		Unclear					✓			Yes			✓	

Context and Objectives

The Legal Entity of Public Law (LEPL) “112” Emergency Response Center under the Ministry of Internal Affairs of Georgia is responsible for providing an emergency response to callers. According to the representative of “112,” one of the biggest obstacles in securing the safety of the caller and sending an emergency response in a timely manner is the difficulty in identifying the location of the caller. On average, sending the response takes 1.5 minutes, and most of the time is lost on location identification. The situation is especially problematic when tourists call, and are unable to communicate their location.¹ To solve the problem, and make the entity’s work more efficient, “112” is launching a mobile application, which will automatically activate GPS upon access by the user, and send the location to the Emergency

Response Center.² If the phone is not connected to the internet, the application will send the location information using a free SMS service.³ Additionally, the representative of the GTU commended adding an “SOS” button in the application, which allows for calling for emergency response in extremely critical situations, when an individual wants to ask for help without the knowledge of people around. The user can add their personal data to their profile, as well as an emergency contact who can be reached by “112” if needed.⁴

The commitment entails specific activities, including the development and launch of the mobile application, testing it with public participation, and carrying out a PR campaign to raise awareness of the service. If implemented fully, the application can have a minor effect on increasing the efficiency of emergency response on behalf of “112”, as the application can reduce the time of emergency response from the average 1.5 minutes. While the introduction of the mobile application can offer improved public services, and therefore, help create a safer environment for citizens, the commitment has an unclear link to any of the four OGP values.

Completion

According to the representative of “112,” the mobile application is already developed, and will be launched in fall 2017 on the Google Play Store and Apple App Store. The application is available in three languages, includes a chat function making it useable for people with disabilities, and includes a GPS service that is activated only when requested by a customer.. Currently, the entity is partnering up with Tbilisi State University (TSU) and Free University of Tbilisi (FUT), as well as Georgian Technical University (GTU) to involve students in the testing of the application. According to “112,” around 100 students are already involved from GTU, who will shortly be joined by students from the other two universities. So far, students of the GTU were involved in testing the application to eliminate operational glitches. Students were given practical tasks, as a result of which “112” was able to improve several features of the application, such as sending texts using a foreign alphabet to the operators.⁵ According to the representative of “112,” during upcoming cooperation with the universities, students are expected to provide input on how to improve the application, and on which additional features would be useful.⁶ One of the important features of the application is protection of personal data of users: to ensure the application does not share users’ location at all times, the user must “accept” sharing their location before the application sends the details to the Emergency Response Center.⁷ “112” is looking for additional feedback from the students to enhance user experience.

As for the awareness-raising activities, “112” plans to launch a campaign in February 2018. The delay is due to a lack of available funding, as the project is implemented through the available funds of the entity with no external support.

Next Steps

The new mobile application can improve the efficiency of “112” and thus, achieve the higher objective of creating safer communities. The IRM researcher recommends that “112” conducts a thorough awareness-raising campaign to reach the maximum number of users, and promote the application among the final beneficiaries. A suggestion by GTU is to add a feature for people who are visually impaired; while the mobile application is useful for users with a hearing disability, enhancing it for the visually impaired would be a great improvement.⁸

Additionally, if taken into the next action plan, LEPL – “112” should strengthen the link of the commitment with OGP principles by selecting initiatives that would increase access to information, promote civic participation, or improve public accountability. An example of such an initiative would be a proactive disclosure of statistics of calls and responses provided by the Emergency Response Center, proactive publication of information regarding the app usage, and a built-in feature in the mobile application for providing public feedback.

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- ¹ Giorgi Sultanishvili, LEPL – “I12” Ministry of Internal Affairs of Georgia, phone interview with IRM researcher, 9 August 2017
- ² Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>
- ³ Sultanishvili, interview, August 2017
- ⁴ Temur Bochorishvili, Georgian Technical University, phone interview with IRM researcher, 21 September 2017
- ⁵ Temur Bochorishvili, Georgian Technical University, email correspondence with IRM researcher, 18 September 2017
- ⁶ Sultanishvili, interview, August 2017
- ⁷ Netgazeti.ge, “New Application of “I12” and Questions on Personal Data”, 26 September 2016, <http://netgazeti.ge/news/143360/>
- ⁸ Bochorishvili, interview, September 2017

18. Development of local councils for crime prevention

Commitment Text:

Starting from 2016, the Prosecutor's Office of Georgia launched the project "Local Council", the goal of which is to coordinate the crime prevention measures between relevant agencies and initiate new measures. At the current stage, crime prevention is a prerogative of a number of government agencies. Enhancing coordination between them is essential to avoid implementation of duplicate prevention measures by various agencies.

The main goal of the project is to discuss criminal situation in the region, to make decisions about preventive measures required for the region, to develop initiatives and to draw up a coordination plan about fighting crime in cooperation with other government agencies and nongovernmental organizations. The project was created according to the model of the USA and represents a coordination organ on the regional level. Permanent members of the Council are the representatives of the law-enforcement (Prosecutor's Office, Ministry of Interiors, Ministry of Corrections), municipalities, lawyers' corps, NGOs. The Council may also have temporary members from the civil society.

Implementation of Local Councils was launched in a pilot regime in Adjara region. In the framework of the commitment, Local Councils will be set up in Kvemo Kartli, Samegrelo in the nearest future and later in other regions of Georgia.

Responsible institution: Prosecutor's Office of Georgia

Supporting institution(s): Municipality bodies, National Probation Agency, Ministry of Internal Affairs, Nongovernmental organizations

Start date: March 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
18. Development of local councils for crime prevention			✓		✓	✓					✓		Yes				✓

Context and Objectives

In March 2016, the Prosecutor's Office of Georgia (hereinafter, Prosecutor's Office) launched a project called "Local Council," which entailed the creation of regional councils responsible for coordinating crime prevention activities in the regions of Georgia.¹ The project was based on the American model, in which the council would be established, comprised of representatives of the local law enforcement agencies, executive branch, self-government bodies, CSOs, and other interested stakeholders.² To bolster civic participation in local coordination activities, the Prosecutor's Office took a commitment to continue the

project within the framework of the current national action plan, 2016–2018, by introducing local councils in at least six regions across Georgia before December 2017.³ The objective of the commitment is to improve coordination of government bodies on crime prevention activities, which entails elimination of duplicated initiatives due to a lack of coordination, as well as the introduction of crime prevention initiatives tailored to local needs. The OGP challenge referred to in the commitment text is creating safer communities.⁴

The commitment entails the establishment of local councils in six regions and conducting at least 10 local council meetings. If fully implemented, the commitment will have a moderate effect on the coordination of crime prevention activities, as well as on developing initiatives that reflect the needs of the community. The Institute for Development of Freedom of Information (IDFI) positively assesses the commitment as a step towards higher citizen involvement of citizens at a grassroots level.⁵ The commitment addresses two OGP principles: council meetings are used as an instrument for the presentation of reports, crime statistics, and other types of documents produced by the central and local Prosecutor's Office,⁶ which improves access to information, whereas the participatory nature of the councils could encourage civic participation.

Completion

The commitment was fully implemented on time. Currently, there are 12 crime prevention councils set up across the country, including councils in Zugdidi, Ozurgeti, Akhaltsikhe, Rustavi, Marneuli, Bolnisi, Khelvachauri, and Telavi. The Prosecutor's Office is planning to open several local councils in Tbilisi in multiple districts.⁷

The councils are comprised of permanent and non-permanent members. Members include local prosecutors and representatives of law enforcement agencies such as local police, ombudsman, and self-governing bodies.⁸ Coordination with civil society organizations happens through the central Prosecutor's Office in Tbilisi to ensure the Chief Prosecutor's Office monitors the activities of the councils, and coordinates their work. Once the council meeting is scheduled, the Prosecutor's Office contacts local prosecutors, and requests contact information of a wide range of CSOs, after which the information regarding the meeting is disseminated among potential attendees. The meetings are not advertised online, although the participants are encouraged to invite other potentially interested stakeholders.⁹

At least one meeting per council was held. The meetings are used for presenting information regarding the criminal situation in the region, as well as for discussing initiatives from all participating members on projects aimed at preventing specific types of crime. The events are publicized in the local media, including television channels and newspapers.¹⁰

Early Results (if any)

According to the Prosecutor's Office, a few projects proposed during the council meetings have already been implemented. For example, during one of the council meetings, World Vision representatives raised the issue of female circumcision in the Gurjaani region. Following the initiative, World Vision and other participants including doctors, local police, and CSO representatives, held discussions with the public and raised awareness among the community regarding the criminal nature of female circumcision.¹¹

Other issues raised during the council meetings, followed by discussions with the population, include early marriage and domestic violence. To raise awareness, a project called "Youth Against Domestic Violence" was launched, which encouraged students to make videos on domestic violence. Similar competitions were held across Georgia, including Zugdidi,¹² Batumi,¹³ and Rustavi.¹⁴ 307 public schools took part in the competition, with 2,279 participants.¹⁵

Another successful initiative is a preventative campaign on transportation-related crimes. Within the framework of the initiative 81 preventative activities were held, including 37

meetings with driving school students, 24 meetings with the public, nine occasions of decorating pedestrian crosswalks, and five imitations of a car accident.¹⁶

On the other hand, the representative from the Transparency International Regional Office in Batumi stresses that while TI was invited to two council meetings in 2016, he has not heard from the Prosecutor's Office since. Additionally, while the meetings are useful for general discussions, the only notable activity the council initiated was meeting with school students, which is deemed insufficient for addressing the variety of issues brought up at the meeting. For example, TI raised the issue of prostitution and trafficking in Adjara region, with a focus on women's rights, but there was no follow up after the council meeting.¹⁷

Next Steps

The commitment is in line with OGP principles, and makes a big step towards improving access to information regarding the crime situation in the regions and the work of the Prosecutor's Office, as well as providing a platform for civil participation. It is important that the initiative has a continuous character, and the council meetings are held on a regular basis. Recommendations of the IRM researcher to the Prosecutor's Office to be considered in the current or next action plan are:

- Develop terms of reference for local councils, which would determine formal rules for participation, ensure the regularity of the meetings, and other procedural details;
- Carry out outreach campaigns to inform a wider range of CSOs and the public regarding the meetings and the possibility to engage in local coordination mechanism;
- Online publication of information regarding the meetings, including the date and agenda of the next meeting, as well as a meeting transcript and/or summary for interested stakeholders who could not attend;
- An online mechanism (e.g. a survey) to receive suggestions from stakeholders on possible topics/focus for the upcoming council meeting, which would attract interested CSOs and public and help them prepare specific activity proposals;
- Organize regular events for local prosecutors, representatives of law enforcement agencies, and representatives of self-government bodies from all regions to exchange positive experiences and improve the functioning of the council in their region (the first meeting already envisioned by the Prosecutor's Office was due to be held at the end of 2017¹⁸).

¹ Interpressnews, "Prosecutor's Office of Georgia Presents the Project "Local Council"", 10 April 2016, <https://goo.gl/Z1joL5>

² Local Councils, Implemented Activities, provided by the Prosecutor's Office of Georgia, 18 August 2017

³ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁴ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁵ Saba Buadze, Anti-Corruption Direction Lead, and Levan Avalishvili, Programs Director, Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017

⁶ Nino Tsatsiashvili, Department Prosecutor, Londa Toloraia, Deputy Head of the Department, Prosecutor's Office of Georgia, interview with IRM researcher, 15 August 2017

⁷ Tsatsiashvili, Toloraia, interview, August 2017

⁸ First Meeting of the Local Council in Telavi, Attendance Sheet, Telavi

⁹ Tsatsiashvili, Toloraia, interview, August 2017

¹⁰ Tsatsiashvili, Toloraia, interview, August 2017

¹¹ Tsatsiashvili, Toloraia, interview, August 2017

¹² Interpressnews, "Within the Framework of the campaign – "Youth Against Domestic Violence", Zugdidi Public School Held a Student Competition on Best Video", 28 February 2017, <https://goo.gl/vjphgP>

¹³ Adjara TV, "Youth Against Domestic Violence", 19 April 2017, <http://ajaratv.ge/news/ge/14263/mozardebi-ojakhshi-dzaladobis.html>

¹⁴ Telegraph, "Youth Against Domestic Violence", 21 April 2017, <https://goo.gl/joKg9x>

¹⁵ Successful Activities, document provided by the Prosecutor's Office of Georgia, 18 August 2017

¹⁶ Report of the Chief Prosecutor of Georgia, 19 July 2017, http://pog.gov.ge/res/docs/angarisi19_07_2017.pdf

¹⁷ Malkhaz Chkadua, Regional Manager of Batumi office, Transparency International Georgia, phone interview with IRM researcher, 18 September 2017

¹⁸ Tsatsiashvili, Toloraia, interview, August 2017

19. Development of a guidebook for economic agents

Commitment Text:

Economic agents who apply only the Law on Competition and the normative acts based on it do not have relevant information about the application of legislation on competition. In addition, the society does not have sufficient information on the newly established Competition Agency.

The communication between the control organ and relevant business entity is necessary so that an economic agent can be informed on their commitments derived from the Law on Competition. As a result, the work of the agency will become more efficient, and entities on their part, will take relevant measures to minimize activities interfering the free competitive market.

The commitment serves to improve transparency and accountability principles of the public administration. The Competition Agency will develop a guidebook/brochure, the main topic of which will be problematic and urgent issues of the Law on Competition and key action principles of the agency. The guidebook will be distributed both in a print version and electronically to inform businesses and society about the competition matters.

Responsible institution: LEPL – Competition Agency

Supporting institution(s): None

Start date: September 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
19. Guidebook for Economic Agents			✓		✓					✓			Yes			✓	

Context and Objectives

In March 2014, the Government of Georgia adopted the Law of Georgia on Competition, which aims at prevention and eradication of any activities that constitute a threat to competition among economic agents.¹ Along with adopting the law, the Competition Agency became an independent body responsible for overseeing market dynamics and detecting economic practices that might conflict with the regulations.² According to the representatives of the Agency, while the law successfully posits restrictions on any violations of competition on the market, there is a low level of awareness among the economic agents regarding specific regulations.³ Therefore, members of the business community are not fully aware whether their economic behavior is in violation of competition standards, such as signing or making verbal agreements that will give them a privileged position on the market, manipulated pricing, and more. To prevent violation of the regulations and thus maintain competition among the market players, the commitment aims at instructing economic agents on the Law of Georgia on Competition through drafting a Guidebook for Economic Agents, and disseminating it online and in print, along with conducting an advocacy campaign and meetings with stakeholders.⁴

The commitment describes both the problem and the exact verifiable steps for addressing the issue: 1) developing the Guidebook, and 2) disseminating information regarding the Guidebook. According to the Team Leader/Senior Legal Expert of the European Union (EU)-funded project “Support to the Georgian Competition Agency,” the guidelines serve as an important instrument for informing economic agents regarding their obligations considering the complexity of the issue and the Law.⁵ However, it remains to be seen if increased awareness among economic agents is translated into different economic behavior and thus has an impact on the overall objective of preventing illegal activity. If fulfilled, the commitment could have a minor effect on improving knowledge of the legislation in the business community, depending on how far-reaching the dissemination and advocacy efforts are. Additionally, while the Guidebook is an instruction for the private sector on already existing norms, it helps to translate legal norms into more accessible and understandable language, with the aim to improve compliance with the Competition Law. Therefore, the commitment is relevant to one OGP principle, namely, increasing access to information.

Completion

The Competition Agency adopted the Guidebook for Economic Agents in May 2017 before the end date indicated in the commitment text (December 2017).⁶ The Guidebook defines what an economic agent is, discusses all the possible scenarios where a market player might be violating competition standards, such as abuse of a dominant position in the market, predatory pricing, price discrimination, and/or refusal to supply. Explanations are followed by rulings by the Court of Justice of the European Union (CJEU), which set a precedent for competition standards. The structure of the Guidebook is compelling, and the language is understandable even if one does not have background information on the issue.

The commitment is substantially implemented, as the indicator for implementation includes both drafting the Guidebook as well as its dissemination, the latter yet to be carried out by the Agency. According to the representatives of the responsible body, the Competition Agency planned to conduct awareness-raising activities in fall 2017, to include a conference for the business community where the Guidebook will be disseminated.⁷

Early Results (if any)

While the Guidebook for Economic Agents is developed, the Competition Agency has not conducted any awareness-raising activities other than making the document publicly available on its website. Therefore, assessing early results of the commitment will be more reasonable after fall 2017 when dissemination activities take place.

Additionally, representatives of the private sector believe that specific considerations must be taken into account regarding the content of the guidebook. According to the Legal Analyst of the Business Association of Georgia (BAG), the document explains competition law using examples of rulings by CJEU. However, in the past decade, the EU changed its approach to competition, which means that some of the cases described in the document are no longer relevant to competition law. Another concern raised by the expert is that certain explanations are vague, and might raise more questions than answers. For example, section 1.5 of the Guidebook states that horizontal and vertical price restraints violate the Law on Competition. However, while horizontal price restraints are unacceptable, vertical price restraints might not violate the law depending on the circumstances. Therefore, while the document provides an example of an exception to the rule, the strong wording of the definitive statement might mislead the readers, who are not familiar with competition policy. According to the representative of BAG, a manual-type document which provides a detailed explanation of various conditions affecting the rulings, a comprehensive analysis, and specific recommendations might be better for informing the target group.⁸

Next Steps

The commitment makes an important step in educating business community regarding the Law of Georgia on Competition. To make the impact of the current commitment significant

in the current implementation cycle, the Team Leader/Senior Legal Expert of the EU project “Support to the Georgian Competition Agency” stresses the importance of increasing visibility of the guidebook through:

- Advertising it at all events organized by the Agency or the project;
- Utilizing the Agency’s website for providing information in user-friendly format (such as “frequently asked questions” section), which can improve the access to information for the business community;
- Disseminating the guidebook among lawyers and judges, as their line of work is directly concerned with violations of the competition regulations.⁹

Furthermore, recommendations of the BAG to the Competition Agency include:

- Update the content of the Guidebook to provide more relevant cases to the current competition policy in the EU;
- Provide more detailed and in-depth explanations of the concepts and conditions, analysis, and recommendations in a manual-type document;
- Choose an appropriate audience for the document such as economists and financiers, who are directly involved in determining the economic behavior of the economic agents.¹⁰

If taken forward into the next action plan, the Competition Agency should attempt to add another dimension to the commitment to make it more directly relevant to OGP, which would aim at increasing transparency of the Agency, bolstering civic participation, or creating a mechanism for public accountability. An example of such an initiative would be engaging citizens in identifying possible violations of competition standards on the market by providing a reporting mechanism online/in person. Another example would be proactive publication of statistics of violations of the code, along with decisions of the Agency. All in all, this or a future commitment of the Agency should expand its focus from the business community to citizens, if OGP principles were to be further strengthened.

¹ Georgian Law on Competition, <http://competition.ge/en/page2.php?p=4&m=62>

² Decree of the Prime Minister #288, 14 April 2014, <http://competition.ge/ge/page2.php?m=63>

³ Sophio Momtselidze, Leading Specialist of the Legal Department, Liana Japaridze, Head of the Legal Department, interview with IRM researcher, 3 August 2017

⁴ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁵ Aurelio La Torre, Team Leader/Senior Legal Expert, EU-funded project “Support to the Georgian Competition Agency”, phone interview with IRM researcher, 13 September 2017

⁶ Guidebook for Economic Agents, May 2017, available here

⁷ Momtselidze, Japaridze, interview, August 2017

⁸ Nika Nanuashvili, Legal Analyst, Business Association of Georgia, phone interview with IRM researcher, 20 September 2017

⁹ Aurelio La Torre, Team Leader/Senior Legal Expert, EU-funded project “Support to the Georgian Competition Agency”, phone interview with IRM researcher, 18 September 2017

¹⁰ Aurelio La Torre, Team Leader/Senior Legal Expert, EU-funded project “Support to the Georgian Competition Agency”, phone interview with IRM researcher, 18 September 2017

20. Development and introduction of the quality control program of commercial service

21. Presentation of company reports in an electronic form and provision of their accessibility

Commitment #20 Text:

In the framework of the Action Plan, Georgian National Energy and Water Supply Regulatory Commission (further on, Commission) shall ensure development and introduction of the program of quality control of commercial service.

The Commission by Resolution #13 of July 25, 2016 approved “Commercial Quality Rules of Service” which aims at improving commercial quality of service rendered to customers by electricity and natural gas distribution licensees, water supply licensees and natural gas suppliers (further on, enterprise).

Commercial quality of service is important from the point of view of customers’ rights since it consists of key standards for electricity and natural gas distribution and accessibility of customers in the field of water supply and customers’ rights protection, which is a vital issue both internally and internationally. For example, as of 2011, in the framework of the project Doing Business, in the common rating developed by WB, Georgia occupied 17th position, however, in one of the criteria of the survey, access to the electricity (connecting to the network), Georgia occupied only 91st position. After the Commission adopted and introduced regulation addressing customer access to the service of connecting to the network, Georgia moved from 91st to 50th position.

Now the main challenge of the Commission is development and regulation of an efficient mechanism for monitoring commercial service quality. One of the components is to inform customers about their enterprise rights and obligations, which will improve accountability and transparency regarding customers’ rights.

Responsible institution: Georgian National Energy and Water Supply Regulatory Commission

Supporting institution(s): None

Start date: January 2016

End date: December 2017

Commitment #21 Text:

In the framework of this commitment, presentation of electronic reports by enterprises will allow the Georgian National Energy and Water Supply Regulatory Commission to: create a trustworthy database, conduct a multi-sided analysis of the information obtained, keep an eye on the dynamics of the enterprise indicators, monitor fulfillment of licensing conditions and in the shortest possible time to provide stakeholders with systematized information. Introduction of the electronic report system will assist companies and facilitate efficient application of the Commission administrative resources and information accessibility.

The aim of the commitment is to create a special electronic platform of report submission by enterprises in order to ensure mobility and transparency of the mentioned process.

Responsible institution: Georgian National Energy and Water Supply Regulatory Commission

Supporting institution(s): None

Start date: Not provided

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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	
20. Development and introduction of the quality control program of commercial service				✓	Unclear						✓		Yes				✓	
21. Presentation of company reports in an electronic form and provision of their accessibility				✓	Unclear						✓		Yes					✓

Context and Objectives

The Georgian National Energy and Water Supply Regulatory Commission (GNERC) is an independent regulatory body combining oversight functions of water, electricity, and natural gas service provision, combined with consumer rights protection.¹ In 2016, the Commission adopted the “Commercial Quality Rules of Service,” aimed at ensuring a high quality of service delivery when providing electricity, natural gas, and water to citizens.² According to GNERC, while the standards are clearly set out in the legal document, they were not fully implemented in practice.³ Therefore, the Commission took on a commitment to develop an internal mechanism, which will monitor the performance of utility companies according to nine standards set out in the law. For example, one of the standards is the time needed to resume service provision, which was stalled due to delayed payment.⁴ The mechanism ensures that GNERC oversees the service delivery, and addresses the issue if the company violates consumer rights.

Commitment #20: The commitment promises to develop a quality assurance program, which will monitor service delivery on behalf of the licensees for the overall objective of ensuring a higher quality of service-provision, and protecting customers’ rights through monitoring and recording violations by the companies.⁵ Such a program would have a moderate impact on the improvement of service provision, as the regulatory body clearly requires a mechanism for monitoring compliance with the legal standards.⁶ While the commitment can help improve utility-provision to the customers, the program is entirely internal to GNERC, and is aimed at increasing the efficiency of the Commission to deliver its responsibilities. The commitment objective to improve service quality and prevent violations is fully service-

oriented. At the same time, GNERC states that, based on the analysis of quality of service-delivery, the Commission can decide on what areas the customers need more information (whether it is the lack of awareness of their own rights, or other regulations), and thus can fill in the information gap.⁷ Therefore, the commitment has unclear connection to OGP values.

Commitment #21: The commitment includes introduction of normative acts, which would allow for submitting company reports electronically.⁸ The issue that GNERC is trying to address is the difficulty of systematization of information submitted by companies since reports are submitted in hard copy. Electronic submission of the documents would simplify systematization of the information submitted, as well as allow for faster data analysis. Therefore, the impact of the commitment on the stated problem would be moderate. That said, the commitment is fully directed at improving internal processing of data by GNERC, and does not have an added value in terms of improving access to information. GNERC already has an obligation to present annual reports combining some information received through company reports in the Parliament, and the given commitments provide no additional obligation on behalf of the Commission.⁹ Therefore, the commitment is coded as having no clear relevance to OGP principles.

Completion

Commitment #20: According to the representatives of GNERC, the program allowing the Commission to monitor service provision was launched in February 2017.¹⁰ The program consists of nine standards, against which companies are assessed, although a few of them are difficult to implement.¹¹ For example, one of the standards set by GNERC is that if a company ceases utility provision due to delayed payment by the customer, the company has an obligation to resume the service within five hours once the payment is made. Otherwise, the company must pay the customer 5 GEL as compensation. However, the companies refer to lack of resources when it comes to resuming service-provision in a timely manner; to transition to set standard, the companies might have to increase the price of the service. These and similar issues are still under discussion between GNERC and the licensees, which makes it difficult to apply the existing program of quality assurance in its full capacity.¹²

Commitment #21: The electronic platform for submission of company reports was launched in January 2017. GNERC approved relevant normative acts to set a specific standard for report submission on behalf of different types of service-providers.¹³ According to the representative of GNERC, the system for electronic report submission is fully functional, and companies regularly submit their quarterly and yearly reports in electronic format.¹⁴ However, until Article 3 of the newly adopted Law of Georgia on Electronic Documents and Reliable Electronic Service-Provision regulating electronic signatures as a reliable form of signing comes into effect in July 2018, the companies are still obliged to submit reports in hard copy.¹⁵ Thus, currently, the licensees submit their reports both electronically and in a hard copy format.¹⁶

Early Results (if any)

Assessing possible results on the service-delivery by utility companies will be more realistic once the program of quality assurance is fully functional, and sufficient time has passed to show any change in companies' approach to customer rights protection.

Next Steps

Both commitments help improve the work of one of the main regulatory bodies in the country responsible for monitoring service-delivery and customer rights protection in the utility sector. To reach maximum impact and achieve the objectives set out in the commitment texts, GNERC should implement the commitment fully in the remaining period of the action plan by ensuring that all nine standards of quality assurance program are applied in practice.

If the commitment is taken into the next action plan, it needs to be made more relevant to values of open government. New commitments strengthening the link with OGP principles could include:

- conducting activities aimed at increasing awareness among customers regarding their rights;
- proactive publication and dissemination of statistics on company violations of service-delivery standards, tendencies in tariff changes, and other information in an open source format, and easily understandable manner;
- launching a user-friendly online feedback mechanism, where the public can provide their input regarding their experience, as well as suggestions on how to improve utility service-delivery. While there are templates such as a complaint form available on the website of the Commission, the citizen must print it out, fill it out by hand, and submit it to the Commission. The procedure could be improved with an electronic mechanism, which would be easier to navigate by the user, and would encourage citizens to provide feedback and participate in improving utility service-delivery;
- an effective complaint mechanism, specifically for reporting violations would be a plus, and would offer various channels of communication, a standard procedure for complaint consideration, and a standardized procedure for providing feedback to the customers.¹⁷

Another recommendation voiced by a CSO representative was to not only request financial reports by utility companies, but also encourage company reports focusing on their social responsibility. Such information could include:

- analysis of the impact of their activity on environment, and/or utilization of innovation technologies to diminish negative impact, especially considering the nature of work of the utility providers;
- analysis of compliance measures in the company, since the licensees are performing a key service-provision role in the country, and are thus susceptible to corruption;¹⁸
- strengthening whistleblower protection in the private sector, as current legislation protects whistleblowers only in the public sector.¹⁹

While GNERC might not be directly responsible for promoting such initiatives, similar propositions could be made through coordination with other government bodies. As GNERC is responsible for customer rights protection in the utility sector, encouraging socially responsible corporate behavior among the companies, besides monitoring their performance, can be a big step forward.

¹ Georgian National Energy and Water Supply Regulatory Commission, official website, <http://gnerc.org/en/about/komisia>

² Georgian National Energy and Water Supply Regulatory Commission, Decree #13 on “Commercial Quality Rules of Service”, 25 July 2016, <https://matsne.gov.ge/ka/document/view/3349746>

³ Tamar Bazgadze, Leading Specialist in the Legal Department, Temur Izoria, Methodological Department, interview with IRM researcher, 3 August 2017

⁴ Bazgadze, Izoria, interview, August 2017

⁵ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁶ Salome Zurabishvili, Legal Expert, Civil Development Agency, phone interview with IRM researcher, 13 September 2017

⁷ Bazgadze, Izoria, August 2017

⁸ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

⁹ Bazgadze, Izoria, August 2017

¹⁰ Tamar Bazgadze, Leading Specialist in the Legal Department, phone interview with IRM researcher, 14 September 2017

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- 11 Article 4, Chapter II, Georgian National Energy and Water Supply Regulatory Commission Decree #13 on the adoption of “Commercial Quality Rules of Service”, 25 July 2016,
<https://matsne.gov.ge/ka/document/view/3349746>
- 12 Bazgadze, Izoria, August 2017
- 13 Georgian National Energy and Water Supply Regulatory Commission, Decision N47/66 on “Approval of Unified Reporting and Journal Forms by Water Supply Licensees”, Decision N47/64 on “Approval of Unified Reporting and Journal Forms by Natural Gas Suppliers, Decision N47/63 on “Approval of Unified Reporting and Journal Forms by Electricity Suppliers, 7 July 2016, available here, <https://goo.gl/gAiBSB>
- 14 Bazgadze, interview, 14 September 2017
- 15 The Law of Georgia on Electronic Documents and Reliable Electronic Service-Provision”, 21 April 2017,
<https://www.matsne.gov.ge/ka/document/view/3654557>
- 16 Bazgadze, interview, 14 September 2017
- 17 Zurabishvili, interview, September 2017
- 18 Zurabishvili, interview, September 2017
- 19 Law of Georgia on the Conflict of Interests and Corruption in Public Service,
<https://www.matsne.gov.ge/ka/document/download/28312/97/en/pdf>

22. Introduction of an electronic petition portal and “Zugdidi-INFO” on the webpage of Zugdidi Municipality Assembly

Commitment Text:

In the framework of the Action Plan, Zugdidi Municipality Assembly is implementing two projects in the direction of public participation and informativeness: a) by means of webpage www.zugdidi.gov.ge, administered by Zugdidi Municipality Assembly, it will be possible to present petitions in electronic format to the representative body; 2) by means of the information center Zugdidi-INFO, citizens will receive information about ongoing infrastructural, cultural, sports or other projects, also about healthcare and social protection programs in the form of SMS. Using the same method, population receives information about the date and agenda of the Assembly meetings.

Zugdidi-INFO, a fast and direct communication space with citizens, will improve public participation in self-governance and decision-making process.

By means of webpage www.zugdidi.gov.ge, administered by the City Assembly, citizens concerned with the various issues will have the opportunity to easily submit petitions in electronic form about their needs and interests to the municipalites.

Responsible institution: Zugdidi Municipality Assembly

Supporting institution(s): Zugdidi Municipality Town Hall and Municipality non-entrepreneurial (non-commercial) legal entities

Start date: Not provided

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
22. Introduction of an electronic petition portal and “Zugdidi-INFO” on the webpage of Zugdidi Municipality Assembly			✓		✓	✓	✓		✓				Yes			✓	

Context and Objectives

In order to bolster citizen participation in the decision-making of the local representative body, the Zugdidi Municipality Assembly took a commitment to launch 1) Zugdidi-INFO, an SMS service notifying citizens about Assembly meetings as well as other highlights, and 2) an electronic petitions system, which would allow citizens to submit policy suggestions, improving citizen participation in governance in their community.¹ According to the

representative of the Assembly, while the local body regularly advertises the Assembly meetings as well as other information on specific initiatives and accomplishments on their Facebook page, citizen engagement in the process is low.² The objective of the commitment is to increase civic participation by providing comprehensive information regarding the upcoming meetings and discussions. Additionally, while there is an existing module on the Zugdidi website where one can find a petitions form to print out and submit as a hard copy to the Assembly,³ as of 2017, only three petitions have been submitted.⁴ The electronic portal aims at simplifying the procedure, and thus achieving a higher rate of participation.

If implemented, the impact of the commitment could be minor. SMS notifications are a good tool for providing basic information to citizens. As for the electronic petitions mechanism, if completed, it is yet to be seen how popular such a service would be among the population considering internet access in the region. The commitment would have a bigger impact if it included other ways of involving the population in submitting suggestions, as well as a specific mechanism for providing feedback and reasoning on submitted petitions.

Completion

Overall, this commitment is substantially implemented. Zugdidi-INFO has been up and running since May 2016. The Assembly currently has contact information for 11,000 citizens who regularly receive SMS through Zugdidi-INFO. According to the representative of the local Transparency International (TI) office, the SMS service, which is already fully functional, regularly provides information regarding every Assembly meeting. For example, one text sent to the population contained information regarding the Assembly meeting date, time, and location. Another text from Zugdidi INFO notified the population regarding the finished renovation of a specific building in Zugdidi.⁵ Thus the service has multiple functions.

The electronic petitions portal is still in the process of development. The system has not been launched as of September 2017. However, the end-date of the deliverable is December 2017. According to the Assembly, the online mechanism was under development as of October 2017, and was due to be launched in November 2017.

Early Results (if any)

According to the Transparency International (TI) representative, SMS regarding implemented projects and upcoming Assembly meetings are delivered regularly, which has an impact on public attendance of the meetings.⁶ However, the Assembly has not conducted any studies to assess the impact of Zugdidi-INFO on the level of public participation.⁷

Next Steps

To complete this commitment, Zugdidi Municipality needs to launch the online petitions portal by the end of the action plan. Additionally, the commitment text does not mention any outreach or awareness-raising campaigns regarding the portal. To achieve maximum impact, once the electronic petitions system is established, Zugdidi Assembly should conduct awareness-raising activities to inform the public, including tutorials on how to use the petitions mechanism. Such activities would ensure the Assembly receives input from citizens, and thus the objective of the commitment to increase civic participation in the decision-making process would be achieved. Additionally, it would be useful if the Assembly creates an electronic feedback mechanism for received petitions, which would provide citizens with comprehensive information on whether the council considered the suggestion, and if not, provide the reasoning behind the decision.

¹ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

² Irakli Lagvilava, Head of the Public Relations and Civil Sector Unit, phone interview with IRM researcher, 4 August 2017

³ Information on regulations, as well as petition template on the Zugdidi Municipality Assembly website, <http://www.zugdidi.gov.ge/1532-0-geo.html>

⁴ Salome Akobia, Chief Specialist in Case Management, phone interview with IRM researcher, 6 September 2017

⁵ Archil Todua, Regional Coordinator at Transparency International Georgia (TIG) Zugdidi Office, phone interview with IRM researcher, 11 October 2017

⁶ Todua, phone interview, September 2017

⁷ Lagvilava, phone interview, August 2017

23. Transparency of Ozurgeti Municipality Assembly meetings

Commitment Text:

Ozurgeti Municipality Assembly is actively working to improve transparency, accountability and public participation and to introduce modern technologies in the Assembly activities.

In the framework of this commitment, Ozurgeti Municipality Assembly shall ensure direct transmission of assembly meetings and uploading of their complete video recordings on the Ozurgeti Municipality webpage.

The following innovations are envisaged by this commitment:

- During direct transmission citizens will be able to leave comments and questions, the number and the content of which will be publicly published by Assembly office, the results of the interaction will be reflected in the Assembly annual report.
- Stakeholders' groups will be created and with each member (employees of government, private or nongovernmental organizations and private persons) a form-memorandum will be drawn, providing members with relevant information. The system of SMS will also be introduced for these groups. The Assembly will also create a database so that information delivery will be systematic.
- Population will be notified about the meetings and current services by email and SMS. Database of stakeholders will be created and those included in the database will receive information about the topics of their interest via special software.
- Electronic interviews will be introduced; the results of which will be reflected by the Assembly in the normative acts.
- In 28 territorial units of Ozurgeti Municipality, Centers of Civic Engagement will be set up and equipped with modern digital technologies (today similar centers function in 5 villages of the Municipality: Konchkati, Melekeduri, Likhauri, Tkhinvali and Bakhvi).

Responsible institution: Ozurgeti Municipality Assembly

Supporting institution(s): None

Start date: September 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
23. Transparency of Ozurgeti Municipality Assembly meetings			✓		✓	✓	✓			✓			Yes			✓	

Context and Objectives

The Ozurgeti Municipality Assembly is a legislative body, comprised of representatives elected by the community. As citizens are generally less involved in the work of self-governing bodies, the Assembly took a commitment to increase transparency of decision-making, as well as to engage citizens in the process.¹ The initiatives proposed under the commitment include direct transmission of the Assembly meetings “Manage from Home,” where citizens can leave comments and ask questions during live streaming, an SMS system to notify citizens regarding the schedule and topics of the upcoming discussions, an electronic survey system, which enables citizens to raise specific issues important to their community, as well as an archive of video recordings of the meetings on the Ozurgeti Municipality webpage. Additionally, the lead agency proposed to establish Centers of Civic Engagement, where citizens can watch direct transmissions of Assembly meetings and engage in discussions, if they do not have internet access at home.²

The commitment is highly specific, as it has five clearly stated verifiable deliverables, as well as a clearly stated objective to promote access to information and public participation in the decision-making process, along with utilization of innovation technologies. If fulfilled, the impact of the commitment could be moderate as it provides a platform for increased civic engagement, and creates a mechanism to raise awareness among the population regarding the Assembly’s initiatives through live broadcasting, as well as online archiving of the recordings.

Completion

The commitment is substantially completed, considering that most of the activities stated in the commitment text are implemented as of August 2017. “Manage from Home,” the online transmission of Assembly meetings, and its comment section are fully functional on the website of the Assembly.³ According to the representative of the local civil society organization Guria Youth Resource Center, the initial commitment of the Assembly was to broadcast meetings once a month. However, once the technology was in place, the Assembly took it one step further, and started broadcasting all meetings that are open to public.⁴ Local CSOs positively assess online transmission of the meetings as an alternative method for citizen engagement.⁵ In case one did not have an opportunity to watch live transmission of the meetings, video recordings of the meetings are uploaded to the video gallery on the Municipality website.⁶

The SMS system was also implemented, and local organization Young Scientists Club held outreach activities to notify the public about the service.⁷ To activate the SMS service, a citizen must sign a one-page memorandum with the Assembly allowing the entity to send them notifications after which they receive information regarding Assembly meetings, projects, and more.⁸ The electronic survey is also fully functional on the website, offering an online form for citizens to raise issues relevant to their community.⁹ The electronic survey is anonymous, and does not require registration or authorization of the user, which avoids additional barriers for civic participation.¹⁰

While five out of 28 Centers for Civic Engagement, where citizens can assemble to watch direct transmission of Assembly meetings, ask questions online, and participate in discussions existed at the time of the adoption of the National Action Plan, no additional CCEs have been opened since.¹¹ Opening the remaining CCEs is a significant step forward in engaging citizens in the decision-making process regardless of internet access at their homes. The original five centers were funded through the local budget, while the equipment was purchased with donor support. According to the representative of the Assembly, opening the remaining 23 centers fully depends on acquisition of additional funding, which the Assembly is currently working on.¹²

Early Results (if any)

According to a local CSO, the online survey for citizen input is widely used among the civic sector. In the first two months of the survey, around 80 submissions were made. On an ad

hoc basis, the Assembly publishes questions asked with responses from the Assembly.¹³ As for the SMS notification system, according to a rough estimate, around 40 percent of the population of the Municipality is receiving the service.¹⁴

Additionally, up to November 2016, the local civil society organizations were actively involved in outreach efforts to raise awareness regarding the Assembly's live streaming by meeting with the population in the villages.¹⁵ According to the local CSO Democratic Development Union of Georgia, all active partners of the Assembly disseminate information regarding the new feature of the Assembly website during their meetings with the population.¹⁶

Next Steps

The commitment is a big step towards enhancing transparency of the Ozurgeti Municipality Assembly, by improving access to information, as well as promoting civic engagement. Remaining deliverables, namely, the establishment of 25 Centers of Civic Engagement, must be implemented fully in the current cycle of action plan implementation.

If the commitment were to be taken into the next action plan, feedback mechanisms could be introduced. Specifically, the CSO representative recommended to develop a standard feedback mechanism for submissions through the electronic survey, as opposed to depending on the goodwill of Assembly staff to respond to the population's questions/initiatives.¹⁷ Such a mechanism would ensure continued interest in providing input in the work of the Assembly, as the citizens will have evidence that their concerns were read, considered, and answered.

CSOs point out that irrespective of this commitment, according to the legislation, the legislative body might not have the mandate or jurisdiction for many issues raised during Assembly meetings or proposed by citizens through the electronic mechanism.¹⁸ While it might be difficult to increase the competencies of the Assembly within the framework of the next action plan, it would be useful if the Assembly joins forces with the local executive body (*Gamgeoba*) to take a responsibility to reply to and solve concerns raised by citizens.

Additionally, considering local elections in October 2017, the composition of the Assembly might change, which raises concerns over sustainability and continuation of efforts to ensure transparency and civic engagement in the work of the Assembly.¹⁹ To ensure sustainability, the IRM researcher recommends that the next Assembly carry out the following activities:

- Better outreach campaigns to inform society regarding civic participation mechanisms already launched on the Assembly website;
- Introduce a legal obligation to respond to citizen submissions through the electronic mechanism, and a standardized procedure for providing feedback;
- Finish the establishment of the 23 Centers of Civic Engagement;
- Ensure more coordination between the Ozurgeti Municipality Assembly and the local executive body (*Gamgeoba*).

¹ Nana Tavdumadze, Chief of Staff, Ozurgeti Municipality Assembly, phone interview with IRM researcher, 3 August 2017

² Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

³ Ozurgeti Municipality Assembly webpage, live transmission of the meetings, <http://ozurgeti.mun.gov.ge/ge/live>

⁴ Tamar Glonti, Guria Youth Resource Center, phone interview with IRM researcher, 8 September 2017

⁵ Levan Khintibidze, Democratic Development Union of Georgia, phone interview with IRM researcher, 6 September 2017

⁶ Ozurgeti Municipality Assembly webpage, video gallery, <http://oz.gov.ge/ge/pages/view/video>

⁷ Glonti, interview, September 2017

⁸ Ozurgeti Municipality Assembly, "SMS on self-government issues – be informed!", 18 April 2016, <https://goo.gl/5N1vtm>

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- ⁹ Ozurgeti Municipality Assembly webpage, online survey, <https://goo.gl/KDZa7X>
- ¹⁰ Glonti, interview, September 2017
- ¹¹ Tavidmadze, interview, August 2017
- ¹² Tavidmadze, interview, August 2017
- ¹³ Glonti, interview, September 2017
- ¹⁴ Glonti, interview, September 2017
- ¹⁵ Glonti, interview, September 2017
- ¹⁶ Khintibidze, interview, September 2017
- ¹⁷ Glonti, interview, September 2017
- ¹⁸ Khintibidze, interview, September 2017
- ¹⁹ Tavidmadze, interview, August 2017

24. Creation of electronic mechanism for local budget planning in Kutaisi, Ozurgeti, Batumi, and Akhaltsikhe

Commitment Text:

Relevant services of Kutaisi, Ozurgeti, Batumi and Akhaltsikhe municipalities actively work on the issues of budgetary process transparency. By the support of USAID's Good Governance Initiative in Georgia (GGI) the work is carried out on the local level to promote budgetary processes and improve mechanisms for public participation.

In the framework of the third Action Plan OGP, four identified cities will ensure creation of an electronic mechanism "Plan City Budget" and add it to the municipality webpage. Furthermore, in regard to the local budget, a citizen's guidebook will be developed.

Milestones:

Prepare local program budget of the municipality

Create electronic mechanism "Plan City Budget" to define local budget priorities of the municipality

Develop citizen's guidebook in regard to local budget of the municipality

Responsible institution: Kutaisi Municipality Town Hall, Ozurgeti Municipality Assembly, Batumi Municipality Town Hall, Akhaltsikhe Municipality Town Hall

Supporting institution(s): The project of USAID Good Governance Initiative in Georgia; Forum participant nongovernmental organizations

Start date: September 2016

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				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
24. Electronic Mechanism for Local Budget Planning in Kutaisi, Ozurgeti, Batumi, and Akhaltsikhe			✓		✓	✓	✓			✓			Yes		✓		

Context and Objectives

To bolster civic participation in the budgetary process, four municipalities took a commitment to establish an electronic mechanism for public engagement in budget preparation. Namely, Kutaisi Municipality Town Hall, Batumi Municipality Town Hall, Akhaltsikhe Municipality Town Hall, and Ozurgeti Municipality Assembly took a commitment to establish electronic mechanism "Plan City Budget" to be added to the official website of the self-governing body.¹ The objective of the commitment is to raise awareness among public regarding local budget, as well as to improve civic engagement in the budgetary process. USAID Good Governance Initiative in Georgia (GGI) has been actively supporting

Kutaisi Municipality Town Hall, Batumi Municipality Town Hall and Akhaltsikhe Municipality Town Hall to successfully implement the above mentioned commitments through joint grant with Estonian Foreign Ministry issued for e-Governance academy of Estonia and its local partner - Institute for Development of Freedom of Information (IDFI).

The commitment contains three activities: 1) preparing the program budget, 2) launching “Plan City Budget” on the municipality website, and 3) developing a citizen’s guidebook to the municipality budget. If fully implemented, the commitment could have a moderate impact on inclusion of citizens in the budgetary process by seeking their input on budget priorities. The commitment falls short of clearly identifying specific ways for citizens to participate in budget planning, how the electronic mechanism will be used for collecting citizen input and how the proposals received will be considered by the relevant municipality governments. The commitment is relevant to three OGP values: through publishing the municipality budget in a program budget format, complemented by citizen’s guidebook to local budget, the Kutaisi Municipality Town Hall, Batumi Municipality Town Hall, Akhaltsikhe Municipality Town Hall, and Ozurgeti Municipality Assembly increase access to information, whereas the electronic mechanism for determining budget priorities is clearly in line with the principles of increasing civic engagement through employing technology and innovation for transparency and accountability.

Completion

Three out of four leading agencies publish the city budget in a program budget format, which is a standard breakdown of expenses according to programs. Batumi Municipality Town Hall² and Kutaisi Municipality Town Hall also published a program budget for 2017,³ as did Akhaltsikhe Municipality Town Hall.⁴ Ozurgeti city program budget is currently under development. According to the representative of Ozurgeti Assembly, transitioning to the program budget turned out to be challenging due to various factors including lack of capacity and competence, considering the lack of experience in drafting a budget in such a format.⁵ While the other three Town Halls are executing the commitment with the support of the USAID GGI, the Ozurgeti Assembly is not a partner of the program. Considering the lack of capacity and experience when it comes to program budget, they are looking for support among local CSOs.

Batumi Town Hall published the citizen’s guidebook for the local budget 2017.⁶ The guidebook is easy to find on the Town Hall website. The citizen’s guidebook to the Kutaisi budget is not available on the website. According to the representative of the Town Hall, the guidebook was printed (300 copies) with USAID GGI’s assistance and disseminated among the public at the administrative units of the municipality.⁷ Similarly, the Akhaltsikhe Municipality printed 250 copies of the citizen’s guidebook with USAID GGI’s assistance and disseminated it among the public. The electronic version of the document is not available on the website.⁸

Three of the leading institutions, namely, Kutaisi Municipality Town Hall, Batumi Municipality Town Hall, and Akhaltsikhe Municipality Town Hall are currently working with USAID GGI project, and the Institute for Development of Freedom of Information (IDFI) is finalizing the concept of the website. According to IDFI, “Plan City Budget” is expected to be launched by the end of 2017.⁹ According to Batumi Municipality Town Hall, they want to take the simple mechanism of determining public priorities one step further by providing a module for leaving public comments, to make budget discussion more fruitful. Additionally, Batumi Town Hall is currently discussing a possibility to add a participatory budget mechanism to the website, which would allow citizens to submit project proposals for initiatives under 20,000 GEL to be included in the city budget. While the Town Hall already accepts such initiatives (in non-electronic form) in the sports and youth sectors, they would like to expand this feature for all sectors, and make it easily usable online.¹⁰

Early Results (if any)

Since the electronic mechanism “Plan City Budget” is yet to be launched, it is too early to assess the results of the commitment. However, there are specific considerations to be taken into account in the process. With the exception of the Ozurgeti Municipality Assembly, the Town Halls of Kutaisi, Batumi and Akhaltsikhe are directly responsible for determining budget priorities, as the task lies within the competencies of the executive body (town hall), while the assembly can provide recommendations before the approval of the budget.¹¹ Considering that one of the leading agencies is Ozurgeti Municipality Assembly, a concern voiced by a local CSO is that even if the electronic mechanism is established, it is still the prerogative of the executive, and not the Assembly, to determine budget priorities.¹² Therefore, even if public engagement is high once the electronic mechanism is launched, a lot will depend on the goodwill of the local executive (*Gamgeoba*) to incorporate the input in determining budget priorities.¹³

Another consideration is the local government elections in October 2017. While the representatives of the GGI project do not anticipate the elections as an influencing factor on the fulfillment of the commitments,¹⁴ other stakeholders consider it a threat to successful implementation. According to the representative of the local CSO, when local government composition changes, stakeholders often have to start working on issues from scratch.¹⁵ Therefore, a lot depends on how strong the dedication of the local self-government bodies will be to continue putting efforts towards increasing transparency and civic participation in the budgetary process.

Next Steps

The commitment makes a big step towards increasing the public’s access to the city budget by making the budgeting process more understandable and engaging citizens in deciding budget priorities. Given the importance of this commitment for ensuring citizen participation at a local level, the leading agencies should implement the remaining activities within the current action plan cycle. If components of this commitment remain unfulfilled, the IRM researcher recommends taking the commitment into the next action plan considering its importance. Specific recommendations are:

- Implementing the current commitment, especially publishing citizen guidebooks, which is an important instrument for making the city budget understandable and accessible to citizens. Guidebooks should also be available online;
- Involving Ozurgeti Municipal Town Hall in the action plan to complement the work of the Ozurgeti Municipality Assembly, and ensure citizen participation and information dissemination activities are coordinated between the two bodies;
- Once “Plan City Budget” is launched, conducting an awareness-raising campaign can help maximize public engagement in the budgetary process. This includes media outreach, meeting with constituents, public discussion and popularization on social networks.
- The IRM researcher recommends a more uniform approach in implementing such innovative participatory tools, such as participatory budgeting, in all municipalities across the country. This would require coordination and support from the central level.

¹ Georgia National Action Plan 2016-2018, <http://bit.ly/2t2eFxU>

² Decree #20 of the Batumi Assembly on adoption of Batumi Municipality Budget 2017, <http://bit.ly/2EaM8eX>

³ Decree #151 of Kutaisi Assembly on adoption of Kutaisi Municipality Budget 2017, <http://bit.ly/2EZooeV>

⁴ Decree #23 of Akhaltsikhe Municipality Assembly on adoption of Akhaltsikhe Municipality Budget 2017, <http://bit.ly/2CqF4dt>

⁵ Nana Tavdumadze, Chief of Staff, Ozurgeti Municipality Assembly, phone interview with IRM researcher, 3 August 2017

⁶ Citizen’s Guidebook, Batumi Municipality 2017 Budget Citizen’s Guidebook, <https://goo.gl/SKCa3n>.

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- ⁷ Panteleimon Kldiashvili, Head of the Economic Development and Treasury of the Local Government, Kutaisi Town Hall, phone interview with IRM researcher, 18 September 2017
- ⁸ Nino Miqaberidze, Head of Administration, Akhaltsikhe Town Hall, email correspondence with IRM researcher, 18 September 2017
- ⁹ Saba Buadze, Anti-Corruption Direction Lead, and Levan Avalishvili, Programs Director, Institute for Development of Freedom of Information (IDFI), interview with IRM researchers, 25 July 2017
- ¹⁰ Archil vanadze, Head of the Financial Department, Batumi Town Hall, phone interview with IRM researcher, 4 August 2017
- ¹¹ Organic Law of Georgia Local Self-government Code, adopted 5 February 2014, <http://bit.ly/2CtckRm>
- ¹² Levan Khintibidze, Democratic Development Union of Georgia, phone interview with IRM researcher, 6 September 2017
- ¹³ Tamar Glonti, Guria Youth Resource Center, phone interview with IRM researcher, 8 September 2017
- ¹⁴ Mikheil Darchiashvili, Governance Program Manager, Levan Samadashvili, Deputy Chief of Party, Marika Gorgadze, Governance Program Manager, Tetra Tech ARD, 4 August 2017
- ¹⁵ Khintibidze, interview, September 2017

V. General Recommendations

Stakeholders point to the necessity of a timely passage of a standalone Freedom of Information Law and creation of an independent oversight body for the implementation of this law. Other areas that could greatly benefit from more transparency and public engagement include government contracts in licensing and public procurement, especially when it comes to privatization and large-scale infrastructure projects. Civil society stresses the need to continue developing universal standards and tools for the proactive publication of information in open data and submission and establishing legal norms for public consultation on laws and policy making.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

Increasing public participation, as well as improving access to information remain the key priorities of stakeholders in Georgia. Therefore, commitments on adopting a separate Freedom of Information Law, increasing public participation in supervision of public finances, improving transparency of public procurement, as well as the commitments by municipal bodies on enhancing transparency and civic participation in local budgetary process are considered as high priority issues. Furthermore, the commitments in new sectors such as natural resource management, energy, and crime prevention are a big step forward in expanding the range of topics covered by the national action plan.

The priorities of stakeholders, including consulted CSOs and focus group participants from the media, for the next action plan include:

- Increase transparency of the State Security Service in charge of conducting surveillance of citizens. In addition, anti-corruption CSOs negatively assess the current institutional arrangement of having the Anti-Corruption Agency housed under the State Security Service.
- Publication of detailed crime statistics was a commitment in the previous action plan and remained unfulfilled. CSOs stress the need to publish detailed breakdowns of crime statistics in the country.
- CSOs consider that if properly promoted, the national online petitions portal launched by the government in December 2017 could be an useful tool for increased public participation at all levels of government.
- Government can further increase budget transparency by providing detailed breakdowns of expenditures and impact assessments of all government projects with a special focus on municipal projects.
- Publish the terms and conditions under which the state transfers its property to investors at a symbolic price, a common practice in Georgia in recent years.
- Disclose more information about the processes and activities within the penitentiary and court systems.
- To promote openness of government held data, the government needs a clear vision on what open data means and how it is contributing to raising the profile of data openness in compliance with internationally recognized standards.
- Conduct countrywide information campaigns on a regular basis to raise public awareness about already implemented ambitious projects, such as data.gov.ge and budgetmonitor.ge, as well as about new OGP-relevant projects so more people start using them to their benefit.

5.2 IRM Recommendations

While some of the recommendations from the previous progress report have been addressed by the government, a few of the key concerns remain unresolved. Therefore, the five key recommendations of this progress report include several existing recommendations, along with new suggestions.

Develop an open government strategy and a policy vision to enhance public participation at all levels of government.

The IRM researchers recommend that the government develop an open government strategy which includes a short, medium, and long-term vision for open government, together with key initiatives, goals, and indicators. The researchers also recommend adopting a whole-of-government framework that embeds meaningful, open, public participation at all levels of government, establishing standard procedures for problem identification and public consultations to ensure meaningful inputs to and oversights of policies. This government should consider launching official petition submission tools, with accompanying mandatory feedback mechanisms. Additionally, the IRM researchers recommend introducing statutory procedures for publication consultations around draft legislation.

Leverage Georgia's year as lead co-chair of OGP to deliver an exemplary new action plan and model best practices in co-creation and participation in 2018.

To achieve this objective, the OGP Forum must be improved to involve high-level decision makers from relevant ministries and public institutions and expand outreach to new actors. Additionally, the new action plan should include previously unfulfilled transformative commitments and stretch ambition, going beyond business-as-usual in key thematic priorities outlined in Georgia's Co-Chair vision, including public service delivery and anti-corruption.

Develop a wide-ranging public awareness-raising campaign about the values and benefits of Open Government and OGP.

To generate more relevant and impact commitments, and increase awareness of how open government initiatives can improve citizens' lives, the IRM researchers recommend that the government undertake a large scale public awareness-raising campaign both prior to and after the adoption of the national action plan.

Adopt and use the Open Contracting Data Standard in conjunction with stakeholder collaboration to increase transparency of government contracts in licensing of natural resources, privatization and public procurement in infrastructure projects.

Potential commitments in this area could include: 1) Convene a multistakeholder working group to oversee the adoption and implementation of the Open Contracting Data Standard for all government procurement including proactively publishing information on simplified procurement and electronic tenders, 2) declassify information on bidders and proposed bids based on public administrative proceedings and provide information on how the bidders are fulfilling terms of agreements 3) publish terms and conditions under which the state transfers its property to investors 4) Prior to granting the license or auctioning of state property, establish mechanisms for initial public involvement in decisions. The government should publish the information about the planned licensing and explain its benefits to the public prior to the auctioning process.

Ensure the prompt adoption of the Freedom of Information Law

Despite its inclusion in two consecutive OGP action plans, development and passage of a standalone FOI law remains unfulfilled. The IRM researchers recommend that the Ministry of Justice commit to ensuring timely submission of the draft law to the Parliament. Additionally, the IRM researchers recommend that the FOI law should include key provisions on universal standards for proactive disclosure in open data format and independent oversight and enforcement mechanisms.

Table 5.1: Five Key Recommendations

1	Develop an open government strategy and a policy vision to enhance public participation at all levels of government.
2	Leverage Georgia's year as lead co-chair of OGP to deliver an exemplary new action plan and model best practices in co-creation and participation in 2018.
3	Develop a wide-ranging public awareness-raising campaign about the value and benefits of Open Government and OGP.
4.	Adopt and use the Open Contracting Data Standard in conjunction with stakeholder collaboration to increase transparency of government contracts in licensing of natural resources, privatization and public procurement in infrastructure projects.
5	Ensure the prompt adoption of the Freedom of Information Law with key provisions provided on universal standards for proactive disclosure in open data format, and the independent oversight and enforcement mechanisms.

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that 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 organizations.

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.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-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. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations 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. Researchers should make a genuine effort to invite 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 is provided in the self-assessment or is accessible online.

For each commitment of the national action plan, IRM researchers in Georgia interviewed representatives of responsible agencies, as well as at least one other key actor from civil society. The interviewees were selected according to their relevance and involvement in the development and implementation of government commitments, or could provide expertise in the field. Interviews were conducted with a total of 73 stakeholders from 42 organizations over the phone, in person, or via email. One stakeholder focus group meeting was held with media representatives. The topics included an overview of the OGP process and the national action plan 2016–2018, the Freedom of Information draft law, as well as general

discussion of recommendations on how to approximate the next action plan to OGP principles.

#	Source	Date	Format of Interaction	Synopsis
1	Ketevan Tsanava, National Coordinator of OGP, Ministry of Justice	15 July 2017	Phone interview	Provided information on institutional context, OGP Forum and public consultations
2	Saba Buadze, Anti Corruption Direction Lead, and Levan Avalishvili, Programs Director, IDFI	25 July 2017	Interview	Provided perspectives on public consultations, OGP Forum and individual action plan commitments
3	Zurab Sanikidze, Head of the Analytical Department of the Ministry of Justice of Georgia, and Ketevan Tsanava, National Coordinator of OGP, Ministry of Justice	27 July 2017	Interview	Provided detailed account of public consultations, OGP Forum and two commitments on Freedom of Information and monitoring system of government policy and legal acts
4	Ketevan Goginashvili, Chief of Staff, Ministry of Labour, Health, and Social Services	2 August 2017	Interview	Provided perspective of the Ministry on the objectives of the portal and its implementation
5	Eka Sepashvili, Advisor to the Minister, Tamar Jorkoshvili, Advisor at the Legislation Division, Ministry of Regional Development and Infrastructure (MRDI)	3 August 2017	Interview	Provided perspective of the Ministry on the adoption of the Transparency and Integrity Strategy and the Action Plan
6	Nana Tavdumadze, Chief of Staff, Ozurgeti Municipality Assembly	3 August 2017	Phone interview	Received feedback of the leading agency on enhancing transparency of Ozurgeti Municipal Assembly; Discussed creation of electronic tool for enhancing public participation in local budgetary process
7	Sophio Momtselidze, Leading Specialist of the Legal Department, Liana Japaridze, Head of Legal Department, Competition Agency	3 August 2017	Interview	Provided Competition Agency's perspective on developing the Guidebook for Economic Agents

8	Tamar Bazgadze, Leading Specialist in the Legal Department, Temur Izoria, Methodological Department, Georgian National Energy and Water Supply Regulatory Commission (GNERC)	3 August 2017	Interview	Discussed two commitments of the Commission, their implementation and relevance to OGP principles
9	Mikheil Darchiashvili, Governance Program Manager, Levan Samadashvili, Deputy Chief of Party, Marika Gorgadze, Governance Program Manager, Tetra Tech ARD	4 August 2017	Interview	Spoke about public consultations prior to and after the adoption of the national action plan, as well as the relevant commitments
10	Irakli Lagvilava, Head of Public Relations and Civil Sector Unit, Zugdidi Assembly	4 August 2017	Phone interview	Discussed Zugdidi INFO and e-petitions system
11	Archil Vanadze, Head of Financial Department, Batumi Town Hall	4 August 2017	Phone interview	Discussed creation of electronic tool for enhancing public participation in local budgetary process
12	Ani Gigineishvili, Head of Marketing and Service Development Department, Tbilisi Public Service Hall	8 August 2017	Interview	Provided information on adapting the PSH infrastructure to the needs of disabled people
13	Natalia Baratashvili, Capacity Development Specialist, UNDP	8 August 2017	Interview	Provided perspectives on two commitments on monitoring system of government policy and legal acts and creating the asset declaration verification system
14	Gigi Chikhladze, Senior Lawyer, Giorgi Oniani, Deputy Executive Director, Lasha Senashvili, Senior Analyst, and Oliko Shermadini, Lawyer, TI Georgia	9 August 2017	Interview	Provided perspectives on public consultation process and individual action plan commitments relevant to TI's work
15	Maka Mikaberidze, Head of Planning and Control Unit	9 August 2017	Interview	Provided information on the implementation of the

	at Strategic Development Department, and Revaz Inaishvili, Head of Services and Procedures Development Unit at Strategic Development Department, National Agency of State Property			Customer's Module portal
16	Mariam Mikiashvili, Director, NGO Mariani	9 August 2017	Phone interview	Provided perspectives on adapting the PSH to the needs of the disabled people
17	Keti Gujaraidze, Policy Analyst, Green Alternative	9 August 2017	Interview	Provided perspectives on three commitments on electronic licensing system in natural resources application, energy web portal, and Environmental Assessment Code
18	Giorgi Sultanishvili, LEPL – "112" Ministry of Internal Affairs of Georgia	9 August 2017	Phone interview	Discussed the mobile application of the "112"
19	Mariam Tavdgiridze, Chief Specialist at International Relations Unit, State Procurement Agency	10 August 2017	Interview	Provided information on the commitment to increase the transparency of the public procurement system
20	Elene Kemashvili, Head of the Systemic Management Service at Strategic Planning and Systemic Management Department, National Environment Agency	10 August 2017	Interview	Discussed steps for implementing electronic licensing system in the field of natural resources application.
21	Marika Natshvlishvili, Head of the State Budget Analysis and Strategic Department, Mariam Khergiani, Head of the Strategic Planning Division, Nino Tsintsadze, Lead Analyst, State Audit Office (SAO)	10 August 2017	Interview	Discussed online tool for public finance supervision, its implementation, and the next steps.
22	Nino Tsatsiashvili, Department Prosecutor,	15 August 2017	Interview	Discussed the implementation and

	Londa Toloraia, Deputy Head of the Department, Prosecutor's Office of Georgia			functionality of local councils for crime prevention.
23	Rezo Getiashvili, Environmental Projects Coordinator, CENN	11 August 2017	Interview	Provided perspectives on three commitments on electronic licensing system in natural resources application, energy web portal, and Environmental Assessment Code
24	Elena Beradze, Head of Department of International Relations and European Integration, Nino Balarjishvili, Adviser to Department of International Relations and European Integration, Ministry of Corrections	11 August 2017	Interview	Provided information on improving the database of the convicted
25	Nino Antadze, Energy and Environment Team Leader, UNDP	14 August 2017	Interview	Provided perspectives on two commitments on electronic licensing system in natural resources application and energy web portal
26	Tinatin Uplisashvili, Deputy Team Leader of Penitentiary and Probation Support Project, EU Technical Assistance Project	16 August 2017	Phone interview	Provided perspectives on improving the database of the convicted
27	Irakli Tavartkiladze, Head of Legal Department, Ministry of Energy	16 August 2017	Phone interview	Provided information about the energy portal commitment
28	Mariam Danelia, Adviser to the Unit of Government Action Plans and Innovations, Government Administration	16 August 2017	Interview	Provided information on implementing the monitoring system for government policy and legal acts
29	Elguja Makalatia, Head of Declaration Monitoring Department, Civil Service Bureau	16 August 2017	Interview	Provided information on implementing the asset declaration verification mechanism

30	Giorgi Lomtadze, Research Direction Lead, IDFI	18 August 2017	Phone interview	Provided perspectives on the commitment to increase the transparency of the public procurement system
31	Giorgi Kintsurashvili, Head of Strategic Development Department Giorgi Bezhitashvili, RIH/IC Coordinator, Innovation and Technological Agency	18 August 2017	Interview	Provided information on innovation ecosystems
32	Lasha Dalakishvili, Consultant	18 August 2017	Phone interview	Provided perspectives on innovation ecosystems
33	Sandro Asatiani, Director, GeoLab	18 August 2017	Phone interview	Provided perspectives on innovation ecosystems
34	Lia Mchedlishvili, Head of Statistical Sector of Legal Aid, Nino Shonia - Assistant to Chair of Chamber on Criminal Law of Legal Aid, Supreme Court	21 August 2017	Interview	Provided information on two commitments on unified regulations to publish court decisions and publishing further details on government's phone tapping of citizens
35	Giorgi Topouria, Senior Analyst, TI Georgia	22 August 2017	Phone interview	Provided perspectives on action plan development and public consultation processes
36	Tsira Chanturia, Regional Director, and Irena Gabunia, Fundraiser/Project Coordinator, Penal Reform International	29 August 2017	Interview	Provided perspectives on improving the database of the convicted
37	Nino Tsukhishvili, Parliamentary Secretary, Georgian Young Lawyers' Association	5 September 2017	Interview	Provided perspectives on FoI draft, asset declaration monitoring, unified regulations to publish court decisions, phone tapping data, and the monitoring of government's policy and legal acts
38	Levan Khintibidze, Democratic Development	6 September 2017	Phone interview	Received CSO perspective on the commitment of the

	Union of Georgia			Ozurgeti Municipal Assembly; Discussed creation of electronic tool for enhancing public participation in local budgetary process
39	Salome Akobia, Chief Specialist in Case Management, Zugdidi Assembly	6 September 2017	Phone interview	Discussed Zugdidi INFO and e-petitions system
40	Archil Todua, Regional Coordinator, Transparency International Georgia	6 September 2017	Phone interview	Discussed Zugdidi INFO and e-petitions system
41	Zaal Kheladze, Director, New Technology Center	7 September 2017	Phone interview	Provided perspectives on the energy portal commitment
42	Mariam Dakhundaridze, Consultant, Innovation and Technological Agency	7 September 2017	Email correspondence	Provided statistics on the visitors and beneficiaries of techno-parks and innovation centers
43	Nino Nanitashvili, Country Director, Elva Community Engagement	8 September 2017	Interview	Provided perspectives on innovation ecosystems
44	Tamar Glonti, Guria Youth Resource Center	8 September 2017	Phone interview	Received CSO perspective on the commitment of the Ozurgeti Municipal Assembly; Discussed creation of electronic tool for enhancing public participation in local budgetary process
45	Salome Sagaradze, Lawyer, Georgian Young Lawyers Association (GYLA)	12 September 2017 19 September 2017	Email correspondence	Provided GYLA's recommendations to the MRDI on Transparency and Integrity Strategy and the Action Plan; Provided perspectives on the transparency of the public procurement system
46	Salome Zurabishvili, Legal Expert, Civil Development Agency (CiDA)	13 September 2017.	Phone interview	Received recommendations and suggestions from the CiDA
47	Marika Shioshvili, Project Manager, UNDP Project "Fostering Regional and	13 September 2017	Phone interview	Discussed collaboration between the UNDP and the Ministry

	Local Development in Georgia”			
48	Aurelio La Torre, Team Leader/Senior Legal Expert, EU-funded project "Support to the Georgian Competition Agency"	13 September 2017 18 September 2017 19 September 2017	Phone interview	Discussed the impact of the Guidebook for Economic Agents; Provided perspectives on the monitoring system for government’s policy and legal acts and the transparency of the public procurement system Provided perspectives on the monitoring system for government’s policy and legal acts and the transparency of the public procurement system
49	Giorgi Nasrashvili, Senior Analyst, Transparency International Georgia (TIG)	11 August 2017 15 September 2017	Interview	Provided perspectives on the commitment to increase the transparency of the public procurement system; Provided recommendations on the public finance supervision tool
50	Panteleimon Kldiashvili, Head of the Economic Development and Treasury of the Local Government, Kutaisi Town Hall	18 September 2017	Phone interview	Discussed creation of electronic tool for enhancing public participation in local budgetary process;
51	Nino Miqaberidze, Head of Administration, Akhaltsikhe Town Hall	18 September 2017	Email correspondence	Discussed creation of electronic tool for enhancing public participation in local budgetary process
52	Malkhaz Chkadua, Regional Coordinator, TIG Batumi	19 September 2017	Phone interview	Discussed the work of the local crime prevention councils
53	Nika Nanuashvili, Legal Analyst, Business Association of Georgia	20 September 2017	Phone interview	Discussed the impact of the Guidebook for Economic Agents
54	Salome Bakhsoliani, Head of Legal Department, Office of the Personal Data Protection Inspector (OPDPI)	21 September 2017	Email correspondence	Shared concerns and recommendations of the OPDPI regarding the unified health portal

55	Temur Bochorishvili, Georgian Technical University	21 September 2017	Phone interview	Reviewed the University's collaboration with the "112"
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Stakeholder Focus Group - 27 September 2017

#	Name	Organization
1	Nino Mzhavanadze	CRRC Georgia
2	Mariam Gamkharashvili	ForSet
3	Koba Gogava	Freelancer
4	Tsisana Khundadze	CRRC Georgia

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

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

¹ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

VII. Eligibility Requirements Annex

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.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Georgia

Criteria	2011	Current	Change	Explanation
Budget Transparency ²	4	4	No change	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)	3 (6.18) ⁵	3 (5.59) ⁶	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	15/16 (94%)	15/16 (94%)	No change	75% of possible points to be eligible

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

² For more information, see Table 1 in <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 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/1EjL4Y>.

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

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

