2014 – 2016 PARAGUAY OPEN GOVERNMENT ACTION PLAN

INTRODUCTION

The international initiative of the Open Government Partnership (AGA, in Spanish) seeks to establish a paradigm shift in the government-society interaction considering values such as transparency, collaboration, participation, accountability, citizen empowerment and mainstreaming.[1] The Open Government refers to the development of a new culture of dialogue and coexistence based on the establishment of permanent mechanisms and public spaces that allow citizen interaction with the government.

Open Government values converge with the development goals[2] of the Government of Paraguay because: 1) they increase the level of confidence of stakeholders and local and international investors; 2) they improve the organization of the State while it encourages and promotes communication and participation with the public for information to flow more efficiently; 3) they turn the State into an entity that responds to the demands of the population both effectively and efficiently; 4) most importantly, they create an open culture of participation among different levels of government and society.

In this line, Paraguay became member of the AGA, realizing that this reinforces the commitment derived from the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, the Inter-American Convention against Corruption and other international instruments relating to human rights and good governance.

The President of the Republic of Paraguay, Don Horacio Cartes confirmed his desire to move towards a new direction and develop the Open Government, by expressing that "*what is public shall be public*".[3] From this premise, the Government inserted this initiative through 2013-2018 strategic planning guidelines, thus showing a Paraguay that is open and connected to the world. [4] Finally, with this 2014-2016 Action Plan document, a new era of a more transparent, accessible and participatory Paraguay begins, with implementation beginning on 1 July 2014.

GOVERNMENT ACTIONS TO DATE

The 2012 Action Plan "Open Government - Jaguata Oñondivepa"[5] presented 15 commitments to improve transparency and efficiency in public administration, access to information, and the improvement of public services through the use of technology information and Communication Technologies (ICTs) and the creation of spaces for citizen participation.

This first 2012-2014 Action Plan was assessed by the Independent Review Mechanism (IRM) taking into account the following criteria: that the commitments are relevant to the values of the

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1 Ester Kaufman, *Aportes para el Gobierno Abierto y la Entrega de Servicios. Experiencias Canadienses* (Buenos Aires: CreativeCommons, 2010), p. 23.
2 The development goals of the Government of Paraguay are presented in the National Development Plan (PND, in Spanish).
3 https://www.facebook.com/horaciocartesoficial/posts/538299482904265
4 http://www.mopc.gov.py/mopcweb/userfiles/files/Plan%20Estrat%C3%A9gico%20Horacio%20Cartes-08_08_2013.pdf
5 2012 Action Plan "Open Government – Jaguata Oñondivepa". http://www.geam.org.py/v3/uploads/2013/05/CARTILLA-plan-2012-2.pdf

AGA, that they have a moderate or transforming potential impact, and that they have a substantial or full level of compliance.

Of the 15 commitments, three have met the above criteria:

✓ Information sharing system among government institutions (SII): with the development of a software application that enables the exchange of information between government agencies.
✓ Electronic catalog shopping system: strengthening of the national procurement system, especially focused on the simplification and transparency of the procurement and contracting processes.
✓ Integrated control of the administrative career system (SICCA, in Spanish): Implementation of a people management system and the Single Portal of Public Employment "Paraguay Concursa".

Among the recommendations of the Independent Review Mechanism (IRM), it was proposed to develop the Plan from the beginning by a tripartite board comprising the Government, the civil society and the private sector; to focus their commitments towards the objective and the tool through which it will be implemented; to use the existing or simple mechanisms; to establish an institutionalized mechanism for development and monitoring of commitments, including the civil society to monitor the process, with defined functions and scope; to define a mechanism for inclusion of departmental and municipal governments; representation of social organizations and departmental private sector; to establish procedures and responsibilities for breach of commitments; to use an online space for the management of information concerning the monitoring and enforcement of commitments under the responsibility of the inter-institutional board or a tripartite board comprised for such purposes, with percentages of progress in real time; to monitor the use of the results of the commitments by public, social and private actors; to design an advertisement campaign to raise awareness to the public about the AGA.[6]

This 2014-2016 Action Plan includes nine commitments structured as follows:

Area: Transparency

> **Commitment 1:** Enactment and implementation of the Law on free citizen access to public information and government transparency.

> **Commitment 2:** Design and implementation of a policy of open data and promotion of capacity building in civil society for its use.

> **Commitment 3:** Capacity building among citizens about the budget management of the public sector.

> **Commitment 4:** Transparency and Access to Information of emblematic public projects.

> **Commitment 5:** Monitoring of the 2014-2016 Open Government Action Plan.

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6 Center of Public Policies of the Catholic University of Asunción. (2013). "Independent Review Mechanism. Paraguay Progress Report 2012-2013. Asunción, pages. 66-68.

Area: Citizen Participation

> **Commitment 6:** Implementation of social dialogue and citizen participation channels for consultation and monitoring of public policies.

> **Commitment 7:** Creation and/or strengthening of 50 Municipal Development Councils.

Area: Accountability

> **Commitment 8:** Citizen Control Board of the National Program of Poverty Reduction "Planting Opportunities".

> **Commitment 9:** Creation of a Legal Procedures Electronic System in Public Procurement for public access.

DEVELOPMENT PROCESS OF THE 2014-2016 ACTION PLAN

The development process of the 2014-2016 Action Plan includes actions taken by both the government and civil society that are detailed below.

It starts with the "Socialization and Priority National Development Plan"[7], with the participation of representatives from social and private organizations across the country, in which one of the major points of consensus collected by the government is for the "transparent and efficient public management" axis. Within this axis all actions related to the process of elaboration and implementation of the 2014-2016 Open Government Action Plan are included. This was held on Wednesday 6th and Thursday 7th November, 2013.

On Monday 24th February, 2014, civil society organizations held the seminar "Challenges and Opportunities of Open Government in Paraguay" with the presence of the Regional Coordinator for Civil Society of the AGA, Emilene Martinez, with the participation of representatives of public institutions, embassies, multilateral organizations, and civil society.

On Wednesday 26th February, 2014, the STP convened a first approach meeting with Civil Society Organizations (CSOs) interested in participating in the discussions on the Plan.

On Tuesday 4th March, the Association of Nongovernmental Organizations of Paraguay, Pojoaju, coordinated a meeting with civil society with the aim of defining the actions to be carried out under the 2014-2016 Open Government Action Plan, in which an Open Government Promotion and Coordination Group was formed.[8]

7The 2014-2030 National Development Plan of the National Government is built on three axes: poverty reduction and social development; Inclusive economic growth; and insertion of Paraguay in the world, mainstreamed with four axes of public policies: equal opportunities; efficient and transparent governance; land use planning; and environmental sustainability, which with their crossing give rise to twelve Strategic Objectives: personal fulfillment of all persons, regardless of the circumstances they were born; quality social services; participatory local development; suitable and sustainable habitat; employment and social protection for vulnerable groups; competitiveness and innovation; regionalization and diversification; valuing environmental capital; equal opportunities in a globalized world; Country image, trade promotion and investment attraction; regional economic integration; sustainability of the global habitat.

8 This group is formed by: Pojoaju, FEDEM, IDEA, Center of Public Policies of the Catholic University, TEDIC, and CEAMSO.

On Monday 31st March, the first meeting of the Executive Board[9] was held, formed by the following public institutions: the Secretariat of the Civil Service (SFP), the National Secretariat for Information and Communication Technologies (SENATICs), the Ministry of Information and Communication, the Secretariat of Information and Communication for Development (SICOM), the Directorate General of Anti-Corruption and Integrity of the Presidency (DGAI), the National Anti-Corruption Secretariat (SENAC) and the General Audit Office of the Executive (AGPE). At this meeting, a work schedule was agreed with public institutions, which includes primarily the linking process for the contribution to be made by these institutions to the Public Offer for the 2014-2016 Open Government Action Plan.

On Wednesday 2nd April, a note was presented at the STP, signed by 11 CSOs expressing interest in actively participating in processes related to the AGA, especially in the development of the Action Plan. This note was answered by the Minister-Executive Secretary of the STP positively, thus inviting CSOs to arrange a meeting to decide on a timetable and methodology for the development of the Action Plan.

On Wednesday 7th April, another note was presented at the STP signed by eight other CSOs, which brought a proposal of the timetable for the preparation of the 2014-2016 Action Plan, which was used for programming activities.

On Thursday 10thApril, the STP held a workshop with key public institutions in order to socialize about open government, to share the principles that guide the commitments of the countries that are part of the AGA and to give a brief introduction about Open Data.[10] In this opportunity, a "Template of Commitments" was presented, to be completed by each of the public institutions. The information collected in this process through templates later became the fundamental input of the 2014-2016 Action Plan.

On Friday 9th May, progress on the development of the Open Government Action Plan was presented; the participation of the Minister-Executive Secretary of the STP in the Open Government Regional Dialogue, held in Washington DC was reported; and the presentation event of the Inputs for the Public Offer to the CSOs was discussed.

On Tuesday 13th May, the National Government, through the STP, made the presentation of the inputs for the Public Offer for the 2014-2016 Open Government Action Plan, in a ceremony attended by ministers of the Executive, technical representatives of public institutions and civil society organizations involved in the process of developing the Plan.

On Tuesday 20th May, a note was delivered to the CSOs containing the proposal for a Timeline and Work Methodology and Inputs for the Public Offer for the Action Plan, presented at the event mentioned above.

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9 Executive Board: responsible group for developing and monitoring the commitments made by Paraguay in the Action Plan in the framework of the Open Government Partnership. Early in the process, it was formed by government institutions, and from the Government Response to CSOs Workshop, the organizations involved in the process of the Open Government Partnership are also part of it. It shall hold sessions at least once a month. Each meeting must be register and the decisions and developments must be documented.

10 **Open Data** is a piece of data or content which is open for anyone to freely use, reuse, and redistribute it — subject only, at most, to the requirement to attribute and/or share-alike. Source: www.openkowledgefoundation.org

On Wednesday 21st May, a meeting with representatives of these organizations was held to agree the timetable and methodology, indicating the way forward by the Government and Civil Society to the final presentation of the 2014-2016 Action Plan.

On Wednesday 28th May, a workshop was held with CSOs, where they presented the Counter Offer to the presentation made by the Government, thereby enabling the STP and key public institutions to work on both documents and define the Draft 2014-2016 Action Plan, delivered to the Technical Unit of the OGP on Monday 9th June.

On Wednesday 4th June, the STP through its Minister-Executive Secretary, made the public presentation of the Draft 2014-2016 Action Plan to an audience of 150 representatives of public institutions, civil society organizations, associations and international cooperation agencies. This activity was attended by the Minister of Education and Culture, the Minister of Health and Welfare, the Minister-Executive Secretary of the National Anticorruption Secretariat, and the Minister-Executive Secretary of the National Secretariat of Information and Communication Technologies.

Subsequently, 3 themed workshops were held, one for each area of commitments, involving a total of 12 public institutions,[11] 10 organizations from civil society[12] and a total of 72 participants. These workshops were held in order to discuss each commitment between the institutions involved in its execution and the civil society organizations interested in delving into the details of these commitments.

Finally, on Friday 27th June, 2014 a meeting of the working table comprising public institutions of the Executive Board and representatives of civil society was held. At this meeting, the 2014-2016 Paraguay Open Government Action Plan was approved, where eight commitments were agreed and there was dissent on 1 commitment, commitment 6 on the consultative and non-deliberative character of the participation spaces. In this regard, the representatives of the civil society requested the participation spaces to be deliberative and not merely consultative, whereupon government representatives responded that it is not possible to delegate responsibilities of the State to civil society.

In the process of developing the Action Plan, the STP has the technical cooperation of CEAMSO/USAID, under the Democracy and Governance Program, and the Inter-American Development Bank (IDB).

All documents mentioned in this description of the process were published on the website www.gobiernoabierto.gov.py, on the Facebook page "Gobierno Abierto Py", in the twitter account @paraguayabierto, and emailed to the representatives of CSOs as well as to the members of the Executive Board.

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11 Ministry of Finance, Ministry of Agriculture, Ministry of Public Works and Communications, Ministry of Education and Culture, Ministry of Health and Welfare, National Secretariat of Information and Communication Technologies, Ministry of Planning for Economic and Social Development , Ministry of the Civil Service, National Anticorruption Secretariat, National Secretary of Culture, National Public Procurement Directorate, National Vocational Training Service.
12 TEDIC, CEAMSO, MINGARA, FEDEM, Semillas para la Democracia, CIRD, IDEA, CEJ, ENEP, Conciencia Viva.

COMMITMENTS

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Area: Transparency

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This concept involves the advertising of official events and access to information by the public. This value guarantees a fundamental right for the enforcement of a democratic regime since, through its exercise, anyone can learn how public affairs are handled.

Commitment 1: Enactment and implementation of the Law on free citizen access to public information and government transparency.

Description: The Paraguayan State assumed international and national commitments[13] in relation to access to public information. In order to have a robust regulatory framework in this area, in 2014 Law No. 5189 "Establishing the mandatory provision of information on the use of public resources on salaries and other compensation allocated to the public server of the Republic of Paraguay" was passed and promulgated, and the regulation of Article 28 of the Constitution "right to information" was discussed in the National Congress.

Consequently, the commitment to be assumed under the AGA, is the enactment and implementation of the Law on "Free Citizen Access to Public Information and Open Government", which shall define standards and access mechanisms to public information, regulation of response times and penalties for violations thereof.

Expected results:

- Citizen free access to public information and government transparency law enacted and promulgated.
- The Directorate of Access to Public Information created within the Ministry of Justice.
- Offices of Access to Public Information created and operational.
- Information Centers and Citizen Services created and functioning.

Deadline for implementation: December 2015

Challenges of the AGA addressing: 1) improvement of public services; and 2) increasing public integrity.

Responsible institutions: Ministry of Justice (MJ). National Anti-Corruption Secretariat (SENAC). Ministry of Planning (STP). National Secretariat for Information and Communication Technologies (SENATICs).

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13 Universal Declaration of Human Rights; American Convention on Human Rights; International Covenant on Civil and Political Rights; United Nations Convention against Corruption. Inter-American Declaration of Principles on Freedom of Expression; Paraguayan Constitution of 1992, Articles 26, 28, 40 and 45.; Municipal Organic Law.

Commitment 2: Design and implementation of an open data policy and promotion capacity building in civil society for its use.

Description: Paraguay does not currently have a public web portal providing open data from different public institutions. With this commitment, an Open Data Catalog will be developed, with information of at least 5 institutions enabling data access with this tool, for example in the field of Health, with the availability of health care supply and distribution of drugs; in the field of Education, with the availability of open data of supply of geo-referenced educational establishments and educational institutions eligible for the National Fund for Public Investment and Development (FONACIDE); in the field of Public Procurement, with the availability of open data on public procurement at different stages, for which the feasibility of adopting the Open Contracting Data Standard will be analyzed; in the field of Finance, with the availability of open data from the General Budget of the Nation through the Public Information and Reporting System (SPIR, in Spanish);[14] and in the field of Culture, with the availability of Paraguayan cultural data through the National System of Cultural Information of Paraguay (SICPY).[15]

The license for the use or reuse of this information is subject, at most, to allocation and redistribution requirements.

The SENATICs will coordinate the development of "*hackathones*"[16] jointly and with the participation of civil society for using and reusing data made available.

Expected results:

- Government Open Data Catalog available from the web.
- 5 public institutions make open government data catalog available.
- 2 hackathones.
- 1 annual national meeting of socialization of progress and Open Government assessment.
- 1 annual academic activity to promote the training of researchers and practitioners in open data.

Deadline for implementation: June 2016

Challenges of the AGA addressing: 1) improvement of public services; and 2) increasing public integrity.

Responsible institutions: National Secretariat for Information and Communication Technologies (SENATICs). Ministry of Finance (MH). Ministry of Health and Social Welfare (MSPBS). Ministry of Education and Culture (MEC). National Directorate of Public Procurement (DNCP). National Secretariat of Culture (CNS).

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14 http://www.hacienda.gov.py/portalspir/
15 http://www.sicpy.gov.py/
16 The word "hackathon" comprises the words "marathon" and "hackers", and together describe a web development marathon. An event where participants meet in the same physical space to develop collaborative applications in a short period of time. The duration may vary from 10 to 72 hours. Source: Developing Latin America.

Commitment 3: Building capacity among citizens about the budget management of the public sector.

Description: Promoting activities that explain in plain and accessible language the proposal of the Executive for the 2016 General Budget of the Nation, and creating spaces for citizen access to budget information.

Expected results:

- A socialization campaign on budgetary management.
- Presentations and workshops explaining the General Budget of the Nation.
- Printed and online educational materials.

Challenges of the AGA addressing: 1) Increasing Public Integrity; and, 2) more effective Management of Public Resources.

Responsible institutions: Ministry of Finance (MH). Ministry of Planning (STP).

Commitment 4: Transparency and Access to Information of emblematic public projects.

Description:

Works will focus on access to online information of projects related to Law No. 5102/13 on "Promoting Investment in Public Infrastructure and expansion and improvement of the Goods and Services by the State"; the Project for Sustainable Rural Development (PRODERS second phase) and the Historic Downtown of Asunción Master Plan (CHA Plan).[17]

Expected results:

- Dissemination of information on the projects of public-private participation in the Information System of Public Procurement, provided for under Law No. 5102/13.
- Website of the National Secretariat of Culture with information about the development process (called a contest of ideas, selection of the proposal, execution of the selected idea) of the Historic Downtown of Asunción Master Plan (CHA Plan).
- Website PRODERS with geographic information through publication of geo-referenced maps[18] and publishing of their features, plus information on the micro areas of influence, indigenous beneficiaries, and investments made.

Deadline for implementation: June 2016

Challenges of the AGA addressing: 1) increasing public integrity; 2) more effective management of public resources; and 3) increased corporate responsibility.

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17 http://www.asuncioncentrohistorico.com/
18 WMS Standards

Responsible institutions: Ministry of Agriculture and Livestock (MAG). Ministry of Planning (STP). National Secretariat of Culture (SNC). National Directorate of Public Procurement (DNCP).

Commitment 5: Monitoring of the 2014-2016 Open Government Action Plan

Description:

For effective monitoring of the implementation of the Action Plan, online and on-site monitoring mechanisms will be implemented.

Expected results:

- A Joint Board of public institutions and civil society organizations Joint implemented for monitoring the 2014-2016 Open Government Action Plan.
- Citizen Control Board of the 2014-2016 Open Government Action Plan online.

Deadline for implementation: June 2015

Challenges of the AGA addressing: 1) improvement of public services; and 2) increasing public integrity.

Responsible institutions: Ministry of Planning (STP). National Secretariat for Information and Communication Technologies (SENATICS).

Area: Citizen Participation

The Open Government promotes citizen participation and a culture of social dialogue and coexistence that lie in the establishment of permanent collaborative spaces between the Government and society.

Commitment 6: Implementation of social dialogue and citizen participation channels for consultation and monitoring of public policies.

Description: First, work will focus on the creation and strengthening of at least 3 sectoral social dialogue tables of public-private spheres. The first Board will be Water and Sanitation and will include both the private sector and civil society, and its role will be consultative regarding the Inter-institutional Committee of the Water and Sanitation Sector. The Second Table will be Culture, as a consultative board created for the purposes of participatory construction of the National Culture Plan, defining the cultural policy with a vision of sustainable development.

The Third Board will Nutrition, created and strengthened for the Planting Opportunities Program (Fight against Extreme Poverty), for consultation and evaluation of the policies implemented in Nutrition and composed of different related sectors.

Moreover, the institutionalization of the National Country Strategy Team Country (ENEP) as a consultative and advisory body of the Executive will be promoted.

Expected results:

- At least 3 public and private consultative boards are created and strengthened: Board of Culture, Board of Water and Sanitation, and Board of Nutrition.
- The National Country Strategy Team is institutionalized and operating.

Deadline for implementation: June 2016

Challenges of the AGA addressing: 1) improvement of public services; 3) more efficient management of public resources; and 3) increased corporate responsibility.

Responsible institutions: Ministry of Planning (STP). Ministry of Public Works and Communications (MOPC). National Secretariat of Culture (SNC).

Commitment 7: Creation and/or strengthening of 50 Municipal Development Councils

Description: The Municipal Development Councils will develop participatory local plans, conduct monitoring and convene public hearings. They will serve as fora for the exchange and coordination of interests seeking to generate proposals for the local welfare. The selection of the cities where the Councils will be created and strengthened will take place through a diagnosis.

Expected results:

- 50 Municipal Development Councils created and/or strengthened.

Deadline for implementation: December 2015

Challenges of the AGA addressing: 1) improvement of public services; 2) increasing public integrity; 3) more efficient management of public resources; and 4) increased corporate responsibility.

Responsible Institution: Ministry of Planning (STP).

Area: Accountability

The AGA understands this value as the existence of rules, norms and mechanisms for government actors to justify their actions, respond to criticism or requests and accept responsibility for actions and omissions in relation to laws and commitments.

Commitment 8: Citizen Control Board of the National Program of Poverty Reduction "Planting Opportunities".

Description: The Citizen Control Board is a technological tool for monitoring management of the National Poverty Reduction Program "Planting Opportunities", which will channel monitoring and citizen reporting. Access to this Board shall be public, and will have information on budgetary and programmatic implementation of the following institutions involved in the Program: Ministry of Agriculture, Ministry of Public Works and Communications, Ministry of Finance, Ministry of Public Health and Social welfare, Ministry of Education and Culture, Ministry of National Housing and Habitat, Ministry of Social Action, National Vocational Training Service, National Environmental Health Service, National Electricity Administration, Directorate of Charity and Social Welfare. Citizen reporting channels will initially be opened to the Municipal Development Councils.

Expected result:

- Citizen Control Board of the National Poverty Reduction Program "Planting Opportunities" online.

Deadline for implementation: June 2016

Challenges of the AGA addressing: 1) improvement of public services; 2) increasing public integrity; and 3) more efficient management of public resources.

Responsible institutions: Social Cabinet of the Presidency of the Republic. Ministry of Planning (STP).

Commitment 9: Creation of a Legal Procedures Electronic System in Public Procurement for public access.

Description: The Legal Procedures Electronic System will be part of the Public Procurement Information Portal and will enable to submit resources electronically, allowing the public to know the process of substantiation of the protest, the parties involved and the results.

Expected result:

- Legal Procedures Electronic System in Public Procurement for public access developed and implemented.

Deadline for implementation: July 2015

Challenges of the AGA addressing: 1) more efficient management of public resources; and 2) increasing public integrity.

Responsible institution: National Directorate of Public Procurement (DNCP).