

# Independent Reporting Mechanism: GEORGIA Progress Report 2012-13

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## EXECUTIVE SUMMARY: GEORGIA

### INDEPENDENT REPORTING MECHANISM (IRM) PROGRESS REPORT 2012-2013

**Georgia had an ambitious action plan, including noteworthy commitments on improving public procurement and transparency of party financing. Georgia can make progress on its commitments by taking a more proactive role in public consultation and by adding commitments that foster more citizens' input on official decisions.**

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. The Independent Reporting Mechanism (IRM) carries out a biannual review of each OGP participating country's activities.

Georgia officially began formal participation in the OGP in August 2011, when the Minister of Foreign Affairs declared Georgia's intent to join.

The Ministry of Justice (MoJ) leads implementation in Georgia. A decree adopted in 2013 clarified the MoJ's implementation role and relationship with other government entities regarding Georgia's OGP action plan. Other key government actors include the Public Service Development Agency, the Data Exchange Agency, the Ministry of Labour, Health and Social Affairs, the Legislative Herald, the Supreme Audit Institution, the Competition and State Procurement Agency, the Ministry of Internal Affairs, the Supreme Court, and the Civil Service Bureau.

#### OGP PROCESS

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

Georgia generally fell short in following the consultation process because it was impaired by a degree of exclusiveness, spontaneity and fragmentation. While the government consulted four civil society organisations (CSOs) in-person and created a website to discuss the draft action plan, several factors appear to have limited consultation. Most notably, the government did not share the draft action plan widely, but rather left that to the small number of CSOs involved in developing the action plan. Additionally, the government did not provide advance notice for consultations and failed to raise awareness of OGP activities.

The government did not publish a progress report on implementation, nor did it set aside two weeks for a public comment period, as mandated by the consultation process.

#### At a glance

Member since: 2011  
Number of commitments: 12

#### Level of Completion

Completed: 3 of 12  
Substantial: 3 of 12  
Limited: 4 of 12  
Not started: 2 of 12

#### Timing

On schedule: 7 of 12

#### Commitment emphasis:

Access to information: 11 of 12  
Civic participation: 4 of 12  
Accountability: 1 of 12  
Tech & innovation for transparency & accountability: 1 of 12  
None: 1 of 12

#### Number of Commitments that were:

Clearly relevant to an OGP Value: 9 of 12  
Significant potential impact: 10 of 12  
Substantially or completely implemented: 6 of 12  
All three (☆): 2 of 12

## COMMITMENT IMPLEMENTATION

Table 1 summarises each of Georgia's action plan commitments, including each commitment's level of completion, ambition, whether it falls within Georgia's planned schedule, and key next steps. Georgia's commitments covered a wide variety of sectors and were ambitious. Table 2 summarizes the IRM assessment of progress on each commitment. Georgia completed three of its 12 commitments.

*Table 1: Assessment of Progress by Commitment*

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<b>1. Public Service of the Future</b>										
<b>1.1. Public Service Hall- Hub of Public Services</b> – Set up a one stop shop to ensure fast, efficient, and comfortable service delivery.									Unclear	New commitment based on existing implementation.
<b>1.2. E-governance in Local Governments</b> – Provide access to innovative public services to rural Georgia through: a) gradually integrating municipalities into e-governance system, b) building Village Development Centres in remote villages.									On schedule	New commitment building on existing implementation.
<b>1.3. Citizens' Portal</b> – Make public services available online.									On schedule	Revision of commitment to be more achievable or measureable
<b>2. Easily Accessible and Better Healthcare</b> – Improve healthcare infrastructure and create an online database with information on healthcare services.									On schedule	Further work on basic implementation
<b>3. Be Informed and Advance Your Country</b>										
<b>3.1. Launch Ichange.ge and data.gov.ge</b> – Publish all high profile public interest information. Create a unified public information database.									Behind schedule	Revision of commitment to be more achievable or measureable
<b>3.2. Platform for participating in legislative process</b> – Engage citizens in the legislative process.									Behind schedule	Revision of commitment to be more achievable or measureable
<b>3.3. Citizens and Justice</b> – Expand jury trials geographically and provide citizens an opportunity to fulfill jury duties.									On schedule	None. Completed commitment.

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
✳️ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
✳️ <b>3.4. Transparent Party Financing</b> – Ensure transparency in finances of political parties.									On schedule	Further work on basic implementation
4. Innovation for Efficient Spending										
✳️ <b>4.1. Homegrown concept of e-procurement</b> – Conduct public procurement exclusively online to curb corruption.									On schedule	Further work on basic implementation
<b>4.2. E-delcarations</b> – Improve existing system for financial delcration by civil servants and introduce monitoring mechanisms.									On schedule	Further work on basic implementation
<b>5. Technology Cares for Saftey: ICCMS, Crime Mapping, and Safety in Your Neighbourhood</b> – Develop electronic systems to fight crime and enable citizens to inform local prosecutors about neighbourhood specific problems.									Unclear	Revision of commitment to be more achievable or measureable.
<b>6. NGO Forum</b> – Create NGO forum to support and monitor the implementation of Georgia's OGP commitments.									Unclear	Further work on basic implementation commitment.

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
✳️ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	
1. Public Service Of The Future	
1.1 Public Service Hall-Hub of Public Services <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: None</li> <li>Completion: Substantial</li> </ul>	This commitment to build 16 Public Service Halls for all major Georgian cities was substantially implemented. However, it is difficult to assess whether this commitment was completed, as the government did not publish a self-assessment report. According to CSOs and academics, the commitment fell short of meeting core OGP values.
✳️ 1.2. E-governance in Local Governments <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	This commitment was substantially implemented. The assessment of its progress was based on the data provided by the Public Service Development Agency. It is unclear how the commitment promoted access to information and public participation.
✳️ 1.3. Citizens' Portal <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	This commitment was substantially implemented. However, the citizens' portal was difficult to use and was not appropriately publicised.
2. Easily Accessible and Better Healthcare <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Limited</li> </ul>	Although this objective existed prior to OGP, the government's commitment to build 150 hospitals has not been met. The level of completion was very limited.

<b>3. Be Informed And Advance Your Country</b>	
<b>3.1. Launch Ichange.ge and Data.gov.ge</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Not Started</li> </ul>	No concrete efforts have been made to enhance citizens' participation in decision making. The government was unable to launch Ichange.ge or to make Data.gov.ge fully operational. According to stakeholders, the commitment fell behind schedule because of the lack of government planning.
<b>3.2. Platform for Participating in the Legislative Process</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	This commitment's implementation was limited, despite significant support from CSOs. Not all draft laws were published. Public participation was subject to a number of conditions, many of which limited public participation in the law making processes.
<b>3.3. Citizens and Justice</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Unclear</li> <li>• Potential Impact: None</li> <li>• Completion: Complete</li> </ul>	This commitment was completed. However, all stakeholders believe the commitment is not relevant to OGP and should have been discontinued.
<b>★3.4. Transparent Party Financing</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Complete</li> </ul>	This commitment was completed. The stakeholders consider its completion an important step forward to prevent corruption in financing political parties.
<b>4. Innovation For Efficient Spending</b>	
<b>★4.1. Homegrown Concept of E-procurement</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Complete</li> </ul>	The commitment was completed. Georgia's e-procurement system could inspire other countries fighting corruption in public expenditures.
<b>4.2. E-declarations</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	Implementation of this commitment was limited, despite the fact that CSOs consider it to be very important. Most notably, the government was unable to implement the monitoring mechanism that would verify declarations made by public officials.
<b>5. Technology Cares for Safety: ICCMS, Crime Mapping, and Safety in Your Neighbourhood</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Not Started</li> </ul>	This commitment had not been started at the time of this review. Stakeholders considered this commitment important and ambitious.
<b>6. NGO Forum</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Limited</li> </ul>	This commitment was aimed at creating an NGO forum to support and monitor the implementation of Georgia's OGP commitments. However, implementation of this commitment came to an abrupt halt. As a result, the cooperation between government and civil society was unstructured and spontaneous.

## RECOMMENDATIONS

CSOs played an influential role in making Georgia's final action plan more clearly related to core OGP principles of transparency, public participation, and accountability. However, Georgia lacks a clear vision for its open government activities. Based on the challenges and findings identified in this report, this section sets forth the following recommendations.

1. The government of Georgia should articulate clearly a vision for open government and the role OGP should play in making government more open, transparent and responsive to its citizens.
2. The action plan should include commitments that comply with the following minimum standards: (a) action-oriented, (b) clear timelines, (c) targets that allow for better progress assessment, and (d) inclusive of a wide range of citizen needs beyond the agendas or needs of the principal actors.
3. The consultation process for developing and implementing the action plan should include these minimum standards: (a) widespread public consultation, (b) solicitation of stakeholder comments, and (c) sufficient notice.

4. Civil society and media should view the OGP as a platform to enhance public participation in decision making by taking up opportunities created by the government, participating in consultations, engaging the government in the development of the next action plan, and raising awareness about OGP.
5. International donors should assist the government and CSOs in adherence to OGP requirements.

**Eligibility Requirements 2012:** 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, visit <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>. Raw data has been recoded by OGP staff into a four-point scale, listed in parentheses below.

**Budget Transparency:** Executive Budget and Audit Report (4 out of 4)  
**Asset Disclosure:** Elected Officials and Politicians (4 out of 4)

**Access to Information:** Law Enacted (4 out of 4)  
**Civic Participation:** 6.18 of 10 (3 out of 4)

Lasha Gogidze is a senior analyst with Transparency International Georgia. TI Georgia is an independent, locally registered non-commercial legal entity. Its mission is to promote good governance, rule of law, fair and democratic elections and human rights in Georgia, while ensuring transparency and accountability of Georgian public agencies.

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



## I. BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, 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. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

### Introduction

Georgia officially began participating in OGP in August 2011 when the Minister of Foreign Affairs, Gregory Vashadze, declared the government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. As described below, organizations other than OGP produced indicators to determine the extent of country progress on each of the dimensions. Georgia exceeded the minimum requirements for eligibility when it joined the partnership, with a high score in each criterion. At the time of joining, the country received a high score for open budgets (two out of a possible two),<sup>1</sup> a high score based on its access to information law (four out of a possible four),<sup>2</sup> a high score based on the Asset Disclosure for Senior Officials and Politicians index (four out of a possible four),<sup>3</sup> and a score of 6.18 out of a possible 10 on the Civil Liberties category of the Economist Intelligence Unit's Democracy Index.<sup>4</sup>

All OGP participating governments must develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their action plans by sharing existing efforts related to a set of five "grand challenges," including specific open government strategies and ongoing programs. (See Section IV for a list of grand challenge areas.) Action plans should then set out each government's OGP commitments, which stretch government practice beyond its current baseline with respect to each grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Along with the other cohort 2 OGP countries, Georgia developed its national action plan in the months preceding 1 April 2012. The effective start date for the action plan was 1 July 2012 for implementation through 2013. As of 1 November 2013, the Georgian government had not published the self-assessment report. According to the OGP schedule, officials and civil society members are to revise the first plan or develop a new plan by April 2014.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country's first action plan. In Georgia, the IRM partnered with Lasha Gogidze of Transparency International Georgia, who authored this progress report. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country.



### Institutional Context

Following Georgia's joining of the OGP on 20 September 2011, the Ministry of Justice of Georgia (MoJ), and specifically its Analytical Department, was designated as the lead agency in charge of coordinating the development and implementation of the national OGP action plan. The MoJ, as one of the key ministries in Georgia responsible for fighting corruption and ensuring rule of law, justice and good governance, has the relevant experience and expertise, as well as the resources and capacity, necessary to perform this coordination function.<sup>5</sup> However, for almost two years following September 2011, Georgia had no formal document that clearly explained the role of the MoJ in relation to other Ministries and agencies. Additionally, no other agency was designated to oversee the implementation of the action plan. Following recommendations by civil society organizations (CSOs) to address this issue, on 9 July 2013 the Georgian Government adopted a 'Decree about the Necessary Measures for the Implementation of the Action Plan of Georgia for the Open Government Partnership.'<sup>6</sup> This Decree officially assigned responsibility for the implementation of OGP commitment tasks to a number of agencies and delegated the coordination role to the MoJ's Analytical Department. It also delegated the oversight function to the Government of Georgia as a whole.

### Methodological Note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Georgia, the IRM partnered with Transparency International Georgia (TI Georgia) and TI Georgia's Senior Analyst, Lasha Gogidze. TI Georgia is an independent, locally registered non-commercial legal entity. Its mission is to promote good governance, rule of law, fair and democratic elections and human rights in Georgia while ensuring transparency and accountability of Georgian public agencies.<sup>7</sup>

IRM researchers review two key documents provided by the national governments: the first national action plan and the government's self-assessment of the first action plan process. In Georgia, the researcher only reviewed the action plan,<sup>8</sup> since no self-assessment was published. OGP staff and a panel of experts also reviewed the report. To gather the voices of multiple stakeholders, Lasha Gogidze organised two stakeholder forums in Tbilisi, which were conducted according to a focus group model. Numerous references are made to these sources throughout this report. Summaries of stakeholder meetings and more detailed explanations are given in the Annex.

<sup>1</sup> Open Budget Partnership, *Open Budgets Change Lives* (Washington, DC: Open Budget Partnership, 2012). <http://bit.ly/1fAV22Y>

<sup>2</sup> Government of Georgia, "Decree of the Government of Georgia N219 'About the Form of the Electronic Request of Information and Proactive Disclosure of Public Information'," Right2Info.org, 26 August 2013, <http://bit.ly/1hT9ANZ>

<sup>3</sup> 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>; Organisation 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*, (France: OECD Publishing, 2009), 132, <http://bit.ly/13vGtqS>; Richard Messick, "Income and Asset Declarations: Global Experience of Their Impact on Corruption" (paper prepared for the Conference on Evidence-Based Anti-Corruption Policy organised by Thailand's National Anti-Corruption Commission (NACC) in collaboration with the World Bank, Bangkok, Thailand, 5-6 June 2009), 16, <http://bit.ly/1cl0kyf>

<sup>4</sup> The Economist, *Democracy Index 2010: Democracy in Retreat*, by the Economist Intelligence Unit (Report, London, 2010), <http://bit.ly/eLC1rE>

<sup>5</sup> Ministry of Justice of Georgia, <http://justice.gov.ge/>

<sup>6</sup> Nata Dzelishvili, "Recommendations to the Prime Minister on Ensuring Transparency of Public Agencies," Media.ge, 11 February 2013, <http://www.media.ge/ge/portal/news/124/>; 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/1ajPoPA>



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<sup>7</sup> “Charter,” Transparency International Georgia (TI Georgia), <http://bit.ly/1hjLWo>  
<sup>8</sup> <http://bit.ly/1akLQj6>

## II. PROCESS: DEVELOPMENT OF ACTION PLAN

During the development of their OGP action plan, the Georgian government fell short of fulfilling the requirements of the OGP Articles of Governance.

Countries participating in the Open Government Partnership (OGP) follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at a minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online;
- Undertake OGP awareness-raising activities to enhance public participation in the consultation;
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in Section III on “Consultation during implementation”:

Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. The forum can be an existing entity or a new one. This is discussed in the next section, but for ease of reference, Table 1 summarises evidence for consultation both before and during implementation.

**Table 1. Action Plan Process Checklist**

Phase of Action	OGP Process Requirements (Articles of Governance Section)	Did the Government Meet This Requirement?
During Development	Timeline and process: Prior availability	No
	Awareness-raising activities	No
	Online consultations	No
During Implementation	In-person consultations	Yes
	Summary of comments	No
	Regular forums	Yes

### Advance Notice of Consultation

Prior to adopting the action plan, the Georgian government was required by the OGP consultation guidelines to raise national awareness on OGP, to consult widely with multiple stakeholders through a variety of mechanisms, and to disclose in advance the details of the public consultation process and timeline. Another important requirement was to publish summaries of consultations as well as all written comments from the public consultation.<sup>9</sup> Table 1 summarises the OGP’s action plan process requirements.

The Georgian government fell short of fulfilling these requirements. It started public consultations late, with no prior publishing of the relevant plan or timeline, and without conducting awareness-raising activities. At the initial stage, the government consulted with only two local civil society organisations (CSOs), Transparency International Georgia (TI Georgia) and the Liberty Institute. Furthermore, the government did not publish a summary of the public comments from the consultations or discuss how the action plan's specific commitments responded to those comments.<sup>10</sup>

### Quality and Breadth of Consultation

The government relied on a small group of CSOs to develop its action plan. On 14 November 2011, the Ministry of Justice of Georgia (MoJ) and the Ministry of Foreign Affairs (MFA) contacted TI Georgia for its opinion on Georgia's OGP action plan. At the meeting, the then Head of MoJ's Analytical Department and an official from the MFA briefed representatives of TI Georgia and the Liberty Institute on the government's action plan and development timeline.

The commitments in the action plan were not new. According to the former Head of MoJ's Analytical Department, Georgia's OGP commitments were based on the country's existing anti-corruption reforms, which aimed to ensure transparency and accountability of the government.<sup>11</sup> The former Head of MoJ's Analytical Department presented a preliminary list of information that was to be proactively published by all Georgian public agencies on their websites as of 1 September 2013. The list included information about the agency's structure, budget, decision making procedures, and staff responsibilities, as well as all relevant legislation, policy documents and activities. In addition, the public agencies planned to disclose contact details of Freedom of Information (FOI) officers.<sup>12</sup>

Consultations were carried out in-person with TI Georgia and Liberty Institute. A website was also created to discuss the draft action plan. The nature of the consultations, however, was limited and one-sided. In November 2011, the MoJ sent the first draft of the OGP action plan to TI Georgia for feedback. The one-page-long draft plan listed a selection of points from Georgia's 2010 Anti-corruption Corruption Action Plan (e.g., improving public services, transparency of public expenditures, and integrity of the private sector). It fell short of any new OGP-specific commitments. With a week to submit its feedback, TI Georgia forwarded the draft along with other important information from the MoJ meeting to two other NGOs working closely in the field, the Institute for Development of Freedom of Information (IDFI) and JumpStart Georgia.<sup>13</sup> After consulting these groups, TI Georgia sent its preliminary comments on the draft to the MoJ. The preliminary comments asking the Georgian Government to remove all pre-existing items and to add new items on related to open data and public participation.<sup>14</sup>

On 27 November, the MoJ forwarded the second draft of the OGP action plan to TI Georgia. Despite seeking TI Georgia's feedback, the second draft action plan did not incorporate TI Georgia's feedback.<sup>15</sup> The MoJ created a special section on its website, where it shared the second draft and a brief description of OGP and its main objectives. By this time, thanks to the efforts of TI Georgia, IDFI and JumpStart Georgia, more CSOs became aware of the OGP action plan development process in Georgia and expressed their willingness to join consultations.

Consequently, in December 2011, the OGP was discussed publically for the first time at a meeting of a media coalition, which was established in April 2011 to unite approximately 10 organisations and individuals advocating for media freedom and accountability in Georgia. The coalition included the MoJ representatives, the CSOs led by TI Georgia, IDFI, Georgian

Young Lawyers' Association (GYLA) and Jumpstart Georgia. Following a series of consultations, this coalition came up with a list of joint recommendations to improve Georgia's draft OGP action plan. These recommendations included the following:

- Instate legally binding obligations for all public agencies to yield electronic requests and proactively publish information;
- Improve access to information related to public officials' asset declarations;
- Engage more citizens in the pre-legislative process (or law-making);
- Increase access to information on budget planning and judicial processes;
- Create online platforms to integrate all public data in open data formats;
- Enable citizens to submit ideas, FOI requests, or e-petitions directly to the government.<sup>16</sup>

The MoJ pledged to incorporate most of those recommendations in the final draft of the OGP action plan.

In March 2012, the MoJ published a schedule of public consultation meetings in six cities: Telavi, Gori, Akhaltsikhe, Kutaisi, Batumi and Tbilisi.<sup>17</sup> Universities or schools hosted most of these consultation meetings. The IRM researcher attended one held on 16 March 2012 at Free University in Tbilisi. The former head of the MoJ and the former legal adviser of the MoJ's Analytical Department led the meeting. They presented the main priorities of the government's OGP action plan. It appeared as though the meeting was not organised to solicit public feedback and reflect on the action plan. Rather, it was used to promote the government's already existing plan. For instance, when asked by the IRM researcher whether the MoJ was going to publish public comments from consultations online, the officials responded that they had no plan to do so.

TI Georgia prepared a questionnaire to gather CSO comments on the consultation process. The CSOs had important critical reflections on the OGP consultation process in Georgia. They thought the government's initial decision to engage only a handful of NGOs in consultations was wrong. The CSOs also thought that the MoJ's later meetings with academic and business representatives, held shortly before the publication of the action plan, were more of a 'box-ticking exercise,' rather than forums for meaningful consultations. CSOs believed that in those meetings, the MoJ was just presenting the finished plan with no intention of adapting it in response to public comments or ideas. As a result, contrary to the spirit of OGP, the whole consultation process was impaired by a degree of exclusiveness, spontaneity, and fragmentation.

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<sup>9</sup> "How It Works: Requirements," Open Government Partnership, <http://bit.ly/KWtHhQ>

<sup>10</sup> TI Georgia, *Open Governance in Georgia - Achievements and Challenges*, by Lasha Gogidze (Report, Tbilisi, December 2012), <http://bit.ly/1dqB9hL>

<sup>11</sup> TI Georgia, *Open Governance in Georgia - Achievements and Challenges*, by Lasha Gogidze (Report, Tbilisi, December 2012), <http://bit.ly/1dqB9hL>

<sup>12</sup> Ministry of Justice of Georgia, Initial List of Information for Proactive Publication on Government Websites, 16 November 2011 [ <http://bit.ly/1gi4adl> ]

<sup>13</sup> Government of Georgia, *First Draft of Georgia's OGP Action Plan*, by the Ministry of Justice of Georgia (Tbilisi, 18 November 2011), 19, <http://bit.ly/1az338l>

<sup>14</sup> TI Georgia, *Preliminary Comments on Georgia's Draft OGP Action Plan*, by TI Georgia (Tbilisi, November 2011), 20-24, <http://bit.ly/1az338l>

<sup>15</sup> Government of Georgia, *Second Draft of Georgia's OGP Action Plan*, by the Ministry of Justice of Georgia (Tbilisi, 27 November 2011), 25-26, <http://bit.ly/1az338l>

<sup>16</sup> TI Georgia, *CSO Comments on Georgia's Draft Open Government Partnership Commitments*, prepared by TI Georgia, GYLA, IDFI, Jumpstart and the Media Coalition (Tbilisi, 4 February 2012), 27-32, <http://bit.ly/1az338l>

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<sup>17</sup> Government of Georgia, *Schedule of OGP Public Consultation Meetings in Georgia*, by the Ministry of Justice of Georgia (Tbilisi, 7 March 2012), 33, <http://bit.ly/1az338I>

### III. PROCESS: CONSULTATION DURING IMPLEMENTATION

The process for consultation during implementation of the action plan was completed largely at an NGO forum. However, this forum failed to coordinate the implementation of the action plan.

The Open Government Partnership (OGP) commits governments to identify a forum, either existing or new, to enable regular multi-stakeholder consultation on OGP implementation. This section summarises the Georgian government's efforts to fulfil its commitment.

#### Consultation Process

As Table 1 in the preceding section indicates, the government constituted a regular forum during implementation of the action plan. On 5 April 2012, the Ministry of Justice of Georgia (MoJ) posted on its website the final version of the OGP action plan.<sup>18</sup> Additionally, at the initiative of TI Georgia, the MoJ established a nongovernmental organisation (NGO) forum as a regular coordination mechanism to further implementation of the action plan. The forum met once a month at the MoJ premises in the capital Tbilisi. Members of the forum included the following, organisations that either were heavily involved in preliminary consultations or expressed interest in OGP:

- TI Georgia;
- Institute for Development of Freedom of Information (IDFI);
- Georgian Young Lawyers' Association (GYLA);
- Media Coalition;
- Coalition for European Georgia;
- New Vision Georgia;
- JumpStart Georgia;
- US Agency for International Development (USAID).<sup>19</sup>

The NGO forum failed to coordinate implementation of the action plan. First, the forum did not have a charter or terms of reference defining the rules and procedures. Second, it did not have a chair or a secretary to moderate meetings or to prepare meeting minutes. While the forum members raised questions and stimulated discussion, the MoJ representatives used the forum simply to report on past developments in OGP.<sup>20</sup> Overall, the NGO forum did not have any real impact on decision making. Stakeholders raised the issue of reformation. Following the October 2012 parliamentary elections, the MoJ ceased to host the forum meetings. Although the government planned to develop a new, more effective coordination mechanism, no viable alternative was created.

<sup>18</sup> "Open Government, Action Plan, Implementation," Ministry of Justice of Georgia, <http://bit.ly/1dKRyIL>

<sup>19</sup> USAID, a United States government agency, was included in the "NGO Forum" by the Georgian Government. The government decided to include USAID as the main donor interested in and contributing to OGP.

<sup>20</sup> TI Georgia, *Open Governance in Georgia – Achievements and Challenges*, <http://bit.ly/1dqB9hL>

## IV. IMPLEMENTATION OF COMMITMENTS

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Open Government Partnership (OGP) commitments are to be structured around a set of five “grand challenges” that governments face. OGP recognises that all countries start from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that best fit their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country. The five OGP grand challenges are:

1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency** — information on government activities and decisions is open, comprehensive, timely, freely available to the public, and meets basic open data standards (e.g. raw data, machine readability).
- **Citizen Participation** — governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.
- **Accountability** — *there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.*
- **Technology and Innovation** — governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.



Countries may focus their commitments at the national, subnational and/or local level—wherever they believe their open government efforts can have the greatest impact. Recognising that achieving open government commitments often involves a multi-year process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This section details each of the commitments Georgia included in its initial action plan. Georgia’s OGP action plan consists of six main commitments and nine sub-commitments that are divided into five thematic clusters—improving public services, providing better healthcare, increasing access to information and public participation, applying innovation for efficient spending, and technology for safety.<sup>21</sup>

Some commitments have a single milestone, while others have multiple milestones. For the latter, the Independent Review Mechanism (IRM) researcher evaluated milestones on a single fact sheet of indicators to avoid repetition and to improve readability. While most of the indicators are self-explanatory, a number of indicators for each commitment deserve further explanation.

- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
  - **OGP values:** To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made judgments from a close reading of each commitment’s text. This judgment reveals commitments that can better articulate their relationship to fundamental issues of openness.
  - **Grand challenges:** While some commitments may be relevant to more than one grand challenge, the reviewer only marked those that had been identified by government.
- **Ambition:** The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
  - **Potential impact:** To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher’s knowledge and experience as a public policy expert.
  - **New or pre-existing:** Based on facts, the IRM researcher also recorded whether a commitment was based on an action that pre-dated the action plan.
- **Timing:** The IRM researcher evaluated each commitment’s timing, even where clear deliverables and suggested annual milestones were not provided.
  - **Projected completion:** In cases where this information was not available, the IRM researcher made her best conjecture based on the evidence of how far the commitment could possibly be at the end of the period assessed.

## 1. PUBLIC SERVICE OF THE FUTURE

### 1.1. Public Service Hall-Hub of Public Services

In 2011, the Ministry of Justice started to implement a new concept of Public Service Hall ([www.house.gov.ge](http://www.house.gov.ge)), which is based on the idea of everything in one space: though new and reformed agencies were operating under one-stop shop principle, there were still several of them. Several one-stop shops actually meant many stops and a wasted time for an individual. From now on there will be only one stop: the Public Service Hall. Architects of this model heavily utilised various business approaches that are essential to ensure fast, efficient and comfortable service delivery. 215 individual service attributes and procedures were analysed, described in detail, upgraded and interconnected where possible. Georgian Government believes that as a matter of principle - public service should not be different from the private service and should equally focus on the easiness, speed and quality. Public Service Hall will allow individuals (both Georgian nationals and foreigners) to receive any service from the state under the single roof: including personal documents (ID, birth certificate and passport), business or property registration, notary services, enforcement of court judgments. Driver's license, vehicle registration and the services from the municipality and Georgian Revenue Service will also be available at Public Service Halls. Two new ideas that are currently being elaborated, serve as interesting illustrations of the governments attitude towards simplicity in public service delivery: these are the projects of Just Drive and Just Café. From September 2012 the clients of Tbilisi Public Service Hall will be able to receive a document or service without leaving their car or while helping themselves with refreshments in the café.

*Timeline: Currently Public Service Halls are operating in four cities. Eight more will be opened in 2012 (including the capital) and the remaining four will follow by 2013. In total this makes 16 Public Service Halls covering all major cities in the country.*

*Responsible Agency: Ministry of Justice*

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√				

Ambition			
New vs. pre-existing		Potential impact	
Pre-existing		None (The commitment maintains the status quo.)	
Level of completion			
Start date: 2012	End date: 2013	Actual completion	Substantial
		Projected completion	Substantial
Next steps			
New commitment building on existing implementation.			

### What happened?

The government has substantially implemented this commitment. As this commitment pre-existed Georgia's OGP action plan, at the start of the implementation process, four public service halls were functioning. The action plan scheduled eight more to be opened in 2012 and another four to be opened in 2013. During the assessment period, 12 public service halls served approximately 16,000 citizens per day on 300 different services in Georgian cities of Batumi, Rustavi, Mestia, Kutaisi, Ozurgeti, Gurjaani, Kvareli, Telavi, Marneuli, Gori, Akhaltsikhe and the capital, Tbilisi.<sup>22</sup> Towards the end of 2013, the government planned to build another public service hall in the town of Zugdidi and to implement the Just Drive project allowing citizens to receive services from their cars.<sup>23</sup> However, since the government did not publish its self-assessment report, it is not possible to assess whether all 16 public service halls were completed.<sup>24</sup>

### Did it matter?

All stakeholders interviewed agreed that this is one of the most successful government projects. However, a number of civil society organisations (CSOs) and academics pointed out that public service halls are primarily focused on providing services to the citizens, falling short of addressing the core OGP values of transparency, public participation, accountability and technological innovation. They think it is important for the government to distinguish between good governance and open governance since the latter means more than better service delivery (e.g. building and releasing new public data sets in usable formats or creating accessible platforms for public participation in decision making).<sup>25</sup>

### Moving forward

It would be better if public service halls provided clear mechanisms for allowing citizens to suggest initiatives. The public should be given the opportunity to choose what services they want from the government and to participate in the development of those services. In addition, they should know what personal data is stored by the government about them, who has access to this data, and for what specific purposes can people access it.<sup>26</sup>

<sup>21</sup> Government of Georgia, *The Open Government Partnership (OGP): National Action Plan*. (Tbilisi: Georgia, 1 April 2012), <http://bit.ly/19nOI08>

<sup>22</sup> Public Service Hall, <http://bit.ly/1aihghs>

<sup>23</sup> Irakli Lomidze, "Public Service Hall" (presentation slides, Public Service Hall, Georgia, 1 October 2013).

<sup>24</sup> As per the government presentation on 1 October 2013, they failed to open those remaining 4 public service halls (<http://bit.ly/1gi4adl>).

<sup>25</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>26</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

## 1.2. E-Governance in Local Governments

It's believed, that Georgian Citizens should have access to innovative public services not only on central level or in the big cities but even small rural areas, therefore the Government of Georgia takes following commitments: a) Georgia's municipalities will gradually be integrated into the e-governance system. Municipal institutions will improve their management and services by optimized and simplified procedures. Besides, they will be provided with all necessary information via direct access to various databases; b) Village Development Centres (VDC) will be built in remote villages with relatively big population. This is a totally innovative concept bringing a large number of services locally to the rural population. Specifically, VDCs will offer all services of Local Government, top services of Central Government and many critical services that are provided by the private sector.

*Timeline: Implementation started in 2012 and will continue throughout next two years.*

*Responsible Agency: Civil Registry Agency*

Commitment Description						
Answerability	Lead institution	Public Service Development Agency (formerly the Civil Registry Agency)				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√				
Ambition						
New vs. pre-existing			Potential impact			
Pre-existing			Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)			
Level of completion						
Start date:		End date:	Actual completion		Substantial	
2012		2014	Projected completion		Substantial	
Next steps						
New commitment building on existing implementation						

### What happened?

This commitment has been substantially implemented, according to the Public Service Development Agency (formerly the Civil Registry Agency). In the absence of the government's self-assessment report, the data provided by this agency shows that there are currently 12 village development centres (now called 'community centres') serving over 36,000 local residents with integrated services from the public sector, operating in the following Georgian villages: Shashiani, Sartichala, Gomi, Chaladidi, Ruisi, Khevi, Koda, Manglisi, Nigoiti, Jvari, Phoka, and Shorapani. The government intends to build additional community centres in six other villages and to expand the services offered to local residents, including notary and Internet services as well as study programs in English and computer science.<sup>27</sup>

### Did it matter?

The Chairman of the Public Service Development Agency, Levan Samadashvili,<sup>28</sup> said that local residents and municipalities are not active in suggesting ideas about how to improve the community centres and better tailor public services to their needs. He said this could be due to the fact that each centre's capacity is limited, and citizens do not feel ownership of these centres.<sup>29</sup>

### Moving forward

This commitment does not articulate how it promotes OGP values of access to information and public participation. Although the commitment has been substantially implemented, challenges have affected its implementation. To address the existing challenges with implementation, the government plans to do the following:

- Use technologies to allow local residents to choose from the list of possible priorities for the development of their village;
- Undertake capacity-building activities for local municipalities to better manage the services they provide.

The stakeholders think that village community centres should also focus on the following:

- Empowering youth and people with special needs by systematically engaging them in activities and building the link between these people and local self-governance;
- Promoting community centres by, for instance, publishing detailed information on their website.<sup>30</sup>

While this commitment appears to be focused on strengthening local government, the IRM researcher recommends reformulating the commitment to clearly articulate how it will enhance the OGP value of public participation.

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<sup>27</sup> Public Service Development Agency, "Community Centres' Development Project" (presentation slides, Georgia, September 2013).

<sup>28</sup> Levan Samadashvili, Public Service Development Agency, interview with the IRM researcher, 24 September 2013.

<sup>29</sup> Public Service Development Agency, "Implementation of E-governance in Local Municipalities" (presentation slides, Georgia, August 2013); Public Service Development Agency, *Community Centres' Development Strategy for 2013-14*, by the Government of Georgia (Report, Georgia, 2013).

<sup>30</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

### 1.3. Citizens' Portal

Public service will also be available online. Citizens will be able to use their electronic ID Cards to access [citizenportal.ge](http://citizenportal.ge), where individuals will have their own e-space that they can manage online and receive services.

Timeline: Portal will start functioning by 2013.

Responsible Agency: Data Exchange Agency

Commitment Description						
Answerability	Lead institution	Data Exchange Agency				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√				
Ambition						
New vs. pre-existing Pre-existing			Potential impact			
			Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)			
Level of completion						
Start date: 2013		End date: 2013	Actual completion		Substantial	
			Projected completion		Complete	
Next steps						
Revision of the commitment to be more achievable or measurable.						

#### What happened?

This commitment existed prior to the OGP. While it can be said that this commitment has been substantially implemented, there are important limitations. The citizens' portal is difficult to use and has not been appropriately publicised. In 2012, prior to the OGP, the

Data Exchange Agency (DEA) launched an integrated online portal of public services.<sup>31</sup> This portal united a total of 50 services provided by different public agencies, including the Ministry of Justice of Georgia (MoJ), the Legal Entities of Public Law (LEPLs), the Ministry of Internal Affairs, the Ministry of Labour, Health and Social Affairs, and the Revenue Service. Although outside of this assessment period, in September 2013 the citizens' portal (<https://www.my.gov.ge>) started hosting a section for electronic requests for both public and private information, a commitment initially planned to be implemented on the Georgian Government's data website (<http://data.gov.ge/>).<sup>32</sup>

### Did it matter?

There are a number of issues that make it difficult to fully benefit from the my.gov.ge website. First, not all online public services are provided for free. For instance, online registration of businesses and change of residence address services require an electronic ID card (GEL 30 and issued within 10 working days) and a USB card reader (GEL 10), which citizens buy at public service halls.<sup>33</sup> Second, the website is difficult to navigate, even for technology- and internet-savvy users. Finding basic information such as website content cannot always be done quickly. Additionally, according to the Chairman of the Data Exchange Agency, the main challenges are smooth operation and coordination with existing online services, as well as adding new services. In the Chairman's opinion, these limitations are related to the organisational capacity of participating agencies.<sup>34</sup> According to stakeholders, the portal has not been adequately publicised. No statistics are available about how many people use it or about user satisfaction.<sup>35</sup>

### Moving forward

It is unclear how this commitment enhances OGP values of access to information, public participation, or technology and innovation (openness and accountability). Apart from creating an online portal with the aim of improving delivery of public services, the portal also should have provided information in an easy, affordable, and user-friendly manner. It has failed to do this. The IRM researcher recommends reformulating this commitment so that it better promotes OGP values of access to information, public participation, and technology and innovation (openness and accountability). In agreement with feedback from stakeholders, the IRM researcher recommends the following:

- The portal should be better publicised across the country;
- There should be no conditions for using the portal. Thus, the requirement of an electronic ID card or a USB card reader, which costs unnecessary time and money, should be removed;
- The citizens' portal should be redesigned to make it easier to use and to provide *all* Georgians an opportunity to participate in making choices and decisions that affect their daily lives.<sup>36</sup>

<sup>31</sup> <https://www.my.gov.ge> instead of <http://www.citizenportal.ge>

<sup>32</sup> Irakli Gvenetadze, Data Exchange Agency, interview with the IRM researcher, 4 October 2013.

<sup>33</sup> "Initial Issuance of an ID Card," Public Service Hall, <http://bit.ly/1hjYip0>

<sup>34</sup> Gvenetadze, interview, October 2013.

<sup>35</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>36</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.



## 2. Easily Accessible and Better Healthcare

The Georgian Government is working on the overhaul of the entire healthcare system and the complete refurbishment of its infrastructure. Instead of the existing state-owned 600 hospitals that are mainly dysfunctional, 150 new and well-equipped hospitals will be built by 2014, which will fully correspond to international standards. Unified online healthcare database is being created: <http://ehealth.moh.gov.ge> that will provide individuals with exhaustive information about available services in various healthcare institutions.

Timeline: Implementation is ongoing and will continue throughout next two years.

Responsible Agency: Ministry of Health

Commitment Description						
Answerability	Lead institution	Ministry of Labour, Health and Social Affairs				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√				
Ambition						
New vs. pre-existing Pre-existing			Potential impact			
			Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)			
Level of completion						
Start date: 2012		End date: 2014		Actual completion	Limited	
				Projected completion	Substantial	
Next steps						
Further work on basic implementation						

### What happened?

It is not clear how this commitment speaks to OGP values of access to information, public participation, accountability, or technology and innovation (for openness and accountability). Furthermore, the level of completion of this commitment, which pre-existed the OGP action plan, has been very limited. Since 2011, the government built only 51 new hospitals, of which only 11 were built in 2012, the assessment period.<sup>37</sup>

As for the online healthcare database (<http://ehealth.moh.gov.ge>) implemented in February 2013, it appears to be used mostly internally for the government's universal healthcare program. For instance, to access different datasets, the website requires users to enter a username and password, but there is no information on how to obtain these.<sup>38</sup> A representative from the Information Technology Department in the Ministry of Labour, Health and Social Affairs of Georgia explained that eventually citizens will be able to receive medical information as well as the information on pensions and social allowances online (<https://www.my.gov.ge>). The forthcoming website will replace the current online healthcare database.<sup>39</sup>

### Did it matter?

The main reason this commitment is delayed is the failure of the private insurance companies that were responsible for construction of new hospitals. According to a government official from the Ministry of Labour, Health and Social Affairs of Georgia, these companies have not met their contractual obligations. An official said that if the hospitals currently owned by private insurance companies were under state ownership, the government would take more responsibility in their modernization.<sup>40</sup> Currently, private investors—of whom more than 40% are insurance companies, 30% are individuals, and 20% are other types of enterprises—own almost all hospitals in Georgia.<sup>41</sup> In many cases, however, the name of the real owners of a hospital is unknown or there is very little information about them. According to TI Georgia, this lack of transparency in turn raises questions and concerns about the owners' experience and real long-term commitments to improve the conditions in the hospitals they own.<sup>42</sup> At the time of this report, the private insurance companies were negotiating new terms of contracts with the government.<sup>43</sup>

The Information Technology Department of Ministry of Labour, Health and Social Affairs official said that the main objective of online portals should be to develop a secure system to prevent unauthorised use of personal data and to optimise technological resources, thereby allowing for high volume Internet traffic. In the official's opinion, the Ministry of Labour, Health and Social Affairs currently has no capacity to assess how such a system could be instituted. The lack of resources, competences and funding is a major challenge in general, and the Ministry often has to outsource services to private companies and individuals.<sup>44</sup>

### Moving forward

The commitment to build 150 hospitals has not been met. Furthermore, its relation to the OGP values has not been clearly articulated. As a result, there is no clarity on how this commitment aids the government's agreement to join the OGP and uphold its values. The IRM researcher believes that apart from using technology to improve public services, the government should strive to enhance citizens' access to information and participation in the development and implementation of an easily accessible and better healthcare system. The IRM researcher recommends reformulating the commitment:

- To specify how it will promote OGP values;

- To ensure that websites and portals developed for the new healthcare system are easy to use and clearly explain users rights and obligations;
- To specify who has access to personal data on medical records or other information that citizens share online, and for what purposes can it be used;
- To ensure that all citizens have access to the public datasets generated by the healthcare portals, including citizens without Internet access. According to the stakeholders, this recommendation is the most important.<sup>45</sup>

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<sup>37</sup> Ministry of Labour, Health and Social Affairs of Georgia, (Presentation Slides, Georgia, 1 October 2013); Zura Utiashvili, Emergency Department of Ministry of Labour, Health and Social Affairs of Georgia, telephone interview with the IRM researcher, 26 September 2013.

<sup>38</sup> "Health Management Information System," Ministry of Labour, Health and Social Affairs of Georgia, <http://ehealth.moh.gov.ge>

<sup>39</sup> Vano Goliadze, Information Technology Department of Ministry of Labour, Health and Social Affairs of Georgia, interview with the IRM researcher, 25 September 2013.

<sup>40</sup> Goliadze, interview, September 2013.

<sup>41</sup> TI Georgia, *The Georgian Hospital Sector*, by TI Georgia with the Support of the Embassy of the Kingdom of The Netherlands (Report, Tbilisi, 2012), <http://bit.ly/1bGhcCA>

<sup>42</sup> TI Georgia, *The Georgian Hospital Sector*, <http://bit.ly/1bGhcCA>

<sup>43</sup> Goliadze, interview, September 2013.

<sup>44</sup> Goliadze, interview, September 2013.

<sup>45</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

### 3. BE INFORMED AND ADVANCE YOUR COUNTRY

#### 3.1. Launch Ichange.ge and Data.gov.ge

A well-informed citizen is one of the major forces behind the development of a state. Therefore, it is planned to publish information of high public interest pro-actively on the web-site of each administrative agency. A unified public information database will be created: data.gov.ge, where citizens can easily access public information which is sorted under thematic sections. The same web-site will allow visitors to request public information online. The rationale behind this project is to simplify the task of locating information among numerous entities for individuals. Everything will be available on the same web-site. It is highly expected that the information that will be available online will boost further discussions and help to identify the need for introducing changes wherever necessary. For this reason the government will launch ichange.ge - a platform where citizens will be able to express their opinions, criticism or ideas. A project team will work on this web-site to tackle the most discussed topics, identify major concerns and inform responsible authorities. Ichange.ge will also give the possibility to create and submit e-petitions. When an e-petition reaches a certain number of signatories (depending on the scale of the issue under question) authorities will be under the obligation to react.

Timeline: Proactive disclosure will be started in 2012 by several agencies and will cover all of them by 2014. Data.gov.ge and ichange.ge will be launched in 2013.

Responsible Agency: Ministry of Justice

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√	√			
Ambition						
New vs. pre-existing		Potential impact				
New		Transformative (The commitment entails a reform that could potentially transform 'business as usual' in the relevant policy area.)				

Level of completion			
Start date: 2012	End date: 2013	Actual completion	Not started
		Projected completion	Complete
Next steps			
Revision of the commitment to be more achievable or measurable.			

### What happened?

This commitment generally has not been met. No breakthrough possibilities have been created for direct citizen engagement in decision making. Specifically, the government failed to launch one website (<http://www.i-change.ge/>) and to make the other website fully operational, specifically with respect to electronic requests for public information (<http://data.gov.ge>).<sup>46</sup>

### Did it matter?

Currently, the data website (<http://data.gov.ge>) is only a compilation of links to different public websites. It does not have actual datasets or any contextual information explaining the purpose and concrete benefits of using the website. It does not proactively publish information in which the public is highly interested. The stakeholders think that the main reasons for the websites' failures are improper planning on behalf of the government, as well as the lack of an implementation time frame, concrete outcomes, resources, and qualified staff.<sup>47</sup>

### Moving forward

This commitment has not been met. The government did not have a time frame or a plan to ensure effective implementation. Stakeholders referred the government to successful examples of similar websites/platforms operating in the United States and the United Kingdom,<sup>48</sup> which the Georgian Government could have studied and then translated and launched domestically. Imperative high-level support at the level of the Prime Minister was severely lacking. For instance, the Prime Minister's office could have asked the Executive agencies to subscribe to online platforms and to publish a wide range of datasets that are periodically reviewed and updated.<sup>49</sup>

Following the assessment period, on 26 August 2013, the Georgian Government adopted a Decree on Electronic Request and Proactive Publication of Public Information,<sup>50</sup> based on the recommendations of a group of CSOs, including the Institute for Development of Freedom of Information (IDFI) and Transparency International Georgia (TI Georgia). According to the Decree, all public agencies under the supervision of the Prime Minister have to proactively publish information about their activities online so that people can download, print, and copy the original data free of charge without losing or damaging it. While all stakeholders acknowledged that this was a commendable decision, stakeholders also put forward further recommendations for improving the implementation of this commitment. TI Georgia, for instance, believes that the obligation to proactively publish information in open data formats should be a common standard, not limited to the Executive, but rather applicable to all branches of the government, including Parliament, the Judiciary, elected local bodies, and independent regulators.<sup>51</sup>

<sup>46</sup> "Enter-Find-Use," Ministry of Justice of Georgia, <http://data.gov.ge>

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<sup>47</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>48</sup> See, e.g., <http://www.data.gov>; <http://data.gov.uk/>; <http://epetitions.direct.gov.uk/>

<sup>49</sup> See, e.g., <http://www.data.gov>; <http://data.gov.uk/>; <http://epetitions.direct.gov.uk/>

<sup>50</sup> Government of Georgia, "Decree on Electronic Request and Proactive Publication of Public Information," Legislative Herald of Georgia, 26 August 2013, <http://bit.ly/18eOLsE>

<sup>51</sup> Lasha Gogidze, "Proactive Publication of Information as a Common Standard in Georgia," Blog, TI Georgia, 9 September 2013, <http://bit.ly/KfGD1S>

### 3.2. Platform for Participating in Legislative Process

A direct dialogue between legislators and an individual will be enhanced: the web-site of the Legislative Herald ([www.matsne.gov.ge](http://www.matsne.gov.ge)) will have a special module allowing everyone to comment on any article of draft or enacted laws and bylaws and provide their opinions. Understanding laws will become easier as it is planned to link landmark court judgments to the respective articles within the legislative acts on the mentioned website. A team of legislation drafters in the Ministry of Justice will closely monitor the developments, will identify most discussed legal issues raising concerns and if needed, will prepare legal drafts for the parliament.

Timeline: Will be implemented in 2012

Responsible Agency: Legislative Herald

Commitment Description						
Answerability	Lead institution	Legislative Herald				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges	Increasing public integrity, more effectively managing public resources				
	OGP values	Access to information	Civic participation	Account ability	Tech & innovation for trans. & acc.	None
		√	√			
Ambition						
New vs. pre-existing New		Potential impact				
		Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)				
Level of completion						
Start date: N/A		End date: 2012	Actual completion	Limited		
			Projected completion	Complete		
Next steps						
Revision of commitment to be more achievable or measurable						



### What happened?

During the assessment period, the level of completion of this commitment was still limited, despite actively advocacy from CSOs. The Legislative Herald, a Legal Entity of Public Law (LEPL) under the MoJ, has created a module on its website (<https://matsne.gov.ge/>) for public comments on draft laws. However, the Legislative Herald encountered problems implementing other related commitments such as creating a government feedback mechanism for public comments and linking court decisions to respective laws.<sup>52</sup>

### Did it matter?

Not all draft laws are published on the website (<https://matsne.gov.ge/>), but rather only those that were drafted by the MoJ. According to the Chairman of the Legislative Herald, it is not feasible to publish all draft laws without first categorizing them based on some commonly agreed criteria.<sup>53</sup> In addition, certain legal acts such as the codified versions of by-laws are still not free. It costs GEL 2 for each downloaded copy of a legal act and GEL 288 to buy an annual subscription to access all legal documents on the website.<sup>54</sup> Most importantly, the MoJ has not yet established a team of legal experts in charge of monitoring public comments on legal documents, identifying the most popular comments and initiating amendments based on them. Nor has there been a module created on the website to link court judgments to the respective articles within the legislation.<sup>55</sup>

### Moving forward

The implementation of this commitment was limited. While the initiative to engage citizens in the pre-legislative process is commendable, citizens are subject to numerous conditions that limit public participation in law making. For example, charging people for certain documents is wrong and contrary to the spirit of the commitment. The IRM researcher recommends that this commitment be reformulated with specific guidelines to promote public participation and time frames for timely implementation. In agreement with stakeholders, the IRM researcher suggests:

- All laws, by-laws, and official documents on the website (<https://matsne.gov.ge/>) should be made available free of charge;
- The Legislative Herald should publish the schedule of parliamentary hearings on draft laws so that people are able to directly and regularly participate in the law-making process;
- The Georgian Government should provide stronger support to ensure that the website (<https://matsne.gov.ge/>) is made more comprehensive and accessible, in the spirit of the original commitment.<sup>56</sup>

<sup>52</sup> Legislative Herald of Georgia, <https://matsne.gov.ge/>

<sup>53</sup> Information on the commonly agreed criteria was not provided to the IRM researcher.

<sup>54</sup> Joni Kvinikadze, Legislative Herald, interview with the IRM researcher, 23 September 2013.

<sup>55</sup> Kvinikadze, interview, September 2013.

<sup>56</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

### 3.3. Citizens and Justice

*In 2011, Georgian citizens were granted with a much-needed opportunity to take part in the administration of justice through fulfilment of their jury duties. Currently jury trials are being conducted solely in the capital and covering only one type of a crime. Georgia plans to expand jury trials both geographically and according to the scope of their application.*

*Timeline: Implementation is ongoing and will continue throughout next two years*

*Responsible Agency: Ministry of Justice, Supreme Court*

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	Supreme Court				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	None				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
						√
Ambition						
New vs. pre-existing Pre-existing				Potential impact		
				None (The commitment maintains the status quo.)		
Level of completion						
Start date: 2012		End date: 2014	Actual completion		Complete	
			Projected completion		Substantial	
Next steps						
None. Completed implementation						

#### What happened?

This commitment has been completed, albeit with some technical challenges still to overcome. Specifically, some people randomly chosen to serve as jurors did not speak Georgian; or did not have a fixed residency, which resulted in a smaller number of available jurors than expected.<sup>57</sup>

### Did it matter?

All stakeholders agreed that this commitment is not very relevant to the core values of the OGP. The Georgian Government plans to remove it from the commitments of the new action plan, which is currently under development.<sup>58</sup>

### Moving forward

Although the commitment is complete, stakeholders believe it is not relevant to the OGP and, therefore, should be discontinued. The IRM researcher recommends that the commitment not be included in the next action plan.

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<sup>57</sup> Mamuka Akhvlediani, Tbilisi City Court, interview with the IRM researcher, 26 September 2013.

<sup>58</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013; Rusudan Mikhelidze, Ministry of Justice Analytical Department, interview with the IRM researcher, 3 October 2013.

### 3.4. Transparent Party Financing

In 2011 Georgia adopted completely new framework for political party financing that was endorsed by the Venice Commission. The new framework allows citizens to observe where the finances of political parties come from. The System will ensure transparency of party financing. Financial declarations of political parties and the information about contributors will be open to public.

Timeline: Implementation will be started in 2012 and will continue throughout next two years

Responsible Agency: Chamber of Audit

Commitment Description						
Answerability	Lead institution	Supreme Audit Institution (former Chamber of Audit)				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	Non e
		√				
Ambition						
New vs. pre-existing Pre-existing		Potential impact				
		Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)				
Level of completion						
Start date: 2012		End date: 2014	Actual completion		Complete	
			Projected completion		Substantial	
Next steps						
Further work on basic implementation						

#### What happened?

The implementation of this commitment started in 2012, before the adoption of the OGP action plan, and was completed before the assessment period since the Supreme Audit Institution (formerly the Chamber of Audit) started publishing financial declarations of all

political parties and information about their election campaign contributors in January 2012. They also created standardised forms for political parties to provide different types of data on their income, expenditures, and financial transactions.<sup>59</sup>

### **Did it matter?**

The stakeholders assess the completion of this commitment as an important step forward to prevent corruption in Georgia's party financing system.<sup>60</sup>

### **Moving forward**

The main recommendation to the Supreme Audit Institution is for them to start publishing all party finance data in open data formats that are easier to use.<sup>61</sup>

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<sup>59</sup> Supreme Audit Institution of Georgia, <http://sao.ge/monitoring-service-of-finance/declaration/declaration-forms>

<sup>60</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>61</sup> Ibid; Mathias Huter, TI Georgia, interview with the IRM researcher, 17 October 2013.

## 4. INNOVATION FOR EFFICIENT SPENDING

### 4.1. Home-grown Concept of E-procurement

Before 2003 public procurement was the safe haven of corrupt agreements in Georgia. This system was abandoned and a new platform for public procurement was introduced: [www.procurement.gov.ge](http://www.procurement.gov.ge). Public procurement can be conducted exclusively online. There is zero possibility of corruption as the bidding process is being carried out online on the web-site and any interested party can follow it. The competitiveness is fully guaranteed. In order to maximise transparency, a Dispute Resolution Board was created with civil society being equally represented together with public officials. This innovative approach gave the State the possibility to save 202 million GEL of public money that amounts to 14% of the procurement budget. It is planned to further fine-tune the system and find new ways of balancing criteria of price and quality and improve the analytical module of the system. The Georgian Government uses an online platform and online bidding for auctions as well: [www.eauction.ge](http://www.eauction.ge). The principles are the same: full transparency, accessibility and equal competition. It is envisaged to make the e-auction system more user-friendly.

Timeline: Implementation is on-going and will continue throughout next two years

Responsible Agency: Competition and State Procurement Agency

Commitment Description						
Answerability	Lead institution	Competition and State Procurement Agency				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	OGP grand challenges	Increasing public integrity, more effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√		√		
Ambition						
New vs. pre-existing Pre-existing			Potential impact			
			Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)			
Level of completion						
Start date: 2012		End date: 2014		Actual completion	Complete	
				Projected completion	Substantial	
Next steps						
Further work on basic implementation						

### What happened?

This is another commitment of the Georgian Government that pre-existed OGP and has been completed. Some aspects related to balancing the price and quality criteria still need to be addressed. Since December 2010, the online e-procurement system with 19,000 registered users ([www.procurement.gov.ge](http://www.procurement.gov.ge)),<sup>62</sup> has hosted public tenders worth GEL 4 billion. As a result, the government has saved more than GEL 500 million. Over the years, this system has been complemented with additional tools, making it easier for the users to search for the available data. The Competition and State Procurement Agency also created the analytical module with useful filters to categorise all tenders and identify suspicious cases of misuse of public funds.<sup>63</sup>

### Did it matter?

The stakeholders think that Georgia's e-procurement system is quite an ambitious undertaking and could be considered a "global best practice" that many other countries can build upon to fight corruption in public expenditures.<sup>64</sup> Nonetheless, they put forward a number of recommendations to further refine the existing system.

### Moving forward

The IRM researcher agrees with the following stakeholders recommendations:

- Publish the tenders of public agencies or state-owned entities that currently are exempt from the e-procurement system but that pertain to significant public functions (e.g., the Government's and President's Reserve Funds, Georgian Railways, and the Partnership Fund);<sup>65</sup>
- The government should avoid bias and discrimination by balancing the lowest price requirement with other requirements such as the quality of a product procured or the expertise and experience of a supplier;<sup>66</sup>
- The Competition and State Procurement Agency should think about creating an Application Programming Interface (API) to allow interested organizations to do more detailed searches for accountability purposes. This would prevent organizations from creating their own versions of the government's official data, e.g. TI Georgia's website of e-procurement data (<http://tendermonitor.ge/en>).<sup>67</sup> An API could foster innovation. It also could improve the government's efforts to decrease unemployment. For instance, users could create intermediary applications on the website (<http://procurement.gov.ge>) through which people would be able to find jobs or start businesses.<sup>68</sup>

<sup>62</sup> Competition and State Procurement Agency of Georgia, <http://bit.ly/1eEBovb>

<sup>63</sup> David Marghanian, "Everyone Sees Everything, Competition and State Procurement Agency" (presentation slides, Tbilisi, 2013).

<sup>64</sup> Huter, interview, October 2013; Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>65</sup> TI Georgia, *Georgia's Public Procurement System*, by TI Georgia (Report, Tbilisi, June 2013), <http://bit.ly/1akglCv>

<sup>66</sup> TI Georgia, *Georgia's Public Procurement System*, <http://bit.ly/1akglCv>

<sup>67</sup> "Tender Monitor," TI Georgia, <http://tendermonitor.ge/en>

<sup>68</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013; Huter, interview, October 2013.



## 4.2. E-declarations

Civil servants are under the obligation to submit their financial declarations on the web-site [www.declaration.ge](http://www.declaration.ge) where they are available to the public. The Georgian Government will improve the existing system and introduce new monitoring mechanism.

Timeline: Implementation is on-going and will continue throughout next two years.

Responsible Agency: Civil Service Bureau

Commitment Description						
Answerability	Lead institution	Civil Service Bureau				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√		√		
Ambition						
New vs. pre-existing New			Potential impact			
			Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)			
Level of completion						
Start date: 2012		End date: 2014	Actual completion		Limited	
			Projected completion		Substantial	
Next steps						
Further work on basic implementation						

### What happened?

The level of completion of the commitment during the assessment period was limited, despite the fact that CSOs consider this commitment to be very important. Specifically, the

government had not implemented the monitoring mechanism to verify the content provided in the public officials' asset declarations.

### Did it matter?

The IRM Researcher interviewed the representatives of Civil Service Bureau (CSB), a legal entity of public law (LEPL) under the MoJ that is responsible for this commitment. In the interview, the representatives said that there should be an independent entity in charge of monitoring the asset declarations. They believed that an LEPL Financial Monitoring Service would be the most suitable entity to assume this function.<sup>69</sup> The CSB is actively collaborating with the Personal Data Protection Inspector to develop an agreement on the depth of monitoring so that public officials' privacy rights are upheld. The CSB also is working closely with foreign experts from the World Bank on the method of monitoring.<sup>70</sup> They are considering using a random selection method in which the system will choose 100 declarations to be monitored out of a total of 3,000 declarations. In parallel, the CSB will check the declarations of public officials who are reportedly implicated in corrupt activities. In such cases, the relevant law enforcement agencies also will be involved in the investigation.<sup>71</sup> The stakeholders think that a legal framework that clearly defines the responsibilities of all government agencies, provides for autonomous oversight mechanisms, and enables societal actors is fundamental to any monitoring system's effective implementation.<sup>72</sup>

### Moving forward

Following the assessment period, some important developments in this area are underway. There has been a great deal of activity to move this commitment forward. Specifically, under the legal amendment initiated by the CSB and the MoJ in September 2013, new categories of public officials (approximately 500 people) are now obliged to submit their asset declarations to the CSB. These public officials include mid-level ministerial staff, heads and deputy heads of LEPLs, and directors of companies that are fully owned by central or local governing bodies.<sup>73</sup> CSOs have suggested an expansion of this list to include all members of local governing bodies.<sup>74</sup> In addition, the CSB is going to develop detailed provisions for whistle-blower protections, which will be included in the Conflict of Interests and Corruption in Public Service Law.<sup>75</sup> They also plan to work on the issue of public ethics, possibly issuing ethics guidelines for all public servants or adopting a binding Code of Ethics. The IRM researcher recommends revising this commitment according to the suggestions of stakeholders, with a guarantee to improve implementation in the next action plan.

<sup>69</sup> Maka Kurtanidze, Civil Service Bureau, and Tamta Tsotskhalashvili, Civil Service Reform and Development Department, interview with the IRM researcher, 26 September 2013.

<sup>70</sup> Kurtanidze and Tsotskhalashvili, interview, September 2013.

<sup>71</sup> Kurtanidze and Tsotskhalashvili, interview, September 2013; Tamta Tsotskhalashvili, "Implementation of Asset Declarations' Monitoring System in Georgia" (presentation slides presented at the Civil Service Bureau, Tbilisi, Georgia, 1 October 2013).

<sup>72</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>73</sup> Tsotskhalashvili, "Implementation of Asset Declarations' Monitoring System in Georgia" (presentation slides, October 2013).

<sup>74</sup> Erekle Urushadze, "The List of Public Officials Filing Asset Declarations Needs to Expand," Blog,

TI Georgia, 8 October 2013, <http://bit.ly/1akhudt>

<sup>75</sup> Government of Georgia, "Law of Georgia on the Conflict of Interests and Corruption in Public Service," Parliamentary Gazette, 12 June 1998, <http://bit.ly/1gBFFZj>

## 5. Technology Cares for Safety: ICCMS, Crime Mapping, and Safety in Your Neighbourhood

Safety of the citizens is one of the top priorities for Georgia. Considerable work was done in this direction. According to 2011 EU Crime and Security Survey, 70% of Georgian citizens feel safe and 95% are not worried about crimes. In 2011, a dedicated team developed an Integrated Criminal Case Management System- ICCMS, which made criminal procedure paper-free. Investigation and prosecution stages are integrated into an electronic case management system. Pieces of evidence are also electronic. The e-statistics of crimes will be built on the basis of ICCMS, ensuring that the data is fully concise and comprehensive. Significant efforts must be undertaken to improve the system. Introducing Business Intelligence solutions for better analysis of the rich statistical and criminological database is among the identified goals. Georgia will set up the system for crime mapping, which gives the police an efficient tool to monitor the geographic distribution of crimes and undertake tailored preventive measures targeting specific areas. The Government aims at implementing the "Safety in Your Neighbourhood" project. Individuals will be able to communicate with their local prosecutors' offices online and inform them about general or specific problems in their neighbourhood.

Timeline: Implementation of the ICCMS is on-going and will continue throughout next two years. Implementation of crime mapping project and "Safety in Your Neighbourhood" will be started in 2012

Responsible Agency: Ministries of Justice and Internal Affairs, Supreme Court

Commitment Description						
Answerability	Lead institution	Ministries of Justice				
	Supporting institutions	Ministry of Internal Affairs, Supreme Court				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges	Creating safer communities				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√			√	
Ambition						
New vs. pre-existing			Potential impact			
New			Transformative (The commitment entails a reform that could potentially transform "business as usual" in the relevant policy area.)			

Level of completion			
Start date: 2012	End date: N/A	Actual completion	Not started
		Projected completion	Substantial
Next steps			
Revision of the commitment to be more achievable or measurable			

### What happened?

This commitment, which many think is quite ambitious, was not met during the assessment period. Since the end of 2012, the Prosecutor's Office in the MoJ, the Ministry of Internal Affairs (MIA), and the Supreme Court have ceased to jointly use an Integrated Criminal Case Management System (ICCMS) because the Supreme Court started implementing its own electronic system for criminal case management. In the future, the Supreme Court's new system is going to replace the ICCMS and be integrated with respective systems of the Prosecutor's Office and the MIA.<sup>76</sup> As for the system for crime mapping project, the Information Technology (IT) Department of the MoJ developed software for visualizing crime statistics on a map. However, they had not purchased GPS devices, necessary for piloting this system, for criminal agencies. The total cost would amount to approximately 70,000-80,000 USD.<sup>77</sup> Moreover, the Prosecutor's Office had not launched the Safety in Your Neighbourhood project, which originally was supposed to start in 2012.

### Did it matter?

The IRM researcher interviewed public officials who think that the common problem across all these technology-based safety projects is the lack of coordination between the responsible agencies. According to the interviewees, there needs to be a clearer division of labour, clearer timelines, and, most importantly, strong willingness and support from the Supreme Court authorities.

### Moving forward

According to the stakeholders, technology-based safety projects are important. But it would be much more useful to have comprehensive e-crime statistics available in open data formats. Unfortunately, e-crime statistics have not been made available upon public request.<sup>78</sup> The IRM researcher recommends reformulating this commitment to better specify its relation to the OGP value of technology and innovation (for openness and accountability). A clear articulation and reformulation should incorporate how a technology-based intervention for crime mapping and neighbourhood safety enhances government transparency, accountability and public participation. A clear statement of the role and function of each participating government agency as well as specific outputs and time frames are needed to better assess the commitment's implementation.

<sup>76</sup> Davit Alaverdashvili, Ministry of Internal Affairs, interview with the IRM researcher, 25 September 2013; Akhvlediani, interview, September 2013.

<sup>77</sup> Mikhelidze, interview, October 2013.

<sup>78</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

## 6. NGO Forum

As it was mentioned above, the Georgian Government gives utmost importance and attention to the cooperation with the civil society. Leading national and international NGOs are members of Inter-Agency Coordination Council on Anti-Corruption and Good Governance. Additionally, within the framework of the OGP initiative, the Government will work closely with the non-governmental organisations: NGO Forum will be created to support and monitor the implementation of Georgia's commitments delivered in this Action Plan.

*Timeline: Meetings of NGO Forum members will be held once in a month*

*Responsible Agency: Analytical Department of the Ministry of Justice*

Commitment Description						
Answerability	Lead institution	Analytical Department of the Ministry of Justice				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√	√			
Ambition						
New vs. pre-existing New			Potential impact			
			Transformative (The commitment entails a reform that could potentially transform “business as usual” in the relevant policy area.)			
Level of completion						
Start date: N/A		End date: N/A		Actual completion	Limited	
				Projected completion	Complete	
Next steps						
Further work on basic implementation						

### What happened?

The commitment's implementation was stopped abruptly. The MoJ's Analytical Department started to implement this commitment when the OGP action plan was submitted in April 2012. However, they stopped implementing it in November 2012.

### Did it matter?

The NGO forum failed to directly impact the implementation of the action plan. Of the eight member organisations of the NGO forum, four of them mostly attended meetings (TI Georgia, IDFI, Georgian Young Lawyers' Association (GYLA), and JumpStart Georgia). These four organisations played a key role in the OGP consultation process. Other local CSOs had little knowledge or interest in participating in those working meetings, which turned the forum into an exclusive club of leading experts only.<sup>79</sup> Furthermore, due to the lack of clear objectives, terms of reference or promotion, the NGO forum failed to have any real impact on decision making. Following the parliamentary elections of October 2012, the MoJ stopped hosting the NGO forum meetings. Currently, cooperation between the government and civil society regarding OGP is spontaneous and unstructured, primarily taking place in the form of a few, occasional roundtables and conferences.

### Moving forward

The stakeholders think that it is necessary to have a coordination mechanism for the OGP in Georgia, which should take a more structured form than its predecessor and be based on clear terms of reference that define the roles and responsibilities of all participants.<sup>80</sup> According to the representative of the MoJ, the monitoring and assistance in the implementation of the action plan should be the main function of this proposed coordination mechanism. It should have chair and deputy chair positions in charge of coordinating the discussions.<sup>81</sup> The IRM researcher recommends the following:

- In the spirit of OGP, the coordination meetings should be more open and expanded to include representatives from responsible public agencies, sectoral NGOs, media, businesses, donor community and academia;
- The agenda and any documents that need to be reviewed by the stakeholders should be circulated at least a week before the coordination meetings;
- A person should be in charge of drafting the meeting notes and publishing them online so that everyone knows what is happening in OGP;<sup>82</sup>
- The MoJ's Analytical Department, the agency responsible for this specific commitment, should take the lead in coordinating and implementing these new reforms, while the Executive should take the lead in governance and oversight;<sup>83</sup>
- CSOs should also be more proactive in pushing for reforms and proposing new ideas to the government. The MoJ representatives interviewed by the IRM Researcher see great value in building on the expertise of CSOs and having more innovative ideas coming from them on different aspects of the OGP.

<sup>79</sup> TI Georgia, *Open Governance in Georgia – Achievements and Challenges*, <http://bit.ly/1dqB9hL>.

<sup>80</sup> Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>81</sup> Mikhelidze, interview, October 2013.

<sup>82</sup> TI Georgia, *Open Governance in Georgia – Achievements and Challenges*, <http://bit.ly/1dqB9hL>; Two Tbilisi Stakeholder Meetings, 25-27 September 2013.

<sup>83</sup> Lina Panteleeva, Democracy and Governance Office of USAID/Caucasus, interview with the IRM researcher, 8 October 2013.

## V. SELF-ASSESSMENT CHECKLIST

This section provides a brief overview of the government's self-assessment process of its action plan.

As of 1 November 2013, the Georgian government had not published its self-assessment report on the implementation of the Open Government Partnership (OGP) action plan. This self-assessment was due 30 September 2013.

**Table 2. Self-Assessment Checklist**

Was an annual progress report published?	No
Was it done according to schedule?	NA
Is the report available in the local language?	NA
According to stakeholders, was this adequate?	NA
Is the report available in English?	NA
Did the government provide a two-week public comment period on draft self-assessment reports?	NA
Were any public comments received?	NA
Is the report deposited in the OGP portal?	NA
Did the self-assessment report include review of the consultation efforts?	NA
Did the report cover all of the commitments?	NA
Did it assess completion according to schedule?	NA
Did the report reaffirm responsibility for openness?	NA
Does the report describe the relationship of the action plan with grand challenge areas?	NA

## VI: MOVING FORWARD

This section puts the OGP action plan into a broader context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

### Country Context

In accordance with the Independent Review Mechanism's (IRM) research guidelines, this section considers important activities that are not included in Georgia's Open Government Partnership (OGP) action plan but are relevant to its participation in OGP and to the OGP values in general.

In May 2012, Georgia adopted a Law on Personal Data Protection, which introduced the authority of the Personal Data Protection Inspector. The main tasks of the Inspector include:

- Providing instructions on how to protect personal data;
- Reviewing public complaints;
- Checking how different public and private entities are complying with the law;
- Raising public awareness on the subject.

Beginning in 2016, the Inspector will have the power to impose sanctions on entities and individuals who are implicated in unlawful collection or processing of data.<sup>84</sup> This is an important new mechanism for increasing public integrity and accountability in privacy protection issues. However, important categories of data are exempted from the law, including data collected for the purposes of national security, defence, criminal investigations, and court proceedings. According to Transparency International Georgia (TI Georgia), this might make it a challenging task for the Inspector to conduct effective monitoring of the Ministry of Internal Affairs' (MIA) surveillance activities, for instance, which in the past have included illegal wiretapping, Internet traffic monitoring, and audio and video surveillance without legally required court orders.<sup>85</sup>

In May 2013, based on the recommendations of the Coalition for an Independent and Transparent Judiciary,<sup>86</sup> new amendments to the Organic Law on Common Courts entered into force with the aim of increasing the transparency and accountability of the Georgian judiciary.<sup>87</sup> Under these new amendments, the courts are obliged to allow audio, photo and video recording of trials, and they must provide these records to the public upon request. The law also requires judges, representatives of academia, and civil society organisation (CSO) representatives to be part of a Disciplinary Board in charge of reviewing complaints and deciding on cases concerning the conduct of judges. Furthermore, the decisions of the Disciplinary Board have to be published on the official website of the High Council of Justice,<sup>88</sup> a supreme body responsible for the administration of justice in Georgia.<sup>89</sup> These amendments have received a great deal of support from CSOs that in the past had difficulties accessing certain important data from the courts.<sup>90</sup>

### Current plan: Stakeholder priorities

Thanks to the efforts of the few CSOs who were involved with the government in preliminary consultations, the information about the development of the OGP action plan in Georgia was spread to more CSOs. By pooling their resources, CSOs were able to influence the government's initial plan and make Georgia's final action plan more compatible with core principles and objectives of OGP. While building on the government's pre-existing reforms, the action plan also includes a number of new OGP-specific commitments on public



participation. In addition, the action plan provides information about responsible agencies for each of the commitments and specific deliverables and timelines for each achievement.<sup>91</sup> With generally positive reflections, CSOs think that the action plan contains realistic commitments and that implementation is a question of the government's will, rather than a question of its resources and capacity. CSOs' two main criticisms are that the government has committed to what they had already planned to do before joining the OGP, and that these commitments fall short of raising the profile of open data and public participation, essential elements of OGP.

According to the Director of the Ministry of Justice (MoJ) Analytical Department, the action plan is fully in line with the core OGP values and aims to address four of the OGP's five "grand challenges": improving public services, increasing public integrity, more effectively managing public resources, and creating safer communities.

In response to the CSOs' criticism, the Director of MoJ's Analytical Department said, "There is nothing wrong with including pre-existing commitments in the action plan. On the contrary, the action plan is promoting these commitments at the international level." While acknowledging the challenges related to open data and public participation, according to the official, the government's practical focus on services and technologies that are benefiting many citizens aims to strike the necessary balance between government activities and societal demands.<sup>92</sup>

The MoJ official stated that the action plan could be more specific in dividing tasks between the responsible agencies and in setting clear benchmarks and timeframes to allow for effective monitoring and evaluation. Along with improper budget planning, resource mobilization and lack of coordination, these could be the main reasons for the government's failure to launch the online platform for e-petitions (ichange.ge). On a positive note, the Government Decree of 9 July 2013 and the preparations for adopting a new action plan have shown that the authorities are resolute in their commitment to address the problems with the first action plan.

#### **Future plan: Stakeholder priorities**

Stakeholders think the following about the future action plan:

- It should have a vision of the "grand utopia" of what Georgian open government is going to look like and what it means to live in a completely open government;<sup>93</sup>
- It should have commitments that provide citizens with more choices about what information and services they want to receive from the government and that explain how their lives can benefit from these commitments;
- The commitments should be more specific, action-oriented commitments that have clear timelines and targets to allow for better assessment of progress;
- The government should provide contextual information on how the action plan commitments respond to public feedback generated through preliminary consultations;
- The government should publish information in open and user-friendly formats, and it should identify new, innovative ways for increasing public participation in decision making.

#### **Overcoming Challenges: Role of Non-state Actors**

In Georgia, there is a lack of culture of and demand for civic activism and volunteerism in the public. The void hinders the implementation of core OGP values, such as public participation in decision making. Most of the citizens or civil society groups, especially in

rural areas, have no time or capacity to consistently engage in the development of policies that they think have no direct effect on their professional or personal lives. Thus, it is important that the media and civil society become actively involved in raising awareness and showing the concrete benefits of public participation in policy-making processes.

Apart from the media and the civil society, multilateral donors also have an important role to play in helping the government be more open. This is especially true given the reality that Georgian authorities are more sensitive to the scrutiny from international donors than from local CSOs. For instance, the World Bank and USAID could offer the government their useful guidance on open data standards by, among other things, offering their own data disclosure policies as examples of best practices.<sup>94</sup>

The donors could also help build the technological capacity of local CSOs to enable them to monitor the implementation of certain important aspects of OGP. For instance, issues related to open data, website development, and informational security require a high level of technical knowledge and expertise that only a handful of CSOs in Georgia have managed to develop. Less technologically savvy CSOs are at a disadvantage and are discouraged from participating in OGP discussions out of fear that they will not understand a specific technical issue under consideration. For instance, of all NGO forum members, only TI Georgia, GYLA, IDFI and Jumpstart Georgia regularly attended the meetings and provided feedback to the MoJ. The lack of knowledge, proficiency or interest in OGP on the part of other CSOs is a serious challenge to engaging a broader spectrum of civil society in OGP consultations, monitoring, or awareness-raising activities.<sup>95</sup>

### Recommendations

Based on the findings of this report, the IRM researcher offers this list of recommendations to the government, CSOs, and donors for improving Georgia's performance in OGP:

- The government must have a vision of what open governance means in the Georgian context and in what concrete ways it will benefit the Georgian public;
- The government, in close collaboration with the media and the civil society, should conduct nationwide campaigns, with a focus on rural areas, to raise awareness about Georgia's participation in OGP and the specific commitments of the national action plan;
- During the development of the next action plan, the government should ensure that preliminary consultations are inclusive and that clear and easily accessible mechanisms generate wider public feedback;
- Regarding specific commitments, the government's should focus mainly on providing citizens with more choices about what information and services they want to receive, publishing public information in open and user-friendly formats, and identifying new, innovative ways of increasing public participation in decision making;
- Future commitments should be more specific and action-oriented with clear timelines and targets to allow for a better assessment of the progress made. The government should also provide contextual information on how these commitments respond to public feedback generated through preliminary consultations;
- The government should see it as a public good to release more sector-specific datasets, for instance, in the fields of energy, environment, and geology. Apart from improving the transparency standards domestically, sector-specific datasets would kindle the interest of key international groups of investors, tourists, and scientists, who are likely to benefit the country's economy through their activities;

- Better coordination and networking between local CSOs is required to generate new ideas on how to improve Georgia's performance in the OGP, to assist the government in the implementation of specific commitments, and to conduct regular oversight and awareness-raising activities;
- International donors should do more to provide the government with their expertise and assistance in improving data disclosure standards and creating more accessible public websites. They can also help build the capacity of CSOs that are not heavily involved in OGP so that they are able to engage consistently with core stakeholders and to monitor how the government is complying with OGP requirements.

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<sup>84</sup> Government of Georgia, "Law on Personal Data Protection," Legislative Herald of Georgia, 25 May 2012, <http://bit.ly/1iKjCfj>

<sup>85</sup> TI Georgia, "What You Need to Know about the New Personal Data Protection Inspector," Blog, TI Georgia, 3 September 2013, <http://bit.ly/1hkBlSD>

<sup>86</sup> Coalition for an Independent and Transparent Judiciary, *The Judicial System in Georgia*, (Report, 2012), <http://bit.ly/1gCsgQl>

<sup>87</sup> Government of Georgia, "Organic Law on Common Courts," Legislative Herald of Georgia, 21 July 2010, <http://bit.ly/1aiTWsz>

<sup>88</sup> High Council of Justice of Georgia, <http://bit.ly/1iw4ji8>

<sup>89</sup> High Council of Justice of Georgia, <http://bit.ly/1iw4ji8>

<sup>90</sup> "Analysis of the New Judiciary Reform," TI Georgia, 27 February 2013, <http://bit.ly/1k6LdL4>;

"Judiciary after Parliamentary Elections 2012," TI Georgia, 25 July 2013, <http://bit.ly/1cSmqrR>

<sup>91</sup> Georgia, *The Open Government Partnership (OGP): National Action Plan*. (Tbilisi: Georgia, 1 April 2012), <http://bit.ly/19nOI08>

<sup>92</sup> Mikhelidze, interview, October 2013.

<sup>93</sup> Two Tbilisi stakeholder meetings, 25-27 September 2013.

<sup>94</sup> Panteleeva, interview, October 2013.

<sup>95</sup> TI Georgia, *Open Governance in Georgia – Achievements and Challenges*, <http://bit.ly/1dqB9hL>

## ANNEX: METHODOLOGY

As a complement to the government self-assessment, well-respected governance researchers write an independent assessment report, preferably from each OGP participating country.

The governance researchers use a common Open Government Partnership (OGP) independent report questionnaire and guidelines<sup>96</sup> based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is to be shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review 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 Independent Review Mechanism (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 local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

### Stakeholder Selection

The main criterion for selecting key stakeholders in Georgia for the first stakeholder meeting was to consider the degree of their involvement in the OGP action plan development and implementation process. For the second stakeholder meeting, the IRM Researcher invited civil society organisation (CSO), media, business, and academia representatives who were not heavily involved in or who were unaware of Georgia's participation in OGP. Unfortunately, only four participants, two from CSOs and two from universities, came to the meeting. This demonstrated the low interest in and/or awareness about OGP among wider segments of the Georgian society.

The public officials were selected for interviews based on the specific action plan commitments that were assigned to their respective agencies. It should be noted that all stakeholders interviewed were keen to provide their feedback and agreed to disclose their names for the report. After the interviews, some of them emailed additional useful materials to the IRM researcher.

### Stakeholder Meeting One

The first stakeholder meeting was held on 25 September 2013 at the premises of Transparency International Georgia (TI Georgia). Nine people attended from the following six organizations: TI Georgia, IDFI (Institute for Development of Freedom of Information), Georgian Young Lawyers' Association (GYLA), JumpStart Georgia, Human Rights Education and Monitoring Center (EMC), and Management Systems International (MSI). In the meeting, the IRM researcher made a general presentation on the OGP and then discussed each of the commitments in Georgia's action plan. The meeting lasted two hours, during

which all stakeholders expressed their views and opinions and provided meaningful contributions.

#### **Stakeholder Meeting Two**

On 27 September 2013, the IRM researcher held the second stakeholder meeting, also at the premises of TI Georgia. Four people attended from CSOs and universities, including from the Center for Strategic Research and Development of Georgia (CSR DG), the Civil Development Agency (CiDA), Tbilisi State University, and the Georgian Institute of Public Affairs. The meeting lasted for one hour and followed the same pattern as the previous meeting. This time, however, the IRM researcher spent more time explaining the commitments to the attendees and actively initiating discussion.

#### **Interviews**

In addition to stakeholder meetings, the IRM researcher also held 11 individual interviews with 14 public officials, and two representatives of USAID and TI Georgia. Of the 11 interviews, ten were conducted face-to-face and one was conducted by phone with the official from the Ministry of Labour, Health and Social Affairs of Georgia. In each of those interviews, the IRM researcher's main focus was on finding the level of completion of the action plan commitments, including questions about challenges and difficulties as well as future plans. Finally, the IRM researcher reviewed all relevant documents, reports, and statements on the subject matter.

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<sup>96</sup> Full research guidance can be found at <http://bit.ly/120SROu>