

Independent Reporting Mechanism (IRM): Lithuania Design Report 2018–2020

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Table of Contents

Executive Summary: Lithuania	2
I. Introduction	5
II. Open Government Context in Lithuania	6
III. Leadership and Multi-stakeholder Process	8
IV. Commitments	12
1. Create an open data portal and integrate it into the European digital single market	14
2. Strengthen civic society through the development of non-governmental organizations ('NGO') database and NGO fund	16
3. Publicize information on revenue and expenditure of state and municipal institutions in the electronic environment	19
4. Develop a model for transferring public services to NGOs and communities and encouraging its implementation	21
5. Carry out consistent monitoring and evaluation of public participation in governance	23
6. Introduction of ex post evaluation in a legislative process cycle	25
V. General Recommendations	28
VI. Methodology and Sources	31
Annex I. Overview of Lithuania's performance throughout action plan development	33



Executive Summary: Lithuania

Commitments in Lithuania’s fourth action plan mostly build on previous initiatives and seek to improve transparency of the public sector and the quality of public services, among others. Notable commitments include creating an open data portal and strengthening the NGO Fund. The Office of the Government developed the action plan with close engagement with civil society. Moving forward, the Office of the Government could better engage with the wider multi-stakeholder forum and provide stakeholders with better feedback on proposals gathered during public consultations.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Lithuania joined OGP in 2011. Since then, it has implemented three action plans. This report evaluates the design of Lithuania’s fourth action plan.

General overview of action plan

Lithuania enters its fourth action plan with decreasing levels of corruption and fewer citizens paying bribes to get public services. The fourth action plan aims to address deficiencies in open data, manage low levels of public participation in decision-making processes, and improve the environment of nongovernmental organizations (NGOs).

To develop the fourth action plan, the Office of the Government launched a multi-stakeholder forum and formed a new OGP working group. Two working group meetings were held in which commitment proposals were actively discussed. However, the Office of the Government did not provide stakeholders with a summary of how proposals submitted during the co-creation process were incorporated into the final action plan.

Four of six commitments in Lithuania’s fourth action plan are carried forward from the previous action plan to continue their implementation. Notable commitments include those creating an open data portal to integrate into the European digital market (Commitment 1) and an NGO fund and database (Commitment 2).

Table 1. At a glance

Participating since: 2011
Action plan under review: 4
Report type: Design
Number of commitments: 6

Action plan development

Is there a multi-stakeholder forum? Yes
Level of public influence: Involve
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 6 (100%)
Transformative commitments: 1 (17%)
Potentially starred commitments: 1 (17%)

Action plan implementation

Starred commitments: N/A
Completed commitments: N/A
Commitments with Major DIOG:* N/A
Commitments with Outstanding DIOG:* N/A

*DIOG: Did It Open Government?



Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
<p>1. Create an open data portal and integrate it into the European digital single market</p> <p>Create a centrally managed open data portal for government-held data and prepare draft legislation for open data operations.</p>	<p>The government could consult civil society stakeholders to prioritize which data to open and build partnerships with other public-sector institutions to increase the possibility of success.</p>	<p>Note: this will be assessed at the end of action plan cycle.</p>
<p>2. Strengthen civic society through the development of NGO database and NGO fund</p> <p>Establish an NGO database and create an NGO fund to centrally finance NGOs.</p>	<p>The NGO fund and database have been carried forward from the previous plan. If they remain incomplete at the end of the fourth action plan cycle, the government should assess the reasons for not achieving these goals within the deadlines.</p>	<p>Note: this will be assessed at the end of action plan cycle.</p>

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five Key IRM Recommendations

Empower the members of the multi-stakeholder forum with some level of decision making, rather than only informing them.
Provide stakeholders and the public with a written summary of how proposals gathered during public consultations are incorporated into the final action plan, including justifications for why proposals are not incorporated.
Proactively engage stakeholders from public-sector institutions and ensure they know their role when implementing the commitment.
Have a clear goal, with a clearly defined audience, for every seminar and training.
Identify the criteria that could indicate the achievement of the commitments and measure their success.

ABOUT THE AUTHOR

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



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Lithuania joined OGP in 2011. This report covers the development and design of Lithuania's fourth action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Rugile Trumpyte, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Lithuania

Lithuania is on a positive anti-corruption track, with lower levels of corruption and fewer citizens paying bribes to get public services. However, the country still has room for improvement regarding the provision of free citizen access to data and citizen engagement in the decision-making process.

In recent years, Lithuania has introduced various good-governance and anti-corruption reforms to join the Organization for Economic Cooperation and Development (OECD). Reforms were largely based on OECD recommendations to improve anti-corruption legislation, ensure whistleblower protection, and govern state-owned enterprises more effectively, among others.¹ In 2018, when those reforms were finalized, Lithuania became the 36th member of the OECD.² The move was welcomed publicly and encouraged citizens to seek whistleblower status for the first time in the country's history. Seven citizens who claimed to have reported corruption cases sought official protection, and four of them succeeded.³

Lithuania's National Anti-Corruption Program aims to reduce bribery levels according to several specific metrics.⁴ The Special Investigative Service, as the leading anti-corruption agency in Lithuania, regularly maps progress by surveying citizens, public officials, and businesspersons about their perceptions of and experiences with bribery. The Special Investigative Service released the newest data in March 2019, and the data shows significant improvement. For instance, in 2016 only 10 percent of Lithuanian residents thought corruption was decreasing, but in 2018, the number climbed to 22 percent. When asked about their actual experience, 12 percent of Lithuanian residents admitted to giving a bribe in the last year, while 24 percent had admitted doing so in 2014.⁵

While citizens perceive petty corruption levels to be going down, experts and business leaders do not see such progress. According to the global Corruption Perceptions Index, Lithuania has not achieved significant changes in the past four years. It steadily receives a score of 59 out of 100 every year.⁶

Most citizens in Lithuania still have low levels of awareness regarding the possibilities to participate in decision-making processes, and public consultations are rare. According to the Ministry of Interior, 58 percent of residents know that such possibilities exist, but they rarely use them.⁷ The same survey showed that neither municipal council members nor the heads of local communities believe people could influence the decision-making processes in practice.⁸ In addition, the latest evaluation of municipal websites shows that municipalities provide limited information about opportunities for citizens to participate—only 39 of 60 municipalities invited their residents to public consultations at least once in 2018.⁹ During the previous action plan period (2016-2018), the Office of the Government planned various seminars and conferences to encourage an open government culture in Lithuania's public sector.¹⁰

Recognizing this poor public involvement and the public sector's inability to engage with citizens, the Office of the Government proposed changes in March 2019 to ease the procedures for doing so. The changes would prolong the timeline to gather public feedback for legal acts proposed by the government.¹¹ Although these changes are not sufficient to significantly change the current practice, the proposal would give citizens and other interest groups more time to prepare their positions and to better plan their workflow.

Although the current Government Program aims to open public sector data, Lithuania still lags considerably behind other European Union countries.¹² The State Enterprise Centre of Registers (National Registry) has key information about the public sector, business, and nongovernmental organization performance, but it is not available to the public unless purchased. In 2018, the Office of the Government refused to release the audio recordings of a meeting in which the ministers discussed giving the media free access to National Registry data.¹³ Lithuanian journalists opened a court case against the government for the refusal, but the court ruled in favor of the government in March 2019.¹⁴

Lithuania's fourth action plan addresses the issues raised above, focusing on the same areas as previous plans: limited open data available to the public, low levels of public participation in decision-making processes, and the operating environment of NGOs. The former and current action plans introduce new tools to achieve a more consistent policy on public-sector openness by creating a new open data portal, providing concrete guidelines to encourage public consultations, and tracking the performance of public sector institutions to evaluate how well they follow the recommendations. While positive steps, the corresponding commitments do not seek systematic change in how the public sector engages its citizens. For this reason, the scope of the action plan is feasible and might be implemented in a two-year cycle. However, it is not adequate enough to overcome the challenges the country faces regarding citizen engagement.

¹ Organization for Economic Cooperation and Development, *Roadmap for the Accession of Lithuania to the OECD Convention*, July 2015, <https://goo.gl/GKdFmu>.

² Organization for Economic Cooperation and Development, *Roadmap for the Accession of Lithuania to the OECD Convention*, July 2015, <https://goo.gl/GKdFmu>.

³ "Seven Sought Whistleblower's Status, four Received," 15min.lt, <https://bit.ly/2uvjEtw>.

⁴ "National Anti-Corruption Program 2015–2015, XII–1537," Republic of Lithuania, <https://bit.ly/2HYLVR9>.

⁵ "Lithuanian Map of Corruption," Special Investigative Service, <https://www.stt.lt/lt/naujienos/?cat=1&nid=2961>.

⁶ "Corruption Perception Index 2015–2018," Transparency International, <https://www.transparency.org/research/cpi/overview>.

⁷ "Participation of Citizens When Making Decision on Local Level," representative survey, Ministry of Interior, 2016.

⁸ Ibid.

⁹ "Municipalities Became More Transparent," Transparency International Lithuania, 16 January\ 2019, <https://bit.ly/2FJ0tCL>.

¹⁰ Independent Reporting Mechanism (IRM): Lithuania End-of-Term Report 2016 – 2018, pg. 27

opengovpartnership.org/wp-content/uploads/2019/01/Lithuania_End-Term_Report_2016-2018_EN.pdf.

¹¹ "The Draft Decree of the Government to Change the Regulations of the Office of the Government," March 2019.

¹² European Commission, *Europe's Digital Progress Report*, 2017, <https://bit.ly/2IGS1HS>.

¹³ "Government Refuses to Release the Recording of Its Session Where They Cut Media Access to Data," 15min.lt, <https://bit.ly/2Ywulto>.

¹⁴ "The Court Decided Not to Satisfy Media's Demand," 15min.lt, <https://bit.ly/2HNKKV9>.

III. Leadership and Multi-stakeholder Process

The Office of the Government put more effort than before toward engaging the members of the working group in drafting the fourth action plan. However, the Office of the Government did not actively involve Lithuania’s multi-stakeholder forum in developing the action plan’s priorities for commitments or in discussing their political feasibility.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Lithuania.

The Office of the Government is the lead coordinating institution responsible for Lithuania’s OGP commitments. The Office assists the prime minister in implementing policies and coordinates activities of the ministries and other subordinate institutions in Lithuania. It does not, however, have the power to compel public-sector institutions to implement OGP commitments. The OGP action plan is developed under the decree of the chancellor and comes into effect after it is confirmed at the Government meeting.

In June 2018, the Office of the Government formed a new OGP working group. Its composition remained similar to the previous one: 11 public-sector representatives, three members from academia, and seven nongovernmental organization representatives. The Office of the Government discussed internally the possible candidates and sent invitations to select organizations. According to Erika Kasiliunaite, an officer at the Office of the Government, the Office aimed to invite the most qualified and best-known organizations working in different fields of public policy. The Office issued no open call to civil society members to become part of the working group.¹ This working group, though advisory, served as the main actor deciding on the commitments in the fourth action plan. The First Deputy Chancellor of the Government Deividas Matulionis leads the working group.

The government does not allocate special funding for OGP activities, beyond three employees working on OGP matters in the Office of the Government. (These employees also have other responsibilities.) There were changes in the staff coordinating OGP, but the overall number of employees remained the same.

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Lithuania **did not** act contrary to OGP process.²

Please see Annex I for an overview of Lithuania’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table 3.1: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.³ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

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

Multi-stakeholder forum

In March 2018, the Office of the Government launched a so-called multi-stakeholder forum (MSF) and in June 2018 formed a new OGP working group that was a separate entity. The government established the forum as an informal network of members who were expected to participate in the activities of the fourth action plan cycle.⁴ Although it carries the same name, the multi-stakeholder forum was not created in the spirit of OGP's MSF. At the time this report was written (March 2019), there were 188 forum members from civil society, academia, and the public and private sectors from different Lithuanian regions.⁵ The vast majority of forum members (144) were women.

The forum is open to anyone. To be a member, one must complete an online form,⁶ introduce oneself, and mark the expertise they are willing to share, as well as fields of interest. Every member gets a regular newsletter with upcoming events, public consultations, and roundtable meetings open to the public. However, the forum did not meet in person and was not proactively invited to take part in drafting the fourth action plan.

As stated by Erika Kasiliunaite, an officer at the Office of the Government, forum members were informed about the outcomes and were able to join open meetings to provide their opinions and expertise. However, according to Kasiliunaite, the working group served as the main contributor to the action plan, rather than the forum.⁷ The officer agrees that the involvement of the forum might change—that is, be more than a pool of active people interested in what was going on with open government initiatives in Lithuania. However, the forum did not have any decision-making responsibilities during the development of the fourth action plan. Working group members may become MSF members as well, since membership in the MSF is not formally institutionalized, and every citizen is welcome to join.

The online invitation to join the forum stresses that members monitor the implementation of the action plan and are the first ones to know the news related to open government initiatives.⁸ The Office of the Government did not publish a timeline with deadlines for the whole process, however described the overall process from the development to the implementation of the action plan.

Participation and engagement throughout action plan development

To develop the fourth action plan, the Office of the Government organized six public events:

- a public consultation open from 18 April to 29 May 2018,⁹
- one workshop on 4 June 2018,¹⁰
- one roundtable discussion on 22 August 2018,¹¹
- one roundtable discussion on 15 October 2018, and
- two working group sessions on 14 June and 8 November 2018.¹²

Overall, over 100 people participated in the five consultation events. Participants mainly represented the public sector and nongovernmental organizations.¹³

The Office of the Government has a special section on its official website dedicated to OGP. There, it published core information about the initiative, the scope of the action plans, and the development process. Open invitations to join public events or take part in public consultations were also published here. The results from every consultation event are available online, but they are presented with only the main outputs.¹⁴ Also, although the proposals received during the public consultation in April are listed, it is not clear if the report highlights only the most relevant idea submitted or all ideas submitted. The Office of the Government states that contributions were discussed during the workshop on 4 June 2018 and the roundtable discussion on 15 October 2018. However, those discussions did not involve every citizen who participated in public consultation in 2018.

The Office of the Government enabled the working group to have more influence compared to groups in previous OGP cycles, when the group had only an advisory role. The working group could decide on the commitments and played a major role in decreasing their number, from an initial 31 to six. The working group worked with other stakeholders from the public sector and civil society (some of whom participated as multi-stakeholder forum members). These parties and the working group participated in a practical workshop in June 2018 to review all the proposals gathered, discuss their feasibility, and get feedback from a range of interest groups.¹⁵

The participants selected 19 ideas that might be worth carrying forward, and as a result, the Office of the Government contacted different public-sector institutions regarding their availability to be responsible for implementation. In this workshop, according to Ieva Duncikaite, a working group member from Transparency International Lithuania, participants extensively discussed the possible commitments.¹⁶ On other occasions, the working group did not analyze the content or impact of activities in detail.

After the June workshop, the government published progress updates online, with the next steps indicated in consultation reports.¹⁷ The government noted that the next stage of discussions would happen during the working group's meeting, in which its members would again discuss possible commitments and decide what should be included.¹⁸ However, the government did not open this meeting to the public, and no additional opportunities existed for the broader public to provide feedback on an already decreased number of draft commitments.

The Office of the Government enlarged the working group, with new representatives from civil society, and empowered the group more, compared to groups in previous co-creation processes. The working group had an important role in drafting the action plan, but this body is not a substitute for a formal multi-stakeholder forum. The OGP working group remains a closed, institutionalized body in which members participate on their own behalf and do not represent other organizations.

Although the Office of the Government created a multi-stakeholder forum, this forum did not meet OGP standards. As mentioned above, forum members did not have any specific role in the consultation process, and government representatives did not discuss with them the government's priorities for commitments or their political feasibility. Those questions were addressed within the working group, where members raised their concerns about the timeline, the particularities of public procurements, or finances allocated for the commitments.¹⁹

Co-creation and participation recommendations throughout development

Lithuania showed evidence of achievement in areas of public consultations and working group involvement. Some areas where Lithuania can improve are:

- The mandate of the forum, as the Office of the Government did not use the potential of the forum to draft the fourth action plan; and
- Communication and outreach during development, as there were no awareness-raising activities for relevant stakeholders to inform them about the upcoming OGP process. While general information was provided to stakeholders prior to the development of the fourth action plan, it did not list the specific deadlines and forthcoming steps in the process.

In order to improve performance on these areas, the IRM researcher suggests that moving forward, the following actions be taken:

- The Office of the Government could increase the forum's impact by letting its members jointly decide on their role and governance structure. This would ensure that Lithuania meets participants' expectations shared in their registration forms and gets valued input from different experts or fields. Moving forward, the Office of the Government could also share more detailed information about the upcoming process, on all deadlines, in advance, to keep stakeholders and interest groups in the loop.
- The Office of the Government should clearly provide working group and multi-stakeholder forum members with the criteria that it used to determine the final commitments included in the action plan. Although proposals for the fourth action plan were actively discussed during working group meetings, the Office of the Government did not provide stakeholders with a summary of why certain proposals were or were not considered for inclusion in the final plan. Moving forward, the Office of the Government should publish a summary of how proposals were incorporated into the action plan and the reason why certain proposals were not incorporated.
- The Office of the Government should clearly communicate the expectations for the forum members, so they could better evaluate their readiness and capacity to take part in OGP initiatives.

¹ Erika Kasiliunaite, the Office of the Government, interview by IRM researcher, 18 July 2019.

² Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the NAP, or (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

³ "IAP2's Public Participation Spectrum," IAP2, 2014,

http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

⁴ "Multistakeholder Forum," Office of the Government, <https://bit.ly/2FLn2Xx>.

⁵ Email to IRM researcher from Erika Kasiliunaite, 13 March 2019.

⁶ The online form to be filled to become a forum member is located here: <https://epilietis.lrv.lt/formos/atviros-vyriausybes-tinklo-nario-anketa>.

⁷ Erika Kasiliunaite, the Office of the Government, interview by IRM researcher, 19 March 2019.

⁸ Information about the OGP Initiative from the Office of the Government: <http://epilietis.lrv.lt/lt/dalyvauk-priimant-ir-keiciant-sprendimus/isitrauk-i-atviros-vyriausybes-veiklas/atviros-vyriausybes-tinklo-naujienliskis>

⁹ Ibid.

¹⁰ Information about the workshop, 4 June 2019, from the Office of the Government: <https://bit.ly/2U3PFYW>.

¹¹ Information about a roundtable discussion, 22 August 2018, the Office of the Government, <https://epilietis.lrv.lt/lt/naujienos/nvo-popiete-taurageje>

¹² Information about the OGP initiative from the Office of the Government: <https://bit.ly/2U6claG>.

¹³ The development of the fourth action plan, information from the Office of the Government: <https://bit.ly/2U6claG>.

¹⁴ The overview of public consultations, information from the Office of the Government: <https://bit.ly/2OydDWf>.

¹⁵ The overview of the workshop, information from the Office of the Government: <https://bit.ly/2CJifUO>.

¹⁶ Ieva Duncikaite, Transparency International Lithuania, interview by IRM researcher, 27 March 2019.

¹⁷ Progress updates of OGP activities in Lithuania, information from the Office of the Government: <https://bit.ly/2CJifUO>.

¹⁸ Progress updates after the workshop on 4 June 2019, information from the Office of the Government: <https://bit.ly/2CJifUO>.

¹⁹ Erika Kasiliunaite, the Office of the Government, interview by IRM researcher, 19 March 2019.

IV. Commitments

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

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Based on these criteria, Lithuania’s action plan contains one potentially starred commitment:

- Commitment I: Create an open data portal and integrate it into the European digital single market

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The action plan focused on four thematic areas: the transparency of the public sector, better nongovernmental organization environments, citizen engagement, and the improvement of the quality of public services. Four out of six commitments were carried forward from the previous action plan to continue their implementation.

¹ “Open Government Partnership: Articles of Governance,” OGP, June 2012 (updated March 2014 and April 2015), https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

² “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

1. Create an open data portal and integrate it into the European digital single market

Language of the commitment as it appears in the action plan:

Public sector institutions have accumulated a wealth of valuable information that is not readily and freely available for re-use in business development, promotion of economic growth, increasing public sector transparency, addressing social issues, promoting social and civic engagement. The problem will be solved by developing methodological tools and technological possibilities for public sector institutions to open up the data they manage.¹

Milestones:

1.1. An operating model draft has been worked out along with the draft amendment to the methodological recommendations for the opening of public sector data.

1.2. Preparation of draft legislation providing for favorable legal environment for the opening of public sector data

1.3. Adoption and implementation of legal acts on the organizational structure for data opening operations

1.4. Creation and introduction of technological tools required for the open data portal and the formation and use of other open data

Start Date: 28 February 2018

End Date: 31 December 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓			✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The Information Society Development Committee under the Ministry of Transport and Communications has been implementing this commitment since 2016, when it was included in the previous action plan. The commitment's implementation was categorized as limited. Thus, the committee aims to continue to create a centrally managed open data platform for citizens and businesses to access public-sector data and reuse it for both nonprofit and for-profit initiatives.

Lithuania committed to open its data in 2013,² but decision-makers did not prioritize the issue until 2017, when Lithuania included this commitment in the Government Program.³

However, there have been no substantial changes since then, and Lithuania still lags considerably behind other European Union countries in terms of digital performance.⁴ The Government of Lithuania has previously not included open data in its agenda and has focused on data protection rather than accessibility.

This commitment overall is verifiable and specific enough to measure whether it was completed or not, even if some milestones are vague. If implemented, it could transform the way public-sector data is stored and accessed in Lithuania. Currently, no central database offers open data from public-sector institutions free of charge. The State Enterprise Centre of Registers has systemized data about the performance of public and private entities. However, that data is available only if purchased. Accessing data from other institutions became even more complicated once the Data Protection Directive was adopted in May 2018.⁵ Although the directive does not limit access to data of public interest, institutions tend not to disclose data about decision-makers in open data formats and tend to use the privacy argument when data is requested.⁶

Opening data might also bring financial benefits. The National Audit Office has calculated that opening public-sector data would bring to the country's economy an added value worth 2 percent of Lithuania's gross domestic product (approximately 800 million euros).⁷ In the last annual speech to Parliament, the president of Lithuania, Dalia Grybauskaitė, encouraged the body to create a comprehensive open data policy and to stop charging citizens for access to public data.⁸

Next steps

This commitment constitutes an important step to changing the nature of accessing public-sector data and should be carried forward until it becomes a common practice to disclose public data in open data formats. The Information Society Development Committee holds responsibility for the task, but unless political leaders start explicitly expressing their support to open data, gains will be limited.

The IRM researcher recommends that the committee consult possible civil society stakeholders to prioritize which data to open. It should also build partnerships with other public-sector institutions to increase the possibility of success. These activities could also help to better address the needs of potential users and ensure more effective work planning.

¹ Full commitment text available at <https://bit.ly/2HPWuXo>.

² The report of the National Audit Office about open data in Lithuania, No. VA-P-900-1-25, 29 November 2016, can be found here: https://www.vkontrole.lt/pranesimas_spaudai.aspx?id=22997.

³ "The Program of the Government, No. 167," Republic of Lithuania, <https://bit.ly/2WrOezW>.

⁴ European Commission, *Europe's Digital Progress Report*, 2017, <https://bit.ly/2IGSIHS>.

⁵ "Data Protection Directive 95/46/EC," European Union, <https://bit.ly/2Fvi2os>.

⁶ "Proposals on the Publicity of Data," Transparency International Lithuania, 2018, <https://bit.ly/2FHxQEK>.

⁷ The report of the National Audit Office about open data in Lithuania, No. VA-P-900-1-25, 29 November 2016, can be found here: https://www.vkontrole.lt/pranesimas_spaudai.aspx?id=22997.

⁸ "The Annual Speech to the Parliament," Office of the President, 11 June 2019, <https://www.lrp.lt/lt/lietuvos-respublikos-prezidentas-dalios-grybauskaites-metinis-pranesimas/32606>.

2. Strengthen civic society through the development of non-governmental organizations (NGO) database and NGO fund

Language of the commitment as it appears in the action plan:

Since 2004, data on legal entities regarded as NGOs have been at the disposal of the state enterprise (SE) Centre of Registers. The expansion of the scope of the data collected and, consequently, the structuration of the data may help create a database to provide public authorities and the public at large with a simple form of information on whether the relevant legal entity is an NGO. The problem to be solved is that part of the financial resources allocated by the state to strengthen civil society does not reach the intended recipient, as legal entities are not clearly classified (i.e. which are to be regarded as NGOs and which are not), part of the resources intended for strengthening of civil society eventually end up in the hands of public authorities, business associations and so on. This poses challenges for the sustainable development of the civil society sector. For many consecutive years, NGO projects have been funded from the state budget. However, even though a lot of financial resources have been invested in different projects in different fields, the breakthrough in strengthening NGOs and the quality of their projects has failed to materialize. NGOs are still weakly involved in decision-making processes, fail to immediately and appropriately respond to emerging opportunities regarding decision-making at regional or national level. The main problem to be solved is the weak capacity of NGOs to engage and participate in the decision-making process professionally. The problem will be addressed by legally providing that not only public bodies but also legal entities that have the legal form of a charity, support fund and association shall furnish information about their shareholders (members) to the system of the participants of legal entities. Once these data have been properly processed, it will be possible to create a tool that will facilitate easier recognition of NGOs. The problem will be addressed with the help of financial means – through an NGO fund, which will operate as a programme administered by the Ministry of Social Security and Labour, intended to strengthen NGO capacity to participate in public policy and decision-making processes.¹

Milestones:

- 2.1. Creation of a legal framework database
- 2.2. Preparation of technical actions necessary for the establishment of the base together with the SE Centre of Registers
- 2.3. Preparation of the NGO database publicity strategy
- 2.4. Compilation and analysis of information on the practical experience of counterpart NGO funds in other countries and on the activities carried out by such funds
- 2.5. Preparing and agreeing NGO fund regulations with interested parties and submitting them to the Minister for approval
- 2.6. Setting up an NGO fund board which will be responsible for the strategy of the fund
- 2.7. Launching NGO fund into operation

Start Date: 31 December 2018

End Date: 31 December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

There is no central database on nongovernmental organizations (NGOs) in Lithuania. It is unclear which organizations are NGOs and not social businesses or business-oriented associations. The State Enterprise Centre of Registers stores data on every entity operating in the country, but it does not have any filter to distinguish NGOs from other organizations. In addition, this data is not publicly available unless purchased.

Not having an official list of NGOs complicates the funding of civil society organizations (CSOs) through state programs. In a 2015 Transparency International Lithuania survey, 34 percent of Lithuanian NGOs said that national- and municipality-level institutions did not have clear criteria to finance NGO projects and applied different criteria to the definition of an NGO.² In addition, most CSOs in Lithuania are small and have an average annual budget of around 3,000 euros.³ They rely heavily on volunteers instead of full-time employees, and many do not have their own website.⁴

This commitment aims to establish an NGO database and create an NGO fund. The fund would centrally finance NGOs to develop their advocacy skills, increase their capacity to draft legal acts, and participate in policymaking. This commitment is verifiable and measurable, even if some milestones are vague. As admitted by Aurelija Olendraite from the Ministry of Social Security and Labor, currently there is no agreement on what data about NGOs should be public: “[W]e aim to disclose as much as possible, however, officially there is no decision.”⁵ In addition, this commitment was carried forward from the previous action plan due to its limited implementation. The milestone to analyze foreign experience was finished during the previous action plan.⁶

This commitment is important to strengthening the voice of civil society and creating better opportunities to engage them in decision-making processes. The NGO database would be the first of its kind in the country. Currently, no official registry exists. Although NGOs are particularly important in sustainable democracies, many are not transparent. Only 7 percent of NGOs declare their financial information and disclose their main donors.⁷ If implemented, therefore, this commitment could have a moderate impact on access to information and civic participation. If data on NGOs from the State Enterprise Centre of Registers would be freely open to the public, it would make NGOs more transparent and could set the tone for other sectors to proactively disclose key information for citizens. This commitment could also bring more transparency to public spending and create opportunities to sustainably invest in the capacity of NGOs and civic participation.

However, according to Tomas Kubilius, the chief executive officer of the Human Rights Monitoring Institute, the fund is timely and important, but its focus is too narrow. It specifically targets NGOs that participate in public policy, but there are many more NGOs that need assistance in carrying out their activities.⁸ The limited scope of the commitment and the lack of information about what data about NGOs would be publicly available make its potential impact moderate rather than transformative.

Next steps

The IRM researcher notes that the deadline for this commitment is the end of 2019—an ambitious goal given that responsible institutions did not manage to implement this commitment in the previous OGP cycle. Nonetheless, this commitment is worthwhile, so the IRM researcher recommends continuing the initiative to the next action plan if either the NGO fund or NGO register are incomplete. If one is not carried out, the IRM researcher also highly recommends an internal assessment to understand the reasons for failing to achieve the goal within the deadlines.

¹ Full commitment text available at <https://bit.ly/2HPWuXo>.

² “NGOs Survey on NGO Transparency,” Transparency International Lithuania, 2015, <http://www.transparency.lt/nvo-atstovu-apklausa-apie-nvo-skaidruma>.

³ Ibid.

⁴ Ibid.

⁵ Aurelija Olendraite, the Ministry of Social Security of Labor, interview by IRM researcher, 27 March 2019.

⁶ Open Government Partnership, *Lithuania IRM End of Term Report 2016-2018*, <https://bit.ly/2FAI0qR>.

⁷ “Data on NGOs,” NGO Atlas, www.nvoatlas.lt.

⁸ Tomas Kubilius, Human Rights Monitoring Institute, interview by IRM researcher, 13 September 2017.

3. Publicize information on revenue and expenditure of state and municipal institutions in the electronic environment

Language of the commitment as it appears in the action plan:

There is no single methodological, legal and ICT tool model that would ensure access to information about the revenues and expenditure and other financial data of state and municipal institutions in the electronic environment, and the public is prevented from getting information about the financial activities of public authorities and public financial resources in a manner acceptable to it. A model of data and indicators to be made public for the previous reference period has been prepared, data sources and registers from which the data will be collected has been identified. The technical specification and procurement documents of the information system have been prepared.¹

Milestones:

3.1. Development of a document featuring detailed analysis and system architecture. Introduction and configuration of standard system

3.2. Introduction of the pilot version of the system, where part of the indicators has been realized

3.3. Introduction of a publicly accessible version of the system

3.4. Introduction of the updated final version of the system with corrected errors

Start Date: 30 June 2018

End Date: 15 June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Government financial information is not easily accessible to the public, and only every sixth municipality publishes it in an open data format.² Lithuanian citizens have expressed their disappointment in the lack of publicly available information on revenues and spending. According to a survey conducted by Transparency International Lithuania, 28 percent of respondents say they would like to have more detailed and easier-to-understand local-level financial information.³

With this commitment, the Ministry of Finance aims to address the issue by creating a central online platform providing access to financial information of state and municipal institutions. This commitment is carried forward from the previous action plan, as the ministry did not get any suppliers to create the database during that time. According to Rasa Kavolyte, the deputy director at the Ministry of Finance, the ministry would consider narrowing the scope of work by excluding data on planned budgets.⁴ The procurement was not successful primarily because the budget for the portal was insufficient for the amount of work it entailed.⁵

This commitment is verifiable and measurable, but the scope of work is questionable. It is not clear what exactly the ministry aims to disclose and what institutions classify as “state and municipal institutions.” Thus, it would be complicated to evaluate the impact, and measure if the implementation was successful and solved the issue. As the specificity is low, the potential impact of the commitment is considered minor.

Next steps

This commitment is important to ensuring public access to information on how public-sector institutions perform financially. It should be carried forward. However, the IRM researcher recommends specifying the scope of work and informing how possible changes to it might influence the success of this commitment. Also, to ensure the public knows what to expect, the IRM researcher encourages the government to clarify or list institutions that would be affected by this commitment. The ministry should also outline how it plans to ensure institutions act in line with their new duties.

Lastly, to avoid duplicating efforts, the IRM researcher recommends merging this commitment with the open data commitment carried out by the Information Society Development Committee under the Ministry of Economy and Innovation. If the commitments are not merged, the Ministry of Finance should articulate how both of them would supplement each other to create a systematic open data portal in Lithuania.

¹ Full commitment text available at <https://bit.ly/2HPWuXo>.

² “Transparency of Lithuanian Municipalities,” Transparency International Lithuania, www.jurgiokepure.lt.

³ “Citizens’ Survey on the Openness of Municipalities,” Transparency International Lithuania, <http://www.transparency.lt/tils-tyrimai-ir-analizes>.

⁴ Rasa Kavolyte, Ministry of Finance, interview by IRM researcher, 11 September 2018.

⁵ Ibid.

4. Develop a model for transferring public services to NGOs and communities and encouraging its implementation

Language of the commitment as it appears in the action plan:

According to the current public service delivery model, practically all public services are provided by state or municipal institutions or bodies. This is often not what the users want as they are often inefficient and uneconomical, and the users are often devoid of the possibility to impact the quality of services provided. Such a public service model does not contribute to the promotion of civic awareness and the strengthening of communities, i.e. citizens are not involved in decision-making as regards services and their better quality, despite the fact that these decisions have a significant impact on the quality of their own life and the environment. Currently, only a small number of municipalities have transferred to NGOs and communities a small proportion of public services, although the National Progress Programme provides for 15 per cent share of services to be transferred by municipalities to NGOs and communities by 2020.¹

Milestones:

- 4.1. Compilation and analysis of information on problems encountered in transferring public services to NGOs and communities and summary of best practices in this field
- 4.2. Development of a model and recommendations for state and municipal institutions
- 4.3. Training for representatives of state and municipal institutions, NGOs and communities
- 4.4. Evaluation of completed actions, monitoring of indicators

Start Date: 30 June 2018

End Date: 15 June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Ten percent of Lithuanian citizens express dissatisfaction with public services, emphasizing poor quality and long waiting times.² Also, it is common for citizens to doubt if they could get high-quality services without paying bribes or using other unofficial methods to expedite procedures. Twenty-one percent of public officials say that it is common to use their network of acquaintances to get better public services.³ Also, 46 percent of citizens admitted to using connections to ensure they got a better quality of public services.⁴

The Ministry of Social Security and Labor has noticed that citizens are disappointed with public services, which, the ministry notes, are often inefficient and uneconomical.⁵ To solve this issue, the ministry aims to change the current model by letting nongovernmental organizations (NGOs) and communities—rather than public-sector institutions—provide 5–10 percent of services to residents. This goal is also set in the National Progress Program.⁶

It is laudable that the ministry is willing to pilot a model to improve services. However, this commitment’s potential impact is minor. It is not clear how the model itself could make the shift. It is also not evident how getting services from NGOs and communities would actually solve the problem of low-quality, inefficient services, especially when the NGO sector in Lithuania is not strong and lacks capacity and skills (as noted in the second commitment). Some working group members raised those same concerns. They doubted whether NGOs were the ones to ensure a higher quality of public services.⁷

This commitment assumes that the possibility to provide public service would somehow encourage citizens to participate in public matters, especially in the regions. However, there is no information suggesting that people or NGOs would become more active because of this. According to the latest survey, carried out by Vilmorus, a center for public opinion and market research, 50 percent of Lithuanian residents have not participated in voluntarily activities and are not planning to do so in the near future.⁸

Next steps

While this commitment raised a relevant issue about the quality of public services, the proposed solutions are questionable. Citizens are mostly dissatisfied about the fact they have to pay a bribe or know an insider to get high-quality service. “High quality” includes polite communication with a service provider and proportionate waiting times. The IRM researcher recommends considering anti-corruption measures that the Ministry of Social Security and Labor can use to solve the issue. Also, specific measures to decrease waiting times might be a solution worth focusing on to increase the quality of public services.

¹ Full commitment text available at <https://bit.ly/2HPWuXo>.

² Aiste Dirzyte and Aleksandras Patapas, *The Satisfaction of Public Services* (Public Policy and Administration, Mykolas Romeris University), <https://bit.ly/2JwhUcc>.

³ “Lithuanian Map of Corruption,” Special Investigative Service, 2018, <https://www.stt.lt/lt/naujienos/?cat=1&nid=2961>.

⁴ Ibid.

⁵ The description of the problem is in the fourth action plan: <https://bit.ly/2HPWuXo>.

⁶ “National Progress Programme 2014-2020, No. 1482,” Republic of Lithuania, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.439028>.

⁷ Practical session led by IRM researcher, 26 March 2019.

⁸ “Public Trust in NGOs,” representative survey, 2018, <https://bit.ly/2YBy6ha>.

5. Carry out consistent monitoring and evaluation of public participation in governance

Language of the commitment as it appears in the action plan:

Lithuanian and international surveys show that the Lithuanian society is civically disengaged, and it practically makes little use of its rights and opportunities to participate in solving the public matters of the country or to engage in civic activities of public importance. National institutions have implemented a number of initiatives to promote public participation and involvement in public decision-making processes, but public involvement is low, so is the participation culture, there is no methodological approach-based public participation monitoring strategy allowing to assess the current state of co-operation between the public sector and society, to see the development trends and the factors influencing the quality of this process - the engagement of participants, achievement of results, etc.¹

Milestones:

5.1. Methodology designed

5.2. Trial monitoring completed

5.3. Recommendations drawn up

Start Date: 1 September 2018

End Date: 1 September 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

As the text of this commitment recognizes, the Lithuanian public rarely participates in decision making. According to the Ministry of Interior, 58 percent of residents know that such possibilities exist but they rarely use them.² In addition, only 8 percent of the population said in 2019 they would like to participate in anti-corruption activities—fewer than the 12 percent who said so in 2016 or the 15 percent in 2011.³

To address this downward trend of civic participation, the Office of the Government seeks to develop a special monitoring system to trace the level of civic participation and measure the effectiveness of public consultations. The Office already created a methodology for public consultations during the 2016–2018 OGP cycle and tested it in seven institutions.

However, that implementation lacked completion of the last milestone—this commitment’s monitoring system to assess the efficiency of the methodology.

The overall commitment is verifiable and measurable, but the milestones are too abstract. For instance, the Office of the Government plans to test the methodology until July 2019, but the scope of testing remains unclear based the commitment text (although the Office of the Government has clarified that this scope will be described in the methodology itself). This commitment also lacks steps to ensure that the public sector acts upon recommendations provided by the Office of the Government.

Next steps

This commitment aims to have measurable and sustainable public consultations in Lithuania. The commitment will complete the first step toward a more ambitious future commitment. Thus, the IRM researcher recommends extending monitoring plans for longer than the current action plan. Changes in citizens’ behaviors do not happen within a couple of years, so it is highly recommended to keep investing in public consultations and systematically monitoring their development. Also, the IRM researcher advises the government first to test the monitoring system on a smaller scope of institutions and amend it if necessary. This could help the Office of the Government develop a high-quality product to be launched on a national stage as part of a future, more potentially impactful commitment with mechanisms to incentivize compliance.

¹ Full commitment text available at <https://bit.ly/2HPWuXo>.

² “Participation of Citizens When Making Decision on Local Level,” representative survey, Ministry of Interior, 2016.

³ “Lithuanian Map of Corruption,” Special Investigative Service, 2018, <https://www.stt.lt/lt/naujienos/?cat=1&nid=2961>.

6. Introduction of ex post evaluation in a legislative process cycle

Language of the commitment as it appears in the action plan:

Recently there have been many inconsistencies in the legislative process, often with the same legislation being repeatedly amended failing to take on board the consequences caused by previous amendments. Furthermore, the national audit report by the National Audit Office of 16 March 2018 has found that the existing instrument - the monitoring of the legal regulation - is applied in a fragmented manner, the monitoring is low quality, and it is therefore necessary to move to a systematic approach as to the impact assessment of the legislation. Such a need was identified in OECD report of 29 July 2015.¹

Milestones:

6.1. Preparation of the draft law

6.2. Adoption of the law

6.3. Preparation of preliminary methodology version

6.4. Training of civil servants from at least 13 ministries

6.5. Methodology designed

Start Date: 1 September 2018

End Date: 1 September 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Lithuania's parliamentary process for approving laws suffers from several major flaws:

- Around 700 legal drafts are registered annually,² a number too high for Parliament members to consider them properly and evaluate possible impacts to Lithuanian citizens and business;

- Legal loopholes and negative impacts of legal regulation usually become apparent only after a law has already been passed. As a result, the process of amending them starts soon after the laws were passed;³
- According to the National Audit Office, the lawmaking process in Lithuania involves no impact assessments;⁴ and
- Up to 50 percent of Lithuanian laws are passed under accelerated or highly accelerated procedures,⁵ making it even harder for politicians to comprehensively discuss the need for legal amendments.

In other words, Parliament passes and amends laws too quickly, before the effects of the laws or previous amendments are apparent.

With this commitment, the Ministry of Justice aims to create a systematic model for evaluating laws once they are passed, before amendments are made. The action plan calls for such evaluations to happen systematically as an integral part of lawmaking. However, Tautginas Mickevicius, the advisor to the minister, clarified that the ex post evaluation would be carried out only when the regulation is new or when it is expected to greatly impact society or any interest group.⁶

In any case, Parliament members would be advised to first wait for the ex post evaluation before suggesting any amendments. According to Tautginas Mickevicius, the ministry would propose to start evaluating in the second year of implementation, but that timeline has not been confirmed.⁷ The ministry also expects to stimulate civic participation by consulting and engaging citizens who would possibly be affected by the legal acts. However, the commitment does not list this as one of its specific activities.

The overall commitment is verifiable and measurable, and if implemented, it could improve how laws are passed in Lithuania. The commitment would reorganize the process of legislation and ensure legal regulation monitoring systems to avoid speedy amendments. As specified by the National Audit Office, ex post evaluations may increase the quality of laws by requiring evidence-based amendments. Such evaluations could also lead to more effective use of budgetary funds and could reduce administrative burdens both to business and the public.

Next steps

To ensure the overall success of the commitment, the IRM researcher recommends focusing not only on ex post but also on ex ante evaluations. Proper evaluations that occur before the passage of laws would stop politicians from proposing laws that do not serve the public interest or are poorly reasoned in the first place.

For this commitment to be relevant to OGP values, the IRM researcher recommends specifying how the ministry plans to engage the public. Currently, the commitment states that there are “wide opportunities to engage” citizens. This seems more like a general statement and not exact activities the ministry intends to carry out.

Also, it is highly recommended that the ministry specifies the scope of the trainings and what the Ministry of Justice plans to achieve in holding them. As learned from previous action plans, seminars or trainings alone do not guarantee any results if they do not have a clear goal in mind, exact audience, and success criteria.

¹ Full commitment text available at <https://bit.ly/2HPWuXo>.

² “Legislative Bakery Does Not Take Responsibility,” Izinios.lt, <https://www.lzinios.lt/Lietuva/istatymu-kepykla-atsakomybes-nepriiima/262096>.

³ Ibid.

⁴ National Audit Office, *Audit Report on Law-making Process*, 2018, <https://bit.ly/2FBhq0N>.

⁵ Ibid.

⁶ Tautginas Mickevicius, Ministry of Justice, interview by IRM researcher, 4 April 2019.

⁷ Ibid.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

The Office of the Government considerably improved the creation process of the fourth action plan by enlarging the working group, organizing public consultations, and better informing the public about the outcomes of the process. However, it still did not provide public feedback on the suggestions gathered and failed to engage the multi-stakeholder forum in the decision-making process. Therefore, the primary recommendation is to address this shortcoming. And as part of this recommendation, it is essential to find ways to engage citizens from different backgrounds, living in various regions of Lithuania. The forum should not be limited to the capital and the biggest cities.

Once in contact with the broader public, the Office of the Government should show good leadership and always give written feedback on the proposals and comments gathered. Proposals gathered during the public consultations for the fourth action plan were actively discussed during working group meetings. However, it is not clear if the Office of the Government informed participants how their proposals were or were not incorporated and the reasoning behind these decisions.

Preferably, the reasoning behind the decisions on incorporation of proposals should be publicly available, and any rejected ideas should be justified, as the OGP guidance requires. By doing so, the Office of the Government would meet the expectations of citizens, who might still express their disappointment in a one-way communication from the public sector. Lack of feedback usually constitutes the main reason for low public participation.¹ Also, active communication with engaged citizens could set a good example for other institutions and encourage them to become more inclusive.

Previously, the IRM researcher emphasized the importance of having specific and easy-to-follow commitments with fully elaborated indicators of success. Without them, it is unlikely that any commitment will receive a coding of “transformative” regarding potential impact. Previous action plans have shown that public events such as seminars or trainings do not bring added value without clearly defined goal and audience, and a plan for gathering participant feedback. As the fourth action plan still lacks such indicators, the IRM researcher highly recommends the government include them before the commitments are implemented—and to definitely include them in the new OGP cycle.

Lastly, previous action plans show that public-sector institutions do not always know their role in OGP cycles and how to carry out the commitments in line with OGP values. The Office of the Government should make sure to update every institution about what the requirements are and how to achieve the goals in a transparent and open manner. It should be noted that Office of the Government organized several events in 2019 to keep institutions informed during implementation of the fourth action plan. These efforts should be continued to keep every institution informed in a transparent manner.

Table 5.1: Five Key Recommendations

I	Empower the members of the multi-stakeholder forum with some level of decision making, rather than only informing them.
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2	Provide stakeholders and the public with a written summary of how proposals gathered during public consultations are incorporated into the final action plan, including justifications for why proposals are not incorporated.
3	Proactively engage stakeholders from public-sector institutions and ensure they know their role when implementing the commitment.
4	Have a clear goal, with a clearly defined audience, for every seminar and training.
5	Identify the criteria that could indicate the achievement of the commitments and measure their success.

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Ensure the proposals for the next action plan are discussed among stakeholders from the public sector and civil society organizations before confirming them as commitments.	✓	✓
2	Ensure the commitments are in line with OGP values of access to information, civic participation, and public accountability.	✓	✓
3	Show good leadership and inform the public about developments of the commitments, explain any possible delays, and provide supportive documents.	✓	✗
4	Ensure the proposed commitments can be fully implemented in the two-year time frame and that they alone may achieve the relevant goal.	✓	✓
5	Identify the criteria that could indicate the achievement of the commitments and measure their implementation.	✗	✗

Of the five recommendations, the Office of the Government responded to four and partly integrated three. The Office of the Government started focusing on measurable activities rather than process-oriented broad commitments, which were common in the previous OGP cycle. But the new action plan has no indicators that could be used to evaluate the success of the commitments. So far, the Office of the Government could not say if the commitment truly helped to achieve the goal and what exact impact it had. For this reason, the IRM researcher has kept this recommendation for the new OGP cycle.

The Office of the Government did put more effort into engaging the members of the working group and empowered them to make decisions for the fourth action plan.

However, it did not engage the members of a newly created wider multi-stakeholder forum, who were not engaged in the decision-making and were only informed about the developments.

The IRM researcher also recommended that the government inform the public about the developments of the commitments and explain any possible delays. The third action plan lacked these actions. The IRM researcher will be able to evaluate the response to this recommendation only in the later stages of implementation.

¹ “NGOs Survey on NGO Transparency,” Transparency International Lithuania, 2015, <http://www.transparency.lt/nvo-atstovu-apklausa-apie-nvo-skaidruma>.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Lithuania's OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

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

Interviews and stakeholder input

To prepare this report, the IRM researcher conducted five new interviews with stakeholders, engaged in extensive desk research, and led a workshop on OGP values on 26 March 2019. As four of six commitments were transferred from the previous action plan, the IRM researcher also used interviews with responsible institutions carried out in 2018. Those interviews reflect the developments and challenges of the commitments that remained relevant in 2019.

The workshop targeted members of the working group and responsible institutions—namely the Non-Governmental Organizations Information and Support Centre, NGO Council, Transparency International Lithuania, Mykolas Romeris University, Association of Local Authorities, the Office of the Government, the Information Society Development Committee under the Ministry of Transport and Communications, and the Ministry of Social Affairs and Labor. Overall, 15 people participated. The goal of the event was to discuss the lessons from the third action plan and how to set measurable and verifiable commitments for future action plans.

Additional interviews conducted:

- Erika Kasiliunaite, the Office of the Government (March 2019)
- Rasa Svarinskaite, Vilnius Institute of Policy Analysis (March 2019)
- Ieva Duncikaite, Transparency International Lithuania (March 2019)
- Aurelija Olendraite, the Ministry of Social Affairs and Labor (March 2019)
- Tautginas Mickevicius, the Ministry of Justice (April 2019)

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

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

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

Annex I. Overview of Lithuania's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Yellow
1b. Regularity: The forum meets at least every quarter, in person or remotely	Red
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Red
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Green
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Yellow
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Green
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government	Yellow
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Yellow
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Red

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Yellow
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Yellow
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g links to databases, evidence of meetings, publications)	Yellow

Editorial note: If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.