

Independent Reporting Mechanism (IRM): Latvia Design Report 2019–2021

This report was prepared in collaboration with Indra Mangule, independent policy analyst.

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Latvia's 2019-2021 action plan addresses relevant national issues on open data, public procurement transparency, and participation in local government. The co-creation process introduced a new multistakeholder forum and civil society and government officials collaborated closely on the development of commitments. Greater involvement from high level and political officials could ensure more impactful commitments related to public participation and greater ambition for lobbying regulation.

Executive Summary: Latvia

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. Latvia joined OGP in 2011. Since then, Latvia has implemented three action plans. This report evaluates the design of Latvia's fourth action plan.

General overview of action plan

Latvia's 2019–2021 action plan addresses relevant national challenges for government transparency. Commitments on public procurement, open data, corruption prevention and lobbying transparency build on the initiatives in previous OGP action plans. For the first time, the plan includes a commitment on local government that envisions openness standards for municipalities with more transparent local level decision-making. Upcoming structural reforms to local government make this a timely commitment.

Latvia's fourth action plan was developed in a collaborative manner between civil society and government representatives. An improvement from the last cycle saw input from the public sought early on in the co-creation process. A new multistakeholder forum drafted the commitments in thematic working groups and focused on proposals that are not already covered by other government plans.

The multistakeholder forum could benefit from being formalised while involvement in the process by high-level representatives such as politically appointed officials and elected officials, could ensure more strategic and ambitious commitments. The process would also benefit from transparent feedback about how public input is used and ongoing communication.

Despite appearing in previous action plans, the commitment on lobbying regulation introduces a minor activity rather than a comprehensive legislative reform or

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 multistakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values:	83%
Transformative commitments:	0
Potentially starred commitments:	0



implementation framework which is being conducted outside the scope of the OGP action plan. Although the commitment on corruption prevention will have moderate impact, it does not include measures that are sufficiently public facing to be relevant to public accountability.

• Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
Commitment 1: Transparency of Public Procurements and Contracts	Institutions could prioritise the publication of contracts related to Covid-19 which would make the commitment more relevant to current pressures and issues in procurement.	Note: this will be assessed at the end of the action plan cycle.
Commitment 3: Transparency of Interest Representation and lobbying	Expand and ensure the implementation of open calendars to all decision makers in public administration with minimum disclosure requirements (e.g. date, attendees, agenda)	Note: this will be assessed at the end of the action plan cycle.
Commitment 4: Open government in local governments	Engage a broad variety of citizens, including those from marginalised or vulnerable groups, in the process of developing regulations and guidance for municipalities about participation.	Note: this will be assessed at the end of the action plan cycle.

Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM Recommendations

Ensure the multistakeholder forum is transparent and publishes feedback during co-creation, as well as formalise its ways of working.
Include high-level representatives with authority from government in the multistakeholder forum, to make decisions and help push for more ambitious commitments.
Continue improvements to open contracting by adopting the Open Contracting Data Standard for all public procurement.
Enhance civic participation opportunities by incorporating deliberative democracy methods that will help to ensure the engagement of a broad variety of citizens, including vulnerable or marginalised groups.
In collaboration with the Saeima, implement comprehensive lobbying transparency reform

ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Indra Mangule collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. Indra Mangule is an independent policy analyst, focusing on civic participation, integration, migration and policy development in Latvia.

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 complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Latvia joined OGP in 2011. This report covers the development and design of Latvia's fourth action plan for 2019–2021.

The Independent Reporting Mechanism of OGP has partnered with Indra Mangule to conduct 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 Latvia

Last years have seen some major improvements in Latvia's open government landscape, including reforms on public procurement, whistleblower protection and beneficial ownership transparency. The country's fourth OGP action plan addresses nationally relevant issues of corruption prevention and public engagement although with varied levels of specificity and ambition. Transparency in interest representation and lobbying remains a priority issue in need of further action.

Freedom House rates Latvia a 'free' country¹ and gives it an 80% democracy percentage in its 2020 Nations in Transit report – above all post-Soviet and Yugoslav states other than Estonia and Slovenia². Latvia is a member of the European Union and the Organization for Economic Cooperation and Development. Latvia has been an OGP-participating country since 2011.

Transparency and access to information

The legal framework for access of information in Latvia is anchored in several laws, most notable among these being Freedom of Information Act (FOIA),³ which was amended most recently in 2015. The RTI Rating⁴ scores Latvia 71 points out of 150, which is below the average score in Europe. Even though appeals may be filed, there is no independent non-judicial mechanism (such as an information commissioner) for this purpose. However, government decisions to label information as restricted have been brought to the courts, which generally uphold access to information requests.⁵

Draft policy documents are proactively made available online, and cabinet meetings are open to the public (via livestream since 2013) and can include civil society and media participation.⁶

Open Data

In the 2019 OECD Open, Useful and Re-usable data (OURdata) Index,⁷ Latvia ranked 21 out of 32 OECD member states (with a score of 0.54). While scores improved from previous years, data availability and accessibility still scored lower than the OECD average. This issue is in part addressed by the second commitment of this action plan, which seeks to publish open and reusable data sets held by public institutions on 10 topic areas such as fighting corruption, judicial transparency, budgeting, public finances and taxes.

Latvia is recognised as a fast-tracker by the 2018⁸ and 2019⁹ European Data Portal Data Maturity Reports. In 2018, Latvia was the leading country in the Nordic region¹⁰ on data maturity but has since been overtaken by Denmark and Estonia. In 2019, Latvia adopted an Open Data Strategy¹¹ outlining actions for an open data transformation¹² and following the principle of 'open by default'.

Rights, Civil Liberties and Civic Space

The Latvian constitution and law protect freedom of assembly¹³ and freedom of expression.¹⁴ There are concerns about online hate speech, as it is difficult to monitor¹⁵. The Ombudsman of Latvia has also noted¹⁶ that work is required to raise awareness and tackle the lack of understanding and practice by the police regarding hate speech. Between 2012 and 2018,¹⁷ 42 court cases prosecuted individuals for spreading racial and ethnic hatred or for glorifying Soviet or Nazi crimes against humanity and war crimes committed against Latvia.¹⁸

The media landscape in Latvia reflects a range of political views and is diverse and independent – it ranks 22 in the World Press Freedom Index with the score of 18.56.¹⁹ There are no reports of government censorship or monitoring of online content,²⁰ but the public broadcaster is underfunded, and there are issues maintaining the diversity of the media landscape.²¹ Furthermore, the Latvian Association of Journalists (LAJ) has criticised government officials' and courts' past interference with media outlets and/or reporters' work²² through attempts to identify journalists' sources or issuing disproportionate rulings in court cases on defamation.²³

Even though Latvia has a stable framework for protection of civil liberties and democratic institutions, public surveys indicate a low level of citizen trust in government. A 2015 Democracy Audit²⁴ described civic activism in Latvia as poor and citizens as passive, sceptical and slow to engage with political processes. Commitment 5 in the current action plan addresses these issues, as it seeks to promote understanding of participation, pilot engagement measures and facilitate the creation of e-participation tools. Trust in the Parliament (Saeima) and government is particularly low among ethnic minorities (the biggest minority being ethnic Russian, which makes up about 25% of the country's total population) – only 4% believe they can influence the decision-making, whereas 63% believe they have little or no chance to influence decision-making processes.²⁵

The LGBTQ+ community faces legal and social difficulties despite being able to establish organisations and engage in protests and public activities.²⁶ The latest EU Agency for Fundamental Rights²⁷ survey showed that 90% of the LGBTQ+ community in Latvia feel that government does not respond adequately to their safety needs, and 91% think the government does not effectively combat prejudice and intolerance against LGBTQ+ people.

The court system provides equal access and treatment to individuals. However, the heavy workload of cases results in a backlog of judgements.²⁸ In 2019, only 40% of administrative cases in first instance concluded within 6 months, 39% within 6 to 12 months and 19% took more than a year, even though steps have been taken to address this by distributing cases more evenly.^{29,30}

A State of Emergency was declared on 12 March 2020, in response to the COVID-19 pandemic. New regulations³¹ in response to Covid-19 were decided by the Cabinet without additional deliberation. For example, in March, the government decided to allocate EUR 8 million for medical practitioners' benefits for three months³² and in April, it decided to cancel final state exams.³³ The state of emergency was lifted on 10 June 2020, but a number of restrictions remain in place – for example, social distancing, wearing masks and a ban on large-scale gatherings.³⁴ There were no further significant restrictions placed on civic freedoms during this period.

Accountability and anticorruption

The main integrity oversight body in Latvia is the Corruption Prevention and Combating Bureau (Korupcijas novēršanas un apkarošanas birojs, KNAB). GRECO recognises KNAB as an effective institution.³⁵

The Conflict of Interest Law³⁶ is the principal legislation regarding office holder integrity. In addition, the Laws on Financing Political Organisations,³⁷ Pre-election Campaigns³⁸ and Corruption Prevention and Combating Bureau³⁹ regulate political and campaign financing in Latvia. In 2017, changes were made to the Law on Financing Political Organisations to now include an electronic data entry system, simplifying the process of submitting party and donor reports. GRECO has recommended⁴⁰ Latvia introduce further integrity measures for Cabinet members, political officials and advisors in central government along with an obligation to report conflicts of interest as they arise.

Latvia's 2018 Whistleblowing Law⁴¹ allows whistleblowers to expose offences against public interests or interests of certain social groups.⁴² In the law's first year in force, 435 reports were received, out of which 119 cases were confirmed as whistleblowing instances, and 54 cases are pending, including one criminal case. Tax evasion, violations by officials and waste of property are often reported issues.⁴³

Latvia introduced legislative changes in 2017⁴⁴ to mandate the publication of beneficial ownership information of all legal persons, particularly for limited liability companies.⁴⁵ Recent amendments to the anti-money laundering law⁴⁶ have expanded the obligation of disclosure to include foreign entities with branches or representative offices in Latvia to disclose information on the owners who are benefiting to the Enterprise Register.⁴⁷ These changes were partially in response to the Council of Europe's MoneyVal (2018)⁴⁸ report, which put forward a more stringent supervision regime for Latvia, and included a list of recommendations for a number of necessary reforms.⁴⁹

Latvia currently does not have a law or regulation concerning lobbying activities despite the relevant commitments included in consecutive OGP action plans, including Commitment 3 of this action plan. The lack of action on lobbying transparency is linked to a perceived increase in the administrative burden, lack of funding and uncertainty about the responsible institutions.⁵⁰ The Open Lobbying working group in the Saeima's committee of Defense, Internal Affairs and Corruption Prevention is working on a new legislative proposal.⁵¹ No specific proposals have yet been put forward for discussion at the committee level.⁵²

In response to the Covid-19 pandemic, TI Latvia (Delna) highlighted the lack of transparency around procurement and contracts and the threat of price gouging of drugs and medical supplies.⁵³ In April 2020 Delna signed an agreement⁵⁴ with the Ministry of Defence undertaking pro bono supervision of Covid-19-related centralised procurement until the end of the state of emergency.⁵⁵ The Procurement Monitoring Bureau proactively published guidelines on procurement⁵⁶ and principles of good governance⁵⁷ during the pandemic. In addition, at the end of April, the government published data on all emergency contracts related to the pandemic on the dedicated website.⁵⁸ A detailed list of public procurement contracts⁵⁹ during the state of emergency and detailed summary of updates⁶⁰ regarding procurement activity during this period is now available on the Ministry of Defence website.

Budget Transparency

Budgetary processes in Latvia modernised prior to joining the euro currency in 2014 and joining the OECD in 2016. The OECD has noted positive improvements in linking strategic planning documents with budgetary resources and introducing spending reviews during budget cycles.⁶¹ The OECD report noted that Latvia's tradition of open government is reflected in its successful approach to budgetary transparency, including active budget communication, use of social media and data visualisation tools. There are no initiatives for participatory budgeting at the local or national level, but the Ministry of Environmental Protection and Regional Development (MoERD) has proposed provisions for adopting mechanisms of participatory budgeting at the municipal level in the new Law on Local Governments.⁶²

All draft budget documents are published on the Cabinet of Minister's webpage.⁶³ However, these data are often complex and not easily understandable to the general public. To address this, the Ministry of Finance now publishes basic information about the government's budget positions on an interactive platform, which details the spending categories to which funds are allocated and spent.⁶⁴

¹ Freedom House <https://freedomhouse.org/country/latvia/freedom-world/2019>

² Nations in Transit 2020, Freedom House https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf

³ Freedom of Information Law, Available at: <https://likumi.lv/ta/en/id/50601-freedom-of-information-law>, Last accessed: 07/06/2020.

⁴ RTI Rating, <https://www.rti-rating.org/country-detail/?country=Latvia> Last accessed 3/06/2020

⁵ A list of such cases can be reviewed at the webpage of Supreme Court Senate:

<http://www.at.gov.lv/lv/judikatura/judikaturas-nolemumu-arhivs/administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam/tiesibas-uz-informaciju-un-uz-atbildi-pec-butibas?lawfilter=1>, Last accessed: 07/06/2020.

⁶ <https://www.mk.gov.lv/en/content/sittings-cabinet-ministers-and-livestreams> available via the official YouTube channel: <https://www.youtube.com/c/Valdibasmaija/videos> Last accessed 31/07/2020

⁷ OECD (2019) Open, Useful and Re-usable Data (OURdata) Index, Available at: <http://www.oecd.org/gov/digital-government/ourdata-index-policy-paper-2020.pdf>, Last accessed: 07/06/2020.

⁸ European Data Portal (2018) Open Data Maturity Report, Available at: https://www.europeandataportal.eu/sites/default/files/edp_landscaping_insight_report_n4_2018.pdf, Last accessed: 07/06/2020.

⁹ European Data Portal (2019) Open Data Maturity Report, Available at: https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf, Last accessed: 07/06/2020.

¹⁰ TI Latvia, TI Lithuanian and Open Knowledge Sweden (2019) Open data and political integrity in the Nordic Region, Available at: https://delna.lv/wp-content/uploads/2019/11/NB7_OD4PI_Final_cmp.pdf, Last accessed: 25/06/2020.

¹¹ Cabinet of Ministers (2019) Latvian Open Data Strategy, Available at: <http://tap.mk.gov.lv/lv/mk/tap/?pid=40472319>, Last accessed: 07/06/2020.

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- ¹² Cabinet of Ministers (2019) Informative statement on the Open Data Strategy, Available (in Latvian) at: http://tap.mk.gov.lv/doc/2019_08/VARAM_info_zin_dati_1308.1376.docx, Last accessed: 25/06/2020.
- ¹³ On Meetings, Processions and Pickets: The Right to Organise Meetings, Processions and Pickets, and to Participate in Them, Available at: <https://likumi.lv/ta/en/en/id/42090>, Last accessed: 07/06/2020
- ¹⁴ Article no.100, The Constitution of Latvia, Available at: <https://likumi.lv/ta/en/en/id/57980>, Last accessed: 07/06/2020.
- ¹⁵ Krūzkopa, S. (2019) Hate speech – When Line of Freedom of expression is crossed, Available at: <https://lvportals.lv/skaidrojumi/309618-naida-runas-kad-var-da-brivibas-robezas-parkaptas-2019>, Last accessed: 07/06/2020 and Ombudsman of Republic of Latvia (2016) Problematic aspects of the investigation of hate crime and hate speech in the Republic of Latvia, Available at (in Latvian): http://www.tiesibsargs.lv/uploads/content/publikacijas/naida_noziegumu_un_naida_runas_izmeklesana_lv_2016_149621473_3.pdf, Last accessed: 07/06/2020.
- ¹⁶ Ombudsman of Republic of Latvia (2016) Problematic aspects of the investigation of hate crime and hate speech in the Republic of Latvia, Available at (in Latvian): http://www.tiesibsargs.lv/uploads/content/publikacijas/naida_noziegumu_un_naida_runas_izmeklesana_lv_2016_149621473_3.pdf, Last accessed: 07/06/2020.
- ¹⁷ Krūzkopa, S. (2019) Hate speech – When Line of Freedom of expression is crossed, Available at: <https://lvportals.lv/skaidrojumi/309618-naida-runas-kad-var-da-brivibas-robezas-parkaptas-2019>, Last accessed: 07/06/2020.
- ¹⁸ Articles 74.1, 78 and 150 of the Criminal Law, Available at: <https://likumi.lv/ta/en/en/id/88966>, Last accessed: 07/06/2020.
- ¹⁹ Reporters Without Borders (2020), World Press Freedom Index, Available at: <https://rsf.org/en/ranking>, Last accessed: 07/06/2020.
- ²⁰ U.S Department of State (2019) Country Report on Human Rights Practices: Latvia, Available at: https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/latvia/#report-toc_section-4, Last accessed: 07/06/2020.
- ²¹ Interview on the topic with the CEO of All Media Baltics Christian Anting can be accessed (in Latvian) here: https://www.delfi.lv/bizness/biznesa_vida/kapec-likvides-lnt-zinu-dienestu-skaidro-am-baltics-vaditajs.d?id=51620337, Last accessed: 09/07/2020. Latvian Association of Journalists (2019) Announcement on closure of LNT channel, Available at (in Latvian): <http://www.latvijaszurnalisti.lv/valdes-lemumi/2019/11/08/latvijas-zurnalistu-asociacijas-pazinojums-par-tv-kanala-lnt-slegsanu/>, Last accessed: 07/06/2020/
- ²² Freedom House (2019) Latvia: Civil Liberties, Available at: <https://freedomhouse.org/country/latvia/freedom-world/2018>, Last accessed: 07/06/2020.
- ²³ <https://www.lsm.lv/raksts/zinas/latvija/zurnalistu-asociacija-tiesas-lemums-operas-un-tvnet-strida-ir-nesamerigs.a220661/> The Case and the Ruling are available at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-122374%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-122374%22]}) (Last accessed: 09/07/2020).
- ²⁴ Rozenvalds, J. (2015) How Democratic is Latvia? Audit of Democracy 2005-2014, Available at: https://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/spi/demokratija/ENG_Audit_of_Democracy_2015.pdf, Last accessed: 20/05/2020.
- ²⁵ University of Latvia Philosophy and Sociology Institute (2017) Participation of national minorities in democratic processes in Latvia, Available (in Latvian) at: [https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/Mazakumtautibu%20lidzdaliba%20petijuma%20zinojums%202017\(1\).pdf](https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/Mazakumtautibu%20lidzdaliba%20petijuma%20zinojums%202017(1).pdf), Last accessed: 25/06/2020.
- ²⁶ See, for example, the archive of news reports on Pride by Latvian Public media, Available at: <https://www.lsm.lv/temas/praidis/>, Last accessed: 26/06/2020.
- ²⁷ Data available at: <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>, Last accessed: 29/06/2020.
- ²⁸ Sustainable Governance Indicators (2019) Latvia: Country Report, Available at: https://www.sgi-network.org/docs/2019/country/SGI2019_Latvia.pdf, Last accessed: 26/06/2020.
- ²⁹ Council of Europe (2018) Evaluation of the Latvia justice system, Available at: <https://www.coe.int/en/web/cepej/cooperation-programmes/evaluation-of-the-latvian-justice-system>, Last accessed: 25/06/2020.
- ³⁰ Data calculated from the Latvian Court System Data Portal, Available at: <https://dati.ta.gov.lv/microstrategy/asp/Main.aspx?>, Last accessed: 26/06/2020.
- ³¹ For a full list of government decisions on Covid-19 related legislative changes, please visit: <https://www.mk.gov.lv/lv/content/covid-19>, Last accessed: 26/06/2020.
- ³² Cabinet of Ministers (2020), Medical practitioners will receive benefits of up to 50% of salary in relation to Covid-19, Available at: <https://www.mk.gov.lv/en/aktualitates/medical-practitioners-will-receive-benefits-50-salary-relation-covid-19>, Last accessed: 27/06/2020.
- ³³ Cabinet of Ministers (2020), Exams are canceled for 9th grade students, all other will take the exams, Available (in Latvian) at: <https://www.mk.gov.lv/lv/aktualitates/9-klases-skoleniem-eksameni-tiek-atcelti-parejiem-notiks>, Last accessed: 25/06/2020.
- ³⁴ Cabinet of Ministers (2020) The Cabinet of Ministers has decided on the restrictions for limiting the spread of Covid-19 for after the end of the state of emergency, Available at: <https://www.mk.gov.lv/en/aktualitates/cabinet-ministers-has-decided-restrictions-limiting-spread-covid-19-after-end-state>, Last accessed: 28/06/2020.
- ³⁵ GRECO Second Interim Compliance Report Latvia 2017, https://www.knab.gov.lv/upload/eng/grecorc4_2017_12-eng-final-latvia.pdf
- ³⁶ On Prevention of Conflict of Interest in Activities of Public Officials, Available at: <https://likumi.lv/ta/en/en/id/61913>, Last accessed: 07/06/2020.
- ³⁷ Law on Financing of Political Organisations (Parties) (1995), Available at: <https://likumi.lv/ta/en/id/36189-law-on-financing-of-political-organisations-parties>, Last accessed: 26/06/2020.

- ³⁸ Pre-election Campaign Law (2013), Available at: <https://likumi.lv/ta/en/id/253543-pre-election-campaign-law>, Last accessed: 26/06/2020.
- ³⁹ By-law of the Corruption Prevention and Combating Bureau (2018), Available (in Latvian) at: <https://likumi.lv/ta/id/301433-korupcijas-noversanas-un-apkarosanas-biroja-nolikums>, Last accessed: 27/06/2020.
- ⁴⁰ Greco and Council of Europe (2018), Evaluation Report: Latvia, Available at: <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/16808cdc91>, Last accessed: 20/05/2020.
- ⁴¹ Whistleblowing Law (2019), Available at: <https://likumi.lv/ta/en/id/302465>, Last accessed: 27/06/2020.
- ⁴² Cabinet of Ministers (2019), Whistleblowers, Available at (in Latvian): <https://www.mk.gov.lv/lv/content/trauksmes-celeji>, Last accessed: 20/05/2020.
- ⁴³ State Chancellery (2019) Whistleblowing and Protection of Whistleblowers: Annual Report, Available (in Latvian) at: https://www.trauksmescelejs.lv/sites/default/files/buttons-card-files/TC_GADA_PARSKATS_2019-1-29-compressed2.pdf, Last accessed: 25/06/2020.
- ⁴⁴ On the Enterprise Register of the Republic of Latvia: Amendments (2020), Available (in Latvian) at: <https://likumi.lv/ta/id/311001>, Last accessed: 26/06/2020.
- ⁴⁵ Enterprise register (2020) Enterprise Register opens registers, Available (in Latvian) at: <https://www.ur.gov.lv/lv/jaunumi/aktualitates/uznemumu-registrs-atver-registrus/>, Last accessed: 25/06/2020.
- ⁴⁶ Available (in Latvian) at: <https://likumi.lv/ta/id/178987>, Last accessed: 09/07/2020.
- ⁴⁷ Key points and their relevance are summarised here (in Latvian) by the Enterprise Register: <https://www.ur.gov.lv/lv/patieso-labuma-guveju-skaidrojums/zinosana-par-neatbilstosu-informaciju-par-plg/>, Last accessed: 09/07/2020.
- ⁴⁸ Council of Europe (2018), Anti-money laundering and counter-terrorist financing measures: Latvia, Fifth Round Mutual Evaluation Report. Available at: <https://rm.coe.int/moneyval-2018-8-5th-round-mer-latvia/16808ce61b>, Last accessed: 20/05/2020.
- ⁴⁹ Council of Europe (2020) Anti-money laundering and counter-terrorist financing measures: Latvia, 1st Enhanced Follow-up Report, Available at: <https://www.coe.int/en/web/moneyval/-/moneyval-publishes-follow-up-report-on-latvia>, Last accessed: 07/06/2020.
- ⁵⁰ Kalnins, V., Valternbergs, V., Grumolte-Lehre, I. and Beizitere, I. (2019) The Normative Regulation and associated challenges in Latvia and Europe, Available (in Latvian) at: https://www.saeima.lv/petijumi/Lobesana_Latvija_un_Eiropa_2019.pdf, Last accessed: 07/06/2020.
- ⁵¹ See for example Saeima (2019) articles on the groups activities (in Latvian), Available at: <https://www.saeima.lv/lv/galleries/view/8469> and <http://aizsardziba.saeima.lv/raksti/1273-darba-grupa-lob%C4%93%C5%A1anas-atkl%C4%81t%C4%ABbas-likumprojekta-izstr%C4%81dei-iepa%C4%ABstas-saeimas-anal%C4%ABtisk%C4%81-dienesta-p%C4%93t%C4%ABjumu>, Last accessed: 07/06/2020.
- ⁵² See minutes of the committee, confirming work on the draft proposal has begun (in Latvian): <https://titania.saeima.lv/livs/saeimasnotikumi.nsf/0/8CB53F0F440AD6BCC225848D0042A948?OpenDocument&srcv=dt>, Last accessed: 09/07/2020.
- ⁵³ Delna (2020) COVID-19 and how to prevent corruption risks in Latvia, Available at: <https://delna.lv/en/2020/05/06/covid-19-and-how-to-prevent-corruption-risks-in-latvia/>, Last accessed: 20/05/2020.
- ⁵⁴ The agreement is available (in Latvian) at: https://delna.lv/wp-content/uploads/2020/04/Delna-AM_sadarb%C4%ABbas_l%C4%ABg_29042020.pdf, Last accessed: 09/07/2020.
- ⁵⁵ More information available at: <https://delna.lv/lv/2020/05/28/16052/>, Last accessed: 09/07/2020.
- ⁵⁶ Procurement Monitoring Bureau (2020), Guidelines available (in Latvian) at: <https://www.iub.gov.lv/lv/jaunums/par-iepirkumiem-covid-19-ietvaros> Last accessed: 11/09/2020.
- ⁵⁷ Procurement monitoring Bureau (2020) Call available (in Latvian) at: <https://www.iub.gov.lv/lv/jaunums/knab-un-iub-aicina-arkartejas-situacijas-laika-ieverot-labas-parvaldibas-principus>, Last accessed: 11/09/2020.
- ⁵⁸ www.covid19.gov.lv
- ⁵⁹ List available (in Latvian) at: <https://www.mod.gov.lv/sites/mod/files/document/Nosl%C4%93gto%20l%C4%ABgumu%20saraksts%20uz%2009.06.2020.pdf> Last accessed: 09/07/2020.
- ⁶⁰ Available (in Latvian) at: https://www.mod.gov.lv/sites/mod/files/document/aktu%C4%81l%C4%81%20inform%C4%81cija_11.06.pdf, Last accessed: 09/07/2020.
- ⁶¹ OECD (2019) Country profiles: Latvia – Budgetary Governance in Practice, Available at: <https://www.oecd.org/gov/budgeting/budgeting-and-public-expenditures-2019-latvia.pdf>, Last accessed: 07/06/2020.
- ⁶² Cabinet of Ministers (2020), Concept report: Participatory Budgeting in Latvia, Available (in Latvian) at: http://tap.mk.gov.lv/doc/2020_05/VARAMZin_20042020_Lidzbudzets.714.docx, Last accessed: 07/06/2020.
- ⁶³ Laws of Latvia, "Budget and Financial Management Act" (Latvijas Vēstnesis, 24 Mar. 1994), <https://likumi.lv/ta/id/58057-likums-par-budzetu-un-finansu-vadibu>, Last accessed: 20/05/2020
- ⁶⁴ Ministry of Finance, Interactive Budget, Available at: <http://www.fm.gov.lv/valstsbudzets>, Last accessed: 20/05/2020.

III. Leadership and Multistakeholder Process

Latvia's fourth action plan was developed in a collaborative manner between civil society and government representatives. A new multistakeholder forum drafted the commitments in thematic working groups and focused on proposals which are not already covered by other government plans. The multistakeholder forum could benefit from being formalised and having high-level representatives take part to ensure ambitious commitments on lobbying transparency.

3.1 Leadership

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

The State Chancellery (SC) is in charge of the OGP process in Latvia. It organises the design process and oversees implementation of commitments in the OGP Action plan. The SC also manages communication between the Council for Implementation of the Cooperation Memorandum (the Council of Memorandum) between civil society organisations (CSOs) and the Cabinet of Ministers, which functioned as the multistakeholder forum in the previous OGP cycle. The Council of Memorandum has the mandate to call on ministries to report on implementation of policies, including OGP commitments.

The Council of Memorandum played a consultative role in the design process of the current action plan and reviewed the final draft. Instead of serving as the forum, the SC created a new multistakeholder body specifically to design and also implement the action plan for the current cycle. The SC posted an open call on its website and via social media for interested CSOs to sign up for the body. In addition to this open call, the SC also approached members of the Council of Memorandum and emailed CSOs that had previously participated in the process to apply to the new multistakeholder forum. No specific selection criteria were used to filter the applications, and all CSOs that expressed an interest were invited to participate. There was overlap in the membership of the Council and the new forum, but the forum only included members who were actively working on the issues of the action plan.

Precisely because OGP leadership is located at the highest level of the executive, Parliament (Saeima) has blocked specific milestones and actions that would require legislation because it sees this as overreach by the executive over the legislative branch. An official comment about this was made by Parliament in its feedback on the final action plan draft, and it asked to be removed as a key institution from the commitment on lobbying.⁶⁵ This was noted as a pressing challenge by several participants of the multistakeholder forum⁶⁶ and could be overcome if Parliament were more involved in the process.

The state budget funds Action Plan commitments and activities and additional funding may be sought. Additional funding must be requested by responsible institutions for commitments and approved in state budgets. Government representatives mentioned that the lack of earmarked funding makes them more reluctant to develop innovative and ambitious commitments because they cannot guarantee dedicated funding to implement them.⁶⁷

2. Action plan co-creation process

This action plan development took place from September to December 2019, and the plan was approved on 11 February 2020.

Information about the process and the opportunities for participation to develop the action plan were openly communicated and done so in a timely manner. Before the first meeting of the new multistakeholder forum, SC published an official call⁶⁸ on its website, which listed all the opportunities for participation (the launch meeting, the multistakeholder forum, an online survey, working group meetings, comment period and public consultation on the final plan). This information

was also forwarded to stakeholders directly via email. The general public was encouraged to express its interest in whether it would be interested in participating in any of these steps. In addition, SC also published a document with relevant background information⁶⁹ – including crucial points of the previous action plans, key OGP principles and values, a list of the planned meetings, and the requirements and guidelines for the design process. The new multistakeholder forum, made up of government officials and civil society organisations (CSOs), received information prior to meetings. Throughout the cocreation process, the multistakeholder forum was open to new members. Although MPs and representatives of local governments were invited to attend this time (an improvement from previous cycle), most participants were from the executive branch and civil society. CSOs view the level of communication as well organised, although some suggested that a longer discussion period for the working groups could be helpful, especially because some CSOs were interested in participating in more than one working group, (e.g. TI Latvia DELNA, PROVIDUS) which translated into a rather intense working period for them.⁷⁰

The first multistakeholder forum meeting aimed to identify the main problems and select questions that should be addressed in the next couple of years to stimulate open governance. The State Chancellery (SC) introduced a new approach to the co-creation process which emphasised setting goals that are innovative instead of including actions that are part of other planning documents and that would have been carried out regardless of the OGP Action Plan. This was received positively by the forum's participants.

In addition, a public survey about open government, open data and other priorities was conducted to provide additional ideas and reflect the opinion of the general public to be taken into account by the multistakeholder forum.⁷¹ The survey targeted CSOs, entrepreneurs, students, citizens from different municipalities and the diaspora. A total of 168 responses were received. The results of the survey were published,⁷² but feedback on how these were addressed by the multistakeholder forum was not published or communicated publicly. The CSO and government participants in the second meeting of the new multistakeholder forum discussed the selected topics and brainstormed potential solutions, incorporating the survey results and finally identifying six key themes that they then signed up for, depending on their expertise, competencies and preferences. Work continued in separate working groups for the next month, members of which coordinated among themselves and organised separate meetings when necessary. Civil society organisations noted⁷³ that the working group format of the multistakeholder forum allowed them to work closely together with government on topics that fit their interest and expertise and to discuss commitments efficiently and in a targeted way. They said the short timeframe of the design process was intense for those organisations participating in more than one working group (e.g. TI Latvia Delna, PROVIDUS).

The SC then merged the drafted commitments into a single document. This was on 5 December. They then presented the draft Action Plan in a meeting of the State Secretaries, and it was then available to all government and civil society stakeholders for two weeks for comments and amendments.⁷⁴ Then up until 22 January, SC coordinated the process of discussing the proposed amendments with ministries and CSOs involved in discussing the draft plan (those who have submitted opinions with proposals and objections) and with the multistakeholder forum, after which the final draft was submitted to the Cabinet of ministers for approval.

The new set-up facilitated a continual exchange of feedback between government representatives and the CSO representatives, as they were working collaboratively on the commitments throughout the process. Through this, there was an overall sense of co-ownership. CSO representatives felt that they had an opportunity to participate meaningfully and to not only shape the commitments but also to put forward ideas and suggestions that were then discussed and included in the plan.⁷⁵

The CSO participants largely viewed the new approach to the design process positively. They overall appreciated the inclusive nature and the flexible format of the new forum, which allowed them to work in thematic groups, focusing on topics that fit their expertise and interests. This was seen as an improvement from the previous cycle. However, the lack of publicly available minutes of these meetings means that the process could be more transparent to the public if in the next action plan cycle this information is made available.

After the action plan had been submitted for approval, the members of the multistakeholder forum decided to continue meetings using online platforms such as a Facebook group and Sharepoint due to the COVID-19 state of emergency. CSO representatives raised concerns in interviews however that the current set of measures in place are not sufficient to ensure oversight of the implementation of the plan. In practice, the SC coordinates the process on its own, and the multistakeholder forum does not oversee overall implementation due to lack of clearly assigned oversight duties.

CSOs noted in interviews that since the co-creation process, the COVID-19 pandemic brought to their attention that there were no opportunities to participate remotely in the working group meetings nor in the multistakeholder forum meetings. The organisations that are larger and better funded were more likely to engage and physically attend all meetings, but those with a more limited capacity were either unable to join in person because of (what was seen as) the extreme short notice or were not able to attend due to other commitments. A hope was expressed that in the future, online meetings or mixed-format meetings (with some participants being present while others join through online platforms) would take place, thus ensuring that those CSOs with lesser capacity and funding can join the process with greater ease.⁷⁶

Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation's (IAP2) "Spectrum of Participation" to apply to OGP.⁷⁷ 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 input were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards 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.

The following table provides an overview of Latvia's performance implementing the Co-Creation and Participation Standards throughout the 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

Multistakeholder Forum	Status
1a. Forum established: OGP National Multistakeholder Forum exists to develop the commitments and approve the plan. The SC oversees and facilitates the design process.	Green
1b. Regularity: The OGP National Multistakeholder Forum met twice during the six months of the co creation process and once more for the final discussion. ⁷⁸	Green
1c. Collaborative mandate development: The forum was set up and designed by the SC, but once the stakeholders arrived, they had a lot of freedom to shape the way their group worked. The working groups worked by themselves without interference of the SC (unless SC was involved in the particular commitment).	Green
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the <u>OGP website</u> .	Green
2a. Multistakeholder: The forum includes both governmental and nongovernment representatives.	Green
2b. Parity: There was an overall balance of power between government and CSO members of the forum, although numerically, most participants were from government.	Green
2c. Transparent selection: The initial call for participation is available on the SC website. No specific participant selection criteria were published, but interviews with government clarified that CSOs were selected through a fair process (in fact, all CSO candidates were selected).	Red
2d. High-level government representation: Civil servants (including heads of departments) participated in the forum, but no ministers attended or contributed.	Green
3a. Openness: There were a number of opportunities for civil society, the general public and other stakeholders to contribute to the action plan draft.	Green
3b. Remote participation: There were opportunities for remote participation via the online surveys. No remote access was provided for the meetings of the multistakeholder forum.	Green
3c. Minutes: SC is active in disseminating information on its decisions, activities and results to wider government and civil society stakeholders. However, minutes of multistakeholder forum meetings are not publicly available.	Yellow

Action Plan Development	
4a. Process transparency: All OGP-related information is published on the SC website. Minutes of meetings, however, are not published.	Yellow
4b. Documentation in advance: SC shared information about OGP to stakeholders in advance to facilitate informed and prepared participation in all stages of the process. The list of the documents (this does not include the agendas/minutes) is available on the SC website.	Green
4c. Awareness raising: No additional outreach and awareness-raising activities with relevant stakeholders were held during the period of writing the action plan except an initial tweet on SC Twitter Account	Yellow
4d. Communication channels: SC coordinates direct communication with stakeholders during all stages of design process.	Green
4e. Reasoned response: The results of the public survey were published online. Interviews with members of the multistakeholder forum clarified that commentaries from the general public were used for setting priorities regarding themes and drafting commitments, but specific feedback on the reasoning behind those decisions is not published online.	Yellow
5a. Repository: SC documented, collected and published a repository on the domestic OGP website in line with IRM guidance.	Green

⁶⁵ The feedback document is available (in Latvian) at: http://tap.mk.gov.lv/doc/2020_02/MKizz_OGP4_220120.153.doc, Last accessed: 26/06/2020.

⁶⁶ Here and onwards, references will be made to views expressed by different participants of the multistakeholder forum in interviews taking place in May, 2020. To read more on the methodology please turn to corresponding section below.

⁶⁷ From the interviews with government stakeholders, May, 2020.

⁶⁸ The Call document available (in Latvian) at: https://mk.gov.lv/sites/default/files/editor/Lidzdaliba/pazinojums_par_lidzdalibu_ogp4_12.09.2019.docx, Last accessed: 26/06/2020.

⁶⁹ The Background document available (in Latvian) at: https://mk.gov.lv/sites/default/files/editor/Lidzdaliba/diskusiju_dokuments_ogp_4_12.09.2019.pdf, Last accessed: 26/06/2020.

⁷⁰ Interview with Liene Gatere, TI Latvia Delna, 6th of May, 2020;

Interview with Iveta Kažoka, director of PROVIDUS, 29th of April, 2020.

⁷¹ Results of the survey (in Latvian) can be found here:

https://mk.gov.lv/sites/default/files/editor/Lidzdaliba/prez_ideju_talka_14.10.2019.pdf, Last accessed: 07/06/2020.

⁷² https://mk.gov.lv/sites/default/files/editor/Lidzdaliba/prez_ideju_talka_14.10.2019.pdf

⁷³ Interview with Liene Gatere, TI Latvia Delna, 6th of May, 2020;

Interview with Iveta Kažoka, director of PROVIDUS, 29th of April, 2020.

⁷⁴ Ministry of Defense, Ministry of Economy, Ministry of Finance, Ministry of Culture, Ministry of Welfare, Ministry of Health, Ministry of Environment and Regional Development, Ministry of Transport, Ministry of Justice, Ministry of Agriculture, Saeima, Society Integration Fund, KNAB, Cross-sectoral coordination centre, Court Administration, Procurement monitoring bureau, State Revenue Service, Central Finance and Contracting agency, Latvian School of Public Administration School, the Latvian Association of Local and Regional Governments, PROVIDUS, Civic alliance, Free Trade Union Confederation, TI Latvia 'Delna' and everyone else who had participated in the process and mentioned in the plan.

⁷⁵ Interview with Liene Gatere, TI Latvia Delna, 6th of May, 2020; Interview with Iveta Kažoka, director of PROVIDUS, 29th of April, 2020, Interview with Kristine Zonberga, director of Civic Alliance, 10th of May.

⁷⁶ Interview with Liene Gatere, TI Latvia Delna, 6th of May, 2020.

⁷⁷ "IAP2's Public Participation Spectrum" (IAP2, 2014),

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

⁷⁸ Interview with Inese Kuške, SC, 6th of May, 2020.

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 circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.⁷⁹ Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.⁸⁰ A summary of key indicators the IRM assesses can be found in the Annex of this report.

General Overview of the Commitments

Latvia's fourth action plan includes six commitments. This action plan was designed with a new approach, which set priorities of key areas in need of improvement instead of compiling all existing commitments which are already included in other government planning documents. As a result, the action plan reflects key themes that the multistakeholder forum participants deemed crucial.

The six commitment themes correspond to the relevant issues for open government in Latvia – especially in reference to public procurement, open data, lobbying regulation, local government, civic participation and anti-corruption. Commitments on public procurement transparency, open data, corruption prevention and lobbying transparency build on the initiatives in the previous OGP action plans.⁸¹ More than half of Latvians think that corruption is prevalent in healthcare,⁸² which is tackled in commitment 6's pilot anti-corruption measures in the health sector. The plan also introduces for the first time a commitment on local government that includes openness standards for municipalities and more open and transparent local-level decision-making. With the upcoming regional reforms and amendments to the Law on Local Governments,⁸³ this is a timely commitment.

The action plan also carries through some of the issues addressed by the previous action plans. For example, implementation of the previous action plan led to increases in the availability and usability of open data⁸⁴ and is also included in the current plan to further improve accessibility and open more data sets. Nevertheless, the issue of lobbying transparency (and a lack of comprehensive legislative framework) was addressed in the previous action plans but did not result in any legislative changes. The commitment addressing it in the current plan is welcome, although it is quite limited in its scope.

Overall, commitments in the current plan vary in how ambitious and specific they are, with commitments on procurement and open data providing the most specific proposals and lobbying transparency being defined the least clearly.

1. Transparency of public procurements and contracts

Main Objective

The following activities will be carried out in order to promote greater transparency of public procurements and contracts:

1. Structured publication of data describing the performance of procurement contracts [...]
2. Digital tool for procurement risk assessment [...]
3. Public procurement monitoring by means of the Integrity Pact [...]
4. Conduct a study on and promote the availability of contracts governed by public law (delegation contracts, participation contracts, and other contracts) [...]

Milestones

1. Development of the descriptions of methods for the selection of data for the digital tool for procurement risk assessment;
2. Local governments have been selected and training seminars with regard to the Integrity Pact (if financing is available) have been given;
3. Implementation of the Integrity Pact / monitoring of public procurement (or evaluation of implementation feasibility);
4. Publication of the digital tool for procurement risk assessment;
5. Incorporation of an obligation to enter information in the contract register in laws and regulations in the field of public procurement;
6. Development and introduction of the contract register by ensuring the entry and publication of information;
7. Evaluation of the results of the application of the Integrity Pact: a summary of challenges and good practices, proposals for further application;
8. Provision of re-usable data sets of the contract register in the form of open data
9. Recommendations for the availability of contracts governed by public law (delegation, participation etc.).

Editorial Note: For the complete text of this commitment, please see Latvia's action plan at: https://www.opengovpartnership.org/wp-content/uploads/2020/01/Latvia_Action-Plan_2019-2021_EN.pdf

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information;
Potential impact:	Moderate

Commitment Analysis

The commitment aims to build upon the previous action plan commitment on public procurement by introducing a number of novelties to advance public contracts transparency. This includes publishing data on changes to contracts and creating a digital tool for procurement risk assessment which make the commitment relevant to the OGP value of access to information.

Latvia has a well-functioning public procurement system, and almost all information regarding public procurement contracts (including the procurement notices, results of procurement procedures, changes in the period of validity of contracts and complaints) is already available to the general public in open data formats⁸⁵ via the Procurement Monitoring Bureau (PMB) and the Electronic

Procurement System (EPS) websites combined.⁸⁶ EPS functions as an online catalogue from which suppliers and buyers can select products and services (and thus holds some of the relevant procurement data) as well as an electronic system for submitting tenders for procurement procedures announced in the e-tender subsystem.⁸⁷ PMB on the other hand, provides detailed information on public procurement, including notices on procurement and commencement of procurement procedures, amendments, results, applications for violations in procurement procedures, invitations to application review meetings, application review decisions, explanations on the application of regulatory enactments, guidelines for organising procurements and compilation of available statistical data.

However, information on contract execution such as final deadlines that are (or are not) met and the final payments that are made are not currently published. As noted in the interview with a representative from the involved public institution,⁸⁸ many contracts may be changed significantly during the final phase of their execution, but the information on this is not currently available through either of these platforms (unless the contract in question is especially monitored or if there is a direct investigation into the particular case). They added that including information on what happens during the execution of the contract would give a more complete and transparent overview of the procurement process and allow for a more effective monitoring of public procurement processes. Publishing this kind of information in an accessible manner is also an expectation from the European Commission,⁸⁹ which presents an additional impetus for a solution to be found.

To address the issue, PMB will create a new database of public procurement contracts (a register) by using information from the procurement notices and the results of procurement procedures, along with amendments in the period of validity of contracts that have been published on its website. This database would hold all the relevant information regarding each contract, and the accumulated data from this new register would then be published on the website of the Procurement Monitoring Bureau and on the Open Data Portal. It is not yet clear how action will be taken specifically to ensure the data in this register are standardised and of high quality.

Any obligation for the buyer to upload the necessary information will need to be secured in law and regulations in the field of public procurement. Currently, contract notices and nearly all associated documents are published under current legislation, except the previously highlighted information about the final stages and the deadlines. The Public Procurement Law⁹⁰ prescribes that contract notices are required when a contracting authority is applying open or restricted procedures, competitive procedures with negotiation, innovation partnership procedures and competitive dialogue or plans to establish a dynamic purchasing system. Following this, if changes are made or if the terms for submission are extended, modifications of these notices are also required to be published. The law also prescribes that within 10 days after the conclusion of a procurement contract (or of a framework agreement, or taking a decision to terminate or suspend the procurement procedure or not to establish a dynamic purchasing system), the contracting authority must submit the contract award notice.

In addition, the commitment entails developing a digital tool for risk assessment. This would be based on an already existing data visualisation tool⁹¹ that the PMB has established. The existing functionalities of this tool (enabling the view of procurement data by category, year and amount) would be extended to enable a more complete assessment of the buyers by, for the first time, compiling all available data about a specific buyer, including largest contracts, winners of tenders and overall expenditures. Currently, it is only possible to manually identify specific relationships between a specific buyer and supplier, as this is not an available function via the existing tool. Most of this data are already available through the PMB website, but the added functions would bring together specific data to connect information to identify 'red flags', e.g. how often the buyer in question has broken the contract, how often the contracts are amended significantly, how often negotiated procedure is triggered and how often contracts are signed with the same supplier. This kind of amalgamation is currently not possible. If successful, this could be an example of a good practice whereby not only would the data be open, but also they would be accessible and user friendly. At the same time, the administrative burden would not be increased, as the system is fully automated. It is not clear however to what extent this risk assessment tool will be designed in collaboration with external

stakeholders (particularly data users or others such as businesses or civil society) to understand what risks should be given priority. Nor is it clear how the automated system will address issues around guaranteeing data quality.

A third milestone will raise awareness of Integrity Pacts for public procurement through training events across Latvia on the municipal level.⁹² Integrity Pacts are supported by the EU (DG REGIO). There is currently no strong culture of using Integrity Pacts in Latvia.⁹³ Input and insights from the events would be gathered for future planning and evaluation of implementing the Integrity Pacts, followed by carrying out a pilot Integrity Pact process in at least one municipality⁹⁴. Aside from the plan to conduct information events, as written, it is unclear which local government will take part in this initiative and who will take ownership of this project.

The fourth milestone proposes a study on availability of information on other types of contracts; however, it does not explain which specific contracts are meant and how they are currently governed by a different legislative framework. Also, the commitment does not specify how this study's recommendations would be considered and whether the study will lead to any changes.

This commitment has a moderate potential impact for improving access to public procurement data based on the expected results from structured publication of open data describing the performance of procurement contracts. The lack of guarantees exploring or ensuring the data are standardised and of high-quality limits the overall potential impact. The creation of the contracts register and additional functionalities for simplifying access to amendments to procurement contracts on websites of the Latvian PMB and EPS would increase access and usability of contract information, but again, this depends on the quality of the data available. The introduction of the new tool has the potential to ease identification of corruption risks and boost monitoring capabilities but would have greater impact if the information in the tool were aligned with the risks identified by external (such as businesses, civil society, data users) as well as internal (government) stakeholders.

The commitment could be transformative if it were to include greater opportunity for collaboration between government and data users along with civil society and business in the identification of risks. It would also gain from ensuring data are open, of high quality and standardised in the new contracts register. Furthermore, implementing institutions could put a priority on the publication of contracts related to COVID-19, which would make the commitment more relevant to current pressures and issues in procurement. The commitment could have been split because milestones related to Integrity Pacts are quite different from those actions related to public procurement transparency. The milestones on Integrity Pacts could be more specific about where they will be implemented and go beyond enabling public monitoring to guaranteeing participation.

⁷⁹ "Open Government Partnership: Articles of Governance" (OGP, 17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance/>.

⁸⁰ "IRM Procedures Manual" (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

⁸¹ See Implementation report for 2017-2019 cycle at: https://www.opengovpartnership.org/wp-content/uploads/2020/07/Latvia_2017-2019_Implementation-Report_for-public-comment_EN.pdf, Last accessed: 12/07/2020.

⁸² Eurobarometer 2018, Available at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2176>, Last accessed: 07/06/2020.

⁸³ Saeima (2019) Saeima conceptually approves regional reforms, Available at: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/21865-latvijas-republikas-saeimas-eiropas-lietu-/28433-saeima-konceptuali-atbalsta-administrativi-teritorialo-reformu>, Last accessed: 07/06/2020.

⁸⁴ See Implementation Report (2017-2019), Available at: https://www.opengovpartnership.org/wp-content/uploads/2020/07/Latvia_2017-2019_Implementation-Report_for-public-comment_EN.pdf, Last accessed: 12/07/2020.

⁸⁵ Available at: <https://www.iub.gov.lv/lv/atvertie-dati> Last accessed: 11/09/2020.

⁸⁶ Available at: <https://www.iub.gov.lv>, Last accessed: 20/05/2020.

⁸⁷ Available at: <https://www.eis.gov.lv/EKEIS/Supplier> Last accessed: 14/09/2020

⁸⁸ Interview with Dace Gaile, Head of PMB, on 8th of May, 2020.

⁸⁹ Directive 2014/24/EU of The European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0024-20180101>, Last accessed: 19/05/2020.

⁹⁰ Available at: <https://likumi.lv/ta/en/en/id/287760>, Last accessed: 07/06/2020.

⁹¹ Available at: <https://info.iub.gov.lv/lv/visual> Last accessed: 14/09/2020

⁹² These informative training events had already been planned and the dates for the events had already been set. Unfortunately, due to the COVID crisis, these had to be put on hold for the time being.

⁹³ Interview with Dace Gaile, Head of PMB, on 8th of May, 2020. To date, there have only been a couple of attempts to use the Integrity Pact, none of which have been fully successful. For more information (in Latvian), please visit: Transparency International Latvia (DELNA): <https://delna.lv/en/integrity-pact/>, Last accessed: 08/06/2020.

⁹⁴ Interview with Dace Gaile, Head of PMB, on 8th of May, 2020

2. Opening of data sets important to the freedom of information

Main Objective

The commitment constitutes **opening of the data sets of importance to the freedom of information**, and involves, in cooperation with the holders of data sets and representatives of the public, evaluation of wider possibilities for the opening of data in the following areas:

1. Payment of taxes: the total amount of taxes paid by taxpayers (merchants) in the taxation year and administered by the SRS (State Revenue Service);
2. The publicly accessible parts of the declarations of public officials submitted by the public officials, including the President, members of the Saeima, the Prime Minister, the Deputy Prime Minister, ministers, ministers for special assignments, Parliamentary Secretaries, and declarations of public officials of councillors of councils of republic cities (State Revenue Service);
3. Finances of political parties and donations to parties (Corruption Prevention and Combating Bureau);
4. Payments of the State budget expenditure* (Treasury);
5. Information regarding the implementation of budgets of State administration institutions** (Treasury);
6. Work of courts, speed in courthouses, instances, and types of cases, work of judges (Court Administration);
7. Work of medical treatment institutions and waiting times for services, work of doctors, allocation of funding and other data which allow to analyse and improve management of the health sector (National Health Service);
8. Complaints on procurements, on administrative sanctions imposed for infringements in procurement activities (Procurement Monitoring Bureau);
9. Field of education: educational institutions, number of educatees in educational institutions, number of students in higher education institutions, number of the academic staff and their division according to positions, accredited educational programmes, including higher education programmes (Ministry of Education and Science);
10. Human resources and remuneration in State administration, development of open data model for the remuneration registration system (RRS) (State Chancellery).

Milestones

1. Evaluation of data sets and development of recommendations
2. Opening of data sets

Editorial Note: For the complete text of this commitment, please see Latvia's action plan at:

https://www.opengovpartnership.org/wp-content/uploads/2020/01/Latvia_Action-Plan_2019-2021_EN.pdf

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Moderate

Commitment Analysis

This commitment aims to continue with the process of opening more data sets held by Latvian public bodies. The previous action plan contained a commitment on open data which increased the number of data sets published on Latvia's open data portal as well as the number of publishing public institutions.

The legal framework for open data management in Latvia is shaped by the Freedom of Information Act⁹⁵ and by the Cabinet Regulation 611⁹⁶ (2018), which prescribes institutions to publish open data at their disposal to the Open Data Portal⁹⁷ in a machine-readable format. In 2019, Latvia adopted an Open Data Strategy⁹⁸ outlining actions for an open data transformation⁹⁹ with an overall aim to follow the principle of 'open by default'. It also made a commitment to provide grants to foster the development of data-based innovations. Many institutions, such as the Procurement Monitoring Bureau,¹⁰⁰ Enterprise Register¹⁰¹ and the Riga City Council¹⁰² had already opened their data before these regulations and strategies existed. The central Open Data Portal now contains 395 data sets from 76 institutions.¹⁰³ More than 75% of the local/regional governments conduct open data initiatives.¹⁰⁴

Currently, most of the information within the proposed data sets is only publicly available in non-open formats. The remuneration registration system data are not publicly available at all. The information is published in a mix of formats, including .docx, .xlsx and PDF formats. For example, the Ministry of Education publishes its data on student numbers in both .xlsx and PDF formats. State budget expenditure by the Treasury and speed of courts by Court Administration uses .xlsx format, whereas KNAB data on party financing are available through an interactive online database¹⁰⁵ that allows the user to search data for a specific period. Overall, there is a lack of consistency in how the data are published and stored and what formats are used by different institutions. It was also noted by a ministry representative¹⁰⁶ that in many cases, there are also considerable technical issues to address, such as lack of suitable infrastructure to work with open data formats.¹⁰⁷ Not all institutions are familiar with the concept of open data, and in some cases, they may not be able to easily publish their data in the correct format.¹⁰⁸

Representatives from public institutions also noted¹⁰⁹ that a lack of funding may present a problem to make the proposed data sets freely available, as making the data publishing automatic and training staff in using open data both bear costs. It was noted that this question would be explored when assessing the feasibility of opening the data sets.

Opening the data sets listed in the commitment is seen by the involved stakeholders¹¹⁰ as an important step towards increasing government efficiency and also allowing the public to not just access to information but also to be able to reuse the data. Furthermore, opening these data sets is also seen as indirectly targeting socio-economic issues, such as reducing waiting times for health services, ensuring transparency in the educational sector and ensuring that the speed of courthouses is monitored. Political financing information has been identified as information that could be published in machine-readable formats.¹¹¹

The first part of the commitment foresees a consultation process (reflected in milestone 1), whereby each identified data set would be evaluated in a joint discussion process between the Ministry of Environmental Protection and Regional Development (the lead ministry for this commitment) and the responsible institution. Where data are not already available to the public in open formats, the criteria for opening the data sets will be based on data sensitivity and ethical availability (e.g. whether the data set includes any medical data, personal data and other relevant information which may be seen as private), judicial criteria (e.g. protection of trade secrets), machine readability and whether the institution has the capacity to open the data.¹¹²

The commitment will identify the feasibility of opening data and locate obstacles to this process. If successfully implemented, this commitment will have a moderate impact, as information will be available to the public for the first time in open formats. The reform does not go as far as ensuring

data are collected or published in a isstandardised way across state institutions nor foster active use of open data to boost their economic and societal impact, which might have made it a transformational commitment.

⁹⁵ Freedom of Information Law, Available at: <https://likumi.lv/ta/en/id/50601-freedom-of-information-law>, Last accessed: 07/06/2020.

⁹⁶ Cabinet Regulation No.611 (2018) Procedures for Publishing Information on the Internet by Institutions, Available at: <https://likumi.lv/ta/en/en/id/301865>, Last accessed: 26/06/2020/

⁹⁷ <https://data.gov.lv/>

⁹⁸ Cabinet of Ministers (2019) Latvian Open Data Strategy, Available at: <http://tap.mk.gov.lv/lv/mk/tap/?pid=40472319>, Last accessed: 07/06/2020.

⁹⁹ Cabinet of Ministers (2019) Informative statement on the Open Data Strategy, Available (in Latvian) at: http://tap.mk.gov.lv/doc/2019_08/VARAM_info_zin_dati_1308.1376.docx, Last accessed: 25/06/2020.

¹⁰⁰ Procurement Monitoring Bureau, Open data available at: <https://www.iub.gov.lv/lv/atvertie-dati> Last accessed: 14/09/2020.

¹⁰¹ Enterprise Register, Open data available at: <https://www.ur.gov.lv/en/specialized-information/open-data/>, Last accessed: 20/06/2020.

¹⁰² Municipal Portal of Riga, Data available at: <https://www.eriga.lv/Catalog.aspx>, Last accessed: 20/06/2020.

¹⁰³ Latvian Open Data Portal (2020), Available at: <https://data.gov.lv/lv/>, Last accessed: 08/07/2020.

¹⁰⁴ Open Data Portal (2019) Open Data Maturity Report, Available at: https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf, Last accessed: 07/06/2020.

¹⁰⁵ Database is available at: <https://www.knab.gov.lv/lv/db/donations>, Last accessed: 12/07/2020.

¹⁰⁶ Interview with Toms Celjmillers, MoERD, 6th of May, 2020.

¹⁰⁷ This observation was emphasised in the interview with a leading stakeholder on open data, May 2020.

¹⁰⁸ Cabinet of Ministers (2019) Latvian Open Data Strategy, Available at: <http://tap.mk.gov.lv/lv/mk/tap/?pid=40472319>, Last accessed: 07/06/2020.

¹⁰⁹ Interview with Toms Celjmillers, MoERD, 6th of May, 2020.

¹¹⁰ Interview with Toms Celjmillers (speaking in this case on the behalf of the working group), MoERD, 6th of May, 2020

¹¹¹ Transparency International Latvia (Delna) 2019 Open Data And Political Integrity in the Nordic+ Region https://www.transparency.lt/wp-content/uploads/2019/11/Open_Data_Report.pdf

¹¹² From interviews with the stakeholders, May 2020.

3. Transparency of interest representation and lobbying

Main Objective

The commitment constitutes the promotion of the transparency of represented interests and lobbying in the following directions:

- improvement of the framework for interest representations (transparency of lobbying);
- informative measures, including in public, to promote the transparency of the represented interests and raise awareness of its benefits;
- initiatives for the introduction of greater transparency of the meetings of specific officials (open calendars);
- raising awareness of the transparency of lobbying in institutions (at the level of employees and managers).

Milestones

The matter of lobbying transparency is included in one training provided by the Latvian School of Public Administration and one training provided within the Programme for the Development of Senior-Level Managers.

Editorial Note: For the complete text of this commitment, please see Latvia's action plan at: https://www.opengovpartnership.org/wp-content/uploads/2020/01/Latvia_Action-Plan_2019-2021_EN.pdf

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information,
Potential impact:	Minor

Commitment Analysis

The commitment addresses one of the most challenging issues in the field of openness and corruption prevention in Latvia. The work on a legal framework for transparency of lobbying has been underway for more than a decade, but there is still no regulation of lobbying in Latvia. This topic has been part of the previous OGP action plans – the third action plan included a milestone to organise focus group discussion on lobbying, which KNAB implemented. However, this activity only marginally improved participation and did not lead to changes in lobbying transparency.¹¹³

Lobbying in Latvia is particularly evident in sectors subject to greater state regulation and in which there are greater public budget investments, including the pharmaceutical, construction, and information and communication technology industries.¹¹⁴ Over half of Latvians (52.4%) consider the influence of lobbyists on decision-making to be corruption.¹¹⁵ In 2012, the Latvian Lobbyists' Association¹¹⁶ developed a code of ethics to serve as a self-regulatory body, but it has not been active for several years.¹¹⁷

This commitment includes broadly formulated milestones without indicating specific expected results. It entails providing a training by the Latvian School of Public Administration and one training within the Programme for the Development of Senior-Level Managers. Currently the school does not offer such trainings. The commitment also entails publishing information on meetings held by public officials through setting up an open calendar. At the moment, this practice does not exist, but the commitment does not indicate which public officials will be subject to this and whether it will be a requirement or a recommendation. The commitment also foresees introducing informative events

for stakeholders and the general public to increase understanding about the transparency of the lobbying process and potential benefits such transparency may bring. It was mentioned in the interview with a representative from public institutions¹¹⁸ that a more specific plan regarding design and implementation of these steps is to be developed in the upcoming months.

Although the fulfilment of the included milestone could lead to positive changes as compared with the current practice, without passing a strong law that meets international standards on regulation of lobbying, this commitment would fall short of ensuring a meaningful lobbying transparency reform in Latvia. While setting up and implementing a functioning and effective lobbying framework could be transformational, the Parliament (Saeima) claimed that a commitment in the action plan introducing a new law would constitute overreach by the multistakeholder forum. To bypass this issue, the multistakeholder forum decided to remove Saeima-specific milestones on setting up the lobbying register and passing the new lobbying law. Although Saeima representatives commented that the executive branch cannot assign tasks to parliament, the action plan could contain legislative commitments if the Saeima were to propose such commitments.¹¹⁹

Against the backdrop of this, the multistakeholder forum working group was eager to include this commitment in the plan to serve as a form of support for the development of a lobbying framework. In the view of ministry representatives,¹²⁰ this is crucial, as it contributes to the overall culture of openness and transparency in Latvia even if action plan commitments directly introducing legislation were blocked by the Saeima at this time. The current commitment could still popularise the concept of transparent lobbying within institutions, provide information about calendar of meetings of public officials, and raise awareness. Although the aspirations for this commitment are much higher, the potential impact as it currently stands will be minor.

¹¹³ See Implementation reports 2017-2019, Available at: https://www.opengovpartnership.org/wp-content/uploads/2020/07/Latvia_2017-2019_Implementation-Report_for-public-comment_EN.pdf, Last accessed: 12/07/2020.

¹¹⁴ Business associations such as Foreign Investors' Council in Latvia and Latvian Chamber of Commerce and Industry as well as trade unions also play an important role in lobbying.

¹¹⁵ SKDS (2008; 2014), Survey conducted for Democracy Audit 2015, Available at: https://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/sppi/demokratija/ENG_Audit_of_Democracy_2015.pdf, Last accessed: 07/06/2020.

¹¹⁶ Diena (2012) Latvian Lobbyists' Association Established, Available at: <https://www.diena.lv/raksts/latvija/zinas/nodibinata-lobetaju-asociacija-13941271>, Last accessed: 07/06/2020.

¹¹⁷ Kalnins, V., Valternbergs, V., Grumolte-Lehre, I. and Beizītere, I. (2019) The Normative Regulation and associated challenges in Latvia and Europe, Available (in Latvia) at: https://www.saeima.lv/petijumi/Lobesana_Latvija_un_Eiropa_2019.pdf, Last accessed: 07/06/2020.

¹¹⁸ Interview with Inese Kuške, SC, 6th of May, 2020.

¹¹⁹ This was mentioned by several stakeholders in the interview process, May 2020.

¹²⁰ Interview with Inese Kuške, SC, 6th of May, 2020.

4. Open government in local governments

Main Objective

The commitment constitutes the creation of supportive environment in local governments which is oriented towards practising participation and greater transparency. The commitment includes the following activities:

1. Minimising formality in public participation:
2. Improvement of the framework for participation and availability of information which concerns residents in local governments:
3. Promotion of educational initiatives for participation:
(Activity 3 shall be implemented in conjunction with the Commitment 5)
4. Open local government movement:

Milestones

1. Development of openness standards and recommendations for local governments
2. At least three local governments get involved in the open local government movement

Editorial Note: For the complete text of this commitment, please see Latvia's action plan at: https://www.opengovpartnership.org/wp-content/uploads/2020/01/Latvia_Action-Plan_2019-2021_EN.pdf

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic participation
Potential impact:	Moderate

Commitment Analysis

The main aim of the commitment is to increase residents' participation in local decision making by educating them on participation possibilities and strengthening their participation capacity. It also aims to enable and empower municipalities to use participation tools more actively.

Civil society in Latvia has expressed concern¹²¹ to the government regarding the relatively low levels of government engagement with the public and lack of proposals to address this. A law on the Local Government Referendum has been on the agenda for several years in Latvia but has not yet been approved. Citizen engagement at the municipal level can be described as low, and engagement events put forward by local governments are usually met with limited responsiveness.¹²² Local civil society organisations rarely take part in the municipal council or committee meetings.¹²³ The main reasons are the lack of mutual trust between the general public and local governments, lack of civic skills and lack of available information about decision-making on the local level.

Currently there are no systematic capacity-building incentives or promotion of participatory democracy at the local level in Latvia. The Ministry of Environmental Protection and Regional Development (MoERD)¹²⁴ however has proposed provisions for adopting mechanisms of participatory budgeting at the municipal level in the new Law on Local Governments. Some municipalities, such as Sigulda, Valmiera and Talsi,¹²⁵ have shown initiative and tried to develop their own solutions, particularly in the use of digital technologies and social media channels.

The first step that the commitment foresees is to compile a study of examples of good practices and to use this to draft proposals, openness standards and recommendations for all municipalities. Even though citizens are currently able to participate in local meetings, the commitment foresees improving the status quo by designing a specific template in which every meeting also entails what is labelled here as a 'catch-the-eye' procedure, meaning that a portion of the meeting is reserved for citizens to freely express their concerns and ideas. This could potentially give citizens more control over agenda setting than they currently have.

The commitment is also seeking to improve the accessibility of local-level information for the general public, specifically when it concerns legislative amendments. Currently, there is no consistent system for municipalities to follow when publishing amendments to local regulations, which means it is often hard for the general public to trace what exactly has changed and what is contained in new amendments.¹²⁶ The commitment would ensure that binding regulations of all local governments are published in the Latvian official gazette *Latvijas Vēstnesis* and codified in the portal of laws and regulations.

Overall, this commitment could have a moderate potential impact for improving citizen participation in local governments. Despite the aims of the commitment and positive proposals for developing good practice recommendations for municipalities and improvement of accessibility of decisions on the local level, there are no specific measures foreseen to ensure support for increasing the capacity of specific groups to participate, such as women, LGBTQ+, disabled people, and so forth. To make this have a transformative impact, the commitment could incorporate civic education and engagement of such specific groups in specific policy areas so that the current opportunities and channels of participations are used more actively.

In its current format, the commitment is a compilation of useful actions, but it is not clear what specific steps are to be taken to bring them to life. It is particularly important that concrete, specific and well-designed solutions are put forward for improving citizen engagement at the municipal level, as upcoming regional reform will reduce the number of municipalities from 119 to 39.¹²⁷ Although this commitment puts forward general topics of interest, it lacks the concrete steps that will be taken in the implementation phase of the Action Plan. For example, more activities relating to the MoERD plan to introduce participatory budgeting locally would be particularly useful to foster engagement and a culture of open government at the local level.

¹²¹ See, for example, Civil Alliance (2019) Commentary on the National Development Plan (a public letter), Available (in Latvian) at: <https://www.pkc.gov.lv/sites/default/files/inline-files/eLPA%20par%20NAP2027.pdf>, Last accessed: 07/06/2020.

¹²² Stafecka, L. And Tarasova, S. (2019) Citizen Engagement in Latvian Municipalities: An Overview, Available (in Latvia) at: http://providus.lv/article_files/3607/original/Parskats_par_iedzivotaju_iesaisti_LV.pdf?1572427163, Last accessed: 07/06/2020.

¹²³ Kažoka I., Stafecka L. (2017) Balance of power and control in Latvian municipalities, Available (in Latvian) at: <http://deputatuzdelnas.lv/assets/upload/userfiles/files/PROVIDUS%20petijums%20par%20pasvaldibam%202017.pdf>, Last accessed: 07/06/2020.

¹²⁴ Cabinet of Ministers (2020), Concept report: Participatory Budgeting in Latvia, Available (in Latvian) at: http://tap.mk.gov.lv/doc/2020_05/VARAMZin_20042020_Lidzbudzets.714.docx, Last accessed: 07/06/2020.

¹²⁵ For a more detailed discussion of these initiatives please see Stafecka, L. And Tarasova, S. (2019) Citizen Engagement in Latvian Municipalities: An Overview, Available (in Latvia) at: http://providus.lv/article_files/3607/original/Parskats_par_iedzivotaju_iesaisti_LV.pdf?1572427163, Last accessed: 07/06/2020.

¹²⁶ From the interviews with stakeholders, May 2020.

¹²⁷ Saeima (2019) Saeima conceptually approves regional reforms, Available at: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/21865-latvijas-republikas-saeimas-eiropas-lietu-/28433-saeima-konceptuali-atbalsta-administrativi-teritorialo-reformu>, Last accessed: 07/06/2020.

5. Qualitative public participation in reform processes and addressing of topical societal issues

Main Objective

1. Promotion of understanding, knowledge and skills of public participation
2. Pilot projects of good practices of participation and involvement of residents:
Shall be implemented in conjunction with the activity "Reduction of the risks of corruption in the health care system" within the framework of the Commitment 6.
3. Participation support measures and development of e-participation tools:

Milestones

1. Educational activities regarding participation for responsible officials, employees of the UCSCSAs and representatives of civil society in regions (at least one training course for each group)
2. Implementation of at least one pilot project
3. Development of proposals for public participation and publishing thereof in e-environment, including on tai.mk.gov.lv and TAP portal
4. An increase in the number of draft laws and regulations in terms of the percentage with regard to which the public opinion has been obtained

Editorial Note: For the complete text of this commitment, please see Latvia's action plan at: https://www.opengovpartnership.org/wp-content/uploads/2020/01/Latvia_Action-Plan_2019-2021_EN.pdf

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic participation, Access to Information
Potential impact:	Moderate

Commitment Analysis

This commitment aims to provide information about civic participation to public officials and the public. The commitment is also relevant to the OGP value of participation because it will include actions that pilot civic participation in the specific policy areas of defence, health and issues affecting the diaspora. The commitment also seeks to facilitate the development of e-participation tools.

According to the OECD, Latvia measures as a middle performer in civic engagement.¹²⁸ According to the European Social Survey,¹²⁹ only 9% of the citizens can be seen as civically active. Furthermore, out of five key variables in the Democracy Index¹³⁰ evaluation, Latvia ranks as the lowest in political participation (5.56).

Even though the existing legal framework in Latvia provides for participation to be ensured by the state and local government,¹³¹ representatives from state-funded organisations and civil society organisations¹³² noted that this does not translate into successful engagement in practice. The results of a 2019 survey by the State Chancellery¹³³ indicated that the general public is interested in participating in the early stages of decision-making processes, but such opportunities are rarely provided. A lack of constructive discussion, feedback and even basic information about participation contributes to a further decrease in participation levels. Representatives from civil society and state-funded organisations¹³⁴ also noted that participation happens on an ad hoc basis, taking on a formal format and that the language used to present proposals is often bureaucratic and overly complicated. Overall, the main obstacles to participation include a lack of understanding why participation is

beneficial both for the general public and for government and municipal officials, a lack of tools, methods and capacity along with a lack of resources available at the national and regional level.

The commitment aims to address these issues via the introduction of the new TAP portal (Single Portal for the Development and Coordination of Draft Laws and Regulations), which is planned to be launched in the first quarter of 2021. This portal will serve as a single platform for laws and regulations, development planning documents, draft laws and legal acts along with information regarding the opportunities to participate in developing these regulations and laws. Currently, this information is scattered across numerous websites of different institutions. No specific figures regarding data on legislation shaped by active public involvement is gathered. The portal will enable people to calculate how many draft laws and regulations have sought public input, which is not possible to do currently.

The commitment also entails three pilot projects, which are to be carried out in collaboration with other state institutions. Although the specific methods to be used to engage with citizens is not clear, the Ministry of Defence has confirmed¹³⁵ that the general public should be included in the design process of a national defence system. Similarly, the Ministry of Foreign Affairs has confirmed its interest in a more purposeful inclusion of the diaspora in decisions that affect them. The 2019 Diaspora Law¹³⁶ foresees fostering civic and political participation, but specific mechanisms for participation and opportunities for engagement are currently lacking.¹³⁷ Finally, the Ministry of Health will work to address the small-scale corruption risks between patients and doctors in the public health sector. As written, the commitment only outlines an initial research activity based on a KNAB survey and desk research regarding 'gifts of gratitude'. Since the action plan was adopted, the Government have confirmed that the survey will be carried out by the Ministry of Health and in collaboration with civil society organisation Providus, rather than KNAB.¹³⁸ Health is discussed in depth in the Commitment 6 analysis.

Finally, the commitment emphasises the need to ensure development of e-participation tools, but it is unclear exactly what this may look like. There are several successful civil society platforms for participation in Latvia. For example, Deputāti uz Delnas¹³⁹ is a portal with detailed information on MPs, and the petitions website 'Mana Balss' has been particularly successful in facilitating petitions to the Saeima. Laws have been affected positively by 67.5% of the submitted initiatives on Mana Balss – 153 initiatives were submitted to the platform in 2018 with 237,812 people signing the initiatives, more than double the signatures provided in 2015.¹⁴⁰

The potential impact of this commitment is moderate, as it foresees wide educational activities and three pilot processes that will include an element of public participation. It also seeks overall to increase the number of draft laws and regulations that have been influenced by the public, although the measure does not have specific targets or requirements about what participation would look like. The facilitation of e-participation platforms, if successful, could also have an effect on public participation in political and civic life. To make the commitment transformational, the relevant institutions could consider permanent mechanisms for turning civic engagement into policy-making processes, using these pilot initiatives to trial engagement, identify obstacles to participation and develop solutions. In particular, attention could be paid to groups directly affected by policy or that are rarely heard in the policy-making process.

¹²⁸ OECD (2019) Latvia: An overview (Economic surveys), Available at: <http://www.oecd.org/economy/surveys/latvia-2019-OECD-economic-survey-overview.pdf>, Last accessed: 07/06/2020.

¹²⁹ European Social Survey data (2018) is available at: <https://www.europeansocialsurvey.org/data/country.html?c=latvia>, Last accessed: 12/07/2020.

¹³⁰ The Economist Intelligence Unit (2018), Democracy Index, Available at: http://www.eiu.com/public/thankyou_download.aspx?activity=download&campaignid=Democracy2018, Last accessed: 07/06/2020.

¹³¹ See Paragraph 5 of the Cabinet Regulation No. 970 of 25 September 2009, Procedures for the Public Participation in the Development Planning Process; The State Administration Structure Law. Section 10, Paragraph seven and The State Administration Structure Law. Section 48, Paragraph two.

¹³² Interview with Alda Sebre, Society Integration Fund (state-funded organisation), on 18th of May, 2020.

Interview with Kristīne Zonberga, Civic Alliance, (civil society organization) on 14th of May, 2020.

¹³³ Results of the survey (in Latvian) are available at:

https://mk.gov.lv/sites/default/files/editor/Lidzdaliba/prez_ideju_talka_14.10.2019.pdf, Last accessed: 26/06/2020.

¹³⁴ Interview with Alda Sebre, Society Integration Fund (state-funded organization), on 18th of May, 2020.

Interview with Kristīne Zonberga, Civic Alliance (civil society organisation), on 14th of May, 2020.

¹³⁵ Available (in Latvian) at: <http://tap.mk.gov.lv/mk/tap/?pid=40462120>, Last accessed: 20/05/2020.

¹³⁶ Diaspora Law, Available (in Latvian) at: <https://likumi.lv/ta/id/302998-diasporas-likums>, Last accessed: 07/06/2020.

¹³⁷ Mierina, I., Zača, E. and Buholcs, J. (2018) Development of Diaspora Policy, Available (in Latvian) at:

https://www.diaspora.lu.lv/fileadmin/user_upload/lu_portal/projekti/diaspora/Diasporas_politikas_attistiba_-_zinojums_publicesanai.pdf, Last accessed: 07/06/2020.

¹³⁸ This information was provided by Inese Kuske, Latvian Government Point of Contact, State Chancellery

¹³⁹ Deputāti uz Delnas, Available at: <http://deputatiuzdelnas.lv/lv/13-saeima/deputatu-kandidati>, Last accessed: 26/06/2020.

¹⁴⁰ SGI (2019) Latvia Report, Available at: https://www.sgi-network.org/docs/2019/country/SGI2019_Latvia.pdf, Last accessed: 26/06/2020.

6. Actions for corruption prevention

Main Objective

The commitment constitutes implementation of the following activities to prevent corruption and conflicts of interests in a timely manner:

1. Support to the promotion of knowledge in the State administration and public for the prevention of conflicts of interests and corruption, and also zero tolerance against corruption.
2. Measures for the reduction of corruption risks in the healthcare system
Implementation shall be linked to Commitment 5 – public participation pilot project in the field of healthcare.
3. Promotion of ensuring transparency of the procurement process and use of financial funds of local governments and their capital companies in practice (including the funds of subsidiaries and funds allocated to associations and foundations) and preventing of situations where a conflict of interests occurs.
4. Provision of information to an employer/institution of the fact that against an employee of the respective institution criminal proceedings which prohibit him or her from holding a certain office in the future or imposes certain restrictions thereupon have been initiated or terminated.

Milestones

1. Training of employees of the State administration
2. Support to employees of the State administration in the issues of the conflict of interest and corruption through the use of interactive and innovative methods
3. An implemented measure in the health care sector.
4. Proposals for greater transparency in the use of financing of local governments and their capital companies avoiding exposure to a conflict of interest have been prepared
5. Amendments to laws and regulations which provide for improving the exchange of information between government institutions regarding the initiated or terminated criminal proceedings against persons working in the State administration

Editorial Note: For the complete text of this commitment, please see Latvia's action plan at: https://www.opengovpartnership.org/wp-content/uploads/2020/01/Latvia_Action-Plan_2019-2021_EN.pdf

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	No
Potential impact:	Moderate

Commitment Analysis

The commitment aims to implement corruption prevention measures in Latvia by training officials and raising awareness in institutions. The measures also introduce preventative and monitoring measures in the healthcare system and in local government, but it is unclear whether it creates sufficient public-facing opportunities to hold officials answerable for their actions.

According to the latest GRECO report,¹⁴¹ over the past two decades, significant resources have been allocated to curb corruption in Latvia, although attention needs to be paid to executive functions. In addition, the 2016 Global Corruption Barometer indicated about 14% of public service users in Latvia have engaged in bribery.¹⁴² More recent data¹⁴³ suggest that the public perceives

corruption as being less of a problem now than in the past despite recent examples of ‘grand corruption’¹⁴⁴¹⁴⁵ and evidence of ‘state capture.’¹⁴⁶

In recent years, Latvia has increased the maximum fines for foreign bribery, money laundering and false accounting offences. The threshold to prove money laundering has been lowered, and comprehensive legislation on whistleblower protection has been adopted, all of which have been marked as positive developments by the OECD.¹⁴⁷

The Corruption Prevention and Combating Bureau (KNAB) is a vital institution that works on prevention, detection and investigation of corruption and that implements anti-corruption awareness-raising measures. KNAB organises regular trainings on corruption prevention, the legal anti-corruption framework and ethics for different governmental institutions.¹⁴⁸ KNAB has also organised trainings on conflict of interest for state administrations, upon request.¹⁴⁹ It also informs the general public on the corruption tendencies in the country and investigated corruption cases. Building on this, the commitment aims to use diverse tools to support knowledge sharing in public administration, which would be based on a survey that would help identify effective tools.

The commitment also includes measures to be taken to reduce corruption risks in the healthcare system, which have been pointed out by KNAB since 2011.¹⁵⁰ In 2018, 57% of the general public believed bribery and corruption are prevalent in the health sector.¹⁵¹ Other studies have linked the lack of transparency around waiting times with bribery in the medical sector.¹⁵² This is why, as was noted in Commitment 5, the stakeholders propose that the first step is to carry out a comprehensive study on the topic to determine the most appropriate plan of action for the future. This entails assessing causes and risks of corruption in health care specifically through the KNAB ‘Attitude towards corruption in Latvia’ survey. Since the action plan was adopted, the Government have confirmed that a survey will be carried out by the Ministry of Health and in collaboration with civil society organisation Providus, rather than KNAB.¹⁵³ Furthermore, the commitment also mentions an introduction of a new system for monitoring e-referrals. This system will be developed as a part of the reforms in the digitalisation of the health sector, but the precise functionality of the system has not yet been designed. It is not clear this system will publish such monitoring data.

In addition, the commitment aims to address an issue identified in previous State Audit Office reports¹⁵⁴ about the risk of capture by individual interest groups in local government spending and borrowing granted to projects against the public interest. It was noted in interviews with government representatives¹⁵⁵ that these kinds of cases can ‘fly under the radar’ easily under the current arrangements. To address the issue, the commitment includes a specific milestone to draft proposals for local governments on avoiding potential conflicts of interest. Again, it is not clear whether these proposals will be made publicly available or whether they will be drafted in collaboration or in consultation with civil society or the public.

Milestone 5 seeks to solve an issue regarding exchange of information between state institutions. Representatives from public institutions in the multistakeholder forum brought to light¹⁵⁶ that there is no system to inform an employer that an employee of the public administration (including police) has received a criminal conviction that would prohibit them from continuing in their role. In principle, there may be cases wherein such an employee has been found guilty, but no additional penalties have been assigned (e.g. in cases of settlement). The court is not tasked with informing the employer, which in principle could allow the employee to continue working. Addressing this issue would include legislative changes, most likely in the Criminal Procedure Law.¹⁵⁷ The commitment foresees regulatory and legislative changes which would ensure a new process is mandatory.

Although the commitment as a whole is not relevant to OGP values, overall it can be seen as having a moderate impact on the current corruption challenges facing corruption prevention in Latvia. The measures in healthcare for example will directly address some of the corruption risks identified. Changes in reporting criminally convicted public employees are expected to change the way this system operates inside government. It could be relevant to OGP values if it has clear participative or public-facing milestones – a monitoring system for healthcare e-referrals that is visible to the public,

transparent reporting on the measures tackling criminally convicted public employees, or a collaborative consultation process with the public about transparent financing of local governments and their capital companies. Additionally, the head of KNAB recently noted¹⁵⁸ that the capacity of institutions like the KNAB need to be strengthened and supported to address most of the central challenges Latvia currently faces in terms of corruption prevention.

¹⁴¹ Greco (2018) Evaluation Report: Latvia, Available at: <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/16808cdc91>, Last accessed: 07/06/2020.

¹⁴² For more information, please see: <https://www.transparency.org/en/countries/latvia>, Last accessed: 07/06/2020.

¹⁴³ For useful data on corruption perception in Latvia (in Latvian) see: <https://www.knab.gov.lv/lv/press/548649-knab-analize-korupcijas-uztveres-indeksa-2019-gada-rezultatus.html> and <https://www.knab.gov.lv/lv/education/publication/research/>, Last accessed: 07/06/2020.

¹⁴⁴ Reuters (2018) Latvia charges centralbank chief Rimsevics with accepting a bribe, Available at: <https://www.reuters.com/article/us-latvia-banking-governor/latvia-charges-central-bank-chief-rimsevics-with-accepting-a-bribe-idUSKBN1JO23Q>, Last accessed: 07/06/2020. Public Broadcasting of Latvia (2019)

¹⁴⁵ Anti-graft cops swoop on another Rīga transport official, Available at: <https://eng.lsm.lv/article/society/crime/anti-graft-cops-swoop-on-another-riga-transport-official.a311897/>, Last accessed: 07/06/2020.

¹⁴⁶ OECD (2019) Implementing the OECD Anti-bribery Convention (Phase 3 Report - Latvia), Available at: <http://www.oecd.org/corruption/anti-bribery/OECD-Latvia-Phase-3-Report-ENG.pdf>, Last accessed: 07/06/2020.

Public Broadcasting of Latvia (2018) 'Oligarch conversations' report names no names, Available at: <https://eng.lsm.lv/article/politics/saeima/oligarch-conversations-report-names-no-names.a264846/>, Last accessed: 07/06/2020.

¹⁴⁷ OECD (2019) Implementing the OECD Anti-bribery Convention (Phase 3 Report - Latvia), Available at: <http://www.oecd.org/corruption/anti-bribery/OECD-Latvia-Phase-3-Report-ENG.pdf>, Last accessed: 07/06/2020.

¹⁴⁸ To review KNAB's educational activities since 2014, see: <https://www.knab.gov.lv/lv/education/>, Last accessed: 29/06/2020.

¹⁴⁹ The training module on conflict interest can be viewed (in Latvian) at: <https://www.vas.gov.lv/lv/kursu-grafiks?651/12181#4>, Last accessed: 26/06/2020.

¹⁵⁰ To see the list of KNAB studies, please see: <https://www.knab.gov.lv/lv/education/publication/research/>. In particular, the 2011 study (in Latvian) On Corruption Risks in Healthcare System, Available at: https://www.knab.gov.lv/upload/2019/korupcijas_riski_veselibas_aprupes_sistema.pdf, Last accessed: 07/06/2020.

¹⁵¹ Eurobarometer 2018, Available at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2176>, Last accessed: 07/06/2020.

¹⁵² See, for example a report on BKUS hospital: Mangule (2015) Corruption in the health sector: challenges and good practices examples in Latvia: Project report on Children's Clinical University Hospital, Available (in Latvian) at: http://providus.lv/article_files/3009/original/BKUS_case_study_IM_2015_1A.pdf?1434543990, Last accessed: 29/06/2020.

¹⁵³ This information was provided by Inese Kuske, Latvian Government Point of Contact, State Chancellery

¹⁵⁴ See, for example, State Audit Office (2019), Compliance of Municipal Infrastructure Objects and Project Funding System, Process, and Criteria with Principles of Rational Use, Efficiency, and Sustainability of Finances, Available at: <https://www.lrvk.gov.lv/en/audit-summaries/audit-summaries/compliance-of-municipal-infrastructure-objects-and-project-funding-system-process-and-criteria-with-principles-of-rational-use-efficiency-and-sustainability-of-finances> Last accessed: 06/07/2020

¹⁵⁵ Interviews with stakeholders from Ministry of Justice, on 19th of May, 2020.

¹⁵⁶ Interviews with stakeholders from Ministry of Justice, on 19th of May, 2020.

¹⁵⁷ Criminal Procedure Law, Available at: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law>, Last accessed: 26/06/2020.

¹⁵⁸ See <https://lvportals.lv/dienaskartiba/312485-knab-analize-korupcijas-uztveres-indeksa-2019-gada-rezultatus-2020>, Last accessed: 07/06/2020.

V. General Recommendations

This section aims to inform the 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 and 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Five Key Recommendations

Recommendations for the next action plan's development process	
1	Ensure the multistakeholder forum is transparent and publishes feedback during co-creation, as well as formalise its ways of working.
2	Include high-level representatives with authority from government and parliament in the multistakeholder forum to make decisions and help push for more ambitious commitments.

Ensure the multistakeholder forum is transparent and publishes feedback during co-creation, as well as formalise its ways of working.

The new multistakeholder forum created for this action plan cycle has been largely welcomed by civil society and government stakeholders who appreciate the ability of the forum to break into working groups and focus on developing action plan commitments. The more formal Council of Memorandum still oversees the process but is distant from the day-to-day work of the forum. The mandate of the new forum for monitoring the action plan or co-creation for the next action plan is not entirely clear. The selection criteria of members of the forum are not clear or publicly available either. Minutes of the forum meetings are not made public even though it met three times during the co-creation process. The multistakeholder forum needs to have a clearly defined mandate and rules of procedure to work effectively. To ensure adequate transparency via the online repository, it also needs to publish the selection criteria for forum members and provide the feedback from the public to explain its decision-making during the co-creation process.

Include high-level representatives with authority from government and parliament in the multistakeholder forum to make decisions and help push for more ambitious commitments.

The action plan process needs political and high-level endorsement to ensure ambitious commitments. The multistakeholder forum needs to engage high-level officials and members of the Saiema to secure stronger commitments on priority reform areas such as lobbying reform or other anti-corruption initiatives that may require legislative changes. It will be necessary to involve the people throughout the process, much earlier, and to provide space for their own proposals. High-level political engagement will also help maintain government buy-in into the process over the course of its implementation. Because the lack of engagement from politicians has limited the ambition and scope of the plan, a political official could also be identified who would champion open government activities, provide momentum to the action plan process, chair multistakeholder forum meetings and provide a direct link to government policy and decision-making.

Recommendations for the next action plan's design	
1	Continue improvements to open contracting by adopting the Open Contracting Data Standard for all public procurement.
2	Enhance civic participation opportunities by incorporating deliberative democracy methods that will help to ensure the engagement of a broad variety of citizens, including vulnerable or marginalised groups.
3	In collaboration with the Saeima, implement comprehensive lobbying transparency reform.

Continue improvements to open contracting by adopting the Open Contracting Data Standard for all public procurement.

Since 2015, Latvia has continually reformed its public procurement system. Major results include improved accessibility and transparency of information after the re-launching of the upgraded e-procurement system and publication of all procurement data, including historical data in open formats in a central online repository.

However, there are still challenges that need to be addressed by further reforms. A 2019 investigation by European Commission's Department for Regional and Urban Policy (DG REGIO) showed that in relation to EU-co-funded projects, the share of non-competitive procurement is around 50% of all contracts in Latvia. This is the highest percentage compared to the total of 11 countries covered in the study, including Hungary (around 40%) and the Czech Republic (30%–40%) which also featured in the publication.¹⁵⁹ Lowering these integrity risks therefore could bring benefits to the procurement process and to the delivery of services and goods for the public sector. The heightened risks around procurement addressing the COVID-19 pandemic¹⁶⁰ make action to reduce integrity risks ever more relevant.

Reforms to procurement and contracting have appeared in previous OGP action plans. The third action plan sought to increase transparency for procurements below the reporting threshold and to expand IT functionalities. The current one promises to set up a contracts register and create a risk assessment tool. During the implementation, the responsible agencies could consider greater collaboration on the risk assessment tool that would engage data users, civil society, business and government in identifying procurement risks.

Latvia's procurement system could be strengthened by adopting and implementing the Open Contracting Data Standard, which could boost efforts to improve public procurement data governance mechanisms and transparency of information.¹⁶¹ As a consequence, it may encourage greater competition in procurement (reducing single bidder contracts) and improve outcomes in delivery of goods and services.

The benefit of using the Open Contracting Data Standard is that doing so makes it easier to identify risks and to monitor effectively across national borders. Given the evidence of high-level corruption risks across national borders related to procurement in Latvia,¹⁶² adopting the OCDS would help highlight these risks when they arise.

Furthermore, more action could be taken on Integrity Pacts and on focusing these initiatives on high-risk procurements, particularly related to COVID-19 such as medical equipment or personal protective equipment. The wealth of relevant experience and learning from OGP's Open Response: Open Recovery campaign could help develop appropriate commitments.¹⁶³

Enhance civic participation opportunities by incorporating deliberative democracy methods that will help to ensure the engagement of a broad variety of citizens, including vulnerable or marginalised groups.

Civic participation in Latvia remains a challenge, as local level participation is low. Furthermore, for minorities in Latvia, only 4% believe they can influence decision-making, whereas 63% believe they have little or no chance of influencing decision-making processes.¹⁶⁴

Commitments 4 and 5 of this action plan seek to address civic participation challenges through reform at the local level and in public education and increase the number of participatory mechanisms available. While they are expected to have moderate impact, they generally build on existing tools and participation practices.

Measures in the next action plan could consider innovative methods of civic participation such as deliberation (such as ongoing citizen dialogues, citizen juries or assemblies) to tackle difficult or challenging policy areas at the national or local level. These deliberative methods could help ensure that voices from groups which are often not heard as part of the decision-making processes – such as families of children with special needs, low-income people, rural women, and ethnic minorities – are able to take part and be heard. They could be used to tackle contentious, complex or ‘too-difficult’ issues and have been used across the world to tackle environmental issues, climate change, constitutional reform, local transport strategies and more. Deliberative methods will go beyond increasing the number of people that participate and ensure that participation is meaningful and more representative of a wider variety of views and opinions from people with different experiences. This will strengthen the input to decision-making at all levels of government where it is practiced. The population size of Latvia means that deliberate methods may be more likely to engage a larger percentage of the population and have a broader effect on civic participation too.

Such commitments could be led by MoERD, which could help provide or support capacity at the local level and in collaboration with CSOs or delivery partners.

In collaboration with the Saeima, implement comprehensive lobbying transparency reform.

Lobbying is particularly evident in sectors subject to greater state regulation and in which there are greater public budget investments, including the pharmaceutical, construction, and information and communication technology industries.¹⁶⁵ Over half of Latvians (52.4%) consider the influence of lobbyists on decision-making to be corruption.¹⁶⁶ In 2012, the Latvian Lobbyists’ Association¹⁶⁷ developed a code of ethics to serve as a self-regulatory body, but it has not been active for several years.¹⁶⁸

As stated in the report, legislative proposals regarding lobbying have been a sensitive topic in Latvia in recent years. It was evident from the interviews that stakeholders are nevertheless optimistic about current developments. The Parliamentary Committee on Defense, Internal Affairs and Corruption Prevention has set up a working group of Open Lobbying and has begun work on drafting a new legislative proposal which seems to be signalling that legislative changes (a new Lobbying Law) are underway. The working group could commit to wide public engagement as part of its work on drafting legislation through active engagement with civil society groups and the lobbying community. The process could take into account good practice examples from around Europe and globally and make the most of international standards such as the International Standards on Lobbying Regulation. This will help ensure that the working group is able to work with relevant information, comparative examples, and buy-in from key stakeholders, which will also aid the process.

Outside the legislative process, and regardless as to whether a law is adopted or not, actions could include publishing the interactions between government officials and lobbyists by publishing lists of meetings, their agendas and details of meetings, agendas and documents submitted by lobbyists as part of a legislative footprint. This will make the process of lobbying more transparent to the public and help increase public accountability. Alongside this, more awareness raising with the general public about lobbying transparency measures and good practice could help address issues around public trust.

Provide access to information on conflict of interest and asset declarations of MPs and top-level officials, specifically as open data.

Commitment 2 in Latvia's action plan makes progress in the disclosure of data held by the government. Despite this progress, there are still integrity-related data sets what are not easily available to the public in open formats.

Open data on asset and conflict-of-interest declarations are fundamental to identifying conflicts of interest and illicit enrichment by politicians and high-level officials. Previous action plan commitments in Latvia have dealt with internal operations of the assets declaration regime, which is monitored and enforced by the State Revenue Service and the KNAB.¹⁶⁹ In its recent report, GRECO identified that the asset declaration system cannot be effective in its current state, as it does not ensure proper and independent control (as the SRS is part of the Ministry of Finance). Also, updated versions of asset declarations are not always published, and the system for unelected officials (such as senior advisors) is not fully functional. It is necessary therefore for Latvia to address these issues in its forthcoming action plan by ensuring declarations are submitted by politicians, their advisors and senior public officials and that this process of monitoring and enforcement is fully independent. Information, including updated declarations, needs to be published as open data.

5.2 Response to Previous IRM Key Recommendations

Governments are required to respond to IRM key recommendations. This section provides an overview of how stakeholders addressed IRM recommendations and how the recommendations were incorporated into the next action plan process or content.

Previous IRM Report Key Recommendations

Recommendation		Did it inform the OGP Process?
1	Ensure greater involvement of the Council of Memorandum during the development of the next action plan and publish feedback during consultations.	NO
2	Continue improving lobbying transparency with the involvement of Parliament.	YES
3	Continue strengthening whistleblower protection by improving channels and mechanisms for reporting.	NO
4	Include more ambitious commitments that address transparency in the financial sector, such as beneficial ownership, and making Enterprise Register information publicly accessible.	NO

5	Continue improving systems for public consultations and promote open government locally.	YES
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Of the five recommendations, two were integrated in the next action plan.

First, the Council of Memorandum was only involved in a consultative capacity but did not perform the multistakeholder forum function as before. Instead, a new forum was assembled, now including more stakeholders, including CSOs.

Improving lobbying transparency is included in the current plan, although the actual commitment includes only a minor action. The interviews revealed that action here was perceived as overreach. As the plan is developed and coordinated by public officials in the SC (executive branch), the Saeima (legislative branch) has resisted attempts for it to commit legislators to legislative results, as this would contradict its mandate to debate.

Whistleblowing protection did not feature as a key theme in this round of the design process, as it was not seen by the MSF as pressing as the other selected topics were. For similar reasons, beneficial ownership did not feature in the discussion process either.

Finally, improving systems for public consultations and promoting open government locally was a recommendation that is reflected in this action plan through commitments 4 and 5. The recommendation in this report on increasing the participation of vulnerable and marginalised groups builds on this.

¹⁵⁹ https://ec.europa.eu/regional_policy/sources/docgener/work/SingleBiding_2019.pdf

¹⁶⁰ <https://eng.lsm.lv/article/politics/politics/latvian-anti-corruption-force-warns-of-heightened-graft-risk.a356566/>

¹⁶¹ https://delna.lv/wp-content/uploads/2019/11/Open-Data_TI-LV_2019.pdf

¹⁶² <https://eng.lsm.lv/article/economy/economy/latvia-may-have-bought-useless-locomotives-as-part-of-corruption-scandal.a141206/> Last accessed 19/08/2020

¹⁶³ <https://www.opengovpartnership.org/documents/a-guide-to-open-government-and-the-coronavirus-public-procurement/>

¹⁶⁴ University of Latvia Philosophy and Sociology Institute (2017) Participation of national minorities in democratic processes in Latvia, Available (in Latvian) at: [https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/Mazakumtautibu%20lidzdaiba%20petijuma%20zinojums%202017\(1\).pdf](https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/Mazakumtautibu%20lidzdaiba%20petijuma%20zinojums%202017(1).pdf) Last accessed: 25/06/2020.

¹⁶⁵ Business associations such as Foreign Investors' Council in Latvia and Latvian Chamber of Commerce and Industry as well as trade unions also play an important role in lobbying.

¹⁶⁶ SKDS (2008; 2014), Survey conducted for Democracy Audit 2015, Available at: https://www.szf.lu.lv/fileadmin/user_upload/szf_faili/Petnieciba/sppi/demokratija/ENG_Audit_of_Democracy_2015.pdf, Last accessed: 07/06/2020.

¹⁶⁷ Diena (2012) Latvian Lobbyists' Association Established, Available at: <https://www.diena.lv/raksts/latvija/zinas/nodibinata-lobetaju-asociacija-13941271>, Last accessed: 07/06/2020.

¹⁶⁸ Kalnins, V., Valternbergs, V., Grumolte-Lehre, I. and Beizitere, I. (2019) The Normative Regulation and associated challenges in Latvia and Europe, Available (in Latvian) at: https://www.saeima.lv/petijumi/Lobesana_Latvija_un_Eiropa_2019.pdf, Last accessed: 07/06/2020.

¹⁶⁹ OGP IRM Progress Report 2012-13 <https://www.opengovpartnership.org/wp-content/uploads/2019/07/Latvia-OGP-IRM-Public-Comment-Eng.pdf> Last accessed on 07/07/2020.

VI. Methodology and Sources

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

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Latvia'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 organisations.

Each IRM researcher conducts 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 reserves 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.¹⁷⁰

Interviews and stakeholder input

Reaching out to stakeholders and arranging meetings for interview proved to be challenging due to the global pandemic of COVID-19. Many stakeholders were on leave temporarily, while some indicated they were not sure whether they would be returning to their posts. In total, 12 interviews were held in which key responsible officials identified in the plan were invited to the interview.

Each interview followed a semi-structured format of one-hour long conversation in which the stakeholder was first asked to share insights regarding the design process of the plan before moving on to discussing specific commitments and their milestones.

	Name. Surname	Organisation/Institution	Date of interview
1.	Iveta Kažoka	PROVIDUS	29.04.2020
2.	Inese Kuške	State Chancellery	06.05.2020
3.	Toms Celmillers	Ministry of Environment and Regional Development	06.05.2020
4.	Liene Gātere	TI Latvia Delna	06.05.2020

5.	Irina Dobelniece	Corruption Prevention and Combating Bureau	07.05.2020
6.	Dace Gaile	Procurement Monitoring Bureau	08.05.2020
7.	Kristine Zonberga	Civic Alliance	11.05.2020
8.	Signe Širova	National Health Service	12.05.2020
9.	Maija Anspoka	Ministry of Health	12.05.2020
10.	Kristīne Šica	Ministry of Health	14.05.2020
11.	Alda Sebre	Society Integration Foundation	18.05.2020
12.	Kristīne Kuprijanova and Sandra Segliņa	Ministry of Justice	19.05.2020

Two stakeholders (Vitālijs Rakstiņš, Ministry of Defense and Aivars Groza, Ministry of Foreign Affairs) did not want to participate in an interview and sent in written comments instead.

In addition to the interviews, desk research was also conducted whereby the relevant planning documents, reports and legislative documents were assessed. References to these have been made throughout the report.

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 composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

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.

¹⁷⁰ IRM Procedures Manual, V.3: <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Commitment Indicators

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 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.¹⁷¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹⁷² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
 - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **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 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?
- **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 country's 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 country's IRM Implementation Report.

What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

- I. **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% 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.”)

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its 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.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.

¹⁷¹“ Open Government Partnership: Articles of Governance” (OGP, 17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance/> .

¹⁷²“ IRM Procedures Manual” (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.