

OGP Criteria and Standards Subcommittee

Work Plan for November 2020 – December 2021

Criteria & Standards Subcommittee Mandate

The OGP Articles of Governance state that the Criteria and Standards (C&S) Subcommittee is responsible for overseeing the mechanisms established to safeguard OGP's values and procedures. In order to do this, the C&S Subcommittee's functions include but are not limited to:

- Working with the Support Unit and the Steering Committee to review and resolve situations where a participating Country appears to and/or has acted Contrary to Process and/or the Response Policy under Article II.B.4 and II.B.5;
- Overseeing the Support Unit's process for updating Participating Countries' Eligibility Scores as provided for in Article II.B.2 and Addendum A;
- Providing periodic assessments of all OGP's response mechanisms to the Steering Committee;
- Reviewing and updating OGP's policies and procedures; and
- Keeping a watching brief on the Independent Reporting Mechanism (IRM) to report on how the program is fulfilling its mandate and delivering independent, high quality and accurate reports. C&S also provides input in the IRM's selection of the International Expert Panel (IEP) and the hiring of the IRM Program Director.

2021 C&S Work Plan Areas

In line with its mandate, the 2021 work plan for C&S will be organized around the following areas:

I. Rules of the Game 3.0 as part of OGP@10.

During its [30 July 2020 meeting](#), the Steering Committee approved general direction of travel regarding the Rules of the Game consultations led by C&S. The Steering Committee recommended further consultation with the community and to assess the implications of the changes being proposed. During the next year, C&S will further develop specific proposals, gather input from the community, and table final proposals for approval by the full Steering Committee. The discussions will focus on the following areas, and the proposed timeline is included below:

A. Streamline and simplify the OGP Participation and Co-Creation Standards.

Four years of use and assessment of the Participation and Co-creation Standards have provided valuable lessons and clear areas for improvement. Specifically, the current structure is too complex, numerous, often overlaps, and relies on external frameworks. We will seek to streamline and simplify the Standards, raise the bar on required standards, and allow for flexibility to adapt guidance to specific country contexts.

B. Develop a flexible, multi-year action plan model.

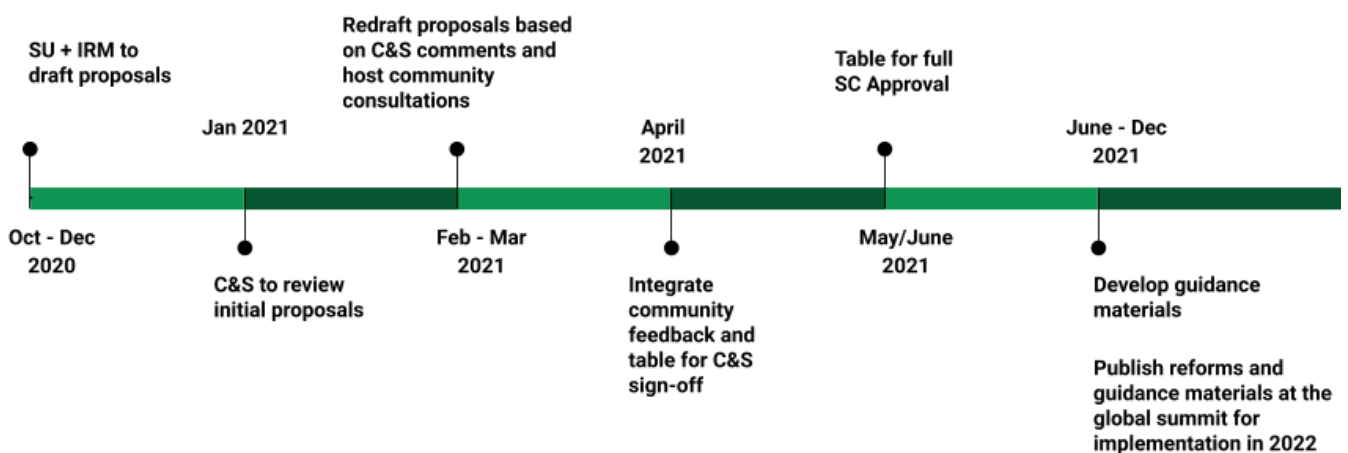
The action plan model has remained largely unchanged since the founding of OGP nearly a decade ago. Over the past six years, consultation processes including the annual POC surveys, IRM Refresh and Local Program consultations have revealed a need



for greater flexibility in the action plan delivery process. This includes greater flexibility on the length of action plans and delivery deadlines, as well as on implementation dates in order to better align to electoral and budgetary cycles. Various stakeholders have also requested a learning window within the action plan process before developing the next action plan. We will explore the possibility of providing greater flexibility on the duration of a national action plan while ensuring constant and high level of engagement of civil society and other stakeholders throughout the action plan cycle.

C. Update the Articles of Governance. To codify these and other changes implemented in 2020-2021 for transparency and accountability of OGP values and processes, the Articles of Governance will need to be updated. The changes to the Articles of Governance will be presented to the Steering Committee for final approval.

Rules of the Game 3.0 timeline at a glance



II. Procedural Review

C&S oversees the Procedural Review mechanism established to ensure that all participating members act in accordance with the OGP process. A country is considered to have acted contrary to process when at least one of the following actions takes place:

1. **Action Plan Delivery:** The country does not publish an Action Plan within 4 months of the due date (by December 31).
2. **Public Participation Standard:** The government does not meet the International Association for Public Participation (IAP2) “Involve” requirement during development or “Inform” during implementation of the Action Plan as assessed by the IRM.
3. **Online Repository:** The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.
4. **Commitment Implementation:** The IRM Report establishes that there was no progress made on implementing any of the commitments in the country’s Action Plan.



Countries that act contrary to process for two consecutive cycles will be automatically placed under Procedural Review. Additionally, if a country has fallen below the minimum Core Eligibility Criteria, and fails to meet the criteria within one year, C&S will place the country under Procedural Review pursuant to Article II.B.3 of the Articles of Governance. This review process involves providing enhanced support by the C&S Subcommittee, the OGP Support Unit and the Steering Committee in order to try to resolve the issues that have led to the Procedural Review. The process to remove a country from Procedural Review is outlined in Annex 2 of this work plan.

If a country under Procedural Review fails to make substantial progress on resolving the problems that led to it being found to be acting contrary to process within a reasonable time, the C&S Subcommittee may recommend that the country be designated “inactive” in OGP by resolution of the Steering Committee.

In 2021, C&S will provide targeted support to the countries that have been placed under Procedural Review, or have been designated as “inactive” in OGP. Potential support includes country visits (when possible), leveraging the Steering Committee diplomatic channels, and engaging directly with stakeholders in these countries to identify ways to overcome certain challenges hindering their active participation in OGP.

N.b. On 18 March 2020, C&S issued a [resolution](#) to address likely delays to OGP processes due to the COVID-19 pandemic. The resolution enabled the extension of action plan implementation by one year, or the ability to switch cohorts (through late delivery of the action plan) without acting contrary to process. This means that in 2021 C&S does not anticipate many additional countries placed under review or inactive status.

A. Countries no longer under Procedural Review:

The following countries were placed under review in 2020. To conclude the review process, these countries were required to submit their 2020-2022 action plans by December 31, 2020. Having met this requirement, these countries are no longer considered under review, as of the delivery date of the action plan [FORTHCOMING].

In line with the [COVID-19 C&S Resolution](#) of March 18 2020, countries that were under review but opted for an extension on the action plan delivery deadline are now expected to deliver them by December 31, 2021.

B. Countries that acted contrary to process in 2020:

Due to delayed Action Plan Delivery: In line with the [COVID-19 C&S resolution](#) no country will be considered to have acted contrary to process due to late delivery of their action plan in 2020.

Due to not meeting Public Participation Standards: The following countries acted contrary to process due to failure to meet the International Association for Public Participation (IAP2) “Involve” requirement during development of an action plan. **Note:** Additional cases are expected as the IRM finalizes additional reports:



1. **Albania** (action plan 2018-2020)
2. **Dominican Republic** (action plan 2018-2020)
3. **Malta** (action plan 2018-2020)

C. Countries under Procedural Review:

The following countries have acted contrary to the OGP process for two consecutive action plan cycles and therefore have been placed under Procedural Review. This review process involves providing enhanced support by the C&S, the Support Unit, and the OGP Steering Committee in order to try to resolve the issues that have caused this occurrence.

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|-----------------------------|----------------------------|-------------------------------------|
| 1. Bulgaria | 4. Israel | 7. Malta |
| 2. Ghana | 5. Jamaica | 8. Papua New Guinea |
| 3. Ireland | 6. Malawi | 9. South Africa |

D. Ongoing C&S Resolutions

The following two countries have acted contrary to the OGP process for three consecutive action plan cycles (failed to deliver action plans since 2016). In 2020, the C&S Subcommittee issued the following resolutions:

1. **Pakistan.** This country was designated as inactive during the Steering Committee Meeting in Berlin on 25 February 2020 and given one year to develop an action plan in order to avoid being withdrawn from the partnership. The [resolution](#) was updated on 23 July 2020, and in light of the COVID-19 pandemic the deadline to comply was extended by one year.
2. **Jamaica.** Due to high level commitment to develop an action plan, Jamaica was not designated as inactive during the February meeting. The Steering Committee issued a resolution that provided Jamaica 10 months to develop an Action Plan to be delivered by 31 December 2020 at the latest. Failure to do so would result in Jamaica automatically being placed in inactive status. The [resolution](#) was updated on 23 July 2020, and in light of the COVID-19 pandemic the deadline to comply was extended by one year.

III. Response Policy cases

C&S makes recommendations to the Steering Committee regarding a country's participation in OGP when a government acts contrary to OGP values ([Response Policy](#)). This maintains OGP's credibility and safeguards its long-term future by helping to ensure that all participating members uphold OGP values and principles, as expressed in the [Open Government Declaration](#) (which all countries endorse when joining OGP) and the Articles of Governance. There is currently one active [Response Policy case](#):

- A. Azerbaijan (suspended):** On December 2018, the Steering Committee [resolved](#) to extend the 'suspended' status of the Government of Azerbaijan given that the core issues that were raised in the original Response Policy [letter of concern](#) filed by civil society organizations in 2015 and validated by the C&S Subcommittee, and remained unresolved at the time. Since then, Azerbaijan has adhered to the established timeline



and milestones outlined in the resolution, including submitting an action plan by end of 2019. Following additional consultation with civil society, the Government of Azerbaijan submitted an updated, officially approved version of its [National Action Plan](#) on February 28, 2020 (documents uploaded to OGP's website can be found [here](#)). The updated action plan includes commitments on adopting legal acts on a) simplification, electronization and improvement of state registration of non-governmental organizations, including branches or representations of non-governmental organizations of foreign countries, and b) simplification, electronization and improvement of procedures for registration of grant contracts.

The next steps in the Azerbaijan Response Policy case are:

1. The IRM will review and assess the scope and progress of the commitments outlined in the action plan in late 2021/early 2022.
2. Inputs from the report will be considered by C&S to assess whether the plan and progress made adequately addresses the requirements of the resolution and review Azerbaijan's participation status at that time.
3. Until then, Azerbaijan continues to remain in suspended status. During this period, the Steering Committee and Support Unit are available to provide any assistance needed for implementation of the action plan, particularly around implementation of the commitments relating to civic space.

IV. OGP Eligibility Scores Update (based on 2020 data)

The C&S Subcommittee is responsible for overseeing the annual update of OGP and non-OGP countries' performance scores in four critical areas of open government ("Core Eligibility") and "Values Check" indicators, which together make up [OGP's Eligibility Criteria](#). The Support Unit uses the most up-to-date data available from objective third-party indicators that have been approved by the Steering Committee to measure OGP's Eligibility Criteria. The Support Unit will present a summary of its findings to the C&S Subcommittee by the end of the second quarter for endorsement and then presented to the full Steering Committee.

If an OGP participating country's Core Eligibility score falls below the minimum performance criteria as reported to the C&S Subcommittee by the Support Unit, it should take immediate and explicit steps to address the situation so that it meets the criteria within one year of that determination. If it fails to meet the Core Eligibility criteria within a one-year period, it will be placed under [Procedural Review](#). In 2020, four countries have fallen below the minimum Core Eligibility threshold: Burkina Faso, El Salvador, Papua New Guinea (2nd time - under review), and Tunisia.

V. Rapid Response Protocol

On 29 September 2020, the Steering Committee approved the [Rapid Response Protocol](#) that sought to provide a framework for the OGP to respond swiftly to situations, within the scope of this policy, where OGP core values as stated in the Open Government Declaration and in the OGP's Articles of Governance are not being observed in OGP countries. The Protocol states that "after one year of implementation of this policy, the Support Unit will provide an assessment of, and propose revisions to, the Rapid Response Protocol as an additional means of OGP response and support for the Steering Committee's consideration." C&S will lead the review process.



Annex 1. Agenda items for bimonthly meetings October 2020 - December 2021

In 2020, C&S will switch from monthly to bimonthly meetings and have a more structured workplan. This is a draft of what agendas might look like for next year. It is subject to change as new needs might arise: for example, if the Response Policy is triggered.

Month	Likely agenda items
November 2020	<ul style="list-style-type: none">● Introduction to C&S for new members.● Presentation and approval of yearly work plan.
January	<ul style="list-style-type: none">● Rules of the Game proposal discussion.● Review of 2021 countries under review.● Quarterly IRM update.
March	<ul style="list-style-type: none">● Rules of the Game proposal discussion.
May	<ul style="list-style-type: none">● Rules of the Game proposal approval.● Quarterly IRM update.
July	<ul style="list-style-type: none">● Eligibility update approval.● Update on countries under review.
September	<ul style="list-style-type: none">● Quarterly IRM update.
November	<ul style="list-style-type: none">● Rapid response protocol review● 2022 Work plan approval.● Quarterly IRM update.



Annex 2. Protocol to end Procedural Review Process

The table below outlines the process to follow when a country is placed “under review”. The protocol to follow depends on which trigger caused the country to be placed under review (e.g. by acting contrary to process in two consecutive action plan cycles):

Trigger	Assessed by & Source	When is it reported to C&S for procedural review?	When can the procedural review end?	How can the procedural review end?
1. ACTION PLAN DELIVERY: The country does not publish an Action Plan within 4 months of the due date (by December 31).	OGP Support Unit action plan tracker	January of the year after missed submission deadline (within one month after acting contrary to process)	By December of the year after missed submission deadline (within 12 months after acting contrary to process)	The country publishes an action plan. OGP Support Unit will inform C&S, who will automatically remove the country from procedural review.
2. PUBLIC PARTICIPATION STANDARDS: The government does not meet the International Association for Public Participation (IAP2) “Involve” requirement during development or “Inform” during implementation of the Action Plan as assessed by the IRM.	IRM Design Report	Upon completion of the IRM Design Report (published by August after action plan is delivered) (between 6 to 12 months after acting contrary to process)	Upon completion of the IRM Design Report of the following action plan (published by August after the following action plan is delivered; 18 to 24 months after the trigger is reported)	By meeting the public participation standards, as assessed by the IRM in the following Design Report.
3. ONLINE REPOSITORY: The government fails to collect, publish and document a repository on the national OGP website in line with IRM guidance.	IRM Implementation Report	Upon completion of the IRM implementation report (published by August after implementation of the action plan is finalized (12 months after acting contrary to process)	Upon providing proof of the repository being available.	IRM can make an ad-hoc assessment anytime once the repository is available.
4. COMMITMENT IMPLEMENTATION: The IRM Implementation Report establishes that there was no progress made on implementing any of the commitments in the country’s Action Plan.	IRM Implementation Report	Upon completion of the IRM implementation report (published by August after implementation of the action plan is finalized (12 months after acting contrary to process)	Upon completion of the IRM Implementation Report for the following action plan (published by August after implementation of the following action plan is finalized) (24 to 30 months after the trigger is reported)	Progress is made on implementing at least one of the commitments on the country’s following action plan, as assessed by the IRM in the Implementation report.

