

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

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This report was prepared in collaboration with Soledad Gattoni, independent researcher

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## Executive Summary: Luxembourg

Luxembourg's first action plan includes commitments on improving the transparency and openness of public administration, open data, and activities related to climate change. While most commitments reflect existing initiatives, several civil society proposals are included. Moving forward, Luxembourg could establish a formal multistakeholder forum to oversee the co-creation of the next action plan. Luxembourg could also consider commitments to strengthen whistleblower protection and enforce access to information legislation.

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. Luxembourg joined OGP in 2016. This report evaluates the design of Luxembourg's first action plan.

### General overview of action plan

Luxembourg enters its first action plan with strong legal frameworks around preventing corruption and protecting political rights and civil liberties. The first action plan includes commitments on open data and open administration, as well as supporting platforms for human rights. In 2019, there was a leadership change and responsibility for OGP activities passed from the Ministry of Foreign and European Affairs (MAEE) to the Ministry of State.

The co-creation process for the first action plan involved several consultation workshops organized by the MAEE, where participants discussed commitment proposals. The MAEE postponed the co-creation process due to national elections in October 2018 in order to assure political ownership of the action plan. Moving forward, the IRM researcher recommends establishing a formal multistakeholder forum to oversee the co-creation of the next action plan and developing an online repository to better document consultation meetings and stakeholder proposals.

Luxembourg's first action plan includes commitments on open public administration, open data, and access to information on activities related to climate change. While most of the commitments represent existing government activities, two commitments were proposed by civil society organizations (CSOs): the creation of a CivicTech hub (Commitment 5) and supporting a platform for human right defenders (Commitment 6).

### Table 1. At a glance

Participating since: 2016  
Action plan under review: 1  
Report type: Design  
Number of commitments: 6

### Action plan development

Is there a multistakeholder forum: No  
Level of public influence: Collaborate  
Acted contrary to OGP process: No

### Action plan design

Commitments relevant to OGP values: 6 (100%)  
Transformative commitments: 0  
Potentially starred commitments: 0



**Table 2. Noteworthy commitments**

<b>Commitment description</b>	<b>Moving forward</b>	<b>Status at the end of implementation cycle</b>
<p><b>Commitment 5: Exploring the establishment of a European CivicTech centre</b></p> <p>Establish a European CivicTech hub to bring citizens and tech initiatives closer to the government and public institutions.</p>	<p>The CivicTech hub aims to bring citizens and tech-related initiatives closer to the government and public institutions. Activities include searching for private and public sponsors to create the hub, establishing a digital platform, and accompanying civic startups strategies. Moving forward, the IRM researcher recommends ensuring government involvement in the creation of the CivicTech hub and linking the hub’s work to government policy and practices.</p>	<p>Note: this will be assessed at the end of the action plan cycle.</p>
<p><b>Commitment 6: Platform for civil society and human rights defenders</b></p> <p>Support human rights defenders by building capacity and providing legal assistance through an online platform.</p>	<p>This commitment involves organising national consultations on human rights and developing strategies to combat stigmatisation and prevent gender discrimination. Moving forward, the government could hold regular high-level meetings through the online platform to shape the government’s annual priorities supporting human rights.</p>	<p>Note: this will be assessed at the end of the action plan cycle.</p>

## 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**

Establish a multistakeholder forum to oversee the OGP process
Ensure future commitments include measurable outcomes that add value even if they build on pre-existing activities
Consider including commitments that foster civic participation, prioritising citizen initiatives
Consider including commitments that foster public accountability, with a focus on strengthening whistleblower protection
Ensure adequate implementation of the access to information law and strengthen CSO monitoring of enforcement

## 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.

**Soledad Gattoni** collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. She is an independent policy consultant and researcher working in the areas of governance, anticorruption and civic engagement.



## 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.

Luxembourg joined OGP in 2016. This report covers the development and design of Luxembourg's first action plan for 2019–2021.

The Independent Reporting Mechanism of OGP has partnered with Soledad Gattoni 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 Luxembourg

Luxembourg's first action plan includes commitments on open data and open administration, as well as supporting platforms for human rights. The country has strong legal frameworks for preventing corruption and protecting political rights and civil liberties. Areas for improvement include the enforcement of the access to information law and strengthening whistleblower protection.

The Grand Duchy of Luxembourg is a constitutional monarchy with a democratically elected government. Overall, the country performs well on OGP's eligibility core criteria.<sup>1</sup> Luxembourg's first OGP action plan focuses on promoting a transparent and open administration, fostering access to information and open data principles, exploring the establishment of a CivicTech hub, and supporting a platform for human rights defenders.

### **Transparency and access to information (legal framework and practice)**

Luxembourg has implemented a number of good practices regarding access to government-held information over the last decades, such as publishing press releases after each Government Council meeting and the opportunity to request meetings with officials responsible for a policy area.<sup>2</sup> The country issued the Law on Transparent and Open Administration in September 2018, which entered into force on 1 January 2019, accounting for the Council of Europe's Group of States against Corruption (GRECO)'s fifth-round recommendations.<sup>3</sup> The access to information law ensures that individuals and legal entities can exercise their right to access information.<sup>4</sup> It also established a dedicated web portal to proactively publish information (<https://data.public.lu/fr/>).<sup>5</sup> The Commission for Document Access (Commission d'accès aux documents) is the agency in charge of ensuring that access to information requests and exemptions are in accordance with international standards. According to the Minister of State (Prime Minister), the impact of the law will be examined after two years for any necessary adjustments.<sup>6</sup>

### **Open data**

The Information and Press Service coordinates the government of Luxembourg's open data strategy, governed by the 2017 act on the reuse of public sector information.<sup>7</sup> The strategy follows European standards on the reuse of public sector information (Directive 2003/98/EC and Directive 2013/37/EU).<sup>8</sup> It comprises the organisation of hackathons and events, as well as different online platforms to publish data and promote exchanges between the open data community.<sup>9</sup> Excluded data includes data that relates to national security, contains personal information, or is protected by intellectual property rights. As of July 2019, the government's open data portal had 1,229 datasets covering topics such as international affairs, agriculture, public law and justice, economy, health, and education.<sup>10</sup> A 2019 European Commission report noted that Luxembourg's open data portal attracts the most visitors compared to its population among European countries, with an average of 16,720 unique visitors per month.<sup>11</sup> Luxembourg was also recognised as a "Trend Setter" in the 2017 benchmark of the European Data Portal.<sup>12</sup>

Luxembourg's first action plan includes a commitment implementing the Law on Transparent and Open Administration law (Commitment 1), and one promoting activities and hackathons around the reuse of data (Commitment 2). Two other commitments are also relevant to access to information: Commitment 3 promotes the use of clear and understandable administrative language, and Commitment 4 addresses information on national climate action, both are aligned with the third National Plan for Sustainable Development of Luxembourg.

The government of Luxembourg established a website to raise awareness and provide information on the coronavirus (COVID-19) pandemic.<sup>13</sup> According to the European Union Agency for Fundamental Rights report,<sup>14</sup> there have been no infringement on privacy or data protection rights related to COVID-19. The government has held daily press conferences since 16 March 2020 and information is shared by social media and government platforms in French, German, Luxembourgish and English. Finally, the Ministry of Health distributed flyers with basic information on COVID-19 to every letterbox between 12 and 14 March 2020.

## **Civil liberties and civic space**

Article 24, 35, and 26 of Luxembourg's Constitution guarantee freedom of speech, press, and protect the freedoms of peaceful assembly and association. Luxembourg is rated "free" in Freedom House's 2019 *Freedom in the World* report, receiving 98 out of 100 possible points.<sup>15</sup> Civil society in Luxembourg operates freely according to the latest CIVICUS monitor.<sup>16</sup> Legislation regulating the media mirrors Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Luxembourg provides the public with sufficient opportunities for participation in policy-making processes. According to the OECD *Government at a Glance* report (2017), citizen involvement is most prevalent in the Ministry of Health, but is also present in 18 of 24 ministries during policy drafting.<sup>17</sup> In 2014, Luxembourg established an online platform to collect comments and suggestions from citizens on government projects<sup>18</sup> and created "Digital Luxembourg," an online platform that lists and supports citizen initiatives that can positively impact the country.<sup>19</sup> Moreover, the Luxembourg Constitution is currently under review, with sufficient political consensus. If approved, the constitutional right of citizens' legislative initiative (on Article 77) would be adopted together with other citizen participation measures at the municipal level. Finally, Commitment 6 in the first OGP action plan supports civil society and human rights defenders (HRDs) by building capacity and providing legal assistance to HRDs globally.

In response to COVID-19, Luxembourg introduced a ministerial decree on 16 March 2020 restricting the movement of citizens. By the grand-ducal decree of 18 March 2020,<sup>20</sup> any movement that was not specified as essential by the government was punishable by a fine of 145 euros for individuals (Art.6) and 4,000 euros for companies (Art.7). Moreover, a state of emergency was declared for an initial 10 days by the grand-ducal decree of 18 March 2020, which introduced measures to combat COVID-19.<sup>21</sup> On 21 March 2020, Parliament adopted a law that extended this initial state of emergency to a maximum of three months.<sup>22</sup>

A state of emergency allows the government to impose measures that deviate from existing laws and allow rapid legislative decisions that bypass going through the parliament. However, in this case, exceptional measures regarding COVID-19 could allow Parliament to suspend or revoke the state of emergency at any moment.

Regarding gender, the rate of women representing the state in public establishments was 40,19% at the end of 2018.<sup>23</sup> This was an increase by almost 10 percent since 2015, and above the OECD average of 31.2%.<sup>24</sup>

## **Accountability and anticorruption**

Luxembourg performs well on international anticorruption indices. The country ranked ninth in Transparency International's 2019 *Corruption Perceptions Index* with a score of 80 out of 100 points.<sup>25</sup> It also made it to the top ranking of the *Inclusive Growth and Development Report* (2017) of the World Economic Forum.<sup>26</sup> Furthermore, the risks of petty bribery are low in Luxembourg, according to the most recent GRECO report (2017).<sup>27</sup>

The country has robust anticorruption legislation and provisions for government officials and civil servants, including Article 81 of the Law on the General Status of Civil Servants (issued 16 April 1979) and a section in the Criminal Code on public order crimes and offenses. Under the current government coalition, a Code of Conduct for government was adopted in 2014 after Parliament had adopted a similar code for their members. The codes regulate asset declarations, conflicts of interest, gifts, revolving doors,<sup>28</sup> and reporting obligations. However, at the end of 2017, GRECO recommended widening the scope of asset declarations to include spouses and dependent family members, as well as introducing a system for disclosing senior civil servants appointed for political positions.<sup>29</sup>

According to the last GRECO report, the main priorities for Luxembourg are access to information (addressed in Commitment 1) and ensuring better whistleblower protection within the Grand Ducal Police. Luxembourg has some provisions protecting civil servants from reprisals for giving evidence of corruption, such as the Code of Criminal Procedure for public officials (Art. 23) and criminal police officers (Art. 12), and the 2011 law on the fight against corruption.<sup>30</sup> However, the most recent GRECO report recommended that the country strengthen its whistleblower protection, including special protections according to criteria of the European Court of Human Rights.<sup>31</sup> Following the 2014 "LuxLeaks" scandals, recent cases concerning the treatment of whistleblowers in the financial sector

“raised some concerns about Luxembourg’s commitment to protecting freedom of expression over the interests of big corporations.”<sup>32</sup> In addition, there are currently no comprehensive protection provisions concerning the police, where anonymous reporting hinders investigations.<sup>33</sup>

Beneficial ownership legislation entered into force in Luxembourg on 1 March 2019. The law implements the transparency requirements of the EU’s Directive 2015/849 on the prevention of money laundering and terrorist financing (AMLD IV) by creating a central register of beneficial owners (“RBE”). The RBE law also follows the EU’s Directive 2018/843 by requiring the RBE to be publicly available.<sup>34</sup> The RBE is publicly available online (<https://www.lbr.lu>) and has a certificate of trust provided by the Government of Luxembourg (LuxTrust).<sup>35</sup> Regarding lobbying, there have been some parliamentary drafts, and Article 5 from the Parliament proceeding rules regulates certain relationships between the parliamentarians and interest groups.<sup>36</sup> However, Luxembourg has no overall legislation on the subject.<sup>37</sup> Finally, according to the *Human Rights Report 2017*, the risk of corruption in the judiciary remains low, and the government respects the judiciary’s independence, which is enshrined in the constitution.<sup>38</sup> Oversight institutions and mechanisms exist, including the Chamber of Audit as the main body responsible for external oversight of the state budget.<sup>39</sup>

### Budget transparency

Different national budget documents are available online at [www.budget.public.lu](http://www.budget.public.lu), which includes information updated to 2019, a FAQ section, and a dedicated space for citizens to submit specific claims or demands.<sup>40</sup> The Ministry of Finance updates the information once a year, which includes the budgets and planned government expenditures for the upcoming year, but not the actual expenditure. The website does not provide detailed data on expenditures per sector, nor any tools for citizen participation and monitoring. However, citizens can submit comments on policy design and implementation at [www.vosidees.lu](http://www.vosidees.lu), created in 2014.

<sup>1</sup> See “Historical data” tab in “2010-2018 OGP Eligibility Database” (July 2019), Open Government Partnership, [https://docs.google.com/spreadsheets/d/1FFYzIU2H37\\_lp5WTKLBp8q2knAoRKsam2kNnrOPIdX8/edit#gid=455121008](https://docs.google.com/spreadsheets/d/1FFYzIU2H37_lp5WTKLBp8q2knAoRKsam2kNnrOPIdX8/edit#gid=455121008).

<sup>2</sup> Council of Europe’s Group of States against Corruption (GRECO), *Fifth Evaluation Round: Evaluation Report Luxembourg* (Strasbourg: 27 Jun. 2018), 4, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/16808b7252>.

<sup>3</sup> *Id.*

<sup>4</sup> State of Luxembourg, “Projet de loi relative à une administration transparente et ouverte.” [Draft law on transparent and open administration.] (Official Journal of the Grand Duchy from Luxembourg, 10 Jan. 2018).

<sup>5</sup> *Id.*

<sup>6</sup> Government of the Grand Duchy of Luxembourg, *Open Government Partnership Luxembourg National Action Plan 2019-2021* (OGP, Jul. 2019), <https://www.opengovpartnership.org/documents/luxembourg-action-plan-2019-2021/>.

<sup>7</sup> State of Luxembourg, “Loi du 4 décembre 2007 sur la réutilisation des informations du secteur public.” [Law of 4 December 2007 on the re-use of public sector information.] (Official Journal of the Grand Duchy from Luxembourg, 7 Dec. 2007), <http://data.legilux.public.lu/eli/etat/leg/loi/2007/12/04/n1/jo>.

<sup>8</sup> European Parliament, “Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information” L 175/1 (Official Journal of the European Union, 27 Jun. 2013), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0037>.

<sup>9</sup> See The Luxembourg Government, “Information and Press Service: The Government’s Open Data policy” (accessed Oct. 2020), <https://sip.gouvernement.lu/en/dossiers.gouvernement%2B2018%2Bopen-data.html>.

<sup>10</sup> Data.public.lu, “The luxembourgish data platform” (The Government of the Grand Duchy of Luxembourg, accessed 3 May 2020), <https://data.public.lu/en/dashboard/>.

<sup>11</sup> Marit Blank, *Open Data Maturity Report 2019* (European Data Portal, Dec. 2019) 28, [https://www.europeandataportal.eu/sites/default/files/open\\_data\\_maturity\\_report\\_2019.pdf](https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> See <https://coronavirus.gouvernement.lu/fr.html>.

<sup>14</sup> European Union Agency for Fundamental Rights, *Coronavirus COVID-19 outbreak in the EU Fundamental Rights Implications* (23 Mar. 2020), [https://fra.europa.eu/sites/default/files/fra\\_uploads/luxembourg-report-covid-19-april-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/luxembourg-report-covid-19-april-2020_en.pdf).

<sup>15</sup> Freedom House, “Luxembourg” in *Freedom in the World 2019* (2019), <https://freedomhouse.org/country/luxembourg/freedom-world/2019>.

<sup>16</sup> Civicus, “Luxembourg - Overview” in *Civicus Monitor* (1 Jan. 2017), <https://monitor.civicus.org/updates/2017/01/01/luxembourg-overview/>.

<sup>17</sup> OECD, *Government at a Glance 2017* (13 Jul. 2017), pg. 185, [https://www.oecd-ilibrary.org/docserver/gov\\_glance-2017-67-en.pdf?expires=1588946304&id=id&accname=guest&checksum=8917D8D02375F46F8600F097E1C0DC7D](https://www.oecd-ilibrary.org/docserver/gov_glance-2017-67-en.pdf?expires=1588946304&id=id&accname=guest&checksum=8917D8D02375F46F8600F097E1C0DC7D).

<sup>18</sup> See Government of the Grand Duchy of Luxembourg, “Les derniers avis apportés” [The latest opinions] (accessed Oct. 2020), <http://www.vosidees.lu>.

<sup>19</sup> See <https://digital-luxembourg.public.lu>.

<sup>20</sup> State of Luxembourg, “Règlement grand-ducal du 18 mars 2020 portant introduction d’une série de mesures dans le cadre de la lutte contre le Covid-19.” [Grand-Ducal Regulation of March 18, 2020 introducing a series of measures in the context of the



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fight against Covid-19.] (Official newspaper of the Grand Duchy from Luxembourg, 18 Mar. 2020), <http://www.legilux.lu/eli/etat/leg/rgd/2020/03/18/a165/jo>.

<sup>21</sup> *Id.*

<sup>22</sup> Prime Minister Xavier Bettel, "Role of business" (Luxembourg Chamber of Deputies, 19 Mar. 2020),

<https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&id=7534>.

<sup>23</sup> Site CORONAVIRUS: <https://mega.public.lu/fr/travail/prise-decision-economique.html>

<sup>24</sup> OECD, "Luxembourg Country Fact Sheet" in *Government at a Glance 2019* (2019), <https://www.oecd.org/gov/gov-at-a-glance-2019-luxembourg.pdf>.

<sup>25</sup> See "Results" tab and click Luxembourg on the map at Transparency International, Corruption Perceptions Index (accessed Oct. 2020), <https://www.transparency.org/en/cpi/2019/results/lux>.

<sup>26</sup> World Economic Forum, *The Inclusive Growth and Development Report 2017* (16 Jan. 2017),

<https://www.weforum.org/reports/the-inclusive-growth-and-development-report-2017>.

<sup>27</sup> GRECO, *Fifth Evaluation Round: Evaluation Report Luxembourg*.

<sup>28</sup> "Revolving doors" refers perceived conflicts of interest when political figures or public officials (including regulatory, licensing, or acquisition positions) begin positions in private business or finance soon after leaving public office.

<sup>29</sup> GRECO, *Fifth Evaluation Round: Evaluation Report Luxembourg*.

<sup>30</sup> The law dated 13 February 2011 amended the *Luxembourg Labour law Code*, the *Criminal Procedure Code*, the *Penal Code*, a law determining civil servants' status (16 April 1979), and a law determining local civil servants' status (24 December 1985). Among other anticorruption provisions and criminal procedural offenses, the legislation enacts whistleblower protection.

<sup>31</sup> GRECO, *Fifth Evaluation Round: Evaluation Report Luxembourg* at 49.

<sup>32</sup> Civicus, "Luxembourg - Overview" in *Civicus Monitor*.

<sup>33</sup> Marit Blank, *Open Data Maturity Report 2019* (European Data Portal, Dec. 2019) 28,

[https://www.europeandataportal.eu/sites/default/files/open\\_data\\_maturity\\_report\\_2019.pdf](https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf)

<sup>34</sup> Christian Kremer, "Luxembourg law on register of beneficial owners 29 August 2019" (Clifford Chance, 29 Aug. 2019),

[https://www.cliffordchance.com/briefings/2019/01/luxembourg\\_law\\_onregisterofbeneficialowners.html](https://www.cliffordchance.com/briefings/2019/01/luxembourg_law_onregisterofbeneficialowners.html).

<sup>35</sup> See <https://www.lbr.lu/mjrcs-rbe/jsp/IndexActionNotSecured.action?time=1595366179724&loop=2>.

<sup>36</sup> See [https://www.chd.lu/wps/wcm/connect/public/406a71a2-1082-4298-b7a0-dff4e3d61b8b/Reglement+CHD\\_11022020.pdf?MOD=AJPERES&ContentCac](https://www.chd.lu/wps/wcm/connect/public/406a71a2-1082-4298-b7a0-dff4e3d61b8b/Reglement+CHD_11022020.pdf?MOD=AJPERES&ContentCac).

<sup>37</sup> Luc Caregari, "Lobbyistes:un jour la transparence viendra" [Lobbyists: one day transparency will come] (26 Aug. 2019),

<https://www.woxx.lu/lobbyistes-un-jour-la-transparence-viendra/>.

<sup>38</sup> Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices for 2015" (U.S. Dept. of State, 2015), <https://2009-2017.state.gov/j/drl/rls/hrrpt/humanrightsreport//index.htm#wrapper>.

<sup>39</sup> *Id.* 11.

<sup>40</sup> Data.public.lu, "Budget 2018" (accessed 4 May 2020), <https://data.public.lu/fr/datasets/budget-2018/>.

### III. Leadership and Multistakeholder Process

The Ministry of Foreign and European Affairs coordinated the co-creation for Luxembourg's first action plan. A working group of government and civil society representatives was created, but a formal multistakeholder forum did not exist. Most commitments were derived from pre-existing initiatives, but some civil society proposals were included in the action plan. In 2019, there was a leadership change and the Ministry of State now oversees the OGP process in Luxembourg.

#### 3.1 Leadership

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

Luxembourg joined OGP in December 2016, following the OGP Paris summit, where the Minister of State (Prime Minister) Xavier Bettel confirmed the country's intention to prepare a national action plan. OGP and the first action plan's development was under the purview of the Ministry of Foreign and European Affairs (MAEE). The Adviser on Human Rights, International Organisations and Cyber Policy Issues initially served as the point of contact. However, following first plan's submission in August 2019, the responsibility for monitoring the OGP process shifted to the Information and Press Service (SIP) of the Ministry of State.<sup>1</sup>

Prime Minister Xavier Bettel politically supports the OGP process as seen in the preface to the first action plan and in the letters<sup>2</sup> addressed to former OGP co-chairs, including to then-President of France, François Hollande.<sup>3</sup> According to stakeholders involved in the co-creation process and email exchanges shared with the IRM researcher by the former point of contact, high level officials were involved in the preparatory meetings.<sup>4</sup> However, the government did not organise any official launch. Furthermore, the national budget contains no dedicated line for OGP activities beyond MAEE's or the Ministry of State's general operating costs and there are no budgetary allocations for ministries implementing OGP commitments.

#### 3.2 Action plan co-creation process

Public consultations for the first action plan were conducted in two phases. Because national elections were scheduled in October 2018, the MAEE decided to postpone the co-creation process to assure political ownership of the action plan in case there was a coalition change.<sup>5</sup> Therefore, the first phase took place before the elections, from March 2017 to May 2018, and the second phase was after the elections, from June 2019 to 26 July 2019.

Three consultation meetings occurred during the first phase. The MAEE organized the first meeting in early April 2017 to introduce OGP to participating stakeholders and exchange participants' expectations. The point of contact at that time sent email invitations to all CSOs, citizen, and university representatives that were previously involved in an standing inter-ministerial working group on human rights, established in 2015, and encouraged these stakeholders to invite other potential participants to broaden the network.<sup>6</sup> According to the former point of contact, OGP was not well known in Luxembourg at the time and there were other consultations occurring, especially around the Paris Climate Change agreement<sup>7</sup> and the United Nations Sustainable Development Goals 2030 Agenda which might have caused "consultation fatigue" among civil society.<sup>8</sup> This limited the impact of the consultation process and was time-consuming for the MAEE.<sup>9</sup>

The MAEE invited all participants to send commitment proposals by 26 April 2017 using the official OGP commitment template.<sup>10</sup> Social media networks were not widely used to promote the co-creation process, as the MAEE did not have official accounts at that time. MAEE used the mailing list of the inter-ministerial working group on human rights to inform the different stakeholders about the co-creation process. After proposals were received, MAEE scheduled individual meetings. For example, in March 2017, following a request from the representatives of "Bringing Europeans all Together" (B.E.A.T), the former point of contact met with them to discuss the establishment of a CivicTech hub (Commitment 5).<sup>11</sup> Similarly, the Association Luxembourgeoise pour les Nations Unies (ALNU) representatives met with the former point of contact and proposed Commitment 4.<sup>12</sup> The last in-person meeting occurred 9 May 2018 during Open Government Week. At this meeting, participants discussed a proposed outline for the action plan with a government representative from Digital Luxembourg, an online platform that

identifies and support citizen initiatives in the country,<sup>13</sup> who presented the platform’s progress report and proposed possible synergies with OGP.<sup>14</sup>

The second phase began after parliamentary elections and the outgoing coalition was reconfirmed for a new five-year term. The MAEE presented an updated version of the draft action plan, taking into account the new government programme for 2018–2023, stakeholder input, and validation from the different line ministries.<sup>15</sup> All proposals were accepted except for two, to which the government provided reasoned response explaining that they were already implemented by the time of presenting the draft plan.

The draft action plan was finalised at a working session with government representatives on 28 June 2019. It was then emailed to all civil society and government stakeholders for comments, after which it was sent back to the Government Council for approval at its meeting on 26 July 2019. The government published the French version of the action plan on MAEE’s website on 22 August 2019. The English version was published in early 2020.

The action plan was prepared by an “horizontal working group, facilitated by the MAEE.”<sup>16</sup> This working group included representatives from line ministries, civil society, and academia. This was corroborated by interviews with participating stakeholders, who explained that these meetings were informal and that the group was not a formal multistakeholder forum (there was no formal selection process either).<sup>17</sup> However, interviewed stakeholders stressed that the point of contact was open to different commitment proposals and coordinating stakeholder meetings. Because there is no publicly available documentation on the co-creation process (such as minutes of the meetings), the exact number of government and CSO representatives participating in the working group is difficult to ascertain. Finally, at the time of writing this report, no online dashboard or repository has been established to allow monitoring the progress of commitments, despite requests from some stakeholders.<sup>18</sup>

The action plan has six commitments related to open data and open administration, access to information on national climate action, the establishment of a European CivicTech hub, and supporting a platform for human rights defenders. The commitments are aligned with the third *National Plan for Sustainable Development of Luxembourg*. Two commitments directly reflect citizen and civil society proposals (Commitment 5 on creating a CivicTech hub and Commitment 6 on supporting human right defenders). However, most of the commitments reflect existing initiatives and focus on fostering internal capacity of the public administration.

Moving forward, the IRM researcher recommends that Luxembourg establish a formal multistakeholder forum to oversee the co-creation of the next action plan. The IRM researcher also recommends that the Ministry of State or the multistakeholder forum develop an online repository to better document forum meetings, stakeholder proposals, and commitment progress.

#### **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.<sup>19</sup> 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
<b>Empower</b>	The government handed decision-making power to members of the public.	
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.	✓
<b>Involve<sup>20</sup></b>	The government gave feedback on how public input were considered.	
<b>Consult</b>	The public could give inputs.	
<b>Inform</b>	The government provided the public with information on the action plan.	
<b>No Consultation</b>	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 Luxembourg’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
<b>1a. Forum established:</b> There is no formal multistakeholder forum for OGP in Luxembourg. However, the MAEE oversaw a “horizontal working group” which provided space for discussions between civil society and government stakeholders. According to the former point of contact, one possibility for upcoming action plans is to include open government discussions in the Interministerial Human Rights forum agenda.	Yellow
<b>1b. Regularity:</b> No formal multistakeholder forum existed. However, stakeholder meetings were scheduled throughout the entire co-creation process.	Yellow
<b>1c. Collaborative mandate development:</b> No formal rules or collaborative mandate for the OGP process were established.	Red
<b>1d. Mandate public:</b> Membership and governance of the OGP process is not available on Luxembourg’s OGP webpage.	Red
<b>2a. Multistakeholder:</b> While there was no formal multistakeholder forum, co-creation meetings included both governmental and nongovernment representatives. However, there are no formal minutes or records of these meetings available.	Yellow

2b. Parity: While there was no formal multistakeholder forum, co-creation meetings had a balance of governmental and nongovernmental representatives.	Yellow
<b>2c. Transparent selection:</b> While there was no formal multistakeholder forum, nongovernmental stakeholders who took part in co-creation meetings were invited through a transparent process. They could also extend the invitation to other groups.	Yellow
2d. High-level government representation: While there was no formal multistakeholder forum, the co-creation process included high-level representatives from the MAAE and Ministry of Interior with decision-making authority from government.	Green
<b>3a. Openness:</b> The working group accepted input and representation on the action plan process from any civil society stakeholder.	Green
3b. Remote participation: There were opportunities for remote participation through email exchanges.	Green
3c. Minutes: The government proactively communicated and reported back on its decisions, activities, and results to stakeholders who participated in the co-creation process. However, there are no publicly available minutes of the co-creation events and meetings.	Yellow

<b>Action Plan Development</b>	
4a. Process transparency: There is no national OGP website where information on all aspects of the national OGP process is proactively published. However, the government has recently established official social media channels <sup>21</sup> and before the meetings it provided information on OGP, the timeframe, and plan activities to develop the action plan.	Yellow
4b. Documentation in advance: The government shared information about OGP to stakeholders in advance to facilitate informed and prepared participation in all stages of the process.	Green
4c. Awareness-raising: The government conducted outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Green
4d. Communication channels: The government facilitated direct communication with stakeholders per email or meeting scheduling to respond to action plan related questions.	Green
<b>4e. Reasoned response:</b> The government provided reasoned respond to comments received by stakeholders during the commenting period through emails and during in-person meetings. However, there is no publicly available summary explaining how the government considered stakeholder proposals received during the action plan's co-creation.	Yellow
<b>5a. Repository:</b> The government has not yet established a repository in line with <a href="#">IRM guidance</a> to document, collect, and published information on OGP.	Red

<sup>1</sup> Luc Dockendorf, virtual interview by IRM researcher, 15 May 2020; Marc Hostert, virtual interview by IRM researcher, 20 May 2020.

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- <sup>2</sup> Prime Minister Xavier Bettel, letter to President François Hollande (France), Sec. of State Jean-Vincent Place (France), Minister of Justice Thea Tsulukiani (Georgia), Manish Bapna (Exec. VP and Managing Dir. of World Resources Institute), and Mukelani Dimba (Exec. Dir. of Open Democracy Advice Centre), 1 Dec. 2016 <https://bit.ly/36nUWxp>.
- <sup>3</sup> Government of the Grand Duchy of Luxembourg, *Open Government Partnership Luxembourg National Action Plan 2019-2021* (OGP, Jul. 2019), <https://www.opengovpartnership.org/documents/luxembourg-action-plan-2019-2021/>.
- <sup>4</sup> Dockendorf, interview; Arnaud Lumet, Sana Hazid Babacic, and Darina Mohamad (Bringing Europeans All Together), interview by IRM researcher, 1 May 2020.
- <sup>5</sup> Government of the Grand Duchy of Luxembourg, *National Action Plan 2019-2021*.
- <sup>6</sup> Dockendorf, interview.
- <sup>7</sup> Jérôme Merker, "The Paris Climate Change agreement: some key facts and what it means for business in Luxembourg" (IDEA, 8 Jan. 2016), <https://www.fondation-idea.lu/2016/01/08/paris-climate-change-agreement-key-facts-means-business-luxembourg/>.
- <sup>8</sup> Dockendorf, interview.
- <sup>9</sup> *Id.*
- <sup>10</sup> *Id.*; Luc Dockendorf, email exchange with IRM researcher, 15 May 2020.
- <sup>11</sup> Lumet, Babacic, and Mohamad, interview.
- <sup>12</sup> André Rollinger (President of Association Luxembourgeoise pour les Nations Unies), email exchange with IRM researcher, Apr. 2020.
- <sup>13</sup> Government of the Grand Duchy of Luxembourg, "A Digital Movement Powered by You" (Digital Luxembourg, accessed Oct. 2020), <https://digital-luxembourg.public.lu>.
- <sup>14</sup> Government of the Grand Duchy of Luxembourg, *National Action Plan 2019-2021*.
- <sup>15</sup> *Id.*
- <sup>16</sup> *Id.* pg 12.
- <sup>17</sup> Dockendorf, interview; Lumet, Babacic, and Mohamad, interview.
- <sup>18</sup> Rollinger, email exchange.
- <sup>19</sup> IAP2, "IAP2 Spectrum" (accessed Oct. 2020), [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf).
- <sup>20</sup> OGP's Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Luxembourg did not act contrary to OGP process during the development of the 2019–2021 action plan.
- <sup>21</sup> See Open Government Lëtzebuerg, "OpenGov Luxembourg" (Twitter, 28 Aug. 2019), <https://twitter.com/opengovlux>.

## 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.<sup>1</sup> Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.<sup>2</sup> A summary of key indicators the IRM assesses can be found in the Annex of this report.

### General Overview of the Commitments

Luxembourg's first action plan includes commitments on open data and open administration, access to information on national climate action, the establishment of a European CivicTech hub, and a platform for civil society and human rights defenders. The commitments are aligned with the third *National Plan for Sustainable Development of Luxembourg*,<sup>3</sup> following the implementation of the SDGs Agenda 2030.

The action plan incorporated all the proposals received by stakeholders during the consultations. However, as expressed by the former point of contact, as well as Bringing Europeans all Together (B.E.A.T) representatives,<sup>4</sup> OGP and open government were not well known in the country, which limited the breath of the consultation process. Moreover, the potential of commitments to open government remains limited, as except from those led by civil society, most reflect existing initiatives and foster internal government capacity without public-facing elements.

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<sup>1</sup> OGP, "Articles of Governance" (17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance/>.

<sup>2</sup> OGP, "IRM Procedures Manual" (16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

<sup>3</sup> IMS Luxembourg, "Presentation of National Plan for Sustainable Development" (accessed 1 Jul. 2020), [https://imslux.lu/eng/news/193\\_presentation-of-national-plan-for-sustainable-development](https://imslux.lu/eng/news/193_presentation-of-national-plan-for-sustainable-development).

<sup>4</sup> Luc Dockendorf, interview by IRM researcher 15 May 2020; Arnaud Lumet, Sana Hazid Babacic, and Darina Mohamad (Bringing Europeans All Together), virtual interview by 1 May 2020.

## I. Transparent and open administration

### Main Objective

- “Draft Law No 6810 on transparent and open administration: Establishment of a right of access to documents held by the authorities and services of the State, municipalities, unions of municipalities, public establishments under the supervision of the State, or under the supervision of municipalities, and legal persons providing public services, in so far as the documents relate to an administrative activity. The same applies to documents held by the Chamber of Deputies, the Council of State, the Ombudsman, the Court of Auditors and the professional chambers, which relate to the exercise of an administrative activity;
- Principle of *ex officio* publication of documents that are freely accessible;
- Establishment of a right to request communication of an accessible document.”

### Milestones

- “Entry into force of the new law and implementation (January 1, 2019 – continuous)
- Initial/continuing training of civil servants for the application of the new law (August 2019 - August 2021, continuously)”

**Editorial Note:** For the complete text of this commitment, please see Luxembourg’s action plan at [https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg\\_Action-Plan\\_2019-2021\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg_Action-Plan_2019-2021_EN.pdf).

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information
<b>Potential impact:</b>	Minor

### Commitment Analysis

This commitment pursues the promulgation of Law 6810 on transparent and open administration.<sup>1</sup> Until 2018, Luxembourg did not have a standalone access to information law. Additionally, prior to the entry into force of Law 6810 in January 2019, there was no legislation or regulation granting natural and legal persons the right to access administrative documents. Therefore, during the first phase of the co-creation process, the former point of contact and the Ministry of State proposed a draft of this commitment for review by stakeholders, reasoning that having an access to information law is key to advance open government in Luxembourg.<sup>2</sup>

The law grants natural and legal persons the right to access documents held by a variety of public administrations and officials.<sup>3</sup> Furthermore, the law created a Commission for Access to Documents that ensures the right to access documents and advises public authorities regarding the correct application of the law. Requesters who are denied access to a document can request, free of charge, an opinion from the Commission, which must deliver an opinion within two months.<sup>4</sup> According to a representative of the Ministry of State, civil society organisations (CSOs) were not consulted during the drafting process but several professional chambers were consulted.<sup>5</sup>

As mentioned in Section III of this report, there was a hiatus between the first and second phases of the co-creation process. This commitment was drafted during the first phase. The access to information law was passed during the hiatus in September 2018 and entered into force on 1 January 2019.<sup>6</sup> Original milestones of this commitment included passing the law, but these were revised after the law passed. The new milestones focus on implementing the law and continuous training for civil servants on the correct application of the law.

This commitment is relevant to the OGP value of access to information, as it enforces the principle of *ex officio* in the publication of government documents and improves citizens’ rights to free access to information. While the commitment is verifiable, it is not clear how many civil servants will be trained,



what type of training they will receive, or how this internal fostering of public administration capacities will impact citizens' right to access public information.

If implemented, this commitment could positively impact implementation of Luxembourg's new access to information law. However, as mentioned above, the law itself was promulgated before the start of the action plan. The milestones primarily focus on the continuation of ongoing activities and which are the sole responsibility of the Ministry of State. Furthermore, the commitment does not specify the type of training or how the internal capacity-building will impact citizens' access public information. Therefore, it is difficult to assess the potential impact of this commitment higher than minor.

As next steps, the IRM researcher recommends the following:

- Broaden participation of CSOs and other stakeholders in monitoring the implementation of the access to information law and integrate their input into the implementation evaluation that the Ministry of State will conduct. This can expand the scope of the commitment by including recommendations and feedback from ultimate beneficiaries.
- Strengthen the proactive publication of frequent requests on the official Luxembourg's website.
- Ensure that the processing of requests for information remains in place during the COVID-19 pandemic, to the greatest extent possible, and prioritize information requests related to COVID-19. In light of the possible increased demand for information related to COVID-19, ensure that adequate resources are allocated to reactive and proactive transparency, and that there are sufficient trained public officials to meet that demand.
- Prioritise a shift to digitalisation of all information, documents, and data so that access can be assured in a timely manner, ensuring secure records and archives storage, protection, and retrieval.
- Ensure that the training of civil servants includes best practices for record keeping, such as easily accessible digital archives to facilitate rapid location and compilation of information in the future.

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<sup>1</sup> State of Luxembourg, "Projet de loi relative à une administration transparente et ouverte." [Draft law on transparent and open administration.] (Official Journal of the Grand Duchy from Luxembourg, 10 Jan. 2018), <http://legilux.public.lu/eli/etat/projet/pl/10053>.

<sup>2</sup> Luc Dockendorf, virtual interview by IRM researcher, 15 May 2020.

<sup>3</sup> The law allows citizens to request information from the following: public administration, public services, municipalities, syndicate of municipalities, public establishments under the supervision of the government or municipalities, legal persons providing public services, Parliament, the Council of State, the Mediator, the Court of Auditors, and professional chambers which are related to the exercise of administrative activities.

<sup>4</sup> Delphine Stoffel (Attaché, Ministry of State), virtual exchange with IRM researcher, 9 Jun. 2020.

<sup>5</sup> *Id.*

<sup>6</sup> State of Luxembourg, [Draft law on transparent and open administration].

## 2. Promotion of Open Data

### Main Objective

“The commitment of the Government of the Grand Duchy of Luxembourg to open data provides for the establishment of a central platform for identifying, presenting and describing the country's open data, both in the public and private sectors, as well the awareness of stakeholders and the promotion of a new ecosystem based on the added value of such data. The ultimate aim is the implementation of universal access to the raw data of the central domains which affect society, with a clear indication of the relevant usage licences, as well as the general promotion of a culture based on the re-use of such data for all purposes, even commercial ones. With the exception of sensitive data whose publication is prohibited by legislation, data from the public sector is going to constitute an initial contribution to this initiative.”

### Milestones

- “Hackathon Game of code ([www.gameofcode.eu](http://www.gameofcode.eu)) (Annual event in March/April)
- Launch of the national open data national: <https://data.public.lu> (Launched in April 2016, updated continuously)
- Follow-up of the national strategy for the open data project (Launched in June 2017)”

**Editorial Note:** For the complete text of this commitment, please see Luxembourg’s action plan at [https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg\\_Action-Plan\\_2019-2021\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg_Action-Plan_2019-2021_EN.pdf).

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information
<b>Potential impact:</b>	None

### Commitment Analysis

This commitment improves access to both public- and private-sector open data and raises awareness of open data. Its planned activities include a hackathon, launching a national open data portal, and implementing a follow-up strategy on open data.

In December 2017, the Information and Press Service enacted an act on reusing public-sector information; the act contains the principles of Luxembourg’s open data strategy.<sup>1</sup> This strategy follows European standards on the reuse of public sector information (Directive 2003/98/EC and Directive 2013/37/EU)<sup>2</sup> and it comprises the organisation of hackathons and events, implementing online platforms to disclose public and private data, and promoting awareness-raising activities.<sup>3</sup>

This commitment contains three verifiable milestones. Although they propose continuous actions, these milestones were already implemented before the start of the action plan.<sup>4</sup> According to the action plan and confirmed through internet archive evaluation, the portal was launched in 2016 and since then, there’s been no increase in the number of available databases as of the time of writing this report (June 2020).<sup>5</sup> The hackathon “Game of Code” is an annual event sponsored by tech-savvy enterprises which proposes challenges to develop innovative digital products in 24 hours. The hackathon requires the registration of “teams” and “coaches,” costing approximately 500 Euros to register a team. According to the online archive of the hackathon’s website (<https://www.gameofcode.eu>), the event has taken place in April 2016,<sup>6</sup> March 2017,<sup>7</sup> March 2018, and March 2019.<sup>8</sup> The 2020 event was planned for April,<sup>9</sup> but was postponed to 9–10 October 2020 due to the COVID-19 pandemic.

The commitment is relevant to the OGP value of access to information due to the focus on open data. However, as written, this commitment will likely not have any potential impact. This is because two of the activities were completed prior to the start of the action plan (launching the open data portal and implementing the follow-up to the national open data strategy), and the hackathon is an annual private event. While the commitment mentions that the open data portal will be updated continuously, it does not clarify what these updates will entail.

As next steps, the IRM researcher recommends establishing clear goals for implementation, such as the number of new databases to be published. The government could also specify how it will participate in the hackathon as well as how it will use the results to improve open data. Considering the COVID-19 pandemic and OGP recommendations,<sup>10</sup> the government could also prioritize the following categories of open data to contribute to an informed pandemic response:

- Medical resources: hospital facilities, staffing and equipment, personal protective equipment, testing sites, and processing laboratories;
- Epidemiological data: patient data (location, demographic, outcomes, and treatments without releasing personally identifying information);
- Economic data: recipients of emergency funding, registers of personal protective equipment (PPE) suppliers, supply chain data and price gouging, and travel data; and
- Open science: drug research, treatment approaches, publication of virus genetic strands, and others.

Finally, establishing multi-disciplinary councils or teams to help prioritise data collection, standardization, and release. Documenting and publishing records of deliberation and supporting documentation could improve the potential impact of this commitment.

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<sup>1</sup> State of Luxembourg, "Loi du 4 décembre 2007 sur la réutilisation des informations du secteur public." [Law of 4 December 2007 on the re-use of public sector information.] (Official Journal of the Grand Duchy of Luxembourg, 7 Dec. 2007), <http://data.legilux.public.lu/eli/etat/leg/loi/2007/12/04/n1/jo>.

<sup>2</sup> European Parliament, "Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information" L 175/1 (Official Journal of the European Union, 27 Jun. 2013), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0037>.

<sup>3</sup> The Luxembourg Government, "Information and Press Service: The Government's Open Data policy" (accessed 3 May 2020), <https://sip.gouvernement.lu/en/dossiers.gouvernement%2Ben%2Bdossiers%2B2018%2Bopen-data.html>.

<sup>4</sup> Francis Kaell, virtual exchange with IRM researcher, 8 Jun. 2020.

<sup>5</sup> Data.public.lu, "Activité de la communauté" [Community activity] (Government of the Grand Duchy of Luxembourg, accessed 26 May 2020), <https://web.archive.org/web/20160911184234/https://data.public.lu/fr/dashboard/>; Data.public.lu, "Luxembourg's Open Data Strategy" (Government of the Grand Duchy of Luxembourg, 26 May 2020), <https://data.public.lu/fr/strategy/>.

<sup>6</sup> Game of Code Hackathon, "Who is the Best Developer" (Farvest, accessed 25 May 2020), <https://web.archive.org/web/20160410105915/http://www.gameofcode.eu>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Game of Code Hackathon Online Edition, "about Game of Code" (Farvest, accessed 25 May 2020), <https://www.gameofcode.eu>.

<sup>10</sup> OGP, "A Guide to Open Government and the Coronavirus: Open Data" (4 May 2020), <https://www.opengovpartnership.org/documents/a-guide-to-open-government-and-the-coronavirus-open-data/>.

### 3. Promotion and awareness of the use of clear and understandable administrative language

#### Main Objective

- "The training already in place to promote 'simple' administrative language is intended to provide the necessary tools for State officials to draw up documents guaranteeing that all citizens have access to information of an administrative nature.
- A course programme focusing on clear and understandable administrative language is being developed to complement the ongoing training offer".

**Editorial Note:** For the complete text of this commitment, please see Luxembourg's action plan at [https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg\\_Action-Plan\\_2019-2021\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg_Action-Plan_2019-2021_EN.pdf).

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to information
<b>Potential impact:</b>	Minor

#### Commitment Analysis

This commitment promotes the use of clear and understandable language by conducting trainings for officials and developing a complementary course programme. According to the government point of contact, this commitment will be implemented by the National Institute for Public Administration and will simplify communication language of the Ministry of Family Affairs, Integration and the Greater Region with vulnerable groups.<sup>1</sup>

This commitment can be verified by assessing whether the training and course occur. According to the commitment, the trainings only target public officials and no public-facing element is expected. However, since the commitment seeks to improve the understandability and accessibility of government documents from the Ministry of Family Affairs, it is relevant to the OGP value of access to information.

The potential impact of this commitment on promoting clear administrative language will likely be minor, as training public officials was already in place before the action plan and it is unclear how the commitment will differ. Also, the commitment does not define "clear language" or which areas of government will be committed to clear language in public administration.

Moving forward, the IRM researcher recommends defining "clear language" (e.g., multilingual publication, braille and large print, jargon-free terminology, etc.), and how it relates to the right to access information. The government could also prioritise types of information for clear language and explain how they will include civil society (such as the Centre for Equal Treatment) and citizens in the commitment's implementation and monitoring.

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<sup>1</sup> Marc Hostert, virtual interview by IRM researcher, 20 May 2020.

## 4. Information on national climate action

### Main Objective

- “Access to relevant documents related to periodic and detailed monitoring of all measures adopted in the National Action Plans for the public and civil society;
- Review of the impact and implications of the 2015 Paris Agreement on climate protection for the period 2021-2030;
- Analysis and monitoring of climate actions in relation to national action plans and UN conventions and missions, including at civil society level, with a tendency to favour domestic measures rather than foreign compensation measures;
- Wider discussion about the contemporary rise of climate change and on all greenhouse gas emissions: from production to recycling of the most common products, rising levels of emissions caused by air transport and the digital society, electrical energy from abroad not accounted for in allowances relating to the Kyoto Convention, etc.;
- Effective and inclusive participation of civil society: continuation and deepening of the open and constructive dialogue launched by the MECDD on the effective implementation of all measures, including the results in national action plans and other programmes; exchange of views on future developments.”

### Milestones

- “Analyses, positions and exchanges by civic society before the finalisation of the integrated national energy and climate plan (2021-2030) (September 2019 – December 2019)
- Open and constructive dialogue with active participation of civil society in the effective implementation of the climate protection (September 2019 – December 2019)
- Round Table/Public Conference on this theme (Dates to be announced - August 2021)
- Raise public awareness on the role of Luxembourg in combatting climate change through publications in the press, on the Internet, in social networks, etc. (Dates to be announced - August 2021)
- Monitoring of the commitment to an interactive web platform, made available by one of the ministries concerned for exchanges with NGOs, institutions, bodies, interested parties active in this field (Dates to be announced - August 2021)”

**Editorial Note:** For the complete text of this commitment, please see Luxembourg’s action plan at [https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg\\_Action-Plan\\_2019-2021\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg_Action-Plan_2019-2021_EN.pdf).

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation
<b>Potential impact:</b>	Minor

### Commitment Analysis

This commitment will share information on all national climate actions and measures adopted per the Paris agreement and UN conventions. It also raises awareness and includes civil society in the discussion of climate change and greenhouse gas emissions, continuing the participatory dialogues and public consultations organised by the Ministry of Environment, Climate and Development (MECD).<sup>1</sup> The commitment was included in the OGP action plan as a joint proposal of the Association Luxembourgeoise pour les Nations Unies (ALNU) and the MECD. Its objectives are directly linked to the *National Action Plan on Energy and Climate 2021-2030*, which strengthens commitments under the Paris Accords following European standards, such as EU regulation 2018/1999.<sup>2</sup>

The commitment is relevant to the OGP value of access to information, as it develops an interactive web platform with information on Luxembourg’s climate change activities. In addition, the planned

dialogue with civil society (as well as a public conference) on implementing climate protection makes the commitment relevant to the OGP value of civic participation.

While the planned activities are verifiable, the lack of key details makes it difficult to assess their potential impact as higher than minor. For example, it is unclear what previously unavailable or difficult-to-find information on climate change will be published to the interactive web platform. Similarly, the milestones on the anticipated dialogue with civil society and awareness-raising campaign do not provide details on how these activities will be conducted. The IRM researcher attempted to contact the MECD to discuss the content of the new platform and the anticipated opportunities for civil society to participate in implementing and monitoring climate change policies. However, at the time of writing this report, the IRM researcher had received no replies.<sup>3</sup> Likely, this commitment will reinforce pre-existing initiatives within the MECD, such as monitoring of the impact and implementation of international agreements. Moreover, according to ALNU, the commitment could amplify the consultation process and underline the importance of scientific statements and findings in public discussions to spur further action.<sup>4</sup> This commitment could be strengthened by giving clear baselines, measurements, and time-scales, as well as by publishing full results alongside consultations on how to sustain and improve measures and implementation.

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<sup>1</sup> Coronavirus Site (COVID-19), "Lancement de la consultation publique du Plan national intégré en matière d'énergie et de climat (PNEC)" [Launch of the public consultation of the Integrated National Energy and Climate Plan (PNEC)] (Government of the Grand Duchy of Luxembourg, 31 Mar. 2020), [https://environnement.public.lu/fr/actualites/2020/02/PNEC\\_2020.html](https://environnement.public.lu/fr/actualites/2020/02/PNEC_2020.html).

<sup>2</sup> André Rollinger (President of Association Luxembourgeoise pour les Nations Unies), email exchange with IRM researcher, April 2020; European Union, "Regulation (EU) 2018/1999" (accessed 22 May 2020), <https://bit.ly/3bVUwPZ>.

<sup>3</sup> The IRM researcher contacted a representative from MECD on 28 May 2020 by email and on 5 July 2020 by Skype and email.

<sup>4</sup> Rollinger, email.

## 5. Exploring the establishment of a European CivicTech Centre

### Main Objective

“To study the creation and development of a local, Greater Region and European CivicTech incubator, using innovative technologies and methods that meet the specific needs of citizens, while at the same time bringing them closer to the institutions and public authorities.

### Definition of a CivicTech

A CivicTech is a set of processes, tools, technologies and innovations of the kind ‘civic start-ups’, which will help to improve a political, economic and societal system. More broadly, three categories of CivicTech projects (Gov Tech, Civic Tech, Pol Tech) can be distinguished from the projects (a) of government opening, (b) citizens’ participation and (c) those accompanying political parties and movements in their election campaign. These technologies make it possible to increase citizens’ influence on political life on the one hand, and on the other hand to make a government more accessible, efficient and effective. Ultimately, a CivicTech is to create and/or strengthen the democratic interaction between the government and the citizen, thereby strengthening the social contract.

Apart from the classification into 3 categories, it can also be distinguished according to the needs of the citizen:

- **CivicTech of appropriation** (information media), which aims to simplify the explanation of administrative procedures or laws (e. g.: Guichet.lu).
- **CivicTech of the expression** (feedback) that aims to express and trace the real needs of the country (e.g. an educational project with the students of the cross-border universities in the form of hackathon).
- **CivicTech to mobilise** citizens around a cause (e.g. e-petitions studied by Raphael Kies at the University).
- **CivicTech of participation to** give the citizens creative projects the opportunity to act for societal impact (for example, an application set up in a municipality to restore dynamism to local life, to give people the right of initiative).
- **CivicTech of evaluation** in an election campaign (e.g. the SmartVote application, studied by Raphael Kies, used during the last legislative elections in Luxembourg in October 2018 and the European Parliament elections in May 2019. In the interests of the citizen’s service, the application helps to compare the programmes of the different political parties and candidates via a survey).”

### Milestones

1. Creation of the structure/edits structure & submission of B.E.A.T. statutes (August 2019 - April 2020)
  - 1.1. Search for private/public partner sponsors (August 2019 - June 2020)
  - 1.2. Inventory of CivicTech & Map European / Country (August 2019 - June 2020)
2. Preparation of grant files (April 2019 - August 2019)
3. Drawing up communication strategy, supports (August 2019 - June 2019)
4. Drafting of an ethical charter / official signature of partners (September 2019 - September 2019)
  - 4.1. Attraction of talent via a call for projects (August 2019 - August 2021 continuously)
  - 4.2. Launch of the Hub via an official event (November 2019 - November 2019)
5. Creation of a digital physical platform (November 2019 – Continuous development)
6. Accompanying strategy for civic start-ups (1<sup>st</sup> semester 2020 – August 2021 continuously)
7. Development of the European CivicTech Hub network (August 2019 - August 2021 continuously)

**Editorial Note:** For the complete text of this commitment, please see Luxembourg’s action plan at [https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg\\_Action-Plan\\_2019-2021\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg_Action-Plan_2019-2021_EN.pdf). The IRM researcher has renumbered the milestones above to provide more clarity. In addition, due to the delayed related to the COVID-19 pandemic, the dates of two of the milestones listed above have been revised. Milestone 4 (Drawing up communication strategy) is now scheduled to

conclude in the end of February 2021 (as opposed to June 2019) and milestone 7 (Development of the European CivicTech Hub network 2021) is now scheduled to start in January 2021 (as opposed to August 2019).

<b>IRM Design Report Assessment</b>	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Civic Participation
<b>Potential impact:</b>	Minor

### Commitment Analysis

This commitment establishes a European CivicTech hub to bring citizens and tech-related initiatives closer to the government and public institutions. Planned activities include searching for private and public partners to create the hub, establishing a digital platform, and developing accompanying civic startup strategies. The commitment was proposed by a group of private citizens who established an association called “Bringing Europeans all Together” (B.E.A.T) and later renamed “Europe Technologie and Intelligence Collective Citoyenne” (ETICC).<sup>1</sup> ETICC directly contacted the OGP point of contact to present an open European lab that could become a reference in the civic tech fields. Ultimately, the government included the proposal in the action plan.

This commitment is relevant to the OGP value of civic participation, as the CivicTech hub allows citizens to submit e-petitions.<sup>2</sup> It also allows citizens to express their needs and feedback on different public interests.<sup>3</sup>

According to ETICC representatives, there is currently no CivicTech hub in Luxembourg. Establishing this hub could accelerate all civic tech initiatives in Luxembourg and help strategically position the country in the European CivicTech network. As stated in documents shared by ETICC representatives,<sup>4</sup> a CivicTech hub could facilitate broader engagement of foreign nationals who do not have voting rights and would improve engagement with foreigners in a country where non-citizens account for almost 48% of the population.<sup>5</sup> Moreover, a CivicTech hub could raise awareness of open government activities in Luxembourg by providing an interaction platform for citizens and governments.<sup>6</sup>

The commitment is clear enough to be verified, as its milestones have concrete activities and deadlines. However, some activities were concluded prior to the action plan. For instance, Milestone 1 will structure ETICC’s statutes, but ETICC was established in June 2019, two months before the deadline stated in the action plan.<sup>7</sup> Moreover, ETICC is responsible for this commitment, and the government’s role is unclear.

The extent to which the CivicTech hub will foster innovative solutions can only be determined once it is operational. The milestones mostly focus on establishing the hub, and some have already been achieved prior to the commitment. Also, more information is needed to determine which type of hub will be created, its main strategies, and how it will complement and strengthen the government’s current digital strategy.

According to a ETICC representative, although the government has invited ETICC to meetings and included the CivicTech hub in the action plan, ETICC will develop the hub without further support from the government.<sup>8</sup> Therefore, during implementation, the IRM researcher recommends creating synergies between the CivicTech hub and government initiatives, including the Digital Luxembourg strategy, and the national open data portal and open data strategy.<sup>9</sup> Furthermore, although ETICC partnered with the University of Luxembourg in searching for sponsors (Milestone 2), it could be helpful to involve the government in fundraising for projects. The CivicTech hub could also be used to raise awareness for OGP in anticipation of the next action plan. This could help increase its level of ambition, raise awareness, and help establish an open government community in the country.

<sup>1</sup> Arnaud Lumet, Sana Hazid Babacic, and Darina Mohamad (Bringing Europeans All Together), virtual interview by IRM researcher, 1 May 2020.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*



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- <sup>4</sup> B.E.A.T. representatives, "B.E.A.T. Bringing Europeans All Together" presentation, (1 May 2020), <https://bit.ly/31CJug9>.
- <sup>5</sup> Statista 2020, "Number of foreigners in Luxembourg in 2020, by nationality (in 1,000s)\*" (2020), <https://www.statista.com/statistics/584918/foreigners-in-luxembourg-by-nationality/>.
- <sup>6</sup> Lumet, Babacic, and Mohamad, interview.
- <sup>7</sup> B.E.A.T. representatives, presentation.
- <sup>8</sup> Lumet, Babacic, and Mohamad, interview.
- <sup>9</sup> Digital Luxembourg website: <https://digital-luxembourg.public.lu>.

## 6. Support platform for civil society and human rights defenders (HRDs)

### Main Objective

- “The establishment of an admission procedure for legal assistance for rest periods from 6 months to 12 months, in particular via the ProtectDefenders.eu platform;
- Support for the activities of the Special Rapporteur of the Human Rights Council (UNHRC) on the situation of human rights defenders and other activities and mandates supporting civil society in the UN system and in other multilateral forums;
- Cooperation in strengthening the capacity of human rights organisations and networks in developing countries, in particular through cooperation with Luxembourg development and paying particular attention to the gender dimension and to the protection of women’s and girls’ rights;
- Support for and consultations with the national civil society platform for human rights and information and public awareness raising on the issue.”

### Milestones

- Constitutive meeting of the integrated national platform for HRDs (August 2019, then at a rate to be determined by the participants - August 2021)
- Explanatory note on the Platform and its possible activities (August 2019 - September 2019)
- Elaboration of reception arrangements for HRDs (Autumn 2019 - December 2019)
- Development strategies to combat the stigmatization of HRDs and to achieve a better communicate on human rights (September 2019 - June 2020)

**Editorial Note:** For the complete text of this commitment, please see Luxembourg’s action plan at [https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg\\_Action-Plan\\_2019-2021\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/08/Luxembourg_Action-Plan_2019-2021_EN.pdf).

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Civic Participation
<b>Potential impact:</b>	Minor

### Commitment Analysis

Democratic backsliding, abuse of political and civic rights, and restrictions on civic space are all challenges human rights defenders (HRDs) face globally.<sup>1</sup> The Grand Duchy of Luxembourg has committed to protect and promote human rights, in particular the rights of people with disabilities; human trafficking; asylum and immigration; children’s rights; gender equality; and non-discrimination.<sup>2</sup> Through this commitment, the Ministry of Foreign and European Affairs will support HRD activities by fostering capacity building and providing legal assistance. Specific activities include organising meetings and national consultations, elaborating reception arrangements for HRDs, and developing strategies to combat stigmatization and prevent gender discrimination.

The commitment is relevant to the OGP value of civic participation as it includes the organisation of different national consultations to advance the human rights agenda and a more structured dialogue with civic society at national level in response to a demand for more active collaboration between state and non-state stakeholders.

In 2018, the Special Rapporteur of the UN Human Rights Council (UNHRC) organized a meeting with representatives of the government of Luxembourg and civil society organisations where he expressed the need to support the platform, ProtectDefenders.eu,<sup>3</sup> and create a space to support the work of HRDs.<sup>4</sup> After that meeting, under the lead of the Ministry of Foreign and European Affairs, several actions followed to support HRDs. According to the former point of contact, this commitment could formalize those actions while strengthening development cooperation (e.g., by implementing temporary

relocation grants for HRDs from countries with civic space restriction and human right risks. The former point of contact also noted that this commitment could improve cooperation between the Ministry of Foreign Affairs and civil society organisations working to defend human rights, such as Amnesty Luxembourg, Front Line Defenders, Handicap, Freres des Hommes, and UNICEF. However, it is still unclear what the added value will be with respect to the previous actions conducted by the Ministry of Foreign and European Affairs, which were already supporting the work of HRDs. Moreover, without knowing the details of Milestones 1 and 2, it is difficult to understand the future actions of this commitment. Therefore, based on the available information, the commitment has a minor potential impact. The IRM researcher reached out to various HRD organisations in Luxembourg to know more details about this commitment but received no responses.<sup>5</sup>

As next steps, the government could co-fund EU grants awarded to NGO projects supporting HRDs, fund the national platform, and support regular meetings between high-level government representatives and the platform, with a view to shaping the government's annual priorities concerning human rights and the support to HRDs.

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<sup>1</sup> CIVICUS, "CIVICUS Monitor: Tracking Civic Space" (accessed 20 May 2020), <https://www.civicus.org/index.php/what-we-do/innovate/civicus-monitor>.

<sup>2</sup> Commission consultative des Droits de l'Homme, "Quelle place pour les droits de l'Homme dans l'accord de coalition 2018-2023 ?" [What a place for human rights in the 2018-2023 coalition agreement?] (2019), <https://bit.ly/2LSZH8s>.

<sup>3</sup> ProtectDefenders.eu, [homepage] (accessed Oct. 2020), <https://www.protectdefenders.eu/en/index.html>.

<sup>4</sup> Luc Dockendorf, virtual interview by IRM researcher, 15 May 2020.

<sup>5</sup> The IRM researcher attempted to contact the following organisations April–June 2020: Amnesty International, Greenpeace, ECPACT (A global network to end child prostitution and trafficking of children), Caritas, ASTM group, Freres des Hommes, Front Line Defenders, Onafhängege Gewerkschaftsbond Lëtzebuerg (OGBL), and SOS- FAIM.

## 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	Establish a multistakeholder forum to oversee the OGP process
2	Ensure future commitments include measurable outcomes that add value even if they build on pre-existing activities

#### **Establish a multistakeholder forum to oversee the OGP process**

To comply with OGP standards and make the OGP process more inclusive, Luxembourg should establish a formal multistakeholder forum to oversee OGP activities. The IRM researcher recommends establishing participatory rules around the structure and activities of the forum, taking into account OGP's co-creation standards,<sup>1</sup> as well as making use of the previous experience by the Ministry of Foreign Affairs to adapt the Interministerial Human Rights agenda to the country's needs. Including line ministry representatives from the beginning and broadening participation of civil society organisations and citizens (with an open selection process based on publicly available criteria) will also foster co-creation and help design feasible and relevant commitments. It is also important that the government moves beyond online consultations with separate meetings on demand, to in-person co-creation meetings with CSOs and stakeholders that allow synergies and shared objectives throughout the whole action plan cycle. Ensuring that proposed commitments are co-created by civil society and public agencies is key to raising the ambition of future action plans and improving monitoring and implementation. Also, to align with OGP standards, the government should establish a publicly available online repository that provides access to all documents and minutes of meetings related to the national OGP process.

#### **Ensure future commitments include measurable outcomes that add value even if they build on pre-existing activities.**

The IRM researcher recommends the government include commitments that clearly add value, even if they build on pre-existing activities. It is important that future commitments are specific and can articulate planned achievements within a two-year timeframe. Concrete and measurable outcomes are important to understand the particular outcome and the commitment's added value to the action plan, even when commitments are based on pre-existing activities. From the six commitments in this action plan, five were based on pre-existing initiatives, with several milestones already completed before the start of the action plan. Although some, such as Commitments 1 and 2, strengthen the internal capacity of Luxembourg's public administration, it is important that future commitments contain public-facing elements and that their intended results target changes in their policies areas.

Recommendations for the next action plan's design	
1	Consider including commitments that foster civic participation, prioritising citizen initiatives
2	Consider including commitments that foster public accountability, with a focus on strengthening whistleblower protection
3	Ensure adequate implementation of the access to information law and strengthen CSO monitoring of enforcement

### **Consider including commitments that foster civic participation, prioritising citizen initiatives**

In the next action plan, Luxembourg could include more commitments to improve opportunities for civic participation in decision-making processes. Emphasis could also be placed on monitoring citizen initiatives. Examples could include:

- Developing an e-petitions system (possibly through the CivicTech hub under Commitment 5);
- Ensuring greater public consultation at the early stages of drafting legislations; and
- Providing a formal, high-priority status to monitoring and implementing the agreements in Commitment 4 on climate change, alongside public consultations on how to sustain and improve the measures and implementation.

### **Consider including commitments that foster public accountability, with a focus on strengthening whistleblower protection**

From the six commitments in the action plan, none were relevant to the OGP value of public accountability. It is important that the next plan includes commitments that are relevant to this value and emphasises public monitoring of government actions. The IRM researcher recommends:

- Promoting citizen audits and fora;
- Establishing hotlines and citizens feedback portals;
- Creating public tracking systems for handling public complaints; and
- Opening up decision-making in public services by creating user-feedback channels.

In addition, Luxembourg currently has some criminal code provisions under which public officials and civil servants may not be subjected to reprisals for giving evidence of corruption. However, the latest report by the Council of Europe's Group of States Against Corruption (GRECO) recommended that whistleblower-protection should be improved, including special protection following the criteria of the European Court of Human Rights. The next action plan could advance in this direction by including commitments to strengthen whistleblower protection, particularly in the Grand Ducal Police.

### **Ensure adequate implementation of the access to information law and strengthen CSO monitoring of enforcement**

The IRM researcher recommends that the next action plan include commitments that regulate enforcement of the Transparency and Open Administration Act in Luxembourg (which limits government-held information) and ensure any adjustments necessary after two years of operation. Civil society organisations could play an important role in monitoring implementation of the law, and in providing suggested improvements. Efforts to improve budget expenditure transparency could also be valuable.

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<sup>1</sup> See Open Government Partnership, *OGP Participation and Co-Creation Standards* (2017), <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

## 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 provided by the former government point of contact and relevant stakeholders, findings in the government's own reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. Luxembourg does not currently maintain a public repository for OGP activities.

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.<sup>1</sup>

### Interviews and stakeholder input

The research process for this report was conducted during the outbreak of the COVID-19 pandemic. Therefore, all interviews were conducted online, including virtual meetings and email exchanges with different stakeholders.

The following stakeholders were interviewed:

- Luc Dockendorf, Former Government Point of Contact, Skype interview, 15 May 2020;
- Marc Hostert, Government Point of Contact, Zoom interview, 20 May 2020;
- Arnaud Lumet, Bringing Europeans All Together (B.E.A.T), Zoom interview, 1 May 2020;
- Sana Hazid Babacic, Bringing Europeans All Together (B.E.A.T), Zoom interview, 1 May 2020;
- Darina Mohamad, Bringing Europeans All Together (B.E.A.T), Zoom interview, 1 May 2020; and
- André Rollinger, President of Association Luxembourgeoise pour les Nations Unies (ALNU), Email exchange, April 2020.

The IRM researcher also attempted to contact several human rights organisations to discuss Commitment 6 (supportive platform for civil society and human rights defenders) but did not receive any response.<sup>2</sup>

### About the Independent Reporting Mechanism

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

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](mailto:irm@opengovpartnership.org).

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<sup>1</sup> IRM, *IRM Procedures Manual* (OGP, 16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

<sup>2</sup> The IRM researcher attempted to contact the following organisations April–June 2020: Amnesty International, Greenpeace, ECPACT (A global network to end child prostitution and trafficking of children), Caritas, ASTM group, Freres des Hommes, Front Line Defenders, Onafhängege Gewerkschaftsbond Lëtzebuerg (OGBL), and SOS- FAIM.

## 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.<sup>1</sup> The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>2</sup> 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:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., "26 percent of judicial corruption complaints are not processed currently.")
3. **Change:** Rather than stating intermediary outputs, what is the targeted behaviour 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.

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<sup>1</sup> OGP, “Articles of Governance” (17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance/> .

<sup>2</sup> OGP, “IRM Procedures Manual” (16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.