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Greece Co-creation Brief 2022

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Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the fifth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. This brief does not constitute an evaluation of a particular action plan and its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings.

The co-creation brief draws on the results of the research in prior IRM reports for Greece and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as OGP National Handbook, *OGP Participation and Co-creation Standards*, and IRM guidance on online OGP repositories, to ensure that recommendations provided are up-to-date in the light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments, as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are also reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in March 2022. Revisions were made to some factual errors in July 2022.

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Section I: Action Plan Co-Creation Process

Snapshot of previous co-creation processes in Greece

	Action Plan 1	Action Plan 2	Action Plan 3	Action Plan 4
Iterative dialogue between civil society and government			■	
Government provides reasoned response		■	■	
Civil society could provide input		■	■	■
Civil society was informed of the plan	■	■	■	■
No consultation	■	■	■	■

The OGP Criteria & Standards Subcommittee placed Greece under a procedural review in February 2021, as it did not meet the OGP minimum requirement for public influence during co-creation. This followed Greece having acted against the OGP process in 2019 for being more than four months late in submitting their action plan. The IRM found that the country acted contrary to the OGP process for its 2019–2021 action plan because during co-creation, there was no functioning multistakeholder forum, there was extremely limited engagement with civil society, and the government did not provide reasoned responses to commitment proposals.

To ensure Greece meets the updated *OGP Participation and Co-Creation Standards*, IRM recommends:

1. Establish a permanent multistakeholder forum to oversee Greece's OGP co-creation process;
2. Create a national OGP website with a repository of documents and information related to Greece's OGP process;
3. Publish information about opportunities for civil society and public participation before and during development of the action plan;
4. Provide opportunities for civil society and public participation during development of the action plan; and
5. Publish and share feedback on how stakeholder contributions were considered during the co-creation process.

RECOMMENDATIONS

Recommendation 1: Establish a permanent multistakeholder forum to oversee Greece's OGP co-creation process

Greece acted contrary to the OGP process when developing its fourth action plan in 2019, partly due to there being no multistakeholder forum and therefore inadequate oversight and design of co-creation with civil society. The lack of a multistakeholder forum was found to have limited the level of collaboration in the development and ambition of the action plan.

OGP Participation and Co-Creation Standards require countries to establish a space for ongoing multistakeholder dialogue around the OGP process. For the upcoming action plan, the Ministry for Digital Governance should identify or establish a specific multistakeholder forum where government and nongovernment stakeholders can come together to discuss and prioritize commitments during the plan's co-creation. It should have formal rules (such as a mandate, membership selection processes, and decision-making and accountability mechanisms) which are made public. Nongovernment members of the forum should be selected in a transparent manner, and have equal representation and decision-making powers as government members. Nongovernment stakeholders should be selected through a fair and transparent process which is led by civil society members themselves. Australia, Norway, and Romania are good examples of how to publish MSF mandates and compositions.

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Recommendation 2: Create a national OGP website with a repository of documents and information related to Greece's OGP process

Currently, limited and outdated information from previous action plan cycles is distributed via opengov.gr and covidhackgr.gov.gr. Civil society set up opengovmonitor.gr, which would monitor the implementation of commitments in the 2019–2022 plan. Although government and civil society have committed to maintain this website, there is no evidence it is regularly updated.

Under *OGP Participation and Co-Creation Standards*, Greece is required to create a website with open, accessible, and timely information about activities and progress on the OGP process. The Ministry for Digital Governance should ensure the website is public with no barriers to access, such as a password or requirement to register. The website should also have a repository with all relevant documents and information related to the development and implementation of the action plan, updated at least twice a year (though preferably more frequently during the action plan's development). The Ministry could integrate and build upon the opengovmonitor.gr tool as an official repository to follow implementation.

The IRM lists recommended documents to publish on the repository to detail the action plan's development. Examples include notices for public consultations, rules of procedure for the OGP space (see Recommendation 1), meeting agendas and minutes, lists of participants, written proposals from stakeholders, and feedback on how input was considered (see Recommendation 4). Australia and New Zealand provide examples of transparent documentation of the co-creation process. Romania and Italy provide examples of user-friendly national OGP websites.

Recommendation 3: Publish information about opportunities for civil society and public participation before and during development of the action plan

Under *OGP Participation and Co-Creation Standards*, Greece must publish a timeline and overview of participation opportunities at least two weeks before the start of the co-creation.

The Ministry for Digital Governance should ensure that it publishes a timeline on participation opportunities in advance on the national OGP website and inform stakeholders. Romania and the Netherlands publish such a timeline in advance of their OGP processes beginning.

The Ministry could also publish and share relevant background information alongside this timeline, as well as ahead of specific engagement opportunities (for example, the scope of action plans, Greece's national OGP priorities so far, and the criteria for selecting commitments). Ahead of consultation meetings, the Ministry for Digital Governance could prepare a memo summarizing the background of OGP in Greece to give context (see an example from Finland).

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Recommendation 4: Provide opportunities for civil society and public participation during development of the action plan

The co-creation of Greece's fourth action plan saw no meaningful opportunities for multistakeholder dialogue. During the one-month co-creation period, the Ministry for Digital Governance held one meeting with civil society to present the government's commitment proposals. There was no reasoned response from the government to the comments received from a seven-day public consultation on the draft plan.

Under *OGP Participation and Co-Creation Standards*, the Ministry for Digital Governance must provide opportunities for nongovernment stakeholders to get involved in the co-creation process. These should allow stakeholders to propose and discuss potential commitments. Consultation events could be held online, or at least offer an option for remote participation.

The co-creation for Finland's 2019–2023 action plan (See appendix) and Latvia's 2019–2021 action plan (See their design report) may provide ideas on activities to consider, including surveys, workshops, and thematic working groups where stakeholders jointly prioritize problems to address and formulate commitments.

Recommendation 5: Publish and share feedback on how stakeholder contributions were considered during the co-creation process

The Greek government has not always published summaries of how stakeholder comments influenced final action plans during their OGP co-creation processes. *OGP Participation and Co-Creation Standards* require members to document and report back on how stakeholder contributions were considered during the co-creation of the action plan. The Ministry for Digital Governance or the multistakeholder forum should publish an overview of all proposals and comments that emerge during the action plan development on Greece's national OGP website. The Ministry (or multistakeholder forum) should clearly inform all contributors that their input is public (with exceptions for well-justified cases). While preparing the draft plan, feedback should clearly state why some proposals are included and others are not. For maximum transparency, feedback should be presented in a structured format, for example, as a table with proposals alongside their justifications for inclusion or exclusion. Feedback should be shared with stakeholders who contributed to the process so that they can understand where and how, if at all, their contributions were considered during co-creation.

The Ministry for Digital Governance could follow the format that Estonia used in its 2018–2020 action plan to publish results from public and interdepartmental consultations, or Finland's summary of the stakeholder consultations for its 2019–2023 action plan. Another option comes from Ukraine, which published comment-by-comment feedback in a tabular format as part of its 2020–2022 action plan.

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Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Some areas of opportunity for the sixth action plan include public procurement transparency, lobbying transparency and regulation, and introducing whistleblowing protections.

AREA 1. Public procurement transparency

In Greece, some government procurement related to the COVID-19 pandemic has been criticized for not following appropriate transparency, scrutiny, and oversight procedures. Two high-profile examples of questionable public spending include not disclosing financial details of a direct award for a €20m COVID-19 public awareness media campaign, and failed implementation of a €190m e-learning programme. As the country moves from immediate emergency response to long-term recovery and reform, supported by €30 billion in grants and loans from the EU recovery and resilience fund, it is essential that measures are taken to strengthen transparency and accountability in public procurement. Such measures can increase public trust that the government is conducting public procurement and public spending appropriately. Civil society has previously highlighted the need for more transparency, participation, and accountability in the management of public procurement.

The next action plan could consider measures to increase transparency in public procurement related to EU recovery and resilience grants and loans through guaranteed publishing of tenders, documentation, and contracts. This could be extended also to all procurement, such as Ukraine's Prozorro system. These efforts could ensure information is available as open data and use the Open Contracting Data Standard. Future commitments could improve public monitoring of and engagement in the procurement process, like Dozorro in Ukraine or OpenCoesione in Italy. Accountability mechanisms could be set up to enable reporting of suspected abuse or corruption of procurement with transparent investigations.

Useful resources:
- OGP's Open Contracting Factsheet
- Recommendations on Open Contracting for OGP National Action Plans
- Italy, Ukraine and France are working on this policy area.
- OpenStories about OpenCoesione and Dozorro
- Partners that can provide technical support: Open Contracting Partnership, Transparency International, TI Greece

AREA 2. Lobbying transparency

The OECD recognises that introducing lobbying regulation and transparency can build public trust in government and strengthen confidence in the public decision-making process. Transparency can improve policy making by ensuring diverse participation and a level playing field in public decision-making so that all viewpoints are taken into account. Greece has taken steps in this area and passed Law 4829/2021 establishing a regulatory framework between politicians and lobbyists.

Greece's next action plan could include a commitment that advances the implementation of legislation on lobbying regulation. A commitment could address the establishment of the public lobby register and effectively implement lobbying transparency rules in greater collaboration with civil society. The commitment could ensure that the register details who (or on whose behalf) is lobbying whom and about what, and that this information is publicly

accessible online as open data, free to access, and downloadable. The commitment could ensure the register is searchable and easy to use for the public as well as find ways to ensure a minimal administrative burden for registering, reporting, and disclosing information. Greece could learn from countries across Europe which are in the process of adopting lobbying registers, such as Latvia, or have years of experience already, such as Ireland.

Useful resources:
- International Standards for Lobbying Regulation
- OECD Council Recommendation: Principles for Transparency and Integrity in Lobbying
- Common Challenges in Lobbying Transparency: Lessons from Europe
- Transparency International: Recommendations on lobbying for OGP action plans
- Finland (2019–2023), Latvia (2019–2021), and Ireland (2014–2016) are working on this policy area
- Partners that can provide technical support: Transparency International, Vouliwatch

AREA 3. Introduce whistleblowing protections

By the end of 2021, all EU member states were expected to have transposed the EU Whistleblower Directive that would introduce protections for reporting corruption. In Greece, where this process has lagged behind, the government has refused to share information about the work of the committee in charge of drafting the law, both in response to freedom of information request by CSOs and to a question filed by 48 members of parliament. The Whistleblowing Directive also need to be implemented in practice once it was transposed into national law. A recent whistleblowing case from a Greek orphanage receiving public funds demonstrates the need to ensure whistleblower protections in all institutions and businesses.

Greece's action plan could seek to ensure that the directive is transposed, and that measures are put in place to protect whistleblowers. A commitment could ensure that practical mechanisms for whistleblowing allow for both internal and external reporting, and that the measures are timely, transparent, and widely communicated. A commitment could introduce mechanisms that permit anonymous and confidential reporting (e.g., hotlines) as well as implementation of penalties for retaliation against whistleblowers. Furthermore, Greece could develop a commitment that collects and publishes data about whistleblowing, that ensures measures are properly implemented, and that enables evaluation and improvement of the framework put in place. Evaluation and improvements could be conducted in an open and collaborative way with whistleblowers and civil society. The Czech Republic, Estonia, Latvia, and Spain have commitments that seek to educate people about and promote whistleblowing, introduce whistleblower protection legislation, and/or develop technological solutions for anonymous reporting of wrongdoing. In Italy, the launch of an open source whistleblowing portal in 2017 led to a significant increase in the number of public employees reporting wrongdoing for corruption.

Useful Resources:
- OGP: Open Government Reforms Need to Protect Whistleblowers
- OECD: Whistleblower Protection
- Czech Republic, Estonia, Italy, Latvia, and Spain are working on this policy area.
- Partners that can provide technical support: Blueprint for Free Speech, Transparency International Greece, Vouliwatch, OECD

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