

Independent Reporting Mechanism

Lithuania Co-Creation Brief
2022

Open
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Partnership



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Mechanism

Introduction

This brief from the OGP’s Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Lithuania’s sixth 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. These recommendations are not binding, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief can be used as a resource as government and civil society determine the next action plan’s trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief’s recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Lithuania](#) 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](#) and [the minimum threshold for “involve”](#), to ensure that recommendations provided are up-to-date in 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 reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in September 2022.

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Section I: Action Plan Co-Creation Process

Lithuania's recent co-creation process has seen an increased number of stakeholder participants, and the Office of the Government has empowered the working groups with more influence over drafting commitments. The sixth action plan offers Lithuania a chance to move toward a more formalized process that gives stakeholders more decision-making powers regarding the final scope of commitment (beyond their drafting). It also offers an opportunity to address areas for improvements identified in past IRM reports and to further improve the transparency of the co-creation process along international best practices in OGP.

The IRM recommends the following to Lithuania:

1. Consider establishing a formal Multi-Stakeholder Forum (MSF) and empower it with decision-making responsibilities over the action plan.
2. Seek input from a broader segment of stakeholders, including underrepresented groups.
3. Proactively engage senior-level representatives from public institutions, particularly during the early stages of co-creation.
4. Provide stakeholders with a written summary of how proposals gathered during co-creation are incorporated into the final action plan, including justifications for why proposals are not incorporated.

RECOMMENDATIONS

Recommendation 1: Consider establishing a formal MSF and empower it with decision-making responsibilities over the action plan.

Lithuania's current MSF is an informal network of civil society, academic, public, and private sector representatives who join working groups to discuss the action plans. For the sixth action plan, Lithuania could explore establishing a more formal MSF, where a smaller group of stakeholders have decision-making and oversight responsibilities over the action plan. A formal MSF could clarify the roles of civil society and public institutions in the action plan and better convince government and non-government stakeholders of the value of committing their time and resources to the OGP process.

At a minimum, OGP's updated [Participation and Co-Creation Standards](#) require that the MSF meets at least every six months and its basic rules (i.e., on membership, oversight, and decision-making) are public. [Australia](#), [Norway](#), and [Romania](#) offer examples of how to publish MSF mandates and compositions. The IRM recommends transparently selecting members of a new MSF and giving them equal representation and decision-making powers. During the co-creation of the sixth action plan, the MSF could continue organizing working groups around specific policy areas open to any interested stakeholders. This will help ensure that the action plan harnesses the wealth of expertise from Lithuania's existing informal stakeholder network.

Recommendation 2: Seek input from a broader segment of stakeholders, including underrepresented groups.

To bring fresh perspectives into the co-creation of the sixth action plan, the Office of the Government and civil society could initiate consultations with groups who have not been involved in previous OGP processes. Priority could be given to groups who may face higher barriers to inclusion, such as people with disabilities, linguistic minorities, newly arrived

migrants, the LGBT+ community, or older people. The Office of the Government could also partner with the [Association of Local Authorities in Lithuania](#) and local NGOs to identify potential groups in regions outside the capital and the biggest cities.

The IRM recommends accompanying invitations with adequate background information, presented simply (e.g., the scope of action plans, the criteria for selecting commitments to include, and the value proposition explaining how participation in OGP will benefit their work). For example, ahead of the first meetings, the Office of the Government could prepare a memo summarizing the background of OGP in Lithuania to help set the context. Extra time for this engagement may be necessary since these groups may be unfamiliar with OGP. The Office of the Government could consult [Finland's experience](#) in outreach to new groups when co-creating its fourth action plan.

Recommendation 3: Proactively engage senior-level representatives from public institutions, particularly during the early stages of co-creation.

During the [co-creation of Lithuania's fifth action plan](#), some senior-level officials from key public institutions were not made aware of their roles in the commitments from the beginning. This led to changes to the scope of commitments (for example, on beneficial ownership transparency) after the main consultations had taken place.

For the sixth action plan's co-creation, the IRM recommends making senior-level officials in relevant public-sector institutions fully aware of their anticipated role in the commitments and involving them in the early stages of co-creation once the major topics of discussion have been agreed upon. Senior-level involvement in the early stages of co-creation can clarify for stakeholders the possible scope for commitments and limit the need to change the action plan late in the process. In addition, the Office of the Government could encourage senior-level officials to provide formal, written feedback to stakeholders on their decisions around the scope of the commitments (see Recommendation 4).

Recommendation 4: Provide stakeholders with a written summary of how proposals gathered during co-creation are incorporated into the final action plan, including justifications for why proposals are not incorporated.

For the fifth action plan's co-creation, participants could directly vote on which proposals to prioritize, and the Office of the Government published the results. However, there is still room for greater transparency around how the Office of the Government and responsible institutions communicate their decisions regarding the final scope of commitments.

OGP's updated [Participation and Co-Creation Standards](#) require governments or MSFs to document and report back to stakeholders on how their contributions were considered during co-creation. For Lithuania's sixth action plan, the IRM recommends that the Office of the Government provide a detailed written summary of how the consultations impacted the final commitments. Preferably, feedback should be provided to allow stakeholders to easily track the changes to proposals resulting from discussions with implementing agencies. If stakeholders do not provide their contact information, the Office of the Government could publish its reasoning on Lithuania's national OGP webpage/repository. The Office of the Government could follow [Estonia's](#) format to publish results from public and interdepartmental consultations or [Finland's summary](#) of the stakeholder consultations.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Lithuania's sixth action plan offers opportunities to build on past achievements and ongoing efforts in key European policy areas, including whistleblower protection, beneficial ownership transparency, and lobbying transparency.

AREA 1. Whistleblower protection

Lithuania adopted [amendments to the law on whistleblower protection](#) in December 2021 to transpose the 2019 EU Directive on Whistleblowing. The directive requires both public and private employers with 50 or more employees to have an internal channel for whistleblowing reporting. Lithuania could use the sixth action plan to ensure robust implementation of the amended law. A potential commitment could entail developing a common reporting system for potential use by all organizations subject to the whistleblower law (similar to a [commitment in Estonia's fifth action plan](#)). A common solution could help harmonize implementation across organizations and help organizations with fewer resources adopt reporting channels that fully protect the anonymity of whistleblowers.

Lithuania could also commit to collecting and publishing data on whistleblowing cases (to the extent that privacy requirements permit) in accordance with the reporting obligations under the EU Directive. Data could cover how many reports are received by authorities, how many are examined and forwarded to the Special Investigation Service or other institutions, and how many investigations are launched. Lastly, it will be important to raise awareness of the new law among citizens, prosecutors, judges, and employers. The [Czech Republic committed in its fifth action plan](#) to implement a media campaign around its new whistleblower law, organize expert conferences, conduct a comparative study of good practices, do statistical monitoring, and run trainings of prosecutors and judges.

Useful resources:

- OGP: [Open Government Reforms Need to Protect Whistleblowers](#)
- OECD: [Whistleblower Protection](#)
- Partners that can provide technical support: [Blueprint for Free Speech](#), [Transparency](#)
- [International Lithuania](#), [OECD](#)

AREA 2. Beneficial ownership transparency

Lithuania's fifth action plan included a [commitment](#) to developing a publicly available ultimate beneficial ownership (UBO) register in line with the Fifth EU Anti-Money Laundering Directive. The new UBO register ("JANGIS") has been launched, and all direct and indirect UBOs will be [required to register](#) in stages in 2022. The rollout of the JANGIS offers opportunities to continue pursuing beneficial ownership transparency in the sixth action plan. Lithuania could revisit a stakeholder proposal during the fifth action plan to provide UBO information as open, machine-readable data. Lithuania could commit to adopting the [Beneficial Ownership Data Standard](#) to maximize the interoperability of the information and meet global best practices. It will also be important to introduce mechanisms to verify the accuracy of the information on the JANGIS. For example, the [Slovak Republic](#) consults third parties to verify all information on its register. Lastly, Lithuania can ensure that information on the JANGIS is also available on the country's [open data portal](#).

Lithuania could also work toward enhancing media ownership transparency. The Ministry of Culture has launched a publicly available [Information System of Producers and Disseminators of Public Information \(VIRSIS\)](#), which will disclose data on media owners, including UBOs, and the amounts of funds obtained from public bodies. As of 2022 all websites of public bodies [have to contain a link to the VIRSIS](#). Lithuania could use its sixth action plan to launch the VIRSIS system and ensure that the information is updated and synchronized with other state information systems and registers such as JANGIS.

Useful resources:

- Open Ownership: [Beneficial Ownership Disclosure Principles](#)
- [OGP Recommendations on Beneficial Ownership Commitments](#)
- Latvia ([2017–2019](#)) and Portugal ([2021–2023](#)) are working on this policy area
- Partners that can provide technical support: [Open Ownership](#), [Media4Change](#), [Siena](#), [Transparency International Lithuania](#)

AREA 3. Lobbying transparency

Amendments to Lithuania's Law on Lobbying from January 2021 introduced obligations for lobbyists, as well as politicians and public servants who have contact with lobbyists, to report their activities. However, the information on Lithuania's [lobbying register](#) is not available in a machine-readable format, and some declarations have incomplete information. For example, some declarations have empty sections on what lobbyists discussed with Parliament members or who the lobbyists' clients were.

Lithuania could use its sixth action plan to further strengthen transparency of lobbying activities. Potential commitments could entail publishing information on the lobbying register as open and machine-readable data. Lithuania could also pursue [recent recommendations from the Group of States against Corruption \(GRECO\)](#) in the sixth action plan. For example, Lithuania could ensure that entries of meetings between public officials and lobbyists contain sufficient amounts of detail on the identity of the person(s) with whom (or on whose behalf) the meetings took place and the specific subject matters of the discussion. The government and civil society could also conduct a joint assessment of the implementation of the Law on Lobbying to identify shortcomings to be addressed in future amendments. Finally, the lobbying register could be made interoperable with Lithuania's main open data portal.

Useful resources:

- [International Standards for Lobbying Regulation](#)
- OGP blog: [Common Challenges in Lobbying Transparency](#)
- Transparency International: [Recommendations on Lobbying for OGP Action Plans](#)
- Finland ([2019–2023](#)), Ireland ([2014–2016](#)), and Latvia ([2019–2021](#)) are working on this policy area