**OGP Criteria and Standard Subcommittee Briefing: Proposal for Dialogue with Government of Hungary**

As the report notes, the Norway Fund case—the focus of this particular complaint—is now closed. In light of the larger trends of reduced transparency, diminished media freedom, and constrained civic space that this set of developments reflects, however, the OGP Criteria and Standards subcommittee recommends the following actions be taken by the Government of Hungary as key steps to restore a positive operating environment for civil society, at the heart of the OGP Articles of Governance.

The Criteria and Standards Subcommittee have developed the following four recommendations with distinct deadlines and mechanisms to monitor the results.

**1. Establish a Permanent Dialogue Mechanism (PDM) within 60 days of receiving the recommendations.** The government of Hungary is to set up a Permanent Dialogue Mechanism with participation of the relevant government agencies and interested civil society organizations. This space will become, in accordance to international best practices, the main co-creation forum for the full national OGP cycle. The government of Hungary will guarantee a balanced and inclusive representation of government and civil society members.

While establishing the PDM, the Government of Hungary should observe the following international best practices:

1. Establish Ministerial and working-level leads.
2. Raise awareness about OGP and open government concepts, values and strategies with other government agencies and civil society. Also raise awareness about the creation of the PDM, outlining the basic rules that will be followed, the expected results, the decision-making mechanisms and the timeline to establish the PDM.
3. Encourage the creation of an open Civil Society Working Group (CSWG) that will serve as a Civil Society-only coordinating space. The participation in the CSWG will be open, and the criteria will be published ahead of time. The CSWG will self-select a smaller number of representatives to participate in the PDM.
4. Representatives from Government and the CSWG will develop and publish the PDM’s working guidelines, which will outline legal structure, mandate, responsibilities of the different actors involved, participants, and decision-making processes.
5. Publicly launch the PDM.

The Criteria and Standards subcommittee will prepare further recommendations, working with the Support Unit, for the Government of Hungary on how to set up the PDM. The OGP Support Unit will actively work with the government and with civil society in Hungary to set up the CSWG and the PDM.

**2. The PDM will work with a broader group of civil society actors to, develop new commitments within 90 days of establishing the PDM.** The Hungarian PDM will prepare and launch a new consultation process to develop new commitments for the current Action Plan.

The new consultation process will be co-constructed within the PDM. However, the following basic guidelines shall be observed throughout the process:

1. Provision of information on national OGP process

* 1. All members of the public will be kept informed about all core aspects of the national OGP process - and especially know well in advance (at least 30 days in advance) about the key moments to provide inputs and discuss priorities.
  2. The PDM will develop a national OGP website (or OGP information on a relevant and logical government website) that has information on all core aspects of the national OGP process.
  3. The PDM will develop and proactively share a detailed consultation plan to known interested government and non-government actors prior to the consultation.
  4. The PDM will proactively share details about roles and responsibilities in the consultation process and especially about the decision-making process for selecting the commitments in the NAP prior to the consultation.
  5. The government will pro-actively raise OGP awareness with a diverse group of stakeholders -– both inside and outside government – who are likely to be interested and also with actors that have not been involved before.

2. Channels and platform(s) for consultation and dialogue

* 1. The Minister-level POC will meet with the PDM in order to discuss NAP priorities.
  2. The government will use multiple channels to engage with members of the public on OGP, including online and through in-person meetings.
  3. All members of the public can actively engage with the national OGP process.
  4. Members of the public will have the opportunity to discuss priorities with the government.
  5. Government together with the PDM will organize at least two in-person consultation sessions.

3. Documentation and feedback

* 1. The PDM will make all individual written contributions to the NAP development and NAP monitoring processes available online in an open data format.
  2. For the main issue areas for which commitments were suggested, he PDM will explain why they were or were not included in the NAP.
  3. The PDM will make a summary of the public consultation contributions and deliberations of their inclusion in the NAP.

**3. Develop new commitments to directly address the IRM mid-term report’s Top Five Smart Recommendations within 90 days of establishing the PDM.**

a. The State Audit Office (SAO) shall monitor public disclosure practices of local government authorities and state-owned enterprises on a regular basis. The results of these checks shall be published in the form of a “transparency ranking,” separating clearly the best and worst performing authorities and companies. In addition, the SAO’s monitoring and evaluation capacities should be developed in partnership with international organizations (e.g., OECD) and with national CSOs that are active and knowledgeable in the field.

b. Review party and campaign financing regulations to improve the effective transparency of the flow of money by obligating parties to publish a report on campaign revenues and expenditures and by inviting CSOs to collaborate in tracking and monitoring.

c. Revise the freedom of information regulations, with special attention to the provisions on abusive requests for information. Such a revision should clearly make the exception for “abusive requests” as narrow as possible and place the burden of justifying any denials of requests for information on the particular agency. Additionally, if fees for providing copies of public information are required, the Government of Hungary must make a standard schedule of fees available and publicly known, let petitioners know in advance what the charges will be, and ensure copying charges are set at a reasonably low level to permit civil society actors and others greater transparency regarding the information they need to perform their watchdog role.

d. Revise regulations on classified information to restrict the possibility that public authorities will use this option to hamper access to public data.

e. Launch e-procurement (especially the electronic submission of tenders) and upgrade the electronic public procurement database in line with the feedback and recommendations of data-using CSOs.

**4. The government of Hungary will review the following recommendations and within 30 days inform the Criteria and Standards Subcommittee which recommendations can be immediately incorporated into the 2015-2017 Action Plan and which could serve as an input throughout the consultation process.** The Criteria and Standards Subcommittee requests that the reasoning behind the decisions be included in the response.

Recommendations to consider are:

1. Transparency Regarding Civil Society Environment:
   1. Establish a separate, independent ombudsman for government transparency, to whom civil society organizations may raise issues and submit complaints, with the mandate to make annual assessments of the central and regional governments’ records on freedom of information, the civil society environment, and other transparency-related concerns.
   2. Make auditing and anti-corruption functions of the government control office (KEHI) independent of the Prime Minister’s Office.
   3. Discard planned requirement for NGO leaders to publicly declare their personal assets.
2. Neutrality in Treatment of Civil Society Organizations:
   1. Refrain from statements prejudging NGOs, claiming foreign influence, etc. – esp. in light of multiple court decisions, independent audits, and investigations showing no wrongdoing.
   2. Rescind the 2013 law criminalizing and imposing prison sentences for certain instances of libel, and return libel fully to the civil court system.
   3. Issue civil society organizations tax numbers permanently and unconditionally, revocable only after conviction of criminal wrongdoing in courts of law and after all appeals have been exhausted.
   4. Reduce paperwork burden by simplifying administrative procedures and reporting requirements.
   5. Limit administrative penalties for mismanagement to proportionate penalties that do not make the ability to conduct operations or the legal existence of groups into precarious.
   6. Pursue any investigations of suspected NGO corruption or other criminal activity through the courts, with independent prosecutors deciding when to pursue investigations.