



Open Government Partnership Independent Reporting Mechanism

Action Plan Review: Georgia 2023-2025 Comments Received

Comments Received from the Administration of the Government of Georgia (24 September 2024)

The OGP Interagency Coordination Council was established as a platform for co-creation, granting its members the right to vote. The Administration of the Government of Georgia repeatedly invited civil society organizations (CSOs) to use this opportunity platform for dialogue on various initiatives. Since OGP's transfer from the Ministry of Justice to the Administration, a number of circumstances indeed hindered the action plan elaboration process. To name a few, in cooperation with CSOs, setting up the Council format and fully renewing the co-creation system for OGP Georgia (approved by the Government Decree) took some time. The latter was followed by the restrictions imposed by the pandemic. During the Pandemic OGP changed the deadlines for all member countries to submit their Action Plans. In 2022, preparation for the EU membership application has legitimately shifted the focus of the public sector. However, during all these hard times, with active participation of CSOs and state agencies, the OGP Georgia Secretariat has managed to organize two OGP Forums (both full days: 21.01.2022, 24.02.2022) and up to 20 thematic working group meetings with the aim to discuss all initiatives presented for a new action plan. The Administration liaised in the process to assist CSOs and government agencies in finding common grounds on various issues. As a result, Government positions were formed and the Administration presented a comprehensive document to all stakeholders, which included all CSO initiatives (up to 50), along with written justifications/arguments of relevant state agencies for each of them. Some of the initiatives were fully considered to be translated into OGP commitments, some of them were partially taken into account, while a few could not be considered. Also, it should be noted, that the first commitment – "Improving current standards for the requesting and proactive publication of public information – the second wave of reforms" – accumulates 13 independent initiatives, with slight changes.

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- There are 25,000 non-profit organizations (NPOs) in Georgia. It is one of the highest numbers per capita (1 NGO per 148 citizens). Above 90% of them get foreign funding.
- Currently, there are concerns regarding the transparency of a significant portion of the funding received by non-profit organizations in Georgia. Despite efforts to engage both international donors and local recipients in discussions about the importance of public transparency, progress in this area has been limited. While the challenges are acknowledged, practical measures to enhance transparency have yet to be fully implemented.

- The existing legal framework aligns with international human rights standards, offering clarity and predictability. It does not impose any restrictions on foreign funding or limit access to such funds, nor does it infringe on the freedom of association. The law aims to address foreign influence in a proportionate and balanced manner.
- In the context of evolving geopolitical and hybrid threats, the absence of a transparency law leaves our nation and society vulnerable.
- The European Union emphasizes the importance of non-profit organizations' engagement in decision-making processes at all levels. For NGOs to effectively participate and influence public life, a basic standard of transparency is essential. Citizens should have clarity regarding the actors, including NGOs, that influence public discourse and decision-making.
- The proposed Law on Transparency of Foreign Influence aims to strengthen Georgian NPOs by enhancing their responsibility and accountability. This increased transparency will help restore trust and legitimacy, which may have been affected by previous concerns about political involvement. Ultimately, this will contribute to improving the integrity of Georgia's political and electoral systems, fostering more inclusive participation by non-profit organizations in public policymaking.
- The law introduces a straightforward requirement: any organization engaged in public activities and receiving significant foreign funding must disclose this information to the public. This represents a fundamental standard of transparency.
- Furthermore, Georgia has made remarkable progress in budget transparency, as evidenced by its first-place ranking among 125 countries in the 2023 Open Budget Survey. It is worth emphasizing that this survey is conducted independently, with questionnaires completed by non-governmental organizations selected for this purpose, not by the government through self-assessment. The results are based on the information provided by independent civil society experts within the country. Additionally, Georgia provides numerous platforms for non-governmental organizations to actively engage in decision-making processes. In light of this, ensuring financial transparency on both sides is essential to building trust and accountability in these collaborations, especially considering that many of these civil society organizations receive funding from foreign governments and organizations.
- Lastly, it is important to clarify that this process is entirely separate from the Open Government Partnership (OGP) initiatives in which we were actively engaged prior to the adoption of the law.

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As a general observation, it is important to highlight that the range of people interviewed for the Action Plan Review appears somewhat limited and unbalanced. Specifically, within responsible state agencies, only a representative from the OGP Georgia Secretariat was interviewed, despite the fact that other state agencies are also key stakeholders in the process. This approach risks overlooking diverse and relevant perspectives that could have enriched the report's findings. Understanding the rationale behind the decision not to involve other state agency representatives or consider their insights on this matter would be helpful. Ensuring broader representation would contribute to a more comprehensive and inclusive review. If there is an opportunity to engage state agencies more actively in future reviews, we would be happy to facilitate meetings and discussions. This could help foster a more thorough exploration of the issues and provide a well-rounded view of the action plan's impact and progress.