

Independent Reporting Mechanism

Action Plan Review:
Georgia 2023-2025

Open
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Section I: Overview of the 2023–2025 Action Plan

Georgia's fifth action plan spans government transparency, open data, and social inclusion. The co-creation process stalled several times and many proposals from civil society were excluded or reduced in scope, resulting in a less ambitious action plan. The reintroduction and passage of the "Law on Transparency of Foreign Influence" in May 2024 has negatively impacted the relationship between the government and civil society, putting Georgia's continued participation in OGP at risk.

Georgia's fifth action plan has 10 commitments, most continuing ongoing government programs or unfinished activities from previous action plans. The IRM identified Commitment 2 as the most promising. This commitment would provide, for the first time, a legal framework for government agencies to publish open data. The other commitments are limited in scope and if implemented, would lead to only modest results by the end of the action plan.

The action plan is a result of an intermittent co-creation process that lasted from January 2020 to December 2023. During this time, Georgia missed two consecutive action plan cycles and was placed under procedural review by OGP's Criteria and Standards Subcommittee (C&S).¹ The government suspended the OGP process in 2020 due to the COVID-19 pandemic but resumed it in June 2021 at the request of civil society organizations (CSOs) in the OGP Georgia Forum.² The co-creation process stalled again after the Forum meetings in January and February 2022 when the government and CSOs were unable to agree on the commitments to include in the action plan. Transparency International (TI) Georgia, the co-chair of the Council, presented on behalf of CSOs a list of 45 proposals from civil society members of the OGP Georgia Forum.³ These proposals included the creation of an Independent Anti-corruption Agency with investigative functions, the adoption of a stand-alone Law on Freedom of Information, and increasing the transparency of issuing government grants. On 21 December 2022, nearly one year after the last Forum meeting (in February 2022), the government presented a document to CSOs with justifications of relevant state agencies for each proposal.⁴ CSOs generally disagreed with the government's justifications for declining many of these proposals, noting in a response letter that "in some instances, government alterations have fundamentally changed the original goal of the commitment".⁵ One interviewed CSO stakeholder argued that the government "continues to keep the OGP process at the national level as a formality".⁶ At the Council meeting on 20 December 2023, civil society decided to approve the action plan to avoid Georgia being designated inactive in OGP.

AT A GLANCE

Participating since: 2011
Number of commitments: 10

Overview of commitments:
 Commitments with an open government lens: 9 (90%)

Commitments with substantial potential for results: 1 (10%)

Promising commitments: 1

Policy areas:

Carried over from previous action plans:

- Open data and transparency
- Social inclusion
- Anti-corruption at the local level

Emerging in this action plan:

- Extractive industries transparency

Compliance with OGP minimum requirements for co-creation: No

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However, CSOs noted that their approval was a formality since the government did not share the final action plan with them prior to the meeting and most of their recommendations were not included.⁷

Several commitments continue from previous action plans, such as increasing the transparency of the state grant funding system, ensuring the inclusion of persons with disabilities in public life, and increasing transparency in municipalities. Commitment 4 covers transparency in the extractives for the first time in a Georgian OGP action plan, despite being a point of advocacy by CSOs since 2013.⁸ Overall, the action plan is less ambitious compared to Georgia's previous plans, with a high number of commitments having unclear or modest potential for results. Moreover, the ambition of most commitments did not match the original proposals from civil society. For example, CSOs proposed a commitment for Georgia to join the Extractive Industries Transparency Initiative (EITI), but Commitment 4 envisages only an assessment of Georgia's institutional and legal readiness for joining EITI and developing an action plan for membership.

Upon initiation of the draft bills "On Transparency of Foreign Influence" (12 February 2023) and "On Registration of Foreign Agents" (22 February 2023) in parliament, CSOs suspended their membership in the consultative group of the Open Parliament initiative⁹ and requested the OGP C&S to initiate a Response Policy for Georgia in March 2023.¹⁰ A Letter of Concern submitted by CSOs in April 2023 highlighted that the Government of Georgia had, in recent years, demonstrated significant discrepancies with the OGP's core documents, such as the Open Government Declaration and the Articles of Governance.¹¹ The government reintroduced the bill in April 2024 (under the title "Law on Transparency of Foreign Influence") and adopted it on 28 May 2024. The law entered into force 60 days from its adoption, with the obligation of registration being triggered in August-September, ahead of the parliamentary elections in October. This law requires organizations receiving more than 20 percent of their funding from abroad to identify as organizations pursuing the interests of a foreign power, raising concerns among Georgian CSOs about their stigmatization and ability to operate freely in the country. On 11 June 2024, CSOs in the Open Government Interagency Coordinating Council announced their decision to leave the Council and the OGP Georgia Forum over the adoption of the law.¹² International reactions to the passage of the law have been strong.¹³ The European Union (EU) stated that enactment of the law would lead to a backsliding on the European Commission's recommendation for Georgia's EU candidate status and will negatively impact Georgia's EU path.¹⁴ The Venice Commission and the Organisation for Security and Cooperation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights gave Urgent Opinions on the law in May 2024.¹⁵ In July 2024, the EU effectively froze Georgia's EU accession process as a result of the law.¹⁶ At the same time, the U.S. Secretary of State announced a comprehensive review of bilateral cooperation between the United States and Georgia.¹⁷ In late July 2024, as a result of that review, the United States decided to pause more than \$95 million in assistance that directly benefits the Government of Georgia.¹⁸ Meanwhile, the C&S urged the Government of Georgia to develop a work plan to withdraw the Law on Transparency of Foreign Influence and other discriminatory legislation, protect freedom of association and press, and enhance access to information.¹⁹ The C&S also noted that failure to develop and implement a work plan could lead to Georgia being suspended from OGP until the concerns are resolved.

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¹ Open Government Partnership, Letters to government administration, 2022-2023, https://www.opengovpartnership.org/wp-content/uploads/2023/02/Georgia_Under-Review-Letter_20230207.pdf

² Transparency International Georgia, NGO Statement on Suspended Process of Open Government Partnership (OGP) in Georgia, 7 December 2021, <https://transparency.ge/en/post/ngo-statement-suspended-process-open-government-partnership-ogp-georgia>

³ Institute for Development of Freedom of Information (IDFI), IDFI's Recommendations for the 2021-2022 Open Government Georgia Action Plan, 2020, <https://idfi.ge/public/upload/OGP/translation-IDFI-OGP-Commitments-gov-eng.pdf>

⁴ Information provided by Lili Lezhava (Senior Analyst at Transparency International Georgia) during the pre-publication review of this report, 26 August 2024.

⁵ Feedback to the Government of Georgia's Formal Response to the Letter of Concern, 25 September 2023, https://www.opengovpartnership.org/wp-content/uploads/2023/09/Georgia_Feedback-to-Gov-Response-with-Annexes_20230925.pdf

⁶ Sandro Kevkhishvili (Anti-corruption program manager at Transparency International Georgia), interview by the IRM, 1 April 2024.

⁷ Lili Lezhava (Senior Analyst at Transparency International Georgia), interview by the IRM, 1 April 2024; Giorgi Oniani (Deputy Executive Director at Transparency International Georgia), interview by the IRM, 1 April 2024; Salome Sagharadze (Project Coordinator at Georgian Young Lawyers Association (GYLA)), interview by the IRM, 2 April 2024.

⁸ Open Government Partnership, Why EITI-OGP synergy matters for Georgia, 20 January 2020, <https://www.opengovpartnership.org/stories/why-eiti-ogp-synergy-matters-for-georgia>

⁹ Transparency International Georgia, Statement of civil society organizations on suspending membership in the consultative group of the Parliament of Georgia, 10 March 2023, https://transparency.ge/en/post/statement-civil-society-organizations-suspending-membership-consultative-group-parliament/?custom_searched_keyword=OGP

¹⁰ Open Government Partnership, Response policy case: Georgia, 13 April 2023, <https://www.opengovpartnership.org/ogp-response-policy/response-policy-case-georgia/>

¹¹ In addition to the Law on Transparency of Foreign Influence, the Letter of Concern highlighted issues around the shrinking space for civil society, human rights activists, and critical media, violations of fundamental freedoms, including the freedoms of association and expression, and the right to privacy, restricted access to information, erosion of judicial independence, and stagnation in the national OGP process and open governance reforms. See https://www.opengovpartnership.org/wp-content/uploads/2023/04/Georgia_Letter-of-Concern_20230413.pdf

¹² Civil Georgia, NGOs leave OGP's inter-agency coordination council, working group over Agents' Law, 11 June 2024, <https://civil.ge/archives/612414>

¹³ Civil Georgia, International reactions to presidential veto override, final adoption of Foreign Agents Law, 29 May 2024, <https://civil.ge/archives/609975>

¹⁴ European Commission, Statement by the High Representative with the European Commission on the final adoption of the law on transparency of foreign influence in Georgia, Directorate-General for Neighborhood and Enlargement Negotiations, 28 May 2024, https://neighbourhood-enlargement.ec.europa.eu/news/statement-high-representative-european-commission-final-adoption-law-transparency-foreign-influence-2024-05-28_en

¹⁵ See [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e) and <https://www.osce.org/files/f/documents/b/d/569922.pdf>

¹⁶ Politico, EU announces Georgia's accession is 'stopped' after anti-West pivot, 9 July 2024, <https://www.politico.eu/article/georgia-eu-accession-stopped-anti-west-pivot-russian-law-foreign-agent-bill/>

¹⁷ U.S. Department of State, Announcement of a Visa Restriction Policy for Undermining Democracy in Georgia and Comprehensive Review of All U.S.-Georgia Cooperation, 23 May 2024, <https://www.state.gov/announcement-of-a-visa-restriction-policy-for-undermining-democracy-in-georgia-and-comprehensive-review-of-all-u-s-georgia-cooperation/>

¹⁸ U.S. Department of State, United States to Pause Assistance to the Government of Georgia, 31 July 2024, <https://www.state.gov/united-states-to-pause-assistance-to-the-government-of-georgia/>

¹⁹ Open Government Partnership, Government of Georgia urged to follow open government recommendations to address legislation restricting civil society, 7 May 2024, <https://www.opengovpartnership.org/news/government-of-georgia-urged-to-follow-open-government-recommendations-to-address-legislation-restricting-civil-society/>

Section II: Promising Commitments in Georgia’s 2023-2025 Action Plan

The following review looks at the one commitment that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
<p>2: Adoption of the Open Data Act: This commitment aims to develop and adopt a legal framework for open data that will mandate government agencies to publish the open data they own.</p>

Commitment 2: Adoption of the Open Data Act (Administration of the Government of Georgia, LELP – Digital Governance Agency)

For a complete description of the commitment, see Commitment 2 in Georgia’s 2023-2025 action plan [here](#):

Context and objectives:

Open data has been a focus for Georgia in OGP since the second action plan (2014-2016).¹ While some government agencies began publishing datasets to the data.gov.ge portal, the lack of a legal requirement for public agencies to publish data in an open format limited the number of datasets available.² Today, the portal is outdated, with the latest datasets being from 2019. While specific data on civic usage prior to 2019 is limited, there is evidence of some engagement. A 2015 study found that civic actors were using available datasets, but full potential was hampered by incomplete data publication, with 162 additional datasets identified that should have been published.³ Georgia’s ranking of 31st out of 187 countries in a 2020 Open Data Maturity Report suggests progress, but the stagnation of data updates since 2019 likely halted any growing momentum in reuse of data.⁴ Under the previous, fourth action plan (2018-2019), the State Procurement Agency, Akhaltsikhe and Kutaisi municipalities, and the Parliament carried out commitments that improved open data practices.⁵ However, the use of open data remains low due to the absence of unified rules for processing and publishing open data, outdated infrastructure and content on data.gov.ge, and limited awareness of open data among government agencies and the public.⁶

With this commitment, the Administration of the Government of Georgia (AoG), in cooperation with LELP – Digital Governance Agency, aims to adopt the Open Data Act that will establish a legal framework for collecting, processing, and publishing government data in open format on data.gov.ge. Based on the unified standards, AoG will develop open data production and processing systems and pilot the systems in five government agencies. Lastly, AoG will update data.gov.ge for government agencies to publish open data regularly, starting in 2026. The Open Data Act is part of the Public Administration Reform (PAR) Strategy 2023-2026 in Georgia. Along with the improvement of the legislative framework for proactive publishing of public

Version for public comment: Please do not cite information, it envisages contributing to access to public information and government accountability under objective 3 of the PAR Strategy.

Potential for results: Substantial

Since the Open Data Act will establish, for the first time, a legal requirement across the government for publishing open data, it has substantial potential for results in enhancing transparency of government-held data. The new legal framework could provide for regular and proactive publishing of open data and improve the practice, quality, and consequently transparency of government-held information. The framework will also impose a publishing obligation on government agencies, which is a notable improvement compared to the previous practice, where publishing open data was voluntary. AoG and CSOs agree that the new Open Data Act could institutionalize the practice among government agencies of regularly publishing high quality datasets.⁷ It could also help non-state users to promptly locate and reuse updated datasets on specific government activities and policies for various purposes such as looking up and analyzing data for proposal writing, research, and investigative journalism, and providing feedback on new government policy initiatives. Guaranteed regularity and availability of open datasets could lead to higher usage of government information in general. This could foster third-party reuse of open data via tools such as mobile applications, customized data-portals tailored to the needs of specific audiences, and data-mapping, to better reflect on and inform citizens about government policies and activities.

Opportunities, challenges, and recommendations during implementation

There is limited awareness among government agencies and the public regarding the benefits of open data, which may hinder efforts to increase public engagement with open data. The commitment's success will therefore depend on the scale and scope of the Open Data Act regarding the publishing and updating of data, and the improvements to the open data portal's functions. Additionally, interviewed CSOs note that government institutions often do not comply with their other existing obligations to proactively publish government-held information. The effectiveness of the Open Data Act could be limited if there is no effective oversight and enforcement of government institutions' compliance with its provisions.

AoG could consider the following recommendations when designing the Open Data Act and implementing this commitment:

- **Prioritize the publication of high-value datasets:** The government could focus on proactively and regularly publishing datasets that are considered "high-value" according to the EU's Open Data Directive.⁸ These include geospatial, earth observation and environment, meteorological, statistical, companies and company ownership, and mobility datasets. Additionally, based on the findings of a recent study, the government could prioritize datasets related to education, healthcare, agriculture, environmental protection, transport, construction, real estate market prices, government procurement, and trade statistics.⁹
- **Include open data published by municipal governments:** The government could ensure that open data at the municipal level are included in the Open Data Act and follow a uniform format and centralized in data.gov.ge. The government could provide guidelines, technical support, and resources to help municipalities publish their data on the open data portal.

- **Incorporate clear enforcement mechanisms:** Following the EU’s Open Data Directive¹⁰ that requires public sector bodies make their data available for reuse, GoG could incorporate clear enforcement mechanisms in the Open Data Act. Incentives may include technical assistance, budgetary support, and recognition programs, while penalties may include introducing audits for open data practices, requiring reporting for non-compliance, and financial sanctions for public institutions that do not properly publish their data on data.gov.ge.
- **Establish a strong 'publish by default' principle.** This means that all public information is proactively disclosed in open data format unless there are legitimate reasons for non-disclosure, such as national security or personal data protection. This approach would significantly increase transparency, accessibility, and public reuse of government information. An example is Estonia’s Public Information Act (PIA).¹¹ In addition, to maximize the reuse of data, the Act could follow Estonia’s practice of using Creative Commons licenses for government data and require the use of open licenses.¹²
- **Specify standards for data quality, formats, and metadata** to ensure the usability of published data. Ukraine’s¹³ and Estonia’s¹⁴ open data regulations provide good reference models, requiring the use of machine-readable formats like CSV, JSON, and XML via APIs, also allowing bulk downloads where possible. This means that information holder organizations grant access to open data in a file format which is structured so that software applications can easily identify, recognize, and extract specific data, together with data descriptions describing datasets and data contained therein.
- **Improve the functionalities of the data.gov.ge portal.** The government could add a feedback mechanism to the portal that allows users to request specific datasets from government agencies or flag instances where data is missing. Moreover, the government could make the data on the portal interoperable with other government portals, such as the Public Procurement Agency’s website.
- **Support the development of innovative applications and services.** The government could support the use of open data by the private sector and civil society to create innovative applications and services that benefit citizens and contribute to economic growth. This could involve organizing hackathons, providing grants or awards for the best applications, and showcasing successful examples of open data reuse from other countries.

Other commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 1, led by AoG, focuses on improving standards for requesting and publishing public information. The GoG will amend the resolution “On Electronic Requests and Proactive Disclosure of Public Information” to add a new list of information that will become subject to proactive publication. The changes enhance current practices by making 13 new sets of information from public institutions available for proactive disclosure, including minutes from government meetings, cultural activities and allocated budgets under the Ministry of Culture and Sports, inspection results from the Department of Environmental Supervision and Labor Supervision Office, procurements financed from the GoG’s reserve funds, and court decisions,

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among others.¹⁵ This commitment represents an modest improvement since it will add new sets of information to the 2013 government decree on proactive publication of information. However, CSOs pointed out that it is difficult to assess the practical results and effectiveness of these measures at this stage (for example, government meeting decisions or court decisions), as it remains to be seen whether the improvements will face practical obstacles during their implementation.¹⁶ The lack of clarity regarding the implementation raises questions about the commitment’s potential to improve government transparency. CSOs emphasized the need for careful monitoring of the potential limitations in the implementation of the commitment.

Commitment 3 envisages amending the Law of Georgia on Grants to establish common standards for commissioning state grants. AoG, with the support of the Ministry of Finance, will hold consultations on the amendments to the “Law of Georgia on Grants” and submit the draft to the Parliament for consideration. According to the action plan, Georgia’s existing grant funding system lacks clear legislative provisions and uniform standards, leading to inconsistencies in the allocation of grants by government agencies. The commitment is continued from Georgia’s 2018-2019 action plan. Due to the number of different laws that needed to be amended and the number of government institutions involved, the bill was not finalized by the end of that action plan or in the following years.¹⁷ According to the Civil Society Institute, who proposed the commitment, the original proposal comprised: 1) establishing minimal standards and principles for commissioning grants, and 2) establishing municipalities’ rights for grant commissioning that would also fall under the minimum standards in the law. However, GoG left municipalities beyond the regulation, limiting the scope of the commitment. An interviewed civil society representative argued that not only was the critical point of including municipalities omitted, but it is also unclear what else will be excluded, what amendments will be included, and how they would improve the existing system, if adopted by the Parliament.¹⁸ The Civil Society Institute recommends extending the amendments to cover municipalities, so that the revised law establishes unified standards for state grants nationwide.¹⁹

Commitment 4 envisages an assessment of Georgia’s institutional and legal readiness for joining the Extractive Industries Transparency Initiative (EITI) and developing an action plan for membership. Additionally, consultations with stakeholders are planned for the draft Mining Code. During the co-creation process, CSOs proposed Georgia commit to joining EITI. Interviewed civil society stakeholders reconfirmed the importance of joining EITI to enhance transparency and inclusiveness in the extractives sector.²⁰ However, they criticized the commitment for only committing to a readiness assessment and for lacking a clear timeline and steps for joining EITI.²¹ The Ministry of Economy and Sustainable Development noted the aim of the legal readiness assessment is to identify potential barriers and opportunities in the preparation process.²² Based on the findings of this assessment, the ministry will outline the next steps to help Georgia move forward in its application for EITI membership. The IRM recommends that the next OGP action plan includes steps to adopt the EITI Standard and pursue membership.²³

Commitment 5, led by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia, aims to foster inclusion of persons with disabilities (PWDs) in public life. Work has begun with the approval of the 2023-2030 Strategy for Independent Living and Deinstitutionalization of PWDs. The commitment outlines the main directions of deinstitutionalization such as community services, engagement mechanisms, and

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public awareness. However, it does not explain how the community services will be carried out, or what new engagement mechanisms will be created, giving it unclear potential for results. The lead ministry noted that, under the commitment, centers for independent living have been created to raise public awareness of the issues of PWDs, including their rights, opportunities and obligations of support from society.²⁴ Additionally, NGOs have developed online platforms to disseminate information about programs and services for PWDs.²⁵ During implementation, it will be important to establish measurable indicators to assess the uptake and effectiveness of the services and engagement mechanism in enhancing the inclusion of PWDs in public life.

Under **Commitment 6** the Ministry of Justice’s National Bureau of Enforcement aims to improve its practices of collecting and publishing data on evictions. Currently, the Bureau does not collect and publish data on evictions consistently, which hinders the implementation of effective housing policies. The actions include developing a methodology based on international standards for producing statistics on eviction cases, processing statistical data using the new methodology, and proactively publishing statistical data on eviction cases. The National Bureau of Enforcement noted that, under the current legal framework, the bureau is unable to obtain information about individuals other than the debtor. Consequently, legislative amendments are necessary to fully implement the methodology for producing statistics on eviction cases.²⁶ While the commitment addresses an important social issue in Georgia, it represents a modest improvement to existing government practices in publishing data on evictions.

Led by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia, **Commitment 7** aims to provide the necessary information for effective planning and monitoring of housing policies. The milestones include preparing a legislative framework for housing as part of a social welfare reform and developing a methodology for collecting and processing data on housing. It continues a commitment from Georgia’s 2018-2019 action plan to develop an interagency council for homelessness, and a state policy and action plan on housing.²⁷ Many milestones in the previous commitment, including the housing policy, were not completed.²⁸ The commitment has a limited scope, and the milestones are not measurable enough to assess its potential for results. As recommended in the IRM 2018-2019 Design Report, this policy area may be more suitable for implementation outside the OGP process.²⁹

Under **Commitment 8**, AoG aims to establish a unified standard for government websites and mobile applications, adhering to the EU’s 2016 Directive on the accessibility of websites and mobile applications.³⁰ The commitment entails researching best practices, presenting issues to the Governmental Commission on E-Governance, and preparing legal amendments to support standardization. The standardization of government webpages and mobile applications is important for improving the accessibility of information. However, this commitment is limited to researching standards and preparing legal amendments, which continue business as usual for government agencies. Without clarity on whether the legal framework will impose mandatory requirements on government agencies for standardization, the potential for results is unclear.

Commitment 9 focuses on inclusive approaches in regions populated by ethnic minorities. It entails translating key legislative acts into minority languages, organizing information campaigns, and strengthening existing advisory mechanisms. While these efforts are important for the integration of minority communities in public life, the commitment is a continuation of

IRM Action Plan Review: Georgia action plan 2023–2025

Version for public comment: Please do not cite government's previous process of translating legislative acts into minority languages, without clarifying how it will extend existing practices.

Under **Commitment 10**, five municipalities³¹ will develop transparency and integrity strategies, along with action plans and monitoring frameworks. This commitment replicates a commitment of the 2018-2019 action plan, when eight municipalities developed similar strategies, action plans, and monitoring frameworks, with the support of international development partners.³² The IRM recommends that the municipalities conduct proper analyses of the results of the previous eight strategies to inform their implementation, and to allow the five new municipalities to better anticipate challenges.

¹ Open Government Partnership, Georgia National Action Plan 2014-2016 End of Term Report, <https://www.opengovpartnership.org/documents/georgia-end-of-term-report-2014-2016>

² Open Government Partnership, Georgia National Action Plan 2014-2016 End of Term Report, <https://www.opengovpartnership.org/documents/georgia-end-of-term-report-2014-2016>

³ Institute for Development of Freedom of Information (IDFI), Access to Open Data in Georgia, (2016), <https://idfi.ge/en/access-to-open-data-in-georgia>

⁴ European Data Portal, Open Data Maturity Report 2020, https://data.europa.eu/sites/default/files/edp_landscaping_insight_report_n6_2020.pdf

⁵ Open Government Partnership, Georgia Transitional Results Report 2018–2019, <https://www.opengovpartnership.org/documents/georgia-transitional-results-report-2018-2019>

⁶ Institute for Development of Freedom of Information (IDFI), Main Gaps and Challenges of Georgia's Public Data Ecosystem, November 2022, https://idfi.ge/en/main_gaps_and_challenges_of_georgia_s_public_data_ecosystem

⁷ Lili Lezhava (Senior Analyst at Transparency International Georgia), interview by the IRM, 1 April 2024, Salome Sagharadze (Project Coordinator at Georgian Young Lawyers Association (GYLA)), interview by the IRM, 2 April 2024.

⁸ EUR-Lex, Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX:32019L1024>

⁹ USAID and IDFI, Open Government Data Needs Assessment, March 2024; <https://idfi.ge/public/upload/Analysis/OGD-Report-Final-ENG.pdf>

¹⁰ EUR-Lex, Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX:32019L1024>

¹¹ Public Information Act of Estonia, <https://www.riigiteataja.ee/en/eli/502012023005/consolide>

¹² Estonian Open Data Portal License Terms, <https://avaandmed.eesti.ee/instructions/open-data-licensing-guide>

¹³ Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Regulation on Data Sets to be Disclosed in the Form of Open Data", 21 October 2015, <https://zakon.rada.gov.ua/laws/show/835-2015-%D0%BF#Text>

¹⁴ Public Information Act of Estonia, <https://www.riigiteataja.ee/en/eli/502012023005/consolide>

¹⁵ Open Government Partnership, Georgia Action Plan 2023-2025, <https://www.opengovpartnership.org/documents/georgia-action-plan-2023-2025-december>

¹⁶ European Commission, Georgia follow-up opinion to previous opinions concerning the organic law on common courts adopted by the Venice Commission at its 136th Plenary Session (Venice, 6-7 October 2023) on the basis of comments by Mr Yavuz ATAR (Member, Türkiye) Mr Eirik HOLMØYVIK (Member, Norway) Mr Jørgen Steen SØRENSEN (Member, Denmark), 9 October 2023; [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)033-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)033-e)

¹⁷ Open Government Partnership, Georgia Transitional Results Report 2018–2019, <https://www.opengovpartnership.org/documents/georgia-transitional-results-report-2018-2019>

¹⁸ Lili Lezhava (Senior Analyst at Transparency International Georgia), interview by the IRM, 1 April 2024.

¹⁹ Levan Paniashvili (Senior Lawyer, Civil Society Institute), interview by the IRM, 12 April 2024.

²⁰ Lili Lezhava (Senior Analyst at Transparency International Georgia), interview by the IRM, 1 April 2024.

²¹ Giorgi Oniani (Deputy Executive Director at Transparency International Georgia), interview by the IRM, 1 April 2024.

²² Information provided to the IRM by the Ministry of Economy and Sustainable Development of Georgia during the pre-publication review of this report, 20 August 2024.

²³ EITI, EITI Standard 2023, <https://eiti.org/eiti-standard>

²⁴ Information provided to the IRM by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia during the pre-publication review of this report, 20 August 2024.

²⁵ For example, <https://disability.moh.gov.ge/index.php>, developed with the support of the NGO “Anika.”

²⁶ Information provided to the IRM by LEPL National Bureau of Enforcement (Ministry of Justice of Georgia) during the pre-publication review of this report, 20 August 2024.

²⁷ Open Government Partnership, Housing Policy, Georgia National Action Plan 2018-2019, commitment description, <https://www.opengovpartnership.org/members/georgia/commitments/GE0079/>

²⁸ Open Government Partnership, Housing Policy, Georgia National Action Plan 2018-2019, commitment description, <https://www.opengovpartnership.org/members/georgia/commitments/GE0079/>

²⁹ Open Government Partnership, Georgia Design Report 2018-2019, <https://www.opengovpartnership.org/members/georgia/commitments/GE0079/>

³⁰ EUR-Lex, Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, <https://eur-lex.europa.eu/eli/dir/2016/2102/oj>

³¹ The municipalities of Zestafoni, Samtredia, Mtskheta, Vani, and Baghdati.

³² Open Government Partnership, Georgia Transitional Results Report 2018–2019, <https://www.opengovpartnership.org/documents/georgia-transitional-results-report-2018-2019>

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The three IRM products provided during a national action plan cycle include:

- **Co-Creation Brief:** A concise brief that highlights lessons from previous IRM reports to support a country's OGP process, action plan design, and overall learning.
- **Action Plan Review:** A technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning.

In the Action Plan Review, the IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

Step 4: Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

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- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Nodar Kherkheuldize and was reviewed by external expert Brendan Halloran. The IRM methodology, quality of IRM products, and review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.¹

¹ IRM Overview: <https://www.opengovpartnership.org/irm-guidance-overview/>

Annex 1. Commitment by Commitment Data¹

Commitment 1: Improving current standards for the requesting and proactive publication of public information – the second wave of reforms

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2: Adoption of Open Data Act

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 3: Increasing the transparency of the state grant funding system

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 4: Ensuring transparency and inclusiveness in the extractive industries sector

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 5: Ensuring the inclusion of persons with disabilities in public life

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 6: Improving statistical methodology and publishing data on evictions

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Defining key housing policy issues within legal framework of social welfare reform

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Modest

Commitment 8: Accessibility of websites and mobile applications

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 9: Strengthening inclusive approaches in regions densely populated by ethnic minorities

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 10: Strengthening transparency and good governance in municipalities

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

¹ Editorial notes:

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Georgia's action plan: [https://www.opengovpartnership.org/wp-content/uploads/2024/01/Georgia Action-Plan 2023-2025 December EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/01/Georgia_Action-Plan_2023-2025_December_EN.pdf)

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the OGP Participation and Co-Creation Standards that came into force on 1 January 2022.¹ The IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. Action plans co-created and submitted by 31 December 2023 fall within the grace period. The IRM will assess countries' alignment with the standards and their minimum requirements.² However, countries will only be found to be acting contrary to process if they do not meet the minimum requirements for action plans co-created in 2024 and onwards.

Please note that, according to the OGP National Handbook, countries implementing four-year action plans must undertake a refresh process at the two-year mark. Countries are expected to meet minimum requirements 3.1 and 4.1 during the refresh process.³ IRM assessment of the refresh process will be included in the Results Report.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: The Open Government Interagency Coordinating Council (the "Council") is Georgia's multi-stakeholder forum (MSF), along with the permanent working group, the OGP Georgia Forum. The basic rules of the Council and the Forum are available on Georgia's OGP webpage, ⁴ as well as the government decree from February 2020 establishing the Council. ⁵ During the co-creation process, the Forum met in 27 December 2019 ⁶ and twice in 2022 (21 January and 24 February). ⁷ The Council met for the first time, on 20 December 2023, to approve the action plan. ⁸ As Standard 1 requires the OGP space for dialogue meet at least every six months, Georgia did not meet the minimum requirements of this standard during the co-creation of the fifth action plan.	No	<i>To be assessed in the Results Report</i>
2.1 OGP website: The Administration of the Government of Georgia (AoG) maintains a publicly accessible OGP website in Georgian and English. ⁹ The website contains the latest action plan and does not require a password or registration.	Yes	<i>To be assessed in the Results Report</i>
2.2 Repository: The OGP website serves as a repository for all documents pertaining to Georgia's membership in OGP. The available documents include all action plans implemented by Georgia, ¹⁰ previous IRM reports and self-assessment reports, and minutes of the Council and Forum (working group) meetings. ¹¹ The repository does not include the commitments suggested by CSOs or their feedback. The repository was updated once in 2023 with a readout of the 20 December 2023 Council meeting where the fifth action plan was approved. ¹² As Standard 2 requires the repository be updated at least twice a year with	No	<i>To be assessed in the Results Report</i>

evidence of the co-creation process and of implementation of OGP commitments, Georgia did not meet the minimum requirements of this standard during the co-creation of the fifth action plan.		
3.1 Advanced notice: AoG did not publish on the OGP website a co-creation timeline and overview of the opportunities for stakeholders to participate, as required by Standard 3. AoG shared the co-creation timeline with Forum members by email after the first meeting on 27 December 2019. However, this calendar covered only the initial planning for developing the action plan in 2020-2021. No updated timeline was shared with stakeholders when the co-creation process restarted in 2021 and 2022.	No	Not applicable
3.2 Outreach: AoG emailed CSOs in the Council on 23 December 2019 about the start of the co-creation process. The OGP Secretariat (the Public Administration Unit of AoG that coordinated the action plan development process and supports the Council and the Forum) organized an essay competition for students on the role of open government in the modern world. ¹³ However, this competition did not contribute to the action plan. No other outreach to raise stakeholders' awareness of OGP was carried out during the co-creation period.	Yes	Not applicable
3.3 Feedback mechanism: The primary mechanism to gather stakeholder input was the Forum meetings, where stakeholders discussed the proposals of CSOs. The CSO members of the Council provided a consolidated document with all CSO proposals on both occasions. CSO and government representatives discussed these proposals at the Forum meetings in December 2021 and February 2022. In spring 2023, the OGP Secretariat called on CSOs to discuss the draft action plan, but CSOs withdrew from the Forum following the introduction of the Foreign Agent Law in February 2023 and increased government pressure on CSOs. No draft action plan was released for broader public consultation.	Yes	Not applicable
4.1 Reasoned response: After discussing CSOs' proposals during two Forum meetings, the OGP Secretariat provided feedback to Council members by email, outlining which commitments were considered for inclusion in the action plan. This feedback was sent to stakeholders in December 2022, ¹⁴ one year after the consultations, and no additional feedback was published on the OGP repository. CSOs expressed disagreement with the responses from the OGP Secretariat. ¹⁵ According to CSOs, the commitments that the government noted as "fully considered" included modifications that significantly altered the original ambition and intent of the commitments. CSOs also argued that this response demonstrated a preference in the government to treat the OGP process as a formality, rather than an opportunity for meaningful collaboration and reform.	Yes	Not applicable
5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.	Not applicable	<i>To be assessed in the Results Report</i>

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¹ 2021 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

² IRM Guidelines for the Assessment of Minimum Requirements: <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>

³ OGP National Handbook 2022, Section 2.3: <https://www.opengovpartnership.org/documents/ogp-national-handbook-rules-and-guidance-for-participants-2022/>

⁴ Open Government Georgia, About the Council, <https://ogpgeorgia.gov.ge/en/about-the-council/>; About the Forum, <https://ogpgeorgia.gov.ge/en/about-the-forum/>

⁵ Decree of the Government of Georgia №110, “On the approval of the Statute and Composition of the Open Government Interagency Coordination Council of Georgia”, 13 February 2020, https://ogp.gov.ge/upload/pages/38/FileManager/Eng_OGP-Council_Statute.pdf

⁶ Open Government Georgia, first Forum meeting held in December 2019, <https://ogpgeorgia.gov.ge/en/news/de3724ad-d870-4803-b45c-6cb6bb440239/>

⁷ Open Government Georgia, Forum meeting minutes, 2022, <https://ogp.gov.ge/en/forum-meetings/>

⁸ Open Government Georgia, The Interagency Coordinating Council of Georgia reviewed and endorsed the draft of the 2024-2025 Action Plan of OGP Georgia, <https://ogpgeorgia.gov.ge/news/bc86132c-d23f-40c0-99ea-603f8f2dd75d/>

⁹ Open Government Georgia, <https://ogp.gov.ge/en/>

¹⁰ Open Government Georgia, National Action Plans by year, <https://ogpgeorgia.gov.ge/en/action-plan/>

¹¹ Open Government Georgia, Meeting minutes, <https://ogp.gov.ge/en/forum-meetings/?Year=2022&fbclid=IwAROrhX8u-hZZzKkiqfOkfIKmh9XIScu47LqZ30IK7cVlQpHftOXdjgHBSMI> and <https://ogp.gov.ge/board-meetings/>.

¹² Open Government Georgia, News, <https://ogp.gov.ge/en/news/archive/?Year=2023>

¹³ Open Government Georgia, Essay competition: “The role of Open Government in the modern world: core values and principles”, 16 July 2022, https://ogp.gov.ge/news/dc5351cb-7023-4f90-8810-e278718bf890/?fbclid=IwAR0_iYBnDLogsiavVAXAuCvcGG_IzPL72qZtoonD1GI_iB_ftBu5tVbrNw

¹⁴ Lili Lezhava (Senior Analyst at Transparency International Georgia), interview by the IRM, 1 April 2024.

¹⁵ Lili Lezhava (Senior Analyst at Transparency International Georgia), interview by the IRM, 1 April 2024; Giorgi Oniani (Deputy Executive Director at Transparency International Georgia), interview by the IRM, 1 April 2024; Salome Sagharadze (Project Coordinator at Georgian Young Lawyers Association (GYLA)), interview by the IRM, 2 April 2024.