

# The Open Gov Guide

2024

Open  
Government  
Partnership



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# Introduction

The *Open Gov Guide* is the “how-to” resource on applying open government approaches to the practical problems we all face, from tackling climate change to protecting democratic freedom, and from ensuring access to essential services to strengthening political and economic equality.

The guide is a one-stop shop for concrete recommendations, examples of reforms, and international standards and guidance. It is a resource to help reformers, whether they are working on an OGP action plan, trying to meet the [Open Gov Challenge](#), or working outside of OGP.

## WHAT'S IN THE OPEN GOV GUIDE?

The *Open Gov Guide* presents policy areas prioritized in OGP’s [2023-2028 strategy](#).

**Anti-Corruption**

**Civic Space**

**Climate and Environment**

**Digital Governance**

**Fiscal Openness**

**Gender and Inclusion**

**Justice**

**Open Government Foundations**

**Each chapter of the guide has the following sections:**

- Overview of the policy area and why it can advance open government
- Key terms
- Recommended reforms
- Examples of reform from within and outside of OGP
- Active OGP partners
- Benchmarking data
- Guidance and standards from the OGP Support Unit and other organizations

**For each section, the *Open Gov Guide* has focused on:**

- Highlighting reforms that reflect OGP’s values of transparency, civic participation, and public accountability;
- Mainstreaming inclusion across each policy area; and
- Indicating the roles of the branches of government for each reform.

## HOW TO USE THE OPEN GOV GUIDE

The center of the *Open Gov Guide* is the list of recommended reforms. This section is a starting point for reformers to identify gaps and good practices for each policy area. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

# Anti-Corruption

A photograph of three people standing on a stone staircase leading up to a dilapidated, multi-story building. The building has a red-tiled roof and a central arched doorway. The walls are made of rough, weathered stone and plaster, with several windows missing or boarded up. The people are a young man in a dark blue polo shirt and khaki pants, a young woman in a white polo shirt and white pants, and a man in a black polo shirt and light blue jeans. They are all looking towards the camera. The scene is set outdoors under a clear blue sky.

*Using Italy's OpenCoesione platform, over 25,000 young people have joined efforts to monitor public spending, an important accountability mechanism that can help increase competition for public contracts. Pictured: Alessandra Costarella and her classmates.*

# Asset and Interest Disclosure

Disclosure of assets and interests by public officials and their families can help prevent and detect cases of favoritism, conflicts of interest, and illicit enrichment. Publishing good quality data on asset and interest disclosure in an open format can allow journalists, watchdog organizations, and the public to know whether politicians are working for their constituents or their private interests.

### Open Gov Challenge Anti-Corruption

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Anti-Corruption.

**Challenge prompt:** Develop or strengthen a whole-of-government anti-corruption strategy or roadmap.

Where strategies or roadmaps exist, improve policy, implementation and interoperability (including through OGP) across the areas below:

- Beneficial ownership
- Open contracting
- Political finance and asset and interest disclosure
- Lobbying
- Extractive industry transparency

## Key Terms

- **Assets and interests:** Assets and interests are resources with economic value that are held by public officials, including:
  - Fixed assets, such as real estate;
  - Moveable assets, such as vehicles or jewelry;
  - Financial assets, such as bank accounts, stocks, and bonds; and
  - Interests, such as secondary employment, business ownership, shareholder interests, and non-remunerated board membership or affiliation in non-profits or think tanks.
- **Conflict of interest:** In this context, a conflict of interest [occurs](#) “when a public official has interests in a private capacity that could improperly influence the performance of their official duties and responsibilities.” Asset and interest disclosure laws typically also require disclosure of outside interests, such as secondary employment, business ownership, or shareholder interests.
- **Politically exposed person:** This term describes an [individual](#) who is or has been “entrusted with a prominent public function.” The financial industry also commonly uses this term to refer to immediate family members and close associates.

## The Evidence

Collecting and publishing asset and interest disclosure data can address various policy goals.

- Subjecting official assets to public [oversight](#) has been shown to save government money by [preventing](#) theft, [recovering](#) stolen assets, and helping convict officials who may have [hidden](#) their ill-gotten wealth abroad.
- Open asset and interest disclosure data can uncover corruption by allowing oversight institutions, journalists, and the public to review changes in wealth and verify the accuracy of disclosures against [other public registers](#).
- [Addressing](#) violations of the law uncovered by asset and interest disclosure data has been shown to increase confidence in public officials. Pairing open data with accountability mechanisms is especially effective.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Create a legal framework on asset disclosure:** Establish or strengthen laws or regulations on asset and interest disclosure, which should include: what information can be made public, who must disclose their assets and interests, and the scope of assets and interests to be disclosed. A law should also mandate an institution or agency to collect and publish the data.
  - Require disclosure first from the most senior-level officials, elected officials, and members of the judiciary. As capacity allows, apply regulations to more public officials who hold high-risk positions and their close family members. (See [Section 5](#), Table 1, in the Australia Public Service Values and Code of Conduct for an example of a systematic description of high-risk positions.)
  - Broaden requirements to include disclosure of the asset and interest types at most risk for corrupt activity (such as financial, moveable and non-moveable, and in-kind benefits), as well as liabilities and conflicts of interest. This should include disclosure of board memberships, secondary employment, shareholder interests, and beneficial ownership of any assets at home or abroad.
  - Increase the regularity of submissions. Require officials to disclose conflicts of interest as they arise rather than only at set intervals.

Transparency

Legislature

Foundational

## ASSET AND INTEREST DISCLOSURE

- Create an oversight body:** Create an oversight body with investigative and sanctioning powers to verify asset and interest disclosure data, enforce regulations, and/or receive complaints from the public.
  - There are different models for this. In some countries, such as [Paraguay](#), the supreme audit institution is legally responsible for monitoring and verifying submissions. Other countries may assign relevant anti-corruption bodies to take on the oversight role, like in [Ukraine](#) and [Indonesia](#).
- Require reporting from the oversight body:** Require the oversight body to regularly report to the legislature and public on fulfilling the asset and interest disclosure requirements.
- Collect and verify data:** Verify submitted information using a risk-based approach. To do so, the oversight body's mandate must include the legal right to access other government records and private sector information for verification purposes.
  - Create channels of cooperation between the agency in charge of collecting and verifying data and relevant agencies, such as tax authorities or financial intelligence units that can assist with verification.
  - Use globally or regionally interoperable unique identifiers for data to enable better data sharing internationally and strengthen channels of cooperation and data sharing with other countries.

Public Accountability  
Legislature  
Foundational

Public Accountability  
Legislature  
Intermediate

Public Accountability  
Executive  
Legislature  
Intermediate

## TRANSPARENCY

- Publish asset and interest disclosure data:** Require the publication of asset and interest disclosure data for monitoring by civil society, journalists, and other interested members of the public. Data should be free, machine-readable, and available in bulk download.
  - Publish as much information as possible. Protect sensitive information only when necessary and explain why such data cannot be made public.
  - Conduct outreach and training to increase the capacity of public officials and non-state actors to understand and use asset and interest disclosure data.
- Update data regularly:** Ensure data is updated regularly, and make historical data available to allow monitoring for changes over time.
- Centralize data:** Create one online system to streamline submission of asset and interest disclosure data, and ensure system administrators are well-equipped to assist those submitting information, such as in [Ukraine](#).

Transparency  
Civic Participation  
Legislature  
Intermediate

Transparency  
Executive  
Intermediate

Transparency  
Executive  
Intermediate



## ASSET AND INTEREST DISCLOSURE

- Make data interoperable:** Make asset and interest disclosure data interoperable with other datasets, including data on [lobbying](#), political finance, land ownership, [beneficial ownership](#), and [public procurement](#) to ensure oversight mechanisms can cross-check data.
  - Create unique identifiers for individuals who submit declarations that can be used across datasets.
  - Consider introducing automatic red-flagging on conflicts of interest for high-risk areas such as public procurement, like in Romania's [PREVENT system](#).
- Accelerate right to information responses:** Provide timely and adequate responses for verification of specific information when journalists or members of the public request additional information to which they are [legally entitled](#).

Transparency

Public Accountability

Executive

Advanced

Transparency

Executive

Advanced

## PUBLIC ACCOUNTABILITY

- Create an enforcement mechanism:** Establish and enforce penalties or sanctions for non-compliant public officials, for non-submission or the submission of false or incomplete information.
  - Penalties should be proportionate to the level of offense, including consequences for non-compliance and falsification of information. For example, a judicial vetting process in [Albania](#), which included an assessment of asset disclosures, led to the dismissal or resignation of over 100 magistrates between 2017 and 2020 due to misconduct.
- Create a complaint mechanism:** Create a complaint mechanism for the media, civil society, or interested members of the public to request verification of certain information. The government body responsible for the information should investigate and respond to all requests in a timely manner.
- Publish compliance and enforcement history:** Publish data on compliance rates, false submissions, and the sanctions given for false submissions.

Public Accountability

Executive

Legislature

Intermediate

Public Accountability

Legislature

Intermediate

Transparency

Public Accountability

Executive

Advanced

### Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. One of the eligibility criteria to join OGP is to mandate the collection of asset disclosure data. OGP members can focus on publishing asset and interest disclosure data and improving the quality of datasets, which often do not cover family members and are not published in machine-readable or bulk downloadable formats.

- **Croatia Legal and Institutional Frameworks for Anti-Corruption:** [Committed](#) to improving the frameworks to prevent corruption, such as by setting priorities to better manage conflicts of interest and tackle corruption in the public procurement system.
- **Côte d'Ivoire Legal Framework for Public Asset Disclosure:** [Committed](#) to updating its official asset declaration law and [improving](#) the online publication of assets data.
- **Georgia Independent Monitoring of Asset Disclosure:** [Created](#) an independent monitoring system to [verify](#) the completeness and accuracy of asset disclosures by public officials, with full public access to comprehensive information on their disclosures.
- **Senegal System to Forward False Asset Disclosures to Court:** [Committed](#) to creating a system to ensure that courts can receive cases of false filings.
- **Ukraine Online Asset Disclosure Submissions:** [Created](#) a unified, online asset declaration platform, including data on income, property, beneficial ownership, and spending in 2016, which allowed the public to inspect officials' asset declarations and report any irregularities. (Following the Russian invasion of Ukraine, the platform has been closed.)

### BEYOND OGP ACTION PLANS

- **Lithuania Platform to Monitor Conflicts of Interest:** [Created](#) an [online system](#) (PINREG) for ethics officials to monitor conflicts of interest, which includes automated reminders for public officials to file their interests and make corrections. Also committed to connecting PINREG to a judicial platform to identify conflicts of interest when assigning court cases.
- **Paraguay Platform to Monitor Unexplained Wealth:** Created an [open data platform](#) that includes asset disclosures, which the public has used to uncover extreme wealth among high-ranking officials.

## The Role of Local Governments

Local governments need equally stringent ethical controls as national governments, including asset and interest disclosure requirements. For example, the mayor of [Los Angeles](#) (United States) hired the city's first-ever ethics officer in 2023. The ethics officer has since created a more robust vetting process for potential commissioners and employees in the mayor's office, such as conducting a more extensive review for conflicts of interest. The Brookings Institution worked closely with the mayor's office to develop this role. The city is part of Brookings' [Sustainable Development Goals Leadership Cities Network](#), which works at the municipal level to support sustainable development.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Brookings Institution](#)
  - [Local Leadership on the Sustainable Development Goals](#)
- [Transparency International](#)
- [UN Office on Drugs and Crime \(UNODC\)](#)
- [UN Development Programme](#)
- [World Bank](#)
  - [Stolen Asset Recovery Initiative](#), a joint initiative with the UNODC

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- **International IDEA** has a [political finance database](#), which includes data related to asset and interest disclosure as well as political contributions.
- In collaboration with the **OGP Support Unit** and **Transparency International**, the **Data for Development Network's** Global Data Barometer collects information on whether company beneficial ownership is available in open formats. Visualizations of this data are available on the [OGP website](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The 2022 **OGP Support Unit** report [Broken Links: Open Data to Advance Accountability and Combat Corruption](#) includes a chapter on asset disclosure data and the need for interoperability with other key political data.
- **Transparency International** has several resources, such as a [general overview](#) of the role asset disclosure plays in anti-corruption, a [report](#) on open data for political integrity in Europe (including asset disclosure), a discussion of potential [oversight mechanisms](#), and [recommendations](#) for how OGP members can incorporate asset disclosure in their OGP action plans.
- The **World Bank** has several resources on asset disclosure, including an [analysis](#) of the benefits and challenges of electronic filing, detailed [case studies](#) of asset disclosure frameworks around the world, [recommendations](#) on how asset disclosure can be used to identify politically exposed persons, and an [analysis](#) of how to design an effective asset disclosure mechanism.
- The **World Bank** and the **UN Office on Drugs and Crime** collaborate on a joint venture, the Stolen Asset Recovery Initiative. The initiative provides [resources](#) on the process to recover these assets, country-specific [guidance](#), and other information related to detecting corruption, such as an analysis of beneficial ownership data and a [technical guide](#) on designing an effective disclosure form.
- The **UNCAC Coalition** (the Association for the Implementation of the UN Convention Against Corruption) published a [briefing note](#) with guidance on asset and interest disclosure, including conflicts of interest.
- The **G20 Anti-Corruption Working Group** has published [high-level principles](#) on asset disclosure.
- The **Organisation for Economic Co-operation and Development** has an official [recommendation](#) on avoiding conflict of interest in the public service.
- The **Organization of American States** created a [model law](#) for asset declarations that reflects international standards.
- [Recommendations 12 and 22](#) from the **Financial Action Task Force** include standards for preventing and detecting fraud and corruption by politically exposed persons, including asset disclosure mechanisms.

# Company Beneficial Ownership

Beneficial ownership transparency involves collecting and disclosing information about the real human beings who own and control companies and other corporate vehicles. Collecting and publicly disclosing company beneficial ownership data can help reveal money laundering, conflicts of interest, improperly awarded government contracts, and tax evasion. Beyond corruption, knowing who ultimately owns or benefits from a company can also help to identify responsibility for other violations of law, such as environment or labor rules.

### Open Gov Challenge

#### Anti-Corruption

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- Beneficial ownership
- Open contracting
- Political finance and asset and interest disclosure
- Lobbying
- Extractive industry transparency

## Key Terms

- **Anonymously owned company:** An anonymously owned company keeps the identity of its beneficial owner hidden, which can facilitate the movement of illicit funds across borders.
- **Beneficial owner:** A beneficial owner is the individual (or group of individuals) who ultimately owns, controls, or benefits from a company or any other form of legal vehicle, such as trusts or partnerships. This chapter will specifically focus on company beneficial owners. The [five common types](#) of corporate vehicles used to hide beneficial owners are private foundations, foreign law trusts, domestic law trusts, companies, and partnerships. Importantly, the beneficial owner of a company can be different from the legal owner.
- **Beneficial ownership register:** A beneficial ownership register is a database that holds information related to the beneficial owners of companies and/or other legal vehicles. It may be linked to an existing company registry or may be stand-alone.
- **Legal owner:** A legal owner is the person or entity with immediate and formal ownership. In the case of complex and opaque corporate structures, legal owners are often other companies or are “nominee” individuals with little or no actual control.
- **Shell company:** Shell companies do not have active business operations or employees—they are primarily used to hold or move assets. When anonymously owned, this legal structure can be used to illegally hide the proceeds of crime or corruption.

## The Evidence

[Company beneficial ownership](#) transparency has several benefits.

- When made public, company beneficial ownership data has been used to uncover hidden wealth that is taxable or connected to illegal activities by [exposing](#) the beneficiaries of anonymously owned companies.
- Governments, [banks](#), and financial institutions can use company beneficial ownership data to prevent fraud or identify misreporting to meet due diligence and risk management requirements.
- Company beneficial ownership data can provide the missing piece to fight money laundering when combined with data on [real estate](#) and [land ownership](#). The same is true for [public procurement](#) data.
- Governments have used this data to strengthen tax collection by limiting tax evasion and recovering [unpaid taxes and penalties](#).

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

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- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### TRANSPARENCY

- Create laws and regulations:** Draft and implement legislation and regulations that mandate the collection and publication of company beneficial ownership information, particularly through a [central register](#).
  - [Work with](#) civil society, the private sector, data users, and other key actors to [set the parameters](#) of this legislation, especially if taking a phased approach by focusing on a [specific](#) industry or companies bidding for public procurement.
    - Consider including specific definitions for different kinds of beneficial ownership. Beyond company beneficial ownership, multiple legal vehicles (such as [trusts](#)) are used to disguise beneficial owners. The OGP Support Unit's *Global Report* [provides](#) additional details on how to address risks associated with non-company beneficial ownership.
    - Targeting specific industries is especially relevant for extractive industries such as [mining](#). The Extractive Industries Transparency Initiative (EITI) [highlights](#) how company beneficial ownership transparency applies in oil, gas, and mining. EITI also requires member countries to ensure extractive industry companies disclose their beneficial owners in its [standard](#). [Indonesia](#)'s efforts to disclose beneficial ownership data in this sector provides an example.

Transparency

Civic Participation

Public Accountability

Legislature

Foundational

## COMPANY BENEFICIAL OWNERSHIP

- Create clear reporting requirements, such as specifying clear thresholds for defining company beneficial ownership and mandating regular updates.
  - Consider the following strategies to ensure clarity: adopt a clear definition of beneficial ownership in law, specify how and when beneficial ownership should be disclosed, and ensure all changes to beneficial ownership information are reported.
- Include provisions for maintaining and funding the central register in the law to ensure it remains functional over time.
- Make information publicly available. Ensure that the legal framework requires that beneficial ownership data is [publicly available](#) and free of charge.
  - Adopt clear regulations on who should have access to which data based on the public interest. Make publicly available a subset of information on company beneficial ownership that is sufficient for users to understand and make use of the data. The fields of information that are made publicly available should be sufficient for users to analyze and use the data, but certain fields (like a home address) may typically be excluded from the public dataset and only made available to certain authorities (such as law enforcement and financial institutions). Open Ownership provides details on how to balance privacy and public interest in this [long read](#).
- Collect and publish high-quality data:** Data should be of high quality, including validated identifying information on the company beneficial owners (name and address) and the nature and size of the interest they hold in a company. Successful examples of countries that have published such data include [Armenia](#), [Nigeria](#), [Ukraine](#), and the [United Kingdom](#).
- Make data interoperable:** Use common identifiers across datasets related to beneficial ownership to ensure that data in different databases can be used together, which increases accountability. Interoperable data is crucial to identify corruption (such as money laundering), rights violations (such as harmful labor practices), and other illegal activities (such as polluting the environment).
  - Implement an international standard to allow for cross-country comparison, such as the [Beneficial Ownership Data Standard](#) (BODS) created by [Open Ownership](#).
  - Make company beneficial ownership data [interoperable](#) with other datasets, such as those related to [public procurement](#), political finance, and [lobbying](#).

Transparency

Executive

Intermediate

Transparency

Executive

Legislature

Intermediate



### CIVIC PARTICIPATION

- Conduct training and awareness raising:** Provide tailored training for different actors, including government officials (such as law enforcement officials, prosecutors, and judges) and members of the public (such as civil society organizations and journalists). This is necessary to create a baseline understanding of what company beneficial ownership data is, why it matters, and how to use it to combat corruption, rights violations, and other issues.
- Consult with data users:** Consult those using the data (especially researchers and journalists) in an advisory capacity to ensure data is useful and usable.
- Train government and non-government actors on data use:** Provide training for public officials and non-government actors (such as CSOs, journalists, and researchers) on how to interpret and use company beneficial ownership data to prevent and detect corruption, fraud, and other illegal activities.

Civic Participation

Executive

Intermediate

Civic Participation

Executive

Legislature

Intermediate

Civic Participation

Executive

Intermediate

### PUBLIC ACCOUNTABILITY

- Validate and verify data:** Improve data accuracy by validating data at the point of submission, [verifying](#) information (including making use of other government data sources) and forwarding suspicious cases for investigation.
  - Create avenues for civil society to provide feedback on the accuracy and reliability of the data. This can include applying data analytics to find patterns, identify anomalies and red flags, and create alerts.
- Update data screening requirements:** Require the use of beneficial ownership data in central registers for due diligence reporting.
  - Newer requirements related to data screening apply to screening public contract recipients and license applications for extractive industries, as well as vetting whether [corporate owners of real estate](#) are following disclosure requirements.
  - Anti-money laundering regulations, like “know-your-customer” verification processes for [financial and non-financial entities](#) that can enable corruption, are another example. Specifically, the Financial Action Task Force and [other experts](#) have begun to argue that regulating enabling activities—such as preparing taxes, selling real estate, managing wealth and investment portfolios, and providing legal services to create shell companies—is more effective than regulating professions.
- Enforce sanctions for non-compliance:** Establish and enforce sanctions for making false or incomplete data submissions, and empower watchdog organizations and other public agencies (such as procurement offices) to trigger corrections and investigations.

Civic Participation

Public Accountability

Executive

Intermediate

Public Accountability

Legislature

Intermediate

Civic Participation

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Executive

Legislature

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. OGP commitments related to beneficial ownership transparency tend to be more ambitious than commitments in other areas. OGP encourages ambition over time, with several countries implementing subsequent commitments on beneficial ownership across their action plans.

- **Armenia Public Beneficial Ownership Register:** [Published](#) the company beneficial owners of all sectors in a [public register](#) that streamlines data entry and automatically verifies and cross-checks submissions. Also [committed](#) to making company beneficial ownership data interoperable with public procurement data.
- **Canada Commitment to Create a Public Beneficial Ownership Register:** [Committed](#) to implementing a public, searchable database for federally regulated corporations, which provinces and territories can agree to join.
- **Ecuador Commitment to Create a Public Beneficial Ownership Register:** [Committed](#) to training public officials on beneficial ownership transparency, analyzing current levels of transparency related to beneficial ownership, and implementing a public register in line with Open Ownership's [BODS](#).
- **Indonesia Extractive Industries Beneficial Ownership Register:** [Created](#) a public beneficial ownership [registry](#), the first of its kind in Southeast Asia. Also [committed](#) to improving the verification and use of beneficial ownership data by government agencies.
- **Portugal Public Beneficial Ownership Register:** Created a public [beneficial ownership register](#) in 2019 and [committed](#) to strengthening the register. This includes following the [BODS](#), launching an awareness campaign, and linking the register to other publicly available data.
- **New Zealand Commitment to Create a Public Beneficial Ownership Register:** [Committed](#) to passing legislation to mandate the registration of the beneficial owners of corporations and limited partnerships, to which the public will have partial access.
- **Nigeria Public Beneficial Ownership Register:** [Published](#) company beneficial ownership data in a free, public [register](#) according to Open Ownership's [BODS](#). The portal is searchable by entity name, entity number, or an individual's name, and users can view the historical information of a company's beneficial owners.
- **Ukraine Public Beneficial Ownership Register:** [Launched](#) the world's first public beneficial ownership register, and then became the first OGP member to [commit](#) to improving the verification of beneficial ownership information by [integrating](#) its register in Open Ownership's global register.
- **United Kingdom Public Beneficial Ownership Register:** [Created](#) a beneficial ownership [register](#) of those with significant control over UK-registered companies. Civil society, journalists, and banks accessed the register [more than ten billion times](#) from 2020–2021.

### BEYOND OGP ACTION PLANS

- **Brazil Beneficial Ownership Information Linked to Tax Registration:** [Requires](#) that all legal entities provide information on their legal and beneficial owners in the company register as part of their registration with the federal tax agency. This includes foreign companies investing in the country.
- **Denmark Public Beneficial Ownership Register Linked to Financial Crimes:** [Created](#) a free, publicly accessible beneficial ownership [register](#) that [automatically](#) cross-checks beneficial owners, directors, and shareholders against other national databases. Also [built](#) an automated system connecting the register with suspicious transaction reports.
- **Slovak Republic Public Beneficial Ownership Register for Procurement:** [Created](#) outside of the OGP process, civil society used the company beneficial ownership register to uncover networks of public contracts won by a small group of beneficial owners.
- **Zambia Beneficial Ownership Register for Financial Crimes:** [Launched](#) a beneficial ownership register that the Financial Intelligence Center uses to identify discrepancies in ownership information during investigations, especially related to mining equipment transactions.

### Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Brookings Institution](#)
- [Extractive Industries Transparency Initiative \(EITI\)](#)
- [Financial Action Task Force \(FATF\)](#)
- [Natural Resource Governance Institute \(NRGI\)](#)
- [Open Contracting Partnership](#)
- [Open Ownership](#)
- [Organisation for Economic Cooperation and Development \(OECD\)](#)
- [Publish What You Pay](#)
- [Tax Justice Network](#)
- [The B Team](#)
- [Transparency International](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **Tax Justice Network's** [Financial Secrecy Index](#) publishes comprehensive data on rules and practices around financial system transparency, with an eye toward money laundering and aggressive tax avoidance.
- In collaboration with the **OGP Support Unit, Open Ownership, and Transparency International**, the **Data for Development Network's** Global Data Barometer collects information on whether company beneficial ownership is available in open formats. Visualizations of this data are available on the [OGP website](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The 2022 **OGP Support Unit** report [Broken Links: Open Data to Advance Accountability and Combat Corruption](#) includes a chapter on company beneficial ownership data and the need for interoperability with other key political data. Similarly, the *Global Report* offers recommendations and case studies in the “Beneficial Ownership” [chapter](#), with a focus on legal entities beyond companies.
  - The OGP Support Unit also offers several platforms for countries to share knowledge and practices on this topic, such as the [Beneficial Ownership Leadership Group](#) and the [Beneficial Ownership Community of Practice in Latin America](#). The Beneficial Ownership Leadership Group [principles](#) are another useful resource.
  - Originating from the 2021 Summit for Democracy, the US government, the OGP Support Unit, and the Brookings Institution are also co-leading the multi-stakeholder [Financial Transparency and Integrity](#) cohort to prevent corruption and exploitation in the global financial system.
- The **Financial Action Task Force Recommendations** (most recently updated in February 2023, at the time of writing) provide a framework to combat money laundering and terrorism financing, including specific recommendations on beneficial ownership of legal persons (including companies) and legal arrangements (such as trusts) ([Recommendations 24 and 25](#)).

- Created by **Open Ownership**, the [BODS](#) provides a structured data format and guidance for collecting, sharing, and using data on beneficial ownership. It enables combining and analyzing beneficial ownership data from different companies within and across countries. Open Ownership also has a [guide](#) on how to implement beneficial ownership transparency reforms, as well as the [Open Ownership Principles](#), which list the key policy and technical aspects required for impactful reform.
  - For gender-specific data recommendations, Open Ownership [analyzed](#) the interaction between gender and beneficial ownership transparency to examine the “range of potential benefits, limitations, and risks of collecting and using sex-disaggregated beneficial ownership data for gender equality policies and initiatives.”
  - Open Ownership also provides regular updates to its technical guidance on other vehicles used to obscure beneficial owners. For example, the organization published a [guide](#) in October 2023 on using reliable identifiers for corporate vehicles beyond companies.
- The **International Monetary Fund** created a [guide](#) on beneficial ownership transparency that covers practical strategies on how to use beneficial ownership data to combat money laundering, corruption, and tax evasion, including a focus on the relationship between this topic and public procurement.
- The **Open Data Charter**, with **OpenData**, **Africa Open Data Network**, **Global Integrity**, and **Iniciativa Latinoamericana de Datos Abiertos**, collaborated on a [tool](#) to create anti-corruption commitments for OGP action plans, which includes recommendations related to beneficial ownership.
- Similarly, **Transparency International** created a [set of recommendations](#) on how to incorporate both beneficial ownership transparency reforms and [gender-sensitive](#) anti-corruption measures in OGP action plans.
- **EITI** created the [EITI Standard](#) that countries must implement to be considered a member of the initiative. [Requirement 2.5](#) specifically describes the necessity of disclosing beneficial ownership information.
- The **Tax Justice Network** updated its [comprehensive account](#) of the legal and beneficial ownership frameworks in 2022, which maps registers across 141 countries.

# Lobbying

Lobbying is an essential component of democracy, as people must be able to talk directly to officials about issues of interest. Clear rules are needed, however, to ensure ethical interactions, encourage fairness of access to decision makers, and allow people to understand how decisions are being made. Lobbying regulations can set standards of conduct and mandate the collection and publication of data, such as who lobbyists are, which public officials they meet with, and how these meetings may have influenced decision-making.

### Open Gov Challenge

#### Anti-Corruption

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Anti-Corruption.

**Challenge prompt:** Develop or strengthen a whole-of-government anti-corruption strategy or roadmap.

Where strategies or roadmaps exist, improve policy, implementation and interoperability (including through OGP) across the areas below:

- Beneficial ownership
- Open contracting
- Political finance and asset and interest disclosure
- Lobbying
- Extractive industry transparency

## Key Terms

- **Lobbying:** Lobbying is any [activity](#) carried out to influence a government or institution’s policies and decisions in favor of a specific cause or outcome. Lobbying is a legitimate activity and an important part of the democratic process.
- **Lobbying data:** Key data elements include the following:
  - Unique identifiers for lobbyists and public officials
  - Clear identifying information for lobbying clients
  - Details on interactions between lobbyists and public officials
  - Details on lobbyists’ goals
  - Date and time of interactions
  - Topic of interactions
  - Money spent on lobbyists’ interactions
- **Lobbying register:** A digital register is where all individuals and organizations that engage in lobbying must sign up to conduct their lobbying activities. In many countries, officials will also record meetings.

## The Evidence

Lobbying regulations can make the policy process more transparent, participatory, and accountable to the public interest.

- [Public lobbying data](#) has been shown to support accountability by allowing oversight bodies and the public to flag conflicts of interest and corruption. This is especially effective when lobbying data is combined with political finance data and legislative voting records.
- Efforts to ensure [equal access](#) to decision makers can increase the number and diversity of interests in meetings between the public and government officials.
- [Judicial reviews](#) strengthen rule-making transparency and oversight by determining whether a government body reached an administrative decision through a legal, reasoned process.
- Allowing the public, civil society organizations, investors, and corporate shareholders to investigate interest groups increases public oversight of lobbying, as seen in the area of [climate lobbying](#).

## Reform Guidance

### Recommended Reforms

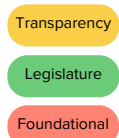
The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Create a legal framework for lobbying:** Require disclosure and reporting of lobbying information through digital means. Ideally, the law or regulations should take a broad, non-discriminatory, and non-punitive approach to disclosure to incentivize transparency and participation.
  - At minimum, publish the agendas of certain categories of high-ranking public officials online, including meetings with external organizations and interest groups, if such disclosures do not already exist.
  - Include as much range as possible in mandating disclosure and reporting. Ideally, the law should go beyond the national legislature—members of the executive branch, provincial and local government officials, and tribunal and judicial officials should also be considered for inclusion.
  - Include de facto lobbyists in disclosure requirements, such as charities, NGOs, think tanks, and religious organizations. Such reforms require safeguards to prevent requirements from being used to curtail civil rights and liberties.
  - Include a specific definition of “indirect lobbying” (such as through social media campaigns) and how it must be disclosed.
  - Require industry associations to disclose their lobbying activities.





## LOBBYING

- Create an oversight body:** Create an independent, mandated, and well-resourced oversight body or coordinated mechanism to manage and investigate lobbying rules.
  - Suggested management and investigation responsibilities:
    - Manage lobbying registration.
    - Review potential conflicts of interest.
    - Collect and disseminate the locations of proactively disclosed information.
    - Monitor compliance, including proactive verification and spot audits of reports.
    - Investigate possible violations and complaints.
    - Consult on and define further regulatory provisions.
  - Suggested outreach responsibilities:
    - Offer guidance and training to lobbyists and public officials on the application of relevant laws.
    - Analyze and publish reports on trends.
    - Raise awareness among the public and the profession on recent developments.
    - Promote best practices of lobbying transparency.
- Require double-entry reporting:** Require filing by both lobbyists and lobbied parties. This allows for verification of filings and an opportunity to identify omissions, which can then be investigated by an oversight body.

Civic Participation  
Public Accountability  
Legislature  
Foundational

## TRANSPARENCY

- Publish agendas:** Publish legislative and committee agendas to allow any interested party to assess the legislative process.
- Publish data in a timely manner:** Require the near-immediate filing of meetings. Where there are omissions or errors, the public should have the ability to flag those errors and request correction.
- Create and publish a unified lobby register:** Establish and maintain a comprehensive, freely accessible, and unified website containing clear identifying information for all existing lobbyists, reasons for visits, lobbying targets, and other regularly reported data. Most OGP countries do not have clear lobby registers. A few, however, are pioneers in the area and some have used their OGP action plans, specifically [France](#), [Ireland](#), and [Madrid \(Spain\)](#).

Transparency  
Public Accountability  
Legislature  
Advanced

Transparency  
Legislature  
Advanced

Transparency  
Civic Participation  
Legislature  
Intermediate

Transparency  
Executive  
Legislature  
Intermediate

## LOBBYING

- The lobbying register should include information on the following:
  - Lobbyist identity,
  - Subject matter of lobbying activities and outcomes sought,
  - Ultimate beneficiary of lobbying activities (where relevant),
  - Targeted institution and/or the public official concerned,
  - Type and frequency of lobbying activities,
  - Any supporting documentation shared with the public officials,
  - Lobbying expenditure, including in-kind (calculated based on set criteria, in cost bands if need be),
  - Sources of funding, per client and dossier,
  - Any political contributions, including in-kind contributions, and
  - Any prior roles as public officials held by the individual and/or family members, and any public funding received in such roles.

Transparency

Executive

Advanced

- Make data interoperable and reusable:** Ensure that all data includes unique identifiers for the lobbyist, the represented interests, and the purpose of the meeting. This allows for better tracking and comparison with other records, such as [government contracts](#).

- Publish regulatory and legislative “footprint” documents:** Collect and publish “[footprint](#)” documents for the public to access free of charge. These documents assemble all of the activities of a lobbying organization or interest group across different decision-making processes through use of common identifiers.

Transparency

Executive

Advanced

- These documents bring together information and data on corporations, lobbying, legislation or regulation, and political finance activity across jurisdictions and levels of government. They are an important tool to [increase trust](#).

## CIVIC PARTICIPATION

- Allow public participation in rule-making:** Allow the public access and opportunities to provide input related to mechanisms ensuring compliance with lobbying laws, as well as the ability to suggest amendments to existing rules.

Civic Participation

Legislature

Foundational

- Report on equality and diversity of access:** Regularly report on who takes part in legislative decision-making and what efforts have been made to reach out to a wider group of constituents and interested parties.

Transparency

Civic Participation

Legislature

Inclusion

Intermediate

## PUBLIC ACCOUNTABILITY

- Create a complaint mechanism:** Create a well-publicized complaint mechanism that allows anyone to report violations of lobbying ethics openly, confidentially, or anonymously. Involved parties should also be informed of outcomes of the complaint, subject to any privacy limitations.

Public Accountability

Legislature

Advanced

- Create a sanctions framework:** Create a framework in which lobbyists and public officials are subject to effective, proportionate sanctions for violating ethics and lobbying rules.

Public Accountability

Legislature

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Lobbying commitments remain somewhat rare in OGP, with 22 members making 34 commitments over OGP's first twelve years. However, when OGP members do implement lobbying reforms, they tend to have significant results.

- **Chile Open Lobbying Data:** [Enacted](#) legislation to modernize its lobbying system, which led to the creation of a [lobbying website](#) where citizens can now access thousands of open data records on lobbying activity, hearings, travel, and donor information.
- **Estonia Tracking Influence through Lobbying Meetings:** [Began](#) publishing quarterly data on lobbying meetings with ministers and high-level public officials. Civil society and journalists have [begun](#) to use this data to track which interest groups have influenced policy processes.
- **France Mandatory Lobbying Register:** [Began](#) requiring the registration of lobbyists on a [portal](#) that is updated annually and in an open data format as part of a longer process to increase lobbying transparency. [Committed](#) to using the portal to provide transparency on how lobbying shapes decision-making on laws and regulations.
- **Ireland Mandatory Lobbying Register:** [Created](#) a mandatory, public lobbying [register](#) that allows citizens to search by dates of lobbyist registration, policy area, lobbying organization, and names of specific public officials.
- **Latvia Lobbying Transparency Regulations:** [Adopted](#) regulations, such as increasing the public's access to lobbying data and publishing information on the meetings of certain public officials, among other measures, which entered into force in early 2023.
- **Madrid, Spain Mandatory Lobbying Register:** [Created](#) a mandatory lobbying [register](#) to disclose any public meetings with the city council, which also allows the public to subscribe to alerts, view official calendars, and request meetings with their representatives. By January 2023, over 850 lobbyists had [registered](#).

### BEYOND OGP ACTION PLANS

- **Canada Lobbying Disclosure Requirements:** [Requires](#) lobbyists to disclose any communications meant to influence public officials, including “grassroots communication” such as social media, and to [publish](#) monthly communication reports that include their objectives, meetings with public officials, and specific policies targeted by their activities.
- **Germany Business Support for Lobbying Registry Legislation:** [Passed](#) a law in January 2022 to establish the country’s first lobbying register through advocacy from the Alliance for Lobbying Transparency coalition, which was formed with some of Germany’s most powerful business lobbies.
- **Italy Ministry-Specific Lobbying Registry:** Created a [registry](#) requiring lobbyists to first register before scheduling meetings with high-ranking officials in the Ministry of Economic Development. Published meeting agendas for the highest-ranked positions and registered over 1,300 lobbyists by September 2018.

### Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Access Info Europe](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [The Good Lobby](#)
- [Transparency International](#)

### Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- In collaboration with the **OGP Support Unit**, **AccessInfo Europe**, and **Transparency International**, the **Data for Development Network**’s Global Data Barometer collects information on whether lobbying data is available in open formats. Visualizations of this data are available on the [OGP website](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The 2022 **OGP Support Unit** report [Broken Links: Open Data to Advance Accountability and Combat Corruption](#) includes a chapter on lobbying reform and the need for interoperability with other key political data.
- [Lobbyingtransparency.net](#) is a major collaboration between **Access Info**, **Sunlight Foundation**, **Transparency International**, and **Open Knowledge Foundation**, which promotes better lobbying rules through a three-pronged approach: transparency, equality of access, and ethics. The [International Standards for Lobbying Transparency](#) created through this collaboration set requirements for both public officials and lobbyists to follow.
- The **OECD Principles for Transparency and Integrity in Lobbying** are part of a larger body of work on lobbying carried out by the organization. The OECD has also recommended [Codes of Conduct for Lobbyists](#), and published a report titled [Lobbying in the 21st Century: Transparency, Integrity and Access](#).
- The **High Authority for Transparency in Public Life**, which monitors ethics and oversees lobbying in France, compiled a [list](#) of lobbying regulations across Europe (including for the European institutions) and in Canada, the United States, and Chile. This list can serve as a reference for the different regulatory models in use.
- **The Good Lobby tracker** collects best practices in the corporate political space based on voluntary initiatives, including ESG rating providers, sustainability metrics, and other standards such as that of the OECD listed above.
- The **United Nations Principles for Responsible Investment (UN PRI)**, a UN-supported network of private sector actors, has developed [recommendations](#) to create a policy environment that supports responsible lobbying. This includes recommendations related to [climate lobbying](#). The UN PRI also outlines a set of [common, voluntary standards](#), such as in quarterly or annual financial filings, though a growing number of governments and financial regulators are requiring such disclosures as part of regular corporate reporting requirements. Moreover, an increasing number of countries are also [empowering shareholders](#) to demand such disclosures.
- **Transparency International** has also made recommendations for expanding lobbying law coverage and disclosure to create a more comprehensive “[legislative footprint](#)” across the European Union. Transparency International has also published [recommendations](#) on lobbying-related commitments in OGP national action plans.

# Open Contracting

One in every three dollars spent by governments is on contracts. People should know how well this money is being spent, which can be achieved through open contracting. Opening up the public procurement process can improve government efficiency and effectiveness, which includes combating corruption. However, governments publish open data on approximately less than [three percent](#) of the billions spent on public contracts. When paired with greater public scrutiny and accountability, open contracting principles and data practices can save money, improve public service delivery, and increase competition.

## Open Gov Challenge Anti-Corruption

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Anti-Corruption.

**Challenge prompt:** Develop or strengthen a whole-of-government anti-corruption strategy or roadmap.

Where strategies or roadmaps exist, improve policy, implementation and interoperability (including through OGP) across the areas below:

- Beneficial ownership
- Open contracting
- Political finance and asset and interest disclosure
- Lobbying
- Extractive industry transparency

## Key Terms

- **Open contracting:** Open contracting is an approach to reform public procurement policies and processes (from planning to implementing public contracts) to increase transparency, participation, and inclusivity by using open, timely, and accessible data for decision-making, monitoring, and oversight.
- **Procurement tenders:** This term refers to the solicitation of bids by the central procurement authority or a specific agency.
- **Public procurement:** Public procurement is the purchase of goods, works, and services by or on behalf of the government.

## The Evidence

The evidence [shows](#) that publishing open data on each stage of the procurement process (planning, implementation, and monitoring) can enable the government and the public to identify and address inefficiencies and abuse.

- Online procurement portals are associated with improvements to efficiency, which allows governments to save money. For example, Ukraine saved about US [\\$6 billion](#) through its [ProZorro](#) platform between October 2017 and 2021.
- Open contracting regularly increases competition among suppliers, which tends to benefit small businesses and businesses owned by [marginalized groups](#), and can lead to [lower contract costs](#) for governments.
- [Public monitoring](#) of contracts improves public service delivery and combat corruption. [Even the potential threat](#) of external monitoring by civil society can be an effective deterrent.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. "Foundational" does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Create a legal framework:** [Establish or strengthen](#) the legal environment for open procurement with an emphasis on transparency and accountability, preferably in one central piece of legislation or regulation for clarity and consistent application that responds to any [confidentiality concerns](#).
  - Establish or strengthen the mandate for a central standard-setting and regulations body.
  - Establish clear authority and responsibilities for open contracting within major agencies.

Transparency

Public Accountability

Legislature

Foundational



TRANSPARENCY

- Open public procurement data:** Publish procurement information online, free of charge, and in a machine-readable format.
  - Adhere to the [Open Contracting Data Standard](#) (OCDS) so that data can be analyzed and monitored by a wide range of users and compared across time and jurisdiction. Ensure data is updated regularly and openly licensed.
  - Mandate the publication of all stages of the procurement process, including: the contract details and amendments (such as the value of the contract, start and end dates, and a description of the goods or services procured) and data on the actual implementation of the contract (such as the actual services rendered for the money spent). Links to contract documentation should also be provided.
  - Require [company beneficial ownership](#) information from companies that bid for all public contracts. This practice is [recommended](#) by the Financial Action Task Force and is especially important to uphold during emergencies.
  - Use a common identifier, like an [Open Contracting ID prefix](#), to link the various stages of a single contract.

Transparency  
Executive  
Legislature  
Intermediate

- Collect and publish disaggregated data on underrepresented groups:** Collect and share data on procurement bids by small and medium enterprises, as well as by [women](#) and minority-owned businesses. This is necessary to set the baseline for inclusion policies to address underrepresentation in procurement—for example, Open Contracting Partnership (OCP) [estimates](#) that women-owned businesses hold just one percent of public procurement portfolios.

Transparency  
Civic Participation  
Executive  
Inclusion  
Advanced

- Make data user-friendly:** Create tools and visualizations to make data [more accessible and user-friendly](#).

Transparency  
Executive  
Intermediate

- Make data interoperable:** Make data interoperable with other databases. Combining procurement data with [beneficial ownership](#) (such as [company beneficial ownership](#)), political finance, [asset and interest disclosures](#), and government spending data is particularly important to deliver stronger policy impact.

Transparency  
Executive  
Advanced

- Use common identifiers to link public procurement data with [beneficial ownership data](#) (particularly for legal and actual persons) or [corporate registry data](#).
- Require validation of common identifiers at the data entry stage.

CIVIC PARTICIPATION

- Consult the public on legal framework:** Prioritize public consultation when creating or amending open contracting legislation and regulations.
- Consult the public on the usefulness of data and tools:** Consult the public (including the private sector, civil society, and journalists) on data quality, new tools, and processes to understand user needs and ensure inclusive processes.
- Consult civil society and the private sector on improving inclusion in procurement:** Identify targeted policies to better connect women and minority-owned businesses to the procurement market in consultation with women’s business groups and relevant civil society organizations.
- Raise awareness of procurement opportunities:** Share information on submitting bids and navigating the procurement process directly with women’s business groups and civil society organizations to encourage greater participation of marginalized groups. For example, in [Palmira \(Colombia\)](#), the municipal government worked directly with suppliers to increase the number of bids won by local businesses, including women-owned businesses.
- Train diverse actors on open contracting data:** Encourage public monitoring of public procurement by providing training that will enable a wide range of users (such as businesses, state auditing institutions, civil society, and journalists) to engage with open contracting data. This engagement includes helping identify red flags and integrity risks across the procurement cycle. For example, the public procurement agency in [Indonesia](#) and its CSO partner collaborated to train government auditors, other CSOs, and members of the public.

Civic Participation  
Legislature Foundational

Civic Participation  
Executive Legislature  
Inclusion Intermediate

Civic Participation  
Executive Legislature  
Inclusion Intermediate

Civic Participation  
Executive Inclusion  
Foundational

Civic Participation  
Executive  
Intermediate

PUBLIC ACCOUNTABILITY

- Provide the mandate for an oversight authority:** Mandate an authority such as a supreme audit institution, an ombudsperson, or an independent inspectorate to oversee contracting data within or outside the central contracting agency. Part of the authority’s mandate should be to communicate regularly with the public and executive oversight bodies in the legislature.
- Create a feedback and complaints mechanism:** Create a feedback and complaints mechanism to address issues during the procurement process, which can be accessed by suppliers, civil society, and other stakeholders to flag potential cases of corruption or fraud, especially during the implementation phase.
  - Empower the oversight body to acknowledge and act upon complaints and feedback, and to require regular reporting on how well the procurement platform is meeting objectives.
- Conduct public auditing:** Expedite and publish audits of all public expenditures, including spending on [emergency procurement](#).

Transparency  
Civic Participation  
Public Accountability  
Legislature Foundational

Civic Participation  
Public Accountability  
Legislature  
Intermediate

Public Accountability  
Executive Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Open contracting commitments tend to be more ambitious and achieve stronger early results than the average OGP commitment.

- **Colombia Greater Competition through a Procurement Platform:** [Improved](#) competition through its procurement platform, as seen in an [increase](#) in the median number of bids per contract and an increase in unique suppliers.
- **Ecuador COVID-19 Emergency Procurement Platform:** [Made](#) the procurement process [faster and more efficient](#) for medical supplies during the pandemic, ultimately leading to better value for government money.
- **Finland Open Contracting Data Platform:** [Made available](#) all non-sensitive government procurement data for the first time to the public on an award-winning platform.
- **Indonesia Expanding Access to Open Contracting Data:** [Made several commitments](#) as an OGP member to open up public procurement data, especially by [collaborating](#) with Indonesia Corruption Watch to create an online risk-monitoring [tool](#) and train journalists, auditors, and others to use the platform to detect suspicious activity.
- **Kenya Open Contracting Data Standard Commitment:** [Committed](#) to adopting OCP's OCDS as part of a [series](#) of ambitious commitments related to open contracting.
- **New Zealand Documentation to Interpret Procurement Data:** [Offers](#) documentation to help users [navigate and interpret](#) the data gathered throughout the procurement process.
- **Palmira, Colombia Inclusive Public Procurement Process:** [Implemented](#) policy reforms to increase the diversity of businesses bidding for contracts, which led to contracts being awarded to local producers for the first time, including women-led businesses. Part of a larger initiative to open contracting in [Palmira](#) and Colombia generally (see above).
- **Santa Catarina, Brazil Training on Public Procurement Risk Management:** [Published](#) a Procurement Transparency Protocol and trained public officials in procurement risk management. Also in the process of developing a new public procurement portal.
- **Sierra Leone Open Contracting Data Platform:** [Made](#) information on contract awards and cancellations available publicly online for the first time.
- **Ukraine Interoperable Procurement Database:** [Published](#) public procurement data online (ProZorro), linked to beneficial ownership and the State Treasury databases. Also allows public feedback and investigation requests. (Due to martial law following the Russian invasion, the beneficial ownership database is closed.)

### BEYOND OGP ACTION PLANS

- **Albania E-Complaints System:** [Introduced](#) legislation and created an electronic system to enable suppliers to submit complaints online and for the procurement agency to manage the process digitally and openly.
- **Lithuania Emergency Procurement Open Data Portal:** [Created](#) an open data portal for emergency public procurement during the COVID-19 pandemic, which allowed the government, journalists, and civil society to uncover suspicious contracts. Also committed to building a new e-procurement system to standardize data collected under the [OCDS](#).
- **Nigeria Civic Monitors Trained to Use Open Contracting Data:** [Trained](#) civic monitors (such as journalists and CSOs) with the support of the OCP on how to use open contract data to monitor 60 public procurement projects worth US \$120 million at the sub-national level, across three states.
- **Nuevo Leon, Mexico Local Procurement Open Data Portal:** [Collaborated](#) with civil society and the federal government to create a digital, open data public procurement platform, which has seen a high average number of bids per contract and an increase in new suppliers since its launch in 2020.

#### The Role of Local Governments

Sub-national governments have a clear role to play in ensuring the collection and publication of high-quality, usable data (such as machine-readability, among other characteristics described in the OCDS). The [evidence](#) shows that open contracting can drive competition, increase value for money, and improve local services.

Creating a system to then review the data for red flags is critical to identify fraud, mismanagement, or discrimination in the procurement process. For example, in Ukraine, [Mariupol's](#) centralized system for municipal procurement has made it easier for the Tenders Office to monitor key indicators related to these issues. OCP found that this centralized system, in addition to a process to investigate and refer violations to the prosecutor's office, has played an important role in strengthening the city's management of public procurement. For details, see OCP's [2021 guide](#) and [impact stories](#) on how cities have become champions of public procurement.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [CoST—Infrastructure Transparency Initiative](#)
- [Development Gateway](#)
- [Extractive Industries Transparency Initiative \(EITI\)](#)
- [G20 Anti-Corruption Working Group](#)
- [Hivos](#)
- [Open Contracting Partnership \(OCP\)](#)
- [Open Data Charter](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [The B Team](#)
- [The Institute for Development of Freedom of Information](#)
- [Transparency International](#)
- [World Bank](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- In collaboration with the **OGP Support Unit**, the **Open Contracting Partnership**, and **Transparency International**, the **Data for Development Network**'s Global Data Barometer collects information on whether public procurement data is available in open formats. Visualizations of this data are available on the [OGP website](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The 2022 **OGP Support Unit** report [Broken Links: Open Data to Advance Accountability and Combat Corruption](#) includes a chapter on public procurement reform and the need for interoperability with other key political data. Similarly, the *Global Report* has a [chapter](#) with recommendations and case studies.
- **Open Contracting Partnership** created the [OCDS](#), which is an [international standard](#) for publishing open contracting data. It is a common data model that enables disclosure of data and documents throughout all stages of the contracting process. The OCDS has been implemented by [over 50 governments](#) and endorsed by major international groups such as the G20, the G7 and the OECD. OCP also has several resources to provide guidance on how to implement open contracting reforms—their [Global Principles](#) outlining the types of effective data disclosures, a “[quick start](#)” guide on practical strategies for reform, and a [legislative guide](#) on how different countries have implemented legal reforms for this topic.
  - The CoST—Infrastructure Transparency Initiative collaborated with OCP to create the [Open Contracting for Infrastructure Data Standard](#), which establishes the best practices in open data and data disclosure in infrastructure-related public procurement.
  - For sector-specific resources that can form the basis of training materials, see OCP’s resources on [extractive industries](#), [healthcare](#), [infrastructure](#), and [sustainability](#).
  - OCP also provides several useful resources related to making public procurement [more inclusive](#) and [equitable](#).
- *Open and Sustainable Public Procurement*, a [toolkit](#) created by **OCP**, **Spend Network**, and **PUBLIC** provides planning, implementation, and evaluation standards on how to create procurement practices that take into account economic, social, and environmental factors.
- **Transparency International** created a [guide](#) to curb corruption in public procurement (especially [healthcare procurement](#)), as well as [recommendations](#) on how to include open contracting in OGP action plans, including through [gender-sensitive](#) anti-corruption strategies.
- The **OECD** published a [toolbox](#) for public procurement, which includes checklists (such as for post-award reporting), country cases, and good practices identified by the organization and its partners. Its [Methodology for Assessing Procurement Systems](#) also has guidance for countries to evaluate public procurement systems.
- The **G20 Anti-Corruption Working Group** published a set of [principles](#) to promote integrity in public procurement in G20 countries, with a focus on legal reforms and process improvements to prevent corruption.
- The **Open Data Charter**, with **OpenData**, **Africa Open Data Network**, **Global Integrity**, and **Iniciativa Latinoamericana de Datos Abiertos** collaborated on a [tool](#) to create anti-corruption commitments for OGP action plans, which includes recommendations for public procurement.

A young girl with long black hair in a ponytail, wearing a black long-sleeved shirt and a white face mask, is seen from the back, raising her right hand in a classroom. The classroom has a green chalkboard, a whiteboard with colorful drawings, and other students in the background. A blue and white graphic element is in the top left corner.

## Civic Space

*The Gwanghwamoon 1st Street platform aims to increase civic participation in the Republic of Korea. Pictured: A third-grade class from Jeju Island used the Gwanghwamoon 1st Street petition platform to successfully advocate for a ban on frozen ice packs in food delivery.*

# Freedom of Assembly

Freedom of assembly allows the public to peacefully engage in collective expression, mediate differences of opinion, and bring attention to issues of public importance. [Increasingly](#), however, governments worldwide often resort to restricting or violently repressing gatherings. Without freedom of assembly, society suffers—the public loses an important avenue to participate in open government, and governments diminish their own ability to respond to crises.

## Open Gov Challenge

### Civic Space

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Civic Space.

**Challenge prompt:** Strengthen enabling environment and spaces for civil society and civic action.

Actions and reforms could include:

- Designing and implementing non-profit law in a way that is impartial and minimally restrictive on the operations of independent organizations.
- Taking steps to train and support local authorities in respecting and protecting the right to freely assemble in an unbiased and minimally restrictive manner.
- Establish or strengthen existing spaces for government-civil society collaboration (such as the OGP multi-stakeholder forum) to initiate dialogue on civic space challenges and to inform design of reforms.



## Key Terms

- **Freedom of assembly:** The right of peaceful assembly protects the non-violent gathering of people to express, promote, and defend common interests collectively, without fear of retribution. Gatherings can take place in public or private spaces, online and offline, or in some combination of these locations.

## The Evidence

The [evidence](#) shows that freedom of assembly can magnify the positive effect of other open government reforms.

- Respecting [civic freedoms](#) can support healthy economic growth and improve human development outcomes, as [research](#) from V-DEM and The B Team shows.
- Non-violent resistance campaigns are associated with the sustained success of democratic transitions by creating democratic institutions of [higher quality](#).
- Protecting the freedom of assembly creates avenues for inclusion in policy-making and implementation, [particularly](#) for marginalized or opposition groups. This is [critical](#) to ensure no one is [left behind](#) in policy-making or implementation.
- Assemblies can advance other open government reforms by [sustaining](#) public focus on issues, which can encourage people to [vote](#) in higher numbers and provide momentum for litigation.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### AUTHORIZATION AND ENFORCEMENT

- Limit restrictions on assemblies:** Ensure legislation and rules limit restrictions that require individuals to seek permits to organize planned assemblies. Specifically, no authorization should be required to hold an assembly, following internationally agreed-upon standards.
  - Any [restrictions](#) on assemblies should be prescribed clearly by law, narrowly tailored, and necessary.
  - Any notification requirements should aim to assist authorities with facilitating the exercise of assembly rights, and spontaneous gatherings should be permitted.

Civic Participation

Executive

Legislature

Foundational

## FREEDOM OF ASSEMBLY

### **Establish rules on the management of protests by security forces:**

Establish rules to ensure that law enforcement is trained to police assemblies in a manner consistent with relevant human rights standards. Only these trained officers should be used to manage assemblies.

Introduce measures to prohibit the use of [private and parastate security forces](#) to manage protests and assemblies. Such measures should ensure that private security services do not perform policing functions during assemblies in lieu of democratically controlled police forces.

The military should not be used to police assemblies. Military personnel may be deployed to manage protests and assemblies only when the following conditions are met: in exceptional circumstances, on a temporary basis, in a support capacity, and after receiving appropriate human rights training.

Civic Participation

Legislature

Intermediate

**Establish rules on the public use of private land:** Introduce rules to clarify and allow for the right of assembly on publicly accessible private land, especially where that land serves as a public gathering place, such as shopping malls.

Civic Participation

Legislature

Advanced

**Establish proportionate legal responses:** Ensure that criminal or administrative liability imposed in connection with organizing and participating in protests is clearly prescribed and proportionate to the underlying conduct. For example, prosecutors should not prosecute organizers for actions made in “good faith” or for participants not involved in violent actions.

Civic Participation

Public Accountability

Foundational

This would include the proportionate application and use of civil and administrative fines and penalties for violations.

Criminal liability should never be imposed for the mere act of organizing or participating in a protest.

Ensure that other vague policy frameworks—such as for public morality or national security—are not misused for prosecuting and limiting assembly.

**Establish and maintain multi-stakeholder oversight commissions:**

Establish multi-stakeholder commissions, which can relieve police of the duty to determine the legality of an assembly.

Civic Participation

Public Accountability

Legislature

Advanced

## POLICE CONDUCT IN ASSEMBLIES

**Establish and publish police protocols:** Establish and publish open, clear, and ethical protocols addressing police conduct before, during, and following [protests](#). Require regular and ad hoc reporting to the legislature on these protocols. For example, [Nigeria](#) committed to co-create a guide on peaceful protests.

Transparency

Executive

Legislature

Foundational

**Train police officers in protocols:** Train police officers in proportionate responses and requirements for the use of uniformed police at [assemblies](#).

Civic Participation

Executive

Foundational

## FREEDOM OF ASSEMBLY

- Publish guidance on the use of force:** Make the guidance for [use of force and equipment](#) transparent and easily accessible, including post-assembly reporting of police operations.
  - Laws should limit the circumstances in which any use of force can be used, and require the exhaustion of non-violent means before using force, which should be authorized only where absolutely necessary. This includes limiting the use of containment strategies to exceptional cases.
- Publish information on police conduct:** Publish information on the conduct of police officers during assemblies and protests following events.

Transparency

Executive

Intermediate

Transparency

Executive

Intermediate

## PROTECTIONS

- Create multi-level legal frameworks:** Create stronger legal frameworks that protect the freedom of assembly in a multi-level approach from the local, state, and national or federal levels. Frameworks should provide accountability for violations committed by law enforcement or other officials during protests and assemblies.
- Create regulations for detentions:** Create regulations on the use of detention, which impacts detentions in the context of assemblies. Any detentions must meet a set of legal “minimum standards,” including due process protections and the requirement of individualized suspicion.
- Create legal protections for independent monitors:** Adopt [legal and practical protections](#) for independent monitors to provide oversight of police and protester actions during assemblies.
- Co-create legislation related to free assembly with civil society:** Strengthen and support more systemic participation of civil society in drafting legislation related to this right, focusing on relationships with a broad coalition of civil society partners working across different issue areas.
  - Diversity and inclusivity are key to developing commitments that respond to the needs of the community and advance civic space priorities, with special attention to women’s groups and the youth in government decision-making processes.
- Protect free access to the internet:** Guarantee unobstructed access to social platforms and the broader web at all times to allow mobilizing, sharing, and creating content. Under no circumstances should the authorities shut down, throttle, or block internet services (in whole or in part). Protecting public safety or public order is insufficient justification for restricting internet services in any way. In practice, such disruptions to internet connectivity tend to undermine the access to information needed to guarantee public safety while also encouraging abuses.

Civic Participation

Legislature

Advanced

Civic Participation

Legislature

Intermediate

Public Accountability

Legislature

Intermediate

Civic Participation

Legislature

Inclusion

Advanced

Civic Participation

Executive

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. To date, only a handful of OGP countries have commitments related to freedom of assembly.

- **Indonesia Restorative Justice Methods to Protect Basic Rights:** [Committed](#) to conducting and using research to design [roadmaps](#) on restorative justice related to the right to information, the right to expression, and the right to assemble.
- **Nigeria Co-creation and Dialogue on Peaceful Protests:** [Committed](#) to co-creating a [guide](#) on peaceful protests with civil society and the police and organizing citizen-police dialogues with independent bodies like the National Human Rights Commission.
- **Ukraine Draft Law Created through Cross-Ministerial Collaboration:** [Developed](#) a draft law on organizing peaceful assemblies, with various ministries (such as the Ministry of Justice, Ministry of the Interior, and Cabinet of Ministers) actively engaged in the process.

### BEYOND OGP ACTION PLANS

- **Chile Accountability for Police Violence during Protests:** [Opened](#) over a thousand investigations, disciplined hundreds of officers, and fired at least 14 following calls for accountability from rights' groups that documented police violence against protestors.

### The Role of Local Governments

Local governments can provide a critical bulwark to attacks on the freedom of assembly, especially in countries where national laws are either too vague (applied broadly to target all assemblies) or too specific (making the process of hosting a demonstration too onerous or risky). As the International Center for Not-for-Profit Law (ICNL) [describes](#), local governments have been particularly active in enacting new safeguards to protect this right.

For example, following a campaign by Colombian CSOs, in 2019 “the cities of Barranquilla and Cali established new protection protocols and guarantees for protests, though local authorities have not fully implemented these instruments since their adoption.” This trend is also visible in the United States, where civil society pushed for municipal and state policy makers to introduce new reforms to safeguard the freedom of assembly. According to ICNL’s tracker, [reforms included](#) “new limits on the use of tear gas and other less lethal weapons against protesters, bans on the deployment of facial recognition technology to surveil protesters, and requirements that officers display identifying information when they police protests, to enhance their accountability.”

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [CIVICUS](#)
- [Community of Democracies](#)
- [Hivos](#)
- [International Center for Not-for-Profit Law \(ICNL\)](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **CIVICUS Monitor** tracks data related to civic space in 196 countries to determine whether a country is closed, repressed, obstructed, narrowed, or open.
- The **Freedom House** [Freedom in the World](#) report analyzes the state of political and civil rights in 195 countries and 15 territories.
- **International IDEA's** [Democracy Tracker](#) provides monthly updates to global events with the potential to impact the state of democracy and human rights in 173 countries. This tracker is part of the organization's [Global State of Democracy Initiative](#).
- The **V-DEM Dataset** provides a comprehensive analysis of democracy ratings, including indicators on civic space.
- The **World Justice Project's** [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, including several related to civic space.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- An overview of recommendations and guidance related to this topic can be found in the **OGP Support Unit's** [Global Report](#).
- The **UN Human Rights Committee** provides additional guidance to States parties of the International Covenant on Civil and Political Rights in [General Comment 37](#), which includes guidance on the scope of peaceful assemblies and the duties and powers of law enforcement in policing assemblies.
- The **UN Development Programme** and **ICNL** collaborated on a [toolkit](#) outlining the legal frameworks for civic space. The toolkit includes guidance on protecting the rights to free expression, free assembly, and free association.
- **ICNL** offers [guidance](#) on trends and strategies to resist government crackdowns on the freedom of assembly, including positive examples of reform and resistance.
- The **Organisation for Security and Co-operation in Europe** created a set of [guidelines](#) on peaceful assembly, which focuses on how legislators and other practitioners can draft and implement laws to protect the freedom of assembly.
- The **African Commission on Human and People's Rights** has issued [regional guidelines](#) on the freedom of association and the freedom of assembly.
- The **European Center for Not-for-Profit Law** (ECNL) provides [guidance](#) on protests and assemblies in general, as well as [analysis](#) of how UN standards can be used to safeguard the freedom of assembly. ECNL also updated its [handbook](#) on how to use EU law to protect the rights of assembly, association, and expression in 2023.
- The **International Finance Corporation** published a [handbook](#) specifically focused on the use of security forces, which includes guidance on the protection of the freedom of assembly.

# Freedom of Association

Freedom of association is a pillar of open government. This freedom powers the ability to act collectively. For open government to work, people must be able to join together, seek funding, and pursue common purposes—whether cultural, political, or economic. However, as with [free expression](#) and [free assembly](#), governments worldwide have tightened restrictions on civil society organizations (CSOs) and other groups, particularly by limiting funding and creating legal barriers to operating.

## Open Gov Challenge

### Civic Space

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Civic Space.

**Challenge prompt:** Strengthen enabling environment and spaces for civil society and civic action.

Actions and reforms could include:

- Designing and implementing non-profit law in a way that is impartial and minimally restrictive on the operations of independent organizations.
- Taking steps to train and support local authorities in respecting and protecting the right to freely assemble in an unbiased and minimally restrictive manner.
- Establish or strengthen existing spaces for government-civil society collaboration (such as the OGP multi-stakeholder forum) to initiate dialogue on civic space challenges and to inform design of reforms.



## Key Terms

- **Freedom of association:** Freedom of association is the right to join a formal or informal group to take collective action. It also includes the right not to be compelled to join an association. Associations can include CSOs, clubs, cooperatives, non-governmental organizations (NGOs), religious associations, political parties, trade unions, foundations, and even online associations. Under international law and standards, an association should not have to be legally registered in order to operate, though legal frameworks may permissibly condition access to certain privileges and benefits upon an association securing legal personality.

## The Evidence

The [evidence](#) shows that freedom of association can magnify the positive effect of other open government reforms.

- Respecting [civic freedoms](#) can support healthy economic growth and improve human development outcomes, as [research](#) from V-DEM and The B Team shows.
- Collective action has helped protect marginalized groups by [holding](#) governments accountable when their needs are not met, [providing](#) services to address gaps in public service delivery, and [ensuring](#) greater inclusion in setting policy priorities.
- CSOs have exposed corruption as the [primary users](#) of anti-corruption tools.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### CSO FORMATION AND REGISTRATION

- Remove barriers to CSO registration:** Eliminate requirements for CSOs to secure legal registration in order to operate, and remove any restrictions particularly limiting the exercise of associational rights by certain groups.
  - Ensure that rules regarding the formation and registration of CSOs are fair, transparent, and evenly applied to allow minority or unpopular viewpoints to be advanced by CSOs and expressed in advocacy.
  - This is particularly important for organizations working on sensitive issues, such as anti-corruption, environment and land, human rights, political reform, and rights and access to services for women, especially with groups most at risk of harassment, including LGBTQIA+ individuals, religious minorities, and indigenous people.
  
- Establish and publish objective, transparent criteria for granting legal status to CSOs, including non-profit status:** Establish and publish laws and regulations governing the process to grant legal status to CSOs, which should include objective, transparent criteria for the approval of non-profit status. Such laws and regulations should limit the scope of official discretion in adjudicating applications for this status to minimize abuse of the process.

## FREEDOM OF ASSOCIATION

- Simplify CSO registration:** Ensure CSOs can register through a simple, established process with clear time limits, which is equally accessible throughout the country.
  - Reduce the number of registration documents, registration fees, and the number of agencies an organization must interact with to register.
  - Clarify rules and minimize restrictions on foreign organizations in line with all domestic rights and regulations.
- Create an appeals process:** Create an appeals process to ensure there is an adequate remedy for appealing denials of legal status to CSOs, including through both administrative and judicial means.

Civic Participation

Executive

Intermediate

Public Accountability

Legislature

Intermediate

## ORGANIZATIONAL RULES AND OPERATING ENVIRONMENT

- Require minimum internal governance standards for CSOs:** Require minimum governance standards for CSOs, which should be addressed in their internal governing documents. The requirements may be different for membership and non-membership organizations. A CSO should have broad discretion to set and change its governance structure within the limits provided by law, through its founders or highest governing body.
- Establish limitations on interference with the governance and activities of CSOs:** Avoid interfering with the internal governance and management of CSOs, except as required to serve a legitimate purpose under international law. CSOs should generally be free to draft their own rules and regulations, select their own management and representatives, and determine their own objectives and activities, in line with international human rights standards. CSOs should not be subject to more burdensome or restrictive regulations or requirements than other legal entities, such as corporations, private companies, and religious institutions.
- Create a non-profit register:** Establish a single registry of all non-profit organizations with legal personhood. For example, [North Macedonia](#) committed to creating such a register through OGP. This register should be no more burdensome or restrictive than any other register of legal personalities and entities (such as [company beneficial ownership registers](#) or open cadastres).
- Ensure fair application of fraud and abuse rules:** Create and publish narrowly defined guidance to minimize abuse by regulatory authorities. This can reduce the abuse of non-profit organizations by corrupt actors. At the same time, to reduce abuse by regulatory authorities, it is essential to ensure that such rules are applied in a non-discriminatory, legal, and proportionate fashion.
- Train public officials:** Ensure that public and administration officials are well-trained and sensitized to the varying capacity and formality of CSOs when providing services.

Civic Participation

Legislature

Foundational

Civic Participation

Executive

Legislature

Foundational

Transparency

Legislature

Intermediate

Transparency

Civic Participation

Legislature

Intermediate

Civic Participation

Executive

Intermediate

FUNDING AND RESOURCES

- Publish tax benefit rules.**
  - Such approaches must account for rights to free speech, advocacy, and education, while also maintaining adequate protections for the integrity of elections or legislative and regulatory processes.
- Promote sustainable funding:** Promote funding opportunities and mechanisms to ensure organizational sustainability, which helps CSOs and other groups plan for the long term. Examples of this are below.
  - Provide tax exemptions to CSOs on most, if not all, categories of income.
  - Provide tax benefits and tax incentives to individuals and businesses that donate to CSOs.
  - Provide access to international funding without the need for prior government registration or permission, or the use of state-controlled entities as an intermediary.
  - Ensure the availability of core and infrastructure funding, as well as longer-term funding (three years or more), where state funding is essential. As appropriate, establish or strengthen a transparent, rule-based, dedicated state-run fund(s) to support CSO activities and institutional development in priority areas.
  - Ensure legal ability to carry out independent, public fundraising activities in accordance with the law and to access foreign funding.

- Transparency
- Civic Participation
- Executive Foundational
- Civic Participation
- Legislature
- Advanced

REPORTING

- Align reporting regulations with international standards:** Ensure that reporting regulations follow international standards, such as those related to privacy and minimal state interference, to limit restrictions on CSOs and other association groups.
- Create narrowly tailored and transparent auditing procedures:** Limit government-imposed audit requirements for CSOs to situations where these associations receive public funding. In those circumstances, adopt and implement transparent audit procedures for government auditing agencies to follow, including conditions triggering an audit, advance notice, procedures for random audits, restrictions on the use of audits for personal information or harassment, and reporting on the use of public funds.
- Standardize reporting data:** Standardize data reporting of public funds provided to CSOs and projects supported by such funds in an open data format, such as through the [International Aid Transparency Initiative](#).

- Civic Participation
- Legislature
- Intermediate
- Transparency
- Public Accountability
- Executive
- Intermediate
- Transparency
- Executive
- Intermediate

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. More than half of countries in OGP allow unregistered CSOs to operate freely, with most members allowing CSOs to receive international funding without prior government approval or registration.

- **Austin, United States Equity Assessment Tool for Public Services:** [Piloted a tool](#) to better allocate funding to support public services that benefit marginalized communities, allowing the public and CSOs to contribute data directly to advocate for policy priorities.
- **Bosnia and Herzegovina Transparent Criteria to Fund CSOs and Media Outlets:** [Committed](#) to establishing proactively transparent criteria to allocate public funds to support CSOs and media organizations.
- **Nigeria Co-creation and Dialogue on Civic Space:** [Committed](#) to creating new [safeguards](#) to protect the freedom of association for CSOs and the general public.
- **North Macedonia Central Register for Local CSOs:** [Committed](#) to publishing data on local CSOs in an open data format in a central register, such as information on an organization's founders, goals and activities, and operating status.

## BEYOND OGP ACTION PLANS

- **Croatia Institutional Support and Coordination with CSOs:** Set a new standard in the Western Balkans by creating a [five-year strategy](#) to coordinate with and support civil society that led to the creation of an [office](#) for CSO cooperation and an [advisory council](#) with CSO members to discuss issues. Also created a [foundation for civil society](#) to provide institutional funding. Currently working on a new five-year strategy.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Article 19](#)
- [Carnegie Endowment for International Peace](#)
- [CIVICUS](#)
- [Community of Democracies](#)
- [European Center for Not-for-Profit Law \(ECNL\)](#)
- [Freedom House](#)
- [Hivos](#)
- [International Center for Not-for-Profit Law \(ICNL\)](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [Oxfam International](#)
- [Publish What You Pay \(PWYP\)](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

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- **International IDEA**'s [Democracy Tracker](#) provides monthly updates to global events with the potential to impact the state of democracy and human rights in 173 countries. This tracker is part of the organization's [Global State of Democracy Initiative](#).
- The **V-DEM** [Dataset](#) provides a comprehensive analysis of democracy ratings, including indicators on civic space.
- The **World Justice Project**'s [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, including several related to civic space.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- An overview of recommendations and guidance related to this topic can be found in the **OGP Support Unit**'s [Global Report](#).
- The **UN Development Programme** and **ICNL** collaborated on a [toolkit](#) outlining the legal frameworks for civic space. The toolkit includes guidance on protecting the rights to free expression, free assembly, and free association.
- The **Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights** and the **Venice Commission** have issued comprehensive [guidelines](#) on the freedom of association.
- The **African Commission on Human and People's Rights** has issued [regional guidelines](#) on the freedom of association and the freedom of assembly.
- The **European Center for Not-for-Profit Law** updated its [handbook](#) on how to use EU law to protect the rights of assembly, association, and expression in 2023.

## FREEDOM OF ASSOCIATION

- The Global Standard for CSO Accountability, created by several organizations and led by **Accountable Now** as the secretariat, provides extensive [guidance materials](#) on the [12 Accountability Commitments](#) for CSOs to follow. The goal of the Global Standard is to set good accountability practices for CSOs.
- The **International Aid Transparency Initiative** created a [standard](#) to provide guidance on the data that organizations should publish about their international aid activities, including the format of such data. The standard includes guidance on development cooperation activities and the organizations involved in any stage of a development cooperation project (including CSOs).
- The **Financial Action Task Force** [recommendations](#) related to money laundering (specifically Recommendation 8) include guidance on creating protocols to combat this form of corruption while also protecting the right of non-profits to operate. FATF also drafted a set of [best practices](#) to combat terrorism financing by non-profit organizations.

# Freedom of Expression and Media Freedom

Human rights defenders and journalists play an important role in defending people’s rights, holding governments to account, and communicating to the public about government actions. Freedom of expression and media freedom enable these actors to serve as interpreters and infomediaries, connecting public institutions, decision makers, and the public. Yet government crackdowns and violence [targeting](#) defenders and journalists do more than threaten individuals; when they are silenced, corruption and other issues remain hidden.

## Open Gov Challenge

### Media Freedom

With OGP’s [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Media Freedom.

**Challenge prompt:** Develop or reinforce legal frameworks that protect the rights of journalists and independent media.

Actions and reforms could include:

- Removing criminal defamation, libel, and other penalties for reporting and tackling the use of SLAPPs (Strategic Lawsuits Against Public Participation) to silence journalists.
- Creating supportive environments for revenue generation and mechanisms that allow for independent and public-funded media platforms and avoid the concentration of media ownership.



## Key Terms

- **Freedom of expression:** According to the international organization [Article 19](#), “Freedom of expression is the freedom for us all to express ourselves. It is the right to speak, to be heard, and to participate in political, artistic, and social life.” Though often used interchangeably with “free speech,” “freedom of speech,” and similar terms, this chapter will use “freedom of expression” in line with its use in international human rights law. [Though the right of access to information held by or on behalf of public bodies (also “freedom of information” or the “right to information”) is considered part of the right to freedom of expression and foundational to media freedom, it is [reviewed separately](#) in the *Open Gov Guide*.]
- **Human rights defender:** This term is [used to describe](#) people who, individually or with others, act to promote or protect human rights in a peaceful manner.
- **Media freedom:** Media freedom refers to the ability of journalists and other media workers to [report freely](#) on matters of public interest as a principle within the freedom of expression.

## The Evidence

The [evidence](#) shows that protecting freedom of expression and media freedom can magnify the positive effect of other open government reforms.

- Respecting [civic freedoms](#) can support healthy economic growth and improve human development outcomes, as [research](#) from V-Dem Institute and The B Team shows.
- Human rights defenders and journalists [have exposed](#) corruption by [uncovering bribery](#) and helping governments [recover](#) stolen assets.
- Protecting the freedom of expression improves trust in government, as case studies of [29 European countries](#) and [Indonesia](#) suggest.
- Free expression and media freedom have been shown to encourage political participation and stability by helping disseminate [different points of view](#).
- A free press is associated with increased literacy, as shown through an [analysis](#) of UNESCO data in democratic African countries.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### PROTECTIONS

- Create national-level plans to protect media workers:** Create a [National Action Plan on the Safety of Journalists](#) and a [National Journalist Safety Mechanism](#) through an inclusive, multi-stakeholder process. This can include safety measures such as a hotline for journalists to report threats to their safety.
- Consult marginalized groups to create protections:** Engage organizations representing women and other minorities in crafting solutions to harassment and violence.
- Create protections for those under threat of violence:** Create specific safety mechanisms for individuals and groups under threat of violence, especially women, activists, and LGBTQIA+ media actors. This may include enhanced protection and, where necessary, temporary relocation.

Civic Participation

Legislature

Intermediate

Civic Participation

Executive

Legislature

Inclusion

Intermediate

Civic Participation

Legislature

Inclusion

Advanced

- Create early-warning and emergency support mechanisms:** Create or strengthen a system to provide rapid early-warning and emergency support to activists, including security, relocation, travel, work, and family assistance. This includes adopting legislation or creating executive orders to address gaps in the legal framework that might prevent an effective, timely response.

Civic Participation

Legislature

Advanced

- Creating legal [pathways](#) that can quickly provide refuge to activists at risk of persecution, such as emergency visas. The [Czech Republic](#) can serve as an example for how to publish emergency visas quickly, especially in collaboration with civil society.

Civic Participation

Legislature

Foundational

- Strengthen content and defamation laws to support free expression:** Assess and revise rules and laws on content and defamation (such as libel laws) in consultation with media and civil society.

- Remove criminal defamation from the code, consistent with international consensus.
- Ensure that any limits to freedom of expression to pursue legitimate aims are legal and proportionate, such as countering online harassment and hate speech.

- Create protections against retaliatory lawsuits:** Create or strengthen legislation to prevent strategic lawsuits against public participation (SLAPPs), which are used to silence journalists and human rights defenders. Examples of anti-SLAPP measures are as follows.

Civic Participation

Legislature

Intermediate

- Allow for the early dismissal of abusive lawsuits in court.
- Establish penalties for those who file abusive lawsuits, including fines.
- Enable the recovery of legal costs incurred by defendants who face abusive lawsuits.

- Co-create laws on media ownership:** Involve civil society and media outlets in the development of laws around media ownership to encourage media pluralism while ensuring legality, minimal interference, and proportionality in response. This may include negotiating rules on the independence of state-funded media, political party ownership of media, media ownership transparency, and transparency of state advertising in media outlets.

Civic Participation

Legislature

Advanced

## CAPACITY BUILDING

- Train public officials:** Establish training programs on respecting and protecting expression for public officials, including [judicial officers](#) and [prosecutors](#). All public officials in state authorities responsible for interacting with journalists should participate.

Civic Participation

Executive

Intermediate

- Include training on the rights of journalists and other media workers to cover [protests and other assemblies](#), especially for security forces.

## FREEDOM OF EXPRESSION AND MEDIA FREEDOM

- Provide safety training for CSOs and media workers:** Establish training programs on physical, digital, and psychological safety for CSOs and media workers.
  - Create tailored training programs for vulnerable groups who work in CSOs or in media, such as women and LGBTQIA+ individuals.
- Provide legal counsel and rights training for CSOs and media workers:** Ensure CSOs and media workers know their rights and obligations under the law, and facilitate access to counsel, including sound legal and accounting advice.
  - Educate and engage broader civil society about their obligations to publicly defend activists and journalists, including online.
- Allocate public funding:** Explore options for financial support to the media, such as establishing a national fund for public interest media. This should include safeguards to ensure that political interest cannot influence funding allocations.

Civic Participation

Executive

Inclusion

Intermediate

Civic Participation

Executive

Advanced

Civic Participation

Legislature

Intermediate

## DATA

- Mandate the collection and publication of data on violence:** Mandate an agency to collect, publish, and communicate official open data on killings, harassment, and other forms of violence against media workers and human rights defenders. This reporting should also be submitted to public oversight by the legislature with adequate privacy protections, especially where threats include sexual assault.
  - Data should be disaggregated along lines of socio-economic status, sex, gender, and other identifying markers to better understand how threats may disproportionately affect certain groups.

Transparency

Legislature

Inclusion

Advanced

## SANCTIONS

- Update criminal statutes:** Remove any statutes of limitations to investigate crimes against the freedom of expression and establish [targeted sanctions](#) for crimes against media workers and human rights defenders.
- Investigate and prosecute cases of violence and harassment:** Investigate and prosecute violence and [harassment](#) against media workers and other civil society actors to ensure access to justice and end impunity.
- Create a mechanism to compensate victims:** Establish a mechanism to provide adequate levels of compensation for victims of crimes against activists and media workers.

Public Accountability

Legislature

Foundational

Public Accountability

Intermediate

Public Accountability

Legislature

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. A small number of OGP countries with problems in freedom of expression have undertaken commitments in this area, speaking to the need for greater focus on protecting this right.

- **Colombia Open Data Archive on Past Conflict:** [Created](#) a national archive on the victims of its armed conflict, with 240,000 documents [made public](#) in an open data format by the second year.
- **Croatia Media Regulations to Protect Journalists:** [Committed](#) to reforming the framework to regulate the media, improve transparency, protect journalists, and prevent the publication of fake news.
- **Nigeria Co-creation and Dialogue on Civic Space:** [Committed](#) to creating new [safeguards](#) to protect the freedom of association for CSOs and the general public.

## BEYOND OGP ACTION PLANS

- **Czech Republic Emergency Safe Refuge Visas:** [Provided](#) over 800 visas to human rights defenders and journalists from February 2022–2023, collaborating with CSOs to process some visa applications as quickly as 72 hours.
- **Sierra Leone National Framework for the Safety of Journalists:** [Passed](#) a [national framework](#) for the safety of journalists, developed in coordination with media workers.
- **United Kingdom Protections against SLAPPs:** [Published](#) and responded to a Call for Evidence on [SLAPPs](#), and committed to introducing legislation to address this threat to free expression and media freedom, including an early dismissal process and cost protections for defendants.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Access Now](#)
- [Article 19](#)
- [Balkan Investigative Reporting Network \(BIRN\)](#)
- [CIVICUS](#)
- [Committee to Protect Journalists \(CPJ\)](#)
- [Community of Democracies](#)
- [European Center for Not-for-Profit Law \(ECNL\)](#)
- [Freedom House](#)
- [Hivos](#)
- [IFEX](#)
- [International Center for Not-for-Profit Law \(ICNL\)](#)
- [Internews](#)
- [Media Freedom Coalition](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [Reporters Without Borders \(RSF\)](#)
- [Varieties of Democracy \(V-DEM\)](#)
- [Web Foundation](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **CIVICUS Monitor** tracks data related to civic space in 196 countries to determine whether a country is closed, repressed, obstructed, narrowed, or open.
- The **Freedom House** [Freedom in the World](#) report analyzes the state of political and civil rights in 195 countries and 15 territories.
- **International IDEA's** [Democracy Tracker](#) provides monthly updates to global events with the potential to impact the state of democracy and human rights in 173 countries. This tracker is part of the organization's [Global State of Democracy Initiative](#).
- The **V-DEM Dataset** provides a comprehensive analysis of democracy ratings, including indicators on civic space.
- The **World Justice Project's** [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, including several related to civic space.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- An overview of recommendations and guidance related to this topic can be found in the **OGP Support Unit's** [Global Report](#). The OGP Support Unit also provides a set of [recommendations](#) on how to engage the media in open government planning.
- The **Media Freedom Coalition** (MFC) is a partnership made up of member states that work with civil society actors, legal experts, and international bodies like the UN Educational, Scientific, and Cultural Organization (UNESCO). The High Level Panel of Legal Experts on Media Freedom is the independent advisory body to the Coalition. The High Level Panel has [produced](#) a series of enforcement reports and recommendations for MFC member states that focus on improving international mechanisms to enforce international human rights norms for the safety of journalists and the protection of media freedom.
- The **UN Development Programme** and **ICNL** collaborated on a [toolkit](#) outlining the legal frameworks for civic space. The toolkit includes guidance on protecting the rights to free expression, free assembly, and free association.
- **Article 19's** [Law and Policy](#) webpage houses an extensive collection of their toolkits, recommendations, and analysis related to free expression threats worldwide.
- **CPJ** provides [guidance](#) on digital safety kits for journalists, physical safety resources, and information related to detention and arrest.
- **IFEX** has published several types of guidance to navigate and understand how the UN system can be used to protect the freedom of expression and media freedom. Resources explain how [special procedures](#) work, how the UN [monitors](#) resolutions on the safety of journalists (including the [UN Plan of Action on the Safety of Journalists](#)), and how UNESCO [reports](#) on issues of safety and impunity related to journalists.
- The **European Center for Not-for-Profit Law** updated its [handbook](#) on how to use EU law to protect the rights of assembly, association, and expression in 2023.
- **UNESCO** released [recommendations](#) to expand lessons learned from protecting journalists to other voices threatened by violence, such as artists living in emergency situations. It also has extensive training materials on training public officials on these rights. This includes guidelines for [judges](#), [prosecutors](#), and [security forces](#).
- The **UN Special Rapporteur on Freedom of Opinion and Expression** [published](#) a report on protecting the right to free expression in emergency contexts, in light of the crackdowns that followed the spread of COVID-19.

# Climate and Environment



*The Escazú Agreement (adopted in Escazú, Costa Rica) affirms environmental democracy principles and practices as necessary to protect both the environment and human rights defenders. Pictured: Maricela Fernandez, an indigenous community leader in Costa Rica who works to promote gender equality and the protection of the environment.*



# Climate Finance

Preventing the worst effects of human-induced climate change requires moving finance away from greenhouse gas-intensive activities toward activities that lower environmental and human impacts and build resilience. This shift will require changes in public and private finance, and will need to happen at the international, national, and local levels. Though [progress](#) in increasing climate finance flows has grown over the past decade, they are not yet on track to meet the challenge, and they risk being wasted without adequate safeguards. OGP members can use their action plans to increase funding for climate-related programs and projects across borders and in their own countries. Open government approaches can help shine a light on the nature of the problems and the scale of the solutions. By introducing more public oversight, governments can gain confidence that money is going where it is supposed to, neither [wasted](#) nor [embezzled](#). Introducing more opportunities for participation also helps direct funds to better target public priorities. By making climate financial flows more inclusive, governments can better ensure that the most vulnerable become more resilient to the effects of climate change.

### Open Gov Challenge Climate and Environment

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Climate and Environment.

**Challenge prompt:** Use open government to strengthen implementation of strategies or agreements on climate and environment.

Actions and reforms could include:

- Implementing provisions in agreements such as the Escazú Agreement, Aarhus Convention, or Paris Agreement.
- Implementing a climate and environment roadmap or strategy, strengthened through open government approaches.
- Ensuring public oversight and transparency for climate finance and greening existing fiscal and planning processes.

## Key Terms

- **Climate adaptation:** Adaptation [involves](#) “anticipating the adverse effects of climate change and taking appropriate action to prevent or minimise the damage they can cause, or taking advantage of opportunities that may arise.”
- **Climate finance:** According to the United Nations Framework Convention on Climate Change (UNFCCC), [climate finance](#) is local, national, or transnational financing that “seeks to support mitigation and adaptation actions that will address climate change.” Climate finance aims to address the imbalance between the wealthy, industrialized countries that emit high levels of greenhouse gas (GHG) and the historically low-emission countries that experience the worst impacts of climate change. Examples include [a variety of funds](#) set up by governments under the UNFCCC and the Paris Agreement on climate change, as well as bilateral and multilateral development bank funds.
- **Climate mitigation:** Mitigation specifically [focuses](#) on reducing existing greenhouse gas emission levels and preventing new emissions to make the impact of climate change less severe.

## The Evidence

Growing research illustrates the potential of targeted climate finance when carried out transparently and with a focus on civic participation and public accountability, though much work remains to be done.

- Countries should [invest](#) in their institutional capacity to design, implement, and monitor climate change projects to fully access and leverage international climate funds effectively. This incentive to improve national and local systems to manage climate finance has a downstream effect of strengthening the impact of such financing.
- Evidence from an [evaluation](#) of efforts to conserve forests shows that participatory, inclusive, and transparent processes not only help capture GHGs but also benefit communities.
- The Taskforce on Access to Climate Finance carried out a [review of evidence](#) of national climate planning and found that combining public oversight with evidence-based policy-making yielded stronger returns on investment.
- Climate finance systems tend to be opaque and lack meaningful accountability in funding adaptation-related projects and programs. According to the [International Budgeting Partnership](#), even if such funding reaches local communities, ensuring it benefits historically excluded groups is challenging. Improving accountability and inclusion mechanisms, especially through coalition building, is one way to address this issue.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

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- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### INTERNATIONAL CLIMATE FINANCE REPORTING

- Publish regularly updated data:** [Publish](#) climate finance-related data regularly, at minimum once a year.
- Standardize reporting methods:** [Apply](#) a consistent, clean, and complete finance reporting method in concert with other major finance providers to ensure coherence across donors and international financial actors.
  - According to ONE Campaign, [donors](#) should also implement “transparent and replicable methodologies for how they calculate their climate finance contributions as well as more detailed, timely, and project-level data.”
- Introduce independent audits:** [Introduce](#) independent audits on reported climate finance spending data to improve data quality and validation. Consider adding elements of social auditing, tip submission, and whistleblower protection to enhance auditing.

Transparency

Executive

Legislature

Foundational

Transparency

Executive

Intermediate

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Intermediate

## CLIMATE FINANCE

- Report climate finance data on a project-by-project basis:** Make data public, including counting the actual climate portions of projects on a project-by-project basis. Records should include:
  - the climate-specific share of projects;
  - accurate reports of both commitments and actual disbursements; and
  - disaggregated data to prevent mixing Official Development Assistance and other official aid flows with climate finance projects.

Transparency

Executive

Legislature

Advanced

## STRENGTHENING PUBLIC FINANCIAL SYSTEMS

- Create a whole-of-government coordinating body for climate finance:** [Create](#) a coordinating body to ensure climate finance policy coherence across levels of government. Such a body should have the mandate to oversee the publication of climate finance-related data, as well as national and sectoral planning documents related to budgets, revenue, and spending, to allow public scrutiny and deliberation.
- Evaluate financial risk through a climate perspective:** [Evaluate](#) financial risk through a climate perspective in public financial management systems. Such financial risk management practices and reporting should be carried out in a participatory and inclusive manner, subject to parliamentary scrutiny.
  - Governments such as [Fiji](#) are going beyond merely describing potential climate or nature-related risks to develop cost estimates and financial plans to address them.
- Ensure that climate finance follows open budget principles, including “green” budgeting practices:** [Adopt](#) open budget principles in line with the “[Open Budgets](#)” chapter of the *Open Gov Guide*. As governments move to respond to the threat of climate change, open budgets can support their work to not only improve public budgeting systems generally, but also to ensure that budget planning clearly identifies climate-targeted actions and expenditures.
- Ensure equitable and inclusive climate finance practices:** [Ensure equitable and inclusive](#) climate finance practices, from budget planning to prioritizing who should be able to access such funds. As with [non-climate-related expenditures](#), [gender-responsive budgeting principles](#) apply to climate finance. In addition, historically excluded communities and those facing pollution (such as those seeking [environmental justice](#)) should be prioritized in accessing finance instruments.
  - The United States has adopted a participatory process for identifying and supporting historically underserved or over-polluted communities through the [Energy Justice Initiative](#).

Transparency

Civic Participation

Executive

Foundational

Transparency

Civic Participation

Executive

Legislature

Inclusion

Foundational

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Foundational

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Inclusion

Intermediate

**Strengthen the role of citizens and civil society:** Ensure that organizations, particularly those representing historically marginalized communities, have the resources, capacity, and space to play a stronger role in setting priorities for and monitoring climate finance. This may include identifying funding sources and opportunities for public education, and ensuring open processes for public input on policy.

Civic Participation  
Executive  
Legislature  
Inclusion  
Intermediate

The International Budget Partnership (IBP) conducted a pilot program to increase citizen participation in this policy area in [Nepal](#). Led by ForestAction, a national CSO, the pilot expanded upon existing, successful mechanisms, such as the use of public hearings at the local level, to demand accountability on climate finance. As a result, local governments committed to replicating public hearings and possibly institutionalizing them. ForestAction also helped create multi-stakeholder, inclusive Climate Justice Action Groups to serve as climate finance watchdogs.

**Implement a transparent carbon-pricing standard:** [Implement](#) a transparent [carbon-pricing standard](#), with the methodology and other details of how prices are set made publicly available. Carbon pricing is used to hold polluters responsible for adding greenhouse gas emissions to the atmosphere at the local, national, and/or international levels. This can be done in several ways, such as levying a tax for every ton of carbon emitted.

Transparency  
Civic Participation  
Public Accountability  
Executive  
Legislature  
Inclusion  
Intermediate

**Empower financial regulators to mandate climate-related risk reporting:** [Empower](#) financial regulators to mitigate climate-related financial risk and protect the public financial system, particularly through [increased oversight](#) of financial institutions such as commercial banks, insurance companies, and investors. For one, the executive branch can establish or expand the mandate of a regulatory body to enforce disclosure requirements for financial institutions and corporations. In another example, regulatory bodies can pass rules to include climate risk considerations in fiduciary requirements and require investment advisers to develop and implement sustainable investment policies.

Transparency  
Executive  
Legislature  
Advanced

**Ensure that incentives to encourage private sector climate finance are subject to public scrutiny and oversight:** The market for sustainable finance is growing, and governments, such as [Uruguay](#), are borrowing money in a way that promises improved environmental and governance performance. Financial regulators in major lending markets can ensure that [standards for sustainability-linked finance](#) are credible and help accelerate good practice. Regulators can ensure that such lending instruments are under public scrutiny and oversight in their terms and results.

Transparency  
Public Accountability  
Executive  
Legislature  
Advanced

National governments and the European Union (EU) are developing a variety of tools to signal to investors that they should invest in climate change mitigation and adaptation. These include [blended finance](#), [sustainability bonds](#), [green lending facilities](#), and “[green interest rates](#).” These instruments often require specific disclosures by borrowers to ensure that risk is minimized.

- Publish harmful subsidies and financing methods and report on the phaseout of these subsidies:** [Publish](#) harmful subsidies and financing methods, such as subsidies to heavily polluting activities, and report on the phaseout of these subsidies. For details, consult the “[Energy Transition](#)” chapter of the *Open Gov Guide*.

Transparency

Executive

Legislature

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Climate finance represents a new area of work for OGP members in terms of action plan commitments, with members in Latin America and the Caribbean as pioneers.

- **Costa Rica Open Public Data on Climate Change:** [Created](#) an open data [portal](#) where climate change-related data is stored and published for public access. Though the country has not yet published its climate financing dataset, its sector-disaggregated inventory of carbon emissions can provide a foundation to calculate carbon pricing.
- **Germany Disclosure of Extractive Industry Data:** [Created](#) a new legal basis, technical infrastructure, and institutional mechanisms to publicly disclose comprehensive reports on revenues and operational information from the extractive sector for the first time, to fulfill Extractive Industries Transparency Initiative membership requirements.
- **Kenya Community Engagement on Climate Finance Transparency:** [Committed](#) to creating multi-stakeholder, community engagement processes to design climate solutions, such as making climate finance data more transparent.
- **Khmelnitskyi, Ukraine Inclusive Green Economy:** [Co-created](#) a Green Course Action Plan to develop an inclusive, climate-neutral economy that ensures growth, which won an OGP Innovation [award](#) in 2021. The municipality consulted a wide range of local stakeholders at each planning stage, from collecting data to identifying policy options.
- **Montenegro Open Data on the Use of EU Funds:** [Committed](#) to creating a national, centralized data portal on available EU funds related to green policies, and the country’s implementation of the European Green Deal priorities and current projects financed by the EU.
- **Plateau State, Nigeria Transparency in the Extractive Sector:** [Committed](#) to setting up the Plateau State Extractive Transparency Forum to ensure transparency in the implementation of Community Development Agreements and Environmental Management Plans. Also committed to disclosing the exact amount of derivation funds earned by the extractive industry in Plateau State.
- **Quintana Roo, Mexico Multi-Stakeholder Roundtable on Sustainable Development:** [Committed](#) to establishing a multi-stakeholder anti-corruption and environment roundtable to co-create sustainable plans to address climate change, protect biodiversity and the environment, and monitor the sustainability of development projects. Includes an [initiative](#) to make environmental budget allocations transparent.

### BEYOND OGP ACTION PLANS

- **Amsterdam, Netherlands Multi-Stakeholder Collaboration for a Circular Economy:** [Convened](#) representatives from government, the private sector, academia, and the general public to identify key priorities and opportunities for collaboration to develop a [circular economy](#) as part of its “[Amsterdam Circular 2020-2025 Strategy](#).”
- **Colombia Online Platform to Monitor Climate Finance:** One of the first countries to [develop](#) a Measurement, Reporting, and Verification (MRV) framework to track climate finance actions from public sources both domestically and internationally. Also created an online platform to publish the data—at the time of launch in 2017, the government [registered](#) over US \$6 billion worth of funding actions on the platform.
- **Fiji Climate Finance Analysis and Spending:** Developed a [climate finance strategy](#) to identify investment priorities for climate adaptation and mitigation over the short term (2022-2025) and medium term (2026-2029). The strategy also includes spending priorities and tools for monitoring and evaluation.

### The Role of Local Governments

The threats posed by climate change are disproportionately connected to life at the local level. According to the [Cities Climate Finance Leadership Alliance](#), “Cities already account for 70% of global CO2 emissions from energy use; left unaddressed, emissions will continue to rise as urbanization accelerates, especially in developing countries. Cities are also at the forefront of climate change vulnerability: 70% of cities are already experiencing harmful impacts to their citizens and infrastructure as a result of climate change.”

To address these threats, governments throughout the subnational level—such as provinces, states, and municipalities—have already begun to leverage climate finance instruments to support adaptation and mitigation efforts. One example, such as in the [United States](#), is the use of existing grants to invest in making infrastructure more resilient to extreme weather events, mitigating climate-related health risks, and expanding access to clean energy. Another example is the use of investments and incentives to support [household-level spending](#), such as by providing grants or tax breaks to make buildings more energy efficient.

In addition, as local governments invest in fighting climate change, actions such as raising revenue, taxing harmful activities, borrowing, and spending money will need to follow the best practices in transparency and independent *public* accountability mechanisms.

For more information on the progress of local governments in budgeting, collecting revenue, and spending money on climate-related initiatives, visit the OECD’s [Subnational Government Climate Finance Hub](#).

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [International Budget Partnership \(IBP\)](#)
- [ONE Campaign](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [World Resources Institute \(WRI\)](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- **WRI** hosts a [website](#) called “Paying for the Paris Agreement” to highlight actions governments can take to finance the agreement’s climate goals, which includes a country-by-country breakdown.
- The **UNFCCC Climate Finance Data Portal** acts as a central clearing house for publicly available government expenditures.
- The **OECD** uses “[Rio Markers](#)” to track climate finance, although this binary marker counts all financing by OECD members as having a climate component. The OECD also maintains the [Subnational Government Climate Finance Hub](#), which tracks regional and city-level progress in meeting the Paris Agreement commitments and other green initiatives through budgeting, revenue collection, and spending.

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **UNFCCC** has several [resources](#) related to climate finance on its website, including a database on activities funded by implementing countries. Parties to the Paris Agreement are required to report on the support given to developing countries every two years. In addition, the [Action for Climate Empowerment](#) (ACE) established at the 2013 UNFCCC meeting aims to establish national focal points of contact to coordinate access to information and public participation in implementing the [Paris Agreement](#). Most OGP countries committed to establishing these offices as part of their Paris Climate Agreement contributions.



- The **ONE Campaign** published a detailed [report](#) on the current obstacles preventing the necessary levels of transparency and oversight of climate finance data. The report also includes specific recommendations to address data gaps and how to accelerate funding for climate-related initiatives.
- The **United Nations Principles for Responsible Investment (UNPRI)** published a [review](#) of trends in reporting of environmental, social, and governance (ESG) indicators for the private sector, including topics such as corruption risks and whistleblower protections. Such reporting is critical to ensuring investments address climate change-related risks effectively. UNPRI also published a [database](#) of sustainable finance regulations across more than 850 policy tools.
- As of 2023, the **International Sustainability Standards Board (ISSB)**, a global standard-setting body, has [published](#) a standard for [Climate-Related Disclosures](#). According to ISSB, the standard “requires an entity to disclose information about climate-related risks and opportunities that could reasonably be expected to affect the entity’s cash flows, its access to finance or cost of capital over the short, medium or long term.” The standard draws on the work of the Task Force on Climate-Related Financial Disclosures, which concluded its work and disbanded in October 2023.
- The **multilateral development banks**—such as the World Bank, Inter-American Development Bank, Asian Development Bank, African Development Bank, and European Bank—published a [joint methodology](#) to track climate change adaptation finance that provides guidance on how to carry out such monitoring.
- The **European Union** published a [risk taxonomy](#), which sets performance thresholds for investors, companies, and other private sector actors. For example, the taxonomy set requirements for economic activities, which make a “substantive contribution” to at least one of six defined environmental objectives, and to “do no significant harm” to the other five. The taxonomy also requires adherence to other international standards on [business and human rights](#) and [multinational enterprises](#) to meet minimum safeguards.
- In 2022, the **United States Securities and Exchange Commission (SEC)** [proposed](#) rule changes to require certain climate-related disclosures in their registration statements and regularly submitted reports. Though the rule has not yet been finalized, it could represent important progress in one of the world’s largest financial markets.
- The **United Kingdom** [published](#) a policy paper on sustainable investment that provides guidance for regulators, investors, and ratings agencies on how to ensure that sustainability principles are mainstreamed in emerging financial tools.

- **WRI** has four key areas of work related to [climate finance](#): promoting [sustainable private sector finance](#), strengthening [development finance institutions](#), upholding the role of finance in [international climate negotiations](#), and supporting [governments' capacity to access climate finance](#). In addition, WRI's [Systems Change Lab](#) is another critical resource that offers six key areas to strengthen national financial systems to secure and supervise climate finance. While action will need to take place at all levels, the national system will, by and large, be the locus for most of climate finance. All countries will need to strengthen their finance systems to ensure that public, private, and mixed finance meets its intended goals and is subject to public scrutiny.
- A key area of work for the **International Budget Partnership (IBP)** is [climate finance](#). The organization has conducted research on [lessons learned](#) to improve accountability in this policy area, as well as case studies and other analyses to advance open government approaches on this topic.
- The **Climate Policy Initiative** [created](#) a “Landscape methodology” to track sources and uses of climate finance, which forms the foundation of its [Global Landscape of Climate Finance](#) report. The data analyzed—including by region, level of government, and sector—helps support data collection for UNFCCC and Intergovernmental Panel on Climate Change reporting. The Climate Policy Initiative is also the Secretariat of the [Cities Climate Finance Leadership Alliance](#).

# Energy Transition

Ensuring universal access to sustainable, dependable, and affordable energy is critical to every aspect of prosperity. Increasing public oversight and transparency in the energy sector can help to ensure a fairer green transition and improve human health while also ending contributions to corruption and authoritarianism.

This chapter of the Open Gov Guide outlines a few key areas of the transition to clean energy that will benefit from an open government approach. It is part of a broader set of reforms, including [environmental democracy](#), [open climate data](#), and [climate finance](#), each outlined in their respective chapter.

## Open Gov Challenge

### Climate and Environment

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Climate and Environment.

**Challenge prompt:** Use open government to strengthen implementation of strategies or agreements on climate and environment.

Actions and reforms could include:

- Implementing provisions in agreements such as the Escazú Agreement, Aarhus Convention, or Paris Agreement.
- Implementing a climate and environment roadmap or strategy, strengthened through open government approaches.
- Ensuring public oversight and transparency for climate finance and greening existing fiscal and planning processes.

## Key Terms

- **Community Benefits Agreements (CBAs):** [Community Benefits Agreements](#) are legally binding contracts between developers and host municipalities and/or local community groups that can serve to mitigate local impacts of large infrastructure projects and other types of development. Typically, the host community will receive a combination of monetary benefits and non-monetary benefits, while the developer will receive increased community support and increased certainty in the approval process.
- **Fossil fuels:** Fossil fuels—coal, oil, and gas—are a [major contributor](#) to global warming, accounting for over 75 percent of global greenhouse gas emissions and nearly 90 percent of all carbon dioxide emissions. At the UNFCCC 28th Conference of the Parties in 2023, all 198 UN member states agreed to [move away](#) from fossil fuels. Open government can contribute to ensuring that the move from fossil fuels is fast, just, and efficient.
- **Fossil fuel subsidies:** In this chapter, “[fossil fuel subsidies](#)” refer to the direct funding and tax expenditures to fossil fuel industry actors, though subsidies also exist for fuel consumers. They include direct funding, tax breaks, loans, loan guarantees, price controls, below-market land and water leases, and research and development funding. The International Monetary Fund (IMF) estimates global fossil fuel subsidies at over seven trillion US dollars annually. These subsidies play a role in entrenching fossil fuel use because consumers do not pay for the true cost of fossil fuels, which makes phasing them out more politically difficult.
- **Power purchase agreement (PPA):** A power purchase agreement is a contract that contains key provisions such as price, payment stipulations, and obligations by the energy buyer (known as an “[offtaker utility](#)”) and/or host government. Governments, including local governments and utility commissions, regularly purchase energy production, transmission, and distribution. Unfortunately, the terms of such agreements are often negotiated in secret. According to the [Center for Global Development](#), “this opacity has created risks and, in a growing number of cases, contributed to costly and damaging outcomes, such as overpayment, overcapacity, large debts, and grid instability.”
- **Supply chain transparency:** Supply chain transparency requires visibility into and disclosure of data from all links in the production of a product. Supply chain transparency [requirements](#) may apply to companies as well as the governments that purchase products. Data reported on may range from human slavery and trafficking to labor standards, environmental practices, and corruption.

## The Evidence

Given how work on many of these issues is new, open government approaches have a limited evidence base. The consequences of secrecy in the energy sector, however, are clear.

- In Ghana, secret power purchase agreements [are associated](#) with growing government debt, high energy prices, and poor service provision. To address this, the country has [published](#) most of its PPAs to renegotiate its overproducing, underdelivering electricity sector and [committed](#) to amending the Public Utilities Regulatory Commission Act to promote transparency.
- In [numerous countries](#), the removal of fossil fuel subsidies without widespread public support led to major energy protests and riots. This political pushback, in turn, has led to significant reversals, with [subsidies returning](#) to most countries.
- On the other hand, multi-stakeholder, multilateral approaches to energy development like [Just Energy Transition Partnerships \(JETPs\)](#) have shown some promise in supporting the transition to cleaner energy in carbon-intensive developing countries like Indonesia. To be successful, JETPs should focus on transparency in disclosing costs, benefits, risks, and progress and guarantee the safety of participants.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

## PHASING OUT FOSSIL FUELS

- **Create and maintain deliberative and consensus-building processes in policy-making:** Create and maintain processes to support public participation in climate change-related policy-making, including for policies related to energy transition issues. Increasingly, evidence shows that deliberative processes work best when they have a formal interface with democratic institutions like parliaments, such as by making recommendations for laws or strategies. For more details, People Powered has [published](#) guidance on citizens’ climate assemblies.

- The benefits of deliberative planning and consensus-building methods are covered in more depth in the “[Mainstreaming Participation](#)” chapter of this guide.

- OGP members such as [France](#), the [United Kingdom](#), and [Scotland](#) have all carried out citizens’ climate assemblies with varying degrees of success in affecting climate policy. [Colombia](#) has also engaged in dialogues around its energy transition, and [South Africa](#)’s Presidential Climate Commission conducts extensive public engagement to inform policy development, including for the Just Transition Framework, the country’s updated Nationally Determined Contributions, and energy sector planning.

- **Prioritize and support policy coherence in energy transition planning and financing through transparency:** Managing the energy transition will require policy coherence across multiple ministries and agencies, such as mining, agriculture, extractives, and infrastructure. Specifically, governments should prioritize the publication of lifecycle data (and models) for greenhouse gas contributions of major sectors, as well as national and sectoral planning documents, to allow public scrutiny and deliberation. Guidance on the transparent and collaborative production of such documents is available for [local governments](#), [ASEAN members](#), [EU members](#), and the [renewables sector](#).

- The [United States](#) has emphasized the importance of budgeting and financial planning measures to support a just energy transition. The country’s Council on Environmental Quality also developed a [screening tool](#) to identify populations in need of assistance that are disproportionately impacted by pollution, climate change, and other issues.

- [Colombia](#) is in the process of aligning its National Energy Plan and development plan with its climate goals.

Civic Participation

Executive

Legislature

Inclusion

Foundational

Transparency

Executive

Foundational

**Collect and publish fossil fuel subsidies and other accounting data:**

[Publish](#) fossil fuel subsidies data, particularly related to [taxes and revenue](#), to improve the public’s ability to scrutinize the economic and environmental impact of government support for fossil fuel industries. Such data should include amounts broken down by subsidies to producers and consumers. This [includes](#) any other expenditures outside of the public budgeting process for state-owned extractive industries. The [Extractive Industries Transparency Initiative](#) (EITI) provides an international standard for such disclosures.

- Fossil fuel subsidies have numerous costs. Governments lose possible revenue from other, cleaner forms of development—especially when dependence on fossil fuels becomes too ingrained in the economy, infrastructure, and culture of a country. As a result, subsidies prevent consumers from realizing the true cost of fossil fuels, including their role in worsening the impact of climate change, such as negative health and environmental outcomes.
- [Nigeria](#) has made strides in [reforming](#) its fossil fuel subsidies as part of its energy transition plans.

Transparency

Executive

Foundational

**Implement open, sustainable practices for public procurement:** Follow implementation [guidance](#) related to open, sustainable [public procurement](#) practices in infrastructure development to ensure open government principles are applied to the energy transition. Governments should consider adding criteria to account for environmental and public health factors as part of such rule-making. The [United States](#), for example, plans to analyze proposals for new liquified natural gas export terminals with such factors in mind.

Transparency

Executive

Intermediate

**Require disclosures of non-governmental fossil fuel investments:** Through financial regulatory bodies, require private sector companies and financial institutions to publish information on their investments in fossil fuels. Though these actors publish their greenhouse gas accounting information, these disclosures do not include investment information. The lack of public disclosure has [environmental consequences](#) and exposes investors and other actors to reputational and regulatory risk.

Transparency

Public Accountability

Executive

Advanced

- Investments in fossil fuels fall under “[Scope 3](#)” disclosures, which include emissions from upstream operations in a company’s supply chain and from downstream activities by the company’s customers and end-use consumers.

## 21ST CENTURY ENERGY SUPPLY AND DISTRIBUTION

- Publish power purchase agreements:** [Publish](#) power purchase agreements in an accessible, standardized format to ensure public scrutiny over these contracts.
- Consider requiring Community Benefit Agreements (CBAs) in infrastructure and other development projects:** Consider requiring the signing of CBAs as part of the approval process for infrastructure and other development projects. At a minimum, CBAs should be public and participatory in their formulation, and such agreements should involve oversight by local democratic institutions and historically marginalized communities.
  - Columbia University's Sabin Center [maintains](#) an open database of this evolving field of practice.
- Update the permit process to expedite clean energy infrastructure project approval:** Streamline the permits process to approve clean energy infrastructure projects and pivot away from fossil fuels. Currently, permit regulations in many countries favor existing infrastructure over new infrastructure, which means that it is easier to keep or expand fossil fuel energy generation over newer, cleaner methods such as solar, wind, hydrogen, and nuclear power. Streamlining clean infrastructure approvals also requires public participation to ensure public buy-in for these major projects. Creating accountability mechanisms as part of the permit process would allow governments to course-correct if infrastructure projects do not go as planned.
  - OGP members such as [Spain](#) have been experimenting with fast-tracking and converting existing rights of way and permits to cleaner energy sources, in line with similar progress throughout the [European Union](#). Other major polluting countries have not been as quick to reform policy processes to favor cleaner energy production and transmission, leaving this a ripe area for action.
  - OGP members have also explored the potential for upstream public participation in the permit process through [Strategic Environmental Assessments](#) (such as in [Canada](#)) or [citizens' juries](#) (such as in the [United Kingdom](#)). Permit processes, including environmental impact assessments, have been successful for environmental protection (especially at the local level) and are one of the prime ways that people give inputs into government-sponsored projects. However, OGP members will need to do more to learn how to protect participation while accelerating the development of less harmful energy infrastructure.

Transparency

Executive

Foundational

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Inclusion

Intermediate

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Advanced



- **Carry out public processes to accelerate renewable energy transmission and distribution:** Outdated energy grids are increasingly one of the main limiting factors in the rollout of renewable energy. Renewable energy generation tends to be more dispersed and has different grid requirements than fossil fuel systems. Also, there is often a mismatch between where supply and demand are concentrated. Because of the holistic need to update the whole system, countries may benefit from early strategic involvement with multiple sectors and levels of government, rather than project-by-project planning.

Transparency

Civic Participation

Executive

Legislature

Advanced

## SAFEGUARDING THE CRITICAL MINERAL SUPPLY CHAIN

- **Make resource exploration and extraction contracts public:** Publish [resource contracts and licenses](#) for the exploration and exploitation of critical minerals, including in licensing and permit processes. When contracts are negotiated in secret, the risk of agreeing to bad terms or conflicts of interest increases. The public, investors, and governments need to be able to see how much each critical mineral project costs and produces, as well as who benefits from the profits. [Standards](#) for contract transparency in this area have been developed by the International Consortium on Mining and Minerals and EITI.
- **Increase supply chain transparency and accountability:** Create or strengthen transparency and accountability mechanisms in supply chains and energy investment practices to address issues such as forced labor, labor protections, environmental damage, and bribery. It is also important to [ensure](#) that conflict resolution and law enforcement processes are fast, fair, and transparent.
  - The United States has long been a site of claims under the [Alien Torts Act and the Foreign Corrupt Practices Act](#), which have been used to address forced labor and bribery in supply chains. Transparency requirements are also in place for “conflict minerals” as defined in the country’s [2010 Dodd-Frank Act](#). In addition, [new EU legislation](#) also creates liabilities along the supply chain, as well as pathways for remedy and redress for those individuals harmed by a supplier. As a successful example of how an accountability mechanism could work, a [recent suit](#) held a British company liable for upstream supply chain abuses in Zambia.

Transparency

Executive

Legislature

Foundational

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Inclusion

Advanced

### What are “critical minerals” and why do they matter?

Critical minerals (such as cobalt, lithium, copper, and nickel) are non-fuel minerals or mineral material essential to green energy supplies. The growing production of electrical and battery systems requires new resources to replace GHG-intensive fossil fuels. As a result, mining for critical minerals is expected to increase by 500 percent by 2050. The new system will have clear global environmental benefits over the existing fossil fuel-dependent economy. However, without [appropriate safeguards](#), it will be susceptible to corruption, abuse, and irreversible environmental damage—these critical minerals often have supply chains vulnerable to disruption, and many, if not most, critical minerals are in [corruption-prone areas](#). While a minority of OGP countries are critical mineral producers, all will be major critical mineral consumers over the coming decades, if they are not already. The open government reforms outlined above can support safeguards to [ensure](#) critical mineral mining and consumption do not threaten economic, environmental, and national security.

### Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Though the energy transition is a new area of work, OGP governments are already taking actions to implement accounting and reporting standards that include disclosures along the supply chain for extractive industries. Looking ahead, financial regulators in OGP countries will need to take actions to ensure that regulations adhere to the International Sustainability Standards Board’s standards for [Climate-Related Disclosures](#) and that the financial sector complies with these disclosure requirements.

- **Dominican Republic Carbon Footprint Calculator for Public Procurement:** [Committed](#) to creating a Carbon Footprint Calculator to quantify the environmental impact of public procurement projects, which will be available to the public and will play a role in future contracting decisions in the medium term.
- **France Public Consultations for the Energy and Climate Strategy:** [Committed](#) to involving the public in designing the new Energy and Climate Strategy, from selecting the strategy’s main focus areas to weighing in on the bill before it is finalized.
- **Ghana Disclosing Petroleum Contracts and Power Purchase Agreements:** [Committed](#) to publishing petroleum contracts for public access to address the problem of opaque, long-term contracts with foreign buyers of petroleum. Also [published](#) most of its PPAs to renegotiate its overproducing, underdelivering electricity sector, and [committed](#) to amending the Public Utilities Regulatory Commission Act to promote transparency.

## ENERGY TRANSITION

- **Mongolia Open Contracts for Extractive Industries:** [Committed](#) to disclosing agreements commonly made in the extractive industries, such as for investments, product sharing, deposit development, and community development contracts.
- **Scotland, United Kingdom Multi-Stakeholder Network on Climate Change Policy:** [Committed](#) to creating a multi-stakeholder network to increase transparency in reporting the government's actions on climate change (particularly on its net zero commitments) and to support co-creation and civic participation activities related to Scotland's climate change policies.
- **Uruguay Disclosure of Open Energy Data:** [Published](#) energy data related to demand, access, and efficiency on a centralized website, as well as a [registry](#) of energy providers, which significantly increased access to energy information in the country.
- **Yerevan, Armenia Platform to Report GHG Emissions:** [Committed](#) to developing a "green development" platform to increase transparency by reporting on the municipality's greenhouse gas emissions and actions to increase savings through energy efficiency projects, as part of broader climate-related commitments.

## BEYOND OGP ACTION PLANS

- **Greece and Bulgaria Freedom of Information for PPA Transparency:** Longtime OGP actors, Access to Information Programme (AIP) Bulgaria, have been [working in Greece](#) to obtain [information on payments](#) by the Electricity System Operator (ESO EAD) to electricity producers. With Greenpeace Bulgaria, there is [similar work](#) to identify where payments for non-producing power plants have gone.
- **Nigeria Civic Monitors Trained to Use Open Contracting Data:** With the support of the Open Contracting Partnership, [trained](#) civic monitors (such as journalists and civil society organizations) on how to use open contract data to monitor 60 public procurement projects (including on energy) worth US \$120 million at the subnational level, across three states.

## The Role of Local Governments

Local governments are essential to a just energy transition. They play a key role in procurement, permit processes, and energy tariffs, as well as ensuring that multi-stakeholder processes are inclusive to all impacted and concerned communities. In many cases, local governments are also the owners of energy infrastructure and are responsible for energy distribution. In locations that are sites of critical mineral extraction, transit, or processing, they may have an additional role overseeing regulation or disputes. Finally, in places that are current sites of the fossil fuel industry, they may have a particular role to play in overseeing the fair transition away from fossil fuel-based revenue models. This may mean ensuring that employment and retraining programs are administered fairly and without corruption. Developing and implementing economic diversification strategies is also important for local governments to address, especially given the need to find alternative sources of government revenue to replace revenues from fossil fuels. For example, provincial and municipal governments in [South Africa](#)'s coal-mining regions are undertaking such diversification efforts.

Local government actions also have critical implications for gender, such as by ensuring fair and dignified employment, minimizing gendered impacts, involving women in planning for future transitions, and addressing the historical exclusion of women in the energy sector. EITI has developed [numerous case studies](#) on how to ensure gender-inclusive energy transition that may be illustrative for OGP members.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Extractive Industries Transparency Initiative \(EITI\)](#)
- [Natural Resource Governance Institute \(NRGI\)](#)
- [World Resources Institute \(WRI\)](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The Energy for Growth Hub provides guidance and [transparency scores](#) for country performance on publishing power purchase agreements on its website, [PPA Watch](#).
- Columbia University's Sabin Center maintains an [open database](#) of Community Benefit Agreements. CBAs are used to ensure the informed consent and participation of host communities before infrastructure or development projects begin and to outline the benefits (monetary or non-monetary) that they should receive in exchange for allowing such projects to take place on their land.
- OGP commitments on extractive industries can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- As of 2023, the **International Sustainability Standards Board (ISSB)**, a global standard-setting body, published a standard for [Climate-Related Disclosures](#). According to ISSB, the standard “requires an entity to disclose information about climate-related risks and opportunities that could reasonably be expected to affect the entity’s cash flows, its access to finance or cost of capital over the short, medium or long term.” These risks include physical climate risks (event-specific and chronic changes to the climate over time) and risks associated with the energy transition. For example, the [European Union](#) has enacted a rule requiring disclosures, and the [United States](#) Securities and Exchange Commission has proposed [such a rule](#).
- The **EITI Standard** includes specific disclosure requirements ([4.1](#) and [6.2](#)) related to accounting practices for extractive industries (especially state-owned ones), such as the reporting of taxes, revenues, subsidies, and other extra-budgetary support. EITI has also published resources relevant to energy, such as its work on ensuring [gender concerns](#) are mainstreamed within energy transition plans and implementation.
- [Standards](#) for contract transparency in the energy transition have been developed by the **International Consortium on Mining and Minerals** and **EITI**.

## ENERGY TRANSITION

- The **Open Contracting Partnership** has developed two tools to assist governments and watchdog organizations in monitoring whether public procurement supports environmental, economic, social, and governance goals. These are the [Open Sustainable Public Procurement Toolkit](#) and the [Green Flags Guide](#).
- The **Energy for Growth Hub** provides guidance and [transparency scores](#) for country performance on publishing power purchase agreements on its website, [PPA Watch](#).
- The **Organisation for Economic Co-operation and Development** (OECD) has several [resources](#) on conducting Strategic Environmental Assessments, including [guidance](#) on good practices.
- **People Powered** [published](#) guidance on citizens' climate assemblies, which can be a key element of strategic planning for the energy transition.
- The **United States Environmental Protection Agency** published a [guide](#) on the use of citizen juries in crafting regulations.

# Environmental Democracy

The public needs to have a voice in environmental decision-making. This is the foundation of “[environmental democracy](#),” a concept that united open government approaches following the Chernobyl Disaster and the 1992 Rio Summit for the Earth. In response, governments strengthened right to information laws, created [pollutant registers](#), and implemented environmental impact assessments and other public oversight processes. This work is continuing at the local, national, and international levels, including through the [Escazú Agreement](#) and [Aarhus Convention](#). (See the *Guidance and Standards* section for details.)

## Open Gov Challenge

### Climate and Environment

With OGP’s [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Climate and Environment.

**Challenge prompt:** Use open government to strengthen implementation of strategies or agreements on climate and environment.

Actions and reforms could include:

- Implementing provisions in agreements such as the Escazú Agreement, Aarhus Convention, or Paris Agreement.
- Implementing a climate and environment roadmap or strategy, strengthened through open government approaches.
- Ensuring public oversight and transparency for climate finance and greening existing fiscal and planning processes.

## Key Terms

- **Access to environmental information:** This usually refers to rules, processes, and institutions that respond to information requests and allow for appeals of denial in the context of environmental democracy reform.
- **Access to redress and remedy:** These terms refer to the public's ability to access justice by enforcing their rights to information and participation, to address environmental harms, and to enforce environmental laws in the context of environmental democracy.
- **Environmental impact assessment (EIA):** An EIA is a process of information gathering, analysis, and presentation of the effects of government action on the natural, built, and human environment. EIAs may be carried out at the project, program, or policy level. In many contexts, EIAs are the principal legally enforceable means of public input on government decisions.

## The Evidence

Environmental democracy can provide necessary oversight to governmental and business activities that can negatively impact the environment.

- Increasing [access](#) to information increases the effectiveness of public accountability by ensuring the public stays informed about activities that may result in environmental harms, especially when such information is shared proactively and in an accessible format.
- Centering public participation [early](#) in the decision-making process can build trust and increase effectiveness by allowing the public to shape priorities and contribute to monitoring efforts, such as by participating in [environmental impact assessments](#) or [protesting](#) harmful projects.
- Providing avenues for the public to appeal decisions or demand compensation is associated with increased [access to justice](#).
- Environmental democracy mechanisms, such as the [Escazú Agreement](#), are necessary to protect the rights of environmental defenders (especially women and indigenous communities) and other groups [facing](#) harassment, prosecution, and violence.



## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

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- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Ratify relevant treaties:** Ratify participation in an international agreement to strengthen national or local frameworks, where appropriate.
- Draft legislation:** Pass legislation to ensure that the national legal framework meets basic standards as laid out in global and regional agreements (such as [Escazú](#), [Aarhus](#), and the [Bali Guidelines](#)), including provisions for greater transparency, civic participation, and public accountability.
  - Close common loopholes, such as excessive exemptions in right to information laws, areas or topics covered by data disclosure rules, early notification of environmental impact assessment, or restrictions on standing or court costs.
  - Require that agencies regularly report to the legislature on implementation of the law.



## ENVIRONMENTAL DEMOCRACY

- Create interagency, multi-stakeholder advisory councils:** Establish one or more national multi-stakeholder advisory groups on environmental democracy or particular national priorities or policies. The body or bodies may be specific (such as a nuclear energy advisory council) or broad (such as an environmental justice council). This group may support both regional or global agreements as well as provide support or input into OGP. Such process or bodies often carry out one or more of the following functions:
  - Policy coherence and evaluation:** Some countries have established independent councils and commissions, which evaluate [climate-relevant policies](#) for coherence and make recommendations and evaluations of climate-sensitive [budgeting processes](#).
  - Standards and accounting:** In a number of cases, councils may establish government-wide standards and practices for accounting and policy analysis. This may happen through lead regulatory agencies or independent audit institutions. An example that is increasingly popular is integrating green considerations into regulatory impact assessment and [procurement](#).
  - Sectoral:** Sometimes councils may coordinate on complicated issues that fall across multiple jurisdictions. Examples of this have a long tradition, including in integrated water resources management (usually referred to as IWRM) or in forestry. Examples of this approach include [Uruguay's](#) implementation of its national water plan and [Indonesia's efforts](#) to meet [UN-REDD](#) targets (United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries).

Civic Participation

Executive

Intermediate

## TRANSPARENCY

- Collect and publish key data:** Support the collection and publication of data related to issues such as pollution, the state of the environment broadly, emergencies, environmental health (especially for [vulnerable groups](#)), and ambient environmental quality.
  - Ensure data on impacts and environmental health is disaggregated by categories such as gender, race, income, age and disability to assess the differential impacts of policies, programs, and initiatives on diverse groups of people. In other cases, ensure that environmental data is interoperable with demographic and geographic data.

Transparency

Executive

Legislature

Inclusion

Intermediate

## CIVIC PARTICIPATION

- Consult communities proactively:** Ensure that there are additional procedures to proactively seek out and address concerns of communities that face environmental vulnerabilities when designing and implementing environmental policies, with additional outreach to impacted or vulnerable communities. For example, [pressure](#) from community groups called attention to irregularities in the approval process for dams in Chile, which led to the government to cancel the projects.

Civic Participation

Executive

Legislature

Inclusion

Advanced

**PUBLIC ACCOUNTABILITY**

- Address barriers to justice:** [Improve](#) the speed and effectiveness of undertaking publicly triggered enforcement and lower the risk of reporting actions for enforcement.
  - Women, in particular face gender-specific challenges such as [gender-based violence](#) when seeking justice for environmental harms (including issues related to resource extraction and land ownership). These challenges should be explicitly taken into account when designing justice mechanisms.
- Protect whistleblowers:** Establish and enforce [protections](#) for whistleblowers, who are often the ones to flag cases for further investigation and enforcement.
- Publish enforcement and compliance history:** Establish a database and publish all data on inspections, legal violations, and enforcement actions. Ideally, such a database should be fully interoperable with other databases, including permitting data, geospatial data, and entity ownership information.
- End impunity:** Undertake ambitious reforms (such as new laws, required information disclosures, and accountability mechanisms for non-compliance) to improve the reporting, investigation, and prosecution of crimes against human rights defenders, including environmental defenders.

Civic Participation  
 Public Accountability  
 Executive  
 Inclusion Intermediate  
 Public Accountability  
 Executive Legislature  
 Intermediate  
 Transparency  
 Public Accountability  
 Executive Advanced  
 Transparency  
 Public Accountability  
 Executive Legislature  
 Advanced

**Examples of Reforms from OGP and Beyond**

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. The Americas leads all other regions in the number of environment-related OGP commitments, in areas such as human rights and access to justice.

- **Argentina Public Participation in Environmental Decision-Making:** [Committed](#) to creating the conditions for broad, inclusive, informed, and accessible public participation in environmental decision-making, in line with the [Escazú Agreement](#).
- **Dominican Republic Transparency and Accountability in Waste Management:** [Committed](#) to creating the first national platform to register and monitor the management of special waste, including educational resources and a public complaint mechanism.
- **Indonesia Protections for Human Rights Defenders:** [Committed](#) to preparing recommendations that will serve as the foundation for the legal protection of environmental defenders.
- **Ireland Access to Environmental Information:** [Began](#) training public bodies on responding to environmental information requests and published a [database](#) that records the number of requests granted and refused.

## ENVIRONMENTAL DEMOCRACY

- **Mendoza, Argentina Platform to Co-Create Local Solutions to Climate Change:** [Launched](#) the [Climate Change Laboratory](#), a multi-sector platform for co-creating local solutions to help the city shift to a more sustainable future through the implementation of concrete climate actions.
- **Mongolia Transparency of Extractive Industries:** [Committed](#) to passing a law to implement international transparency standards, such as disclosing contract and beneficial ownership data and guaranteeing civil society participation in decision-making.
- **Panama Access to Environmental Information:** [Committed](#) to strengthening the National Environmental Information System to comply with [Article 6](#) of the [Escazú Agreement](#).
- **Peñalolén, Chile Public Participation in Environmental Decision-Making:** [Committed](#) to co-creating environmental regulations, promoting public education efforts in the community, and using environmental impact assessments, among other reforms.
- **Santo Domingo de los Tsáchilas, Ecuador Inclusive Decision-Making to Prevent Deforestation:** [Co-created](#) a provincial plan to prevent deforestation by engaging traditionally excluded communities, such as the Tsáchila ethnic group and Afro-Ecuadorians. Also created an open data inventory of forest species and an online system to streamline requests for reforestation and to receive environmental complaints. Won the [OGP Accelerator Award](#) in 2021.
- **Scotland, United Kingdom Citizen Climate Assembly:** [Created](#) a Climate Assembly of 100 citizens chosen through a lottery system as a deliberative space to expand the range of initiatives to respond to the climate emergency and to support the transition to net zero.
- **United States Access to Justice and Environmental Data:** [Committed](#) to designing an Environmental Justice Scorecard that enables the public to hold federal programs accountable for environmental justice investments. Also [created](#) the world's first [pollutant register](#) and a historical [database](#) of enforcement and compliance with regulations.

## BEYOND OGP ACTION PLANS

- **Colombia Proposed Bill on Environmental Democracy:** [Presented](#) a bill in the House of Representatives on environmental democracy issues (such as strengthening access to environmental justice) related to the country's implementation of the Escazú Agreement.
- **India National Tribunal for Environmental Cases:** Created a [National Green Tribunal](#), which has the [mandate](#) to make a judgment on environmental civil cases on an accelerated timeline.

## The Role of Local Governments

Local governments play an essential role as stewards of the environment and the principal interface between government and the public.

- Local governments often have primary or exclusive jurisdiction over land use, permits, and infrastructure development and maintenance.
- They often can address major pollution issues, as they are often responsible for waste management and household water usage.
- They also serve as the principal interface between the public and government more broadly. As such, their role in ensuring the involvement of local communities and organizations is essential. They can have a particular role in ensuring that citizens, scientists, and other experts can talk with one another and decision makers.
- Local courts hear most first instances of environmental violations and play an essential role in dispute resolution and access to information.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [International Center for Not-for-Profit Law \(ICNL\)](#)
- [Namati](#)
- [ParlAmericas](#)
- [Targeting Natural Resource Corruption](#), part of the [World Wildlife Fund](#)
- [UN Economic Commission for Europe \(UNECE\)](#)
- [UN Economic Commission for Latin America and the Caribbean \(UNECLAC\)](#)
- [Westminster Foundation for Democracy](#)
- World Resources Institute (WRI) [Environmental Democracy Practice](#)
  - The [Access Initiative](#) is part of WRI.

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **Access Initiative** and **World Resources Institute's** [Environmental Democracy Index](#) evaluates the degree to which national laws meet the principles laid out in the **UN Environment Programme's** [Bali Guidelines](#) for Access to Information, Public Participation, and Access to Justice. These are closely aligned with the [Aarhus Convention](#) and the [Escazú Agreement](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit** has several resources related to environmental democracy, such as a [fact sheet](#) on how the OGP platform can help implement the Escazú Agreement and [guidance](#) on justice reforms related to the environment.
- **UNECE** tracks compliance with the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (also known as the [Aarhus Convention](#)). The UNECE created a [guide](#) to assist with implementation.
- The **United Nations Environmental Programme** created the [Bali Guidelines](#) to specifically help countries fill legislative gaps at the national and local levels.
- The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (also known as the [Escazú Agreement](#)) affirms environmental democracy principles and practices as necessary to protect both the environment and human rights defenders, including those people and communities working for clean air and land. **UNECLAC** created a [guide](#) to assist with implementation.
- The **Action for Climate Empowerment** (ACE) [refers](#) to work done under Article 12 of the Paris Agreement and Article 6 of the UN Framework Convention on Climate Change. ACE has six overarching elements that can be used as a guide for promoting environmental democracy: climate change education and public awareness, training, public participation, public access to information, and international cooperation on these issues.
  - The [Enhanced Transparency Framework](#) and the [Global Stocktake](#) are two components of the Paris Agreement that can help legislators oversee the progress and implementation of national climate commitments.
- The **International Institute for Sustainable Development**, through its SDG Knowledge Hub, collects resources related to standards—such as the [recent decision](#) by the **UN General Assembly** to recognize the right to a healthy, clean, and sustainable environment—and guidance on environmental democracy standards, such as [case studies](#) on tools like environmental impact assessments.
- **ParlAmericas** offers several resources related to environmental democracy, such as their [guide](#) for engaging parliaments in the implementation of climate change commitments for the Paris Agreement.
- **ICNL** publishes [resources](#) related to climate change and civic space, including a [toolkit](#) on defending environmental defenders.

# Open Climate Data

Climate change is an incredibly complex challenge affecting everyone, especially those living in lower-income countries who are the [most vulnerable](#) to extreme, variable weather events and long-term shifts in climate. Adapting to climate change and mitigating its impact will require a high level of coordination within and between societies, involving a wide range of sectors.

Open climate data is [essential](#) to supporting such coordination. Specifically, countries should collect and publish climate change-related data in an open format to effectively understand risk, inform policy-making, track progress in meeting commitments and reporting requirements of treaties such as the [Paris Agreement](#), and evaluate the impact of policies. However, at present, climate-relevant data is [often](#) “incomplete, fragmented across agencies, and not made available in interoperable and accessible formats.” Making government-held data public is a crucial step to allowing other groups—such as the private sector, academia, and civil society organizations (CSOs)—access to information necessary to identify problems and collaborate on solutions. Equally important is ensuring public officials across all levels of government have the training and resources necessary to implement such solutions.

### Open Gov Challenge Climate and Environment

With OGP’s [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Climate and Environment.

**Challenge prompt:** Use open government to strengthen implementation of strategies or agreements on climate and environment.

Actions and reforms could include:

- Implementing provisions in agreements such as the Escazú Agreement, Aarhus Convention, or Paris Agreement.
- Implementing a climate and environment roadmap or strategy, strengthened through open government approaches.
- Ensuring public oversight and transparency for climate finance and greening existing fiscal and planning processes.

## Key Terms

- **Climate adaptation:** Adaptation [involves](#) “anticipating the adverse effects of climate change and taking appropriate action to prevent or minimise the damage they can cause, or taking advantage of opportunities that may arise.”
- **Climate data:** In the context of this chapter, [climate data](#) refers to “environmental, social and economic data that measure the human causes of climate change, the impacts of climate change on human and natural systems, the efforts of humans to avoid the consequences as well as their efforts to adapt to the consequences.” To be considered “[open data](#),” climate data must be [published](#) with the technical and legal characteristics to be “freely used, reused, and redistributed by anyone, anytime, anywhere.” It must also be [machine-readable and openly licensed](#) to permit free redistribution and reuse. The climate data in this chapter refers to government-held data unless otherwise stated.
- **Climate mitigation:** Mitigation specifically [focuses](#) on reducing existing greenhouse gas emission levels and preventing new emissions to make the impact of climate change less severe.

## The Evidence

Open climate data can [support](#) open government strategies to tackle climate change in several ways.

- As governments open up more data, their incentives to improve data quality and usability improve. Standardization allows users to improve their validation of climate-relevant data. Opening up climate data can also improve the transparency and accessibility of climate-related models, which are essential to climate adaptation.
- Governments can improve policy coherence by reducing data fragmentation and improving data standardization and interoperability. This can be done by integrating different data sources into a centralized database, such as across agencies and from non-government entities like the private sector.
- Beyond opening up climate data, governments can build trust with the public by carrying out campaigns to build users’ awareness of available data and to train them on how to use the data, such as by monitoring climate-related policies.
- By improving knowledge and data-sharing processes across government, open climate data can streamline how a government reports progress under the Paris Agreement and any other relevant international and regional agreements or standards.



## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Create or strengthen the legal framework on the right to information:** [Create or strengthen](#) the legal framework around right to information (RTI) protections, including rules on archive management, proactive disclosure requirements, and the publication of performance data. In countries with lists of proactive data to be published, ensure that high-value climate data is on that list. For details on RTI best practices, see the “[Right to Information](#)” chapter of the *Open Gov Guide*.

- Some countries may not need to develop specific legal frameworks to provide access to environmental data because international or regional agreements requiring such disclosure are incorporated into legislation once signed. Instead, the focus should be on implementing agreement requirements, such as the [Escazú](#) Agreement.

Executive

Legislature

Foundational

## OPEN CLIMATE DATA

- Create or strengthen an official climate lead:** [Create or strengthen](#) a national-level climate lead, such as a climate cabinet or working group, focused on public information access and digital government. Such a body should be mandated to provide expertise and targeted assistance in shaping policy-making and capacity building across government, and can centralize the coordination of public awareness-raising campaigns related to climate and the environment. Examples of structures to improve coordination could be the [Action for Climate Empowerment \(ACE\)](#) office, if a government has one, or a combination of national statistical offices, open data offices, and access to information bodies.
- Ensure that there are systems across agencies to collect, publish, and centralize open climate data:** [Create](#) systems across agencies to collect and publish open climate data across levels of government, including a centralized platform where the data can be shared. That system should be able to coordinate interoperable, cross-sector data collection, prioritize high-value datasets for proactive disclosure, and ensure adequate resources for agencies charged with data collection and publication.
  - The official climate lead should be mandated to support data collection and publication by having the power to request data from other ministries and agencies and to set open data guidelines and standards for other government bodies to follow.
  - Such coordination on open climate data can be complemented by parallel efforts by non-government actors. For example, the Climate Risk Atlas in [Chile](#) is an academic initiative that is coordinated by the Interministerial Technical Team on Climate Change.

Legislature  
Foundational

Executive  
Legislature  
Intermediate

## TRANSPARENCY

- Collect and publish climate-related data in an open format:** [Collect and publish key climate-related data](#) in an open format (see the “High-Value Climate Data Checklist” below). Specifically, relevant government bodies can [share](#) climate data and metadata in free, machine-readable formats and standardize vocabulary to make such information easier to analyze.
  - [Research institutions and networks](#) can support the integration of community priorities and perspectives into data collection and publication.
  - [According to](#) Open Data Charter and World Resources Institute, governments should ensure the collection and publication of climate-related data that are often missing in existing datasets, such as the following:
    - the demographic, socio-economic and technological factors driving greenhouse gas (GHG) emissions;
    - the vulnerability and adaptive capacity of different sectors of the economy and of society;
    - the likely impacts of climate change on vulnerable groups and its effects on existing inequalities—including gender-disaggregated data; and
    - the effects of policies and programs on GHG emissions and climate preparedness.

Transparency  
Executive  
Inclusion  
Foundational

## OPEN CLIMATE DATA

- Make climate data interoperable:** Use common identifiers across datasets related to climate change, environmental impacts, and other relevant topics to ensure that data in different databases can be used together, which increases accountability. Though the origin of government-held data can vary considerably by country, it is [often](#) the case that line ministries and sectoral agencies at the national level and local jurisdictions at the subnational level all collect their own data.
  - Examples of key common identifiers are [georeferencing coordinates](#) to specify physical locations and identifiers for actors (such as companies, contractors, public-private partnership members, and local government entities) in line with the [Global Legal Identifier](#) standard.
  - Regulatory agencies can [collaborate](#) with research institutions to improve interoperability through better digital infrastructure design choices.
- Ensure government bodies that collect and publish climate data have adequate resources:** [Ensure](#) government bodies have the resources and capacity to collect, clean, and publish climate data. Government bodies that collect and publish climate data should also guarantee that the data is updated, complete, and matches user needs.
  - Conduct training sessions with public officials to ensure they know how to carry out data-related tasks.
  - Consider creating an incentive program to encourage public officials to further develop their fluency with open data best practices in general, and open climate data in particular.

Transparency  
Executive  
Legislature  
Intermediate

Transparency  
Executive  
Legislature  
Intermediate

## CIVIC PARTICIPATION

- Consult with data users:** [Consult](#) those using the data (especially researchers and journalists) in an advisory capacity to ensure data is useful and usable. Specifically, governments can [assess](#) the demand for specific types of climate data, data users' needs, and the performance of existing data platforms.
- Conduct training and awareness raising for non-government actors:** Provide tailored training for different non-government actors, such as CSOs, journalists, the private sector, academics, and the general public. This is necessary to create a baseline understanding of what open climate data is, why it matters, and how it can be used to monitor progress on climate-related commitments.
- Conduct public consultations on high-value data prioritization:** Conduct consultations where relevant members of the public can inform decision-making, such as in the identification of climate-related priorities for data collection or the design of pilots to collect new types of data. Ensure that such consultations include targeted outreach to vulnerable communities. Examples of this include [deliberative models of participation](#) at national and local levels.

Civic Participation  
Executive  
Legislature  
Inclusion  
Foundational

Civic Participation  
Executive  
Inclusion  
Intermediate

Civic Participation  
Executive  
Legislature  
Inclusion  
Intermediate

## PUBLIC ACCOUNTABILITY

- Create or strengthen oversight mechanisms:** Create or strengthen independent audit and legislative oversight mechanisms to use open climate data in [assessing](#) whether government funds are spent effectively and equitably on climate actions. Governments may wish to create cross-governmental inspectors and ombudsperson offices to ensure that data conforms to the law and is accurate and free of political influence.
  - This includes publishing audit reports in an easy-to-find location (such as a central portal) and a structured format. Consider conducting a campaign to amplify the reach of the reports with users of such data (such as CSOs and journalists) and the general public.
- Create a public verification mechanism:** Create a complaint mechanism for the media, civil society, or interested members of the public to request verification of climate-related information. The government body responsible for this information should be given a mandate to investigate and respond to all requests in a timely manner.

Transparency

Public Accountability

Legislature

Foundational

Civic Participation

Public Accountability

Legislature

Foundational

## High-Value Climate Data Checklist

Below is a checklist of common types of high-value climate data to collect and publish, based on research from the Open Data Charter (ODC) and the World Resources Institute (WRI). ODC created an [interactive checklist](#) of the high-value components of each dataset, including standards where they exist.

- **National greenhouse gas (GHG) emissions data:** Identify actions and investments to lower emissions and priority sectors for focused and coordinated action.
- **Agriculture data:** Assess vulnerabilities and “more effectively support local adaptation, water use, crop selection, and food security strategies.”
- **Land Use, Land Use Change, and Forestry (LULUCF) data:** Increase [institutional coordination](#) in land use decision-making to support national mitigation policies, improve accountability, and inform forest management by communities and the private sector.
- **Electricity and stationary energy (i.e. fuel) data:** Better coordinate mitigation and adaptation planning due to the high emissions and freshwater impact of this sector, and inform work to increase energy access.
- **Waste data:** Improve emissions tracking and the “impacts of mitigation activities deployed in the sector.”
- **Natural hazards and impacts data:** Better inform disaster risk management and adaptation planning by the public and private sectors, especially at the local level.
- **Climate vulnerability data:** Better inform disaster risk management and adaptation planning by the public and private sectors, especially at the local level.
- **Climate finance data:** Strengthen accountability and safeguard [climate funds](#) from corruption, especially by allowing investors and civil society to understand how funds are spent and their impact to inform future finance flows.

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Almost half of OGP member countries have made at least one commitment on open data related to the environment and climate. OGP's Independent Reporting Mechanism has evaluated such commitments as more ambitious than average and with more promising results to bring about real-world change.

- **Corrientes, Argentina Open Data to Enhance Urban Tree Planting:** [Committed](#) to publishing a dynamic record of existing trees, extractions, replacements, and nurseries in the city to foster civic engagement in environmental management.
- **Costa Rica Open Public Data on Climate Change:** [Created](#) an open data [portal](#) where climate change-related data is stored and published for public access.
- **Dominican Republic Carbon Footprint Calculator for Public Procurement:** [Committed](#) to creating a Carbon Footprint Calculator to quantify the environmental impact of public procurement projects, which will be available to the public and will play a role in future contracting decisions in the medium term.
- **Indonesia Open, Centralized Data on Natural Resources:** [Committed](#) to continuing the “One Indonesian Data” project to publish standardized, centralized government-held data related to natural resources, the environment, and spatial planning. This commitment will also focus on linking data from the national and regional governments.
- **Kenya Data Publication on Climate Change:** [Committed](#) to publishing data related to climate change, such as information on carbon offset programs, afforestation, and climate change risks.
- **Panama Portal on Environmental Information:** [Committed](#) to updating its national environmental information system ([MiAmbiente](#)) to include data that complies with Article 6 of the Escazú Agreement. [Carried forward](#) the commitment in its 2023-2025 OGP action plan to continue improving the platform, such as by creating an avenue for feedback.
- **Paraguay Disclosure of Standardized Open Climate Data:** [Launched](#) a monitoring [dashboard](#) in 2018, which standardized and centralized open climate data, with data related to water issues, development projects, biodiversity, and climate change.
- **Uruguay Open Data on the National Energy Efficiency Plan:** [Made](#) publicly available [open data](#) on energy efficiency up to 2021, including a [map](#) of energy projects throughout the country, as part of an effort to increase public awareness of energy policy developments.

### BEYOND OGP ACTION PLANS

- **Buenos Aires, Argentina Open Climate Data:** Developed [BA Climate Action](#), a platform that [provides](#) citizens with open data and visualizations on initiatives and goals, as well as proposals for participation and collaboration to achieve a resilient, sustainable, and carbon-neutral city.
- **Colombia Platform on Open Data for Agriculture:** [Created](#) the platform [Aclímate Colombia](#), which integrates several open datasets focused on agriculture resilience to “help farmers understand and adapt to changing weather patterns” and to fuel research on better farming practices.
- **Spain Open Climate Data Published:** [Published](#) open datasets that a multi-stakeholder coalition called Futuro en Común (Common Future) used to review the government’s progress in fulfilling the Sustainable Development Goals.
- **Sweden Strategy to Manage Environmental Data:** [Developed](#) a joint [Environmental Data Management Strategy](#) for several government bodies, which aims to improve the availability and use of environmental data.

## The Role of Local Governments

The [Paris Agreement](#) requires significant action at the subnational level. The scale of climate change as a threat requires national governments to coordinate closely on climate actions and to empower local jurisdictions to innovate their own solutions. This multifaceted response includes the collection and publication of open climate data.

As the Open Data Charter [explains](#), municipal governments are key in collecting, managing, and publishing climate data from a very localized vantage point. Though more work needs to be done to integrate the data from cities and regions into national datasets, there are some positive developments in this direction. For example, [Canada's](#) Nationally Determined Contribution (NDC) under the Paris Agreement “comprehensively takes into account the GHG emissions reduction estimate of sub-national climate plans and actions,” making it a useful model for other countries.

Additionally, for over 20 years, [Disclosure Insight Action](#) (also known as CDP) has provided an [open data portal](#) for cities to disclose data regarding their environmental impact. The data helps cities report and assess their impact on their surrounding habitat, with almost 1,000 cities currently publishing their data in an open format. Making environmental data available on local greenhouse gas emissions and environmental risks has made cities like Miami (United States), Paris (France), and Wellington (New Zealand) leaders in climate action.

Subnationally, governments and communities can also use climate-related data in decision-making at the policy and individual levels to ensure that national-level datasets can inform local adaptation and mitigation efforts. In the [United States](#), the National Oceanic and Atmospheric Administration [maintains](#) a website on climate-related events that includes localized information that can be used to improve resilience.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Open Data Charter](#)
- [UN Economic Commission for Europe \(UNECE\)](#)
- [World Bank](#)
- [World Resources Institute \(WRI\)](#)



## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **World Bank** maintains a [Climate Change Knowledge Portal](#) that provides global data on historical and future climate trends, vulnerabilities, and impacts. The portal also includes country-level profiles on climate risks and adaptation actions taken to date.
- **Open Data Watch** maintains the [Open Data Inventory](#) (ODIN). As of 2023, ODIN broadly assesses the openness and breadth of official statistics data for 195 countries. The inventory also includes key climate-related data on the [country profile](#) pages across categories 18-22.
- The **Global Facility for Disaster Reduction and Recovery** (an initiative under the World Bank) runs the [OpenDRI index](#) to identify, assess, and compare key datasets for disaster risk management.
- The **Global Climate Observing System** (GCOS) is a [database](#) run by the World Meteorological Organization, the Intergovernmental Oceanographic Commission of UNESCO, the United Nations Environmental Programme, and the International Science Council. The GCOS seeks to produce accurate, open climate data at the global level.
- **Disclosure Insight Action** (also known as CDP) maintains an [open data portal](#) for cities to disclose data regarding their environmental impact, with almost 1,000 cities currently publishing their data in an open format.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **Open Data Charter** has several publications with guidance on open climate data, including the [Open Up Guide for Climate Action](#) and a set of [open data strategies](#) published in collaboration with WRI.
- The **Greenhouse Gas Protocol** is a [multi-stakeholder partnership](#) of CSOs, businesses, and governments convened by the WRI and World Business Council for Sustainable Development. It provides the most widely used [standards](#) for GHG accounting to measure emissions. The standards target different actions and actors at the national level (in terms of [mitigation goals](#), [policies and actions](#), and the [GHG benefits](#) of mitigation projects) and at the [local](#), [corporate](#), [product](#), and [supply chain \(Scope 3\)](#) levels.

- The **Global Partnership for Sustainable Development Data** published a [guide](#) on open climate data for sustainable development and an [analysis](#) of the state of SDG data as of September 2023.
- Adopted in March 2022, the **United Nations Statistics Division** created a global set of [climate change statistics and indicators](#) that can be used as a framework for countries developing their own priorities and resources.
- The **United Nations Framework Convention on Climate Change** (UNFCCC) is a key producer of standards and guidance related to open climate data. For example, the UNFCCC published the [annual reporting requirements](#) for national GHG inventories that are part of the Paris Agreement. The UNFCCC also hosts a central [portal](#) of all documents submitted by national parties to the agreement.
- The **UNECE**, focused on Europe, published core [climate change-related indicators](#) created by the Conference of European Statisticians (CES). This set of indicators is based on the United Nations [System of Environmental-Economic Accounting](#), which can be used as a standard to develop national-level climate datasets. The UNECE also released [implementation guidelines](#) to provide additional support in using the CES core indicators.
- The **World Bank's** Global Facility for Disaster Reduction and Recovery published a [field guide](#) through its Open Data for Resilience Initiative, which outlines a process for governments and their partners to catalog existing datasets without giving up control to third parties. The guide also provides a way forward to engage communities, especially those at risk of climate change's negative impacts, in mapping data about their exposure to extreme weather events and other hazards.
- The **Ford Foundation**, in collaboration with the Engine Room and Ariadne, has produced a [set of resources](#) on the intersection of digital rights and environmental justice, which includes guidance on climate data-related challenges and opportunities.
- The **ONE Campaign** published a detailed [report](#) on the current obstacles preventing the necessary levels of transparency and oversight of climate finance data. The report also includes specific recommendations to address data gaps and how to accelerate funding for climate-related initiatives.

# Digital Governance



*OGP members are working to ensure that digital governance measures align with open government values like transparency, civic participation, and public accountability. Pictured: Andrew G. Temmeh, the then-Deputy Minister of Administration at the Ministry of Information in Liberia.*

# Automated Decision-Making, Algorithms, and Artificial Intelligence

Governments are increasingly using automated decision-making (ADM) to assess eligibility for government benefits, detect fraud, and allocate resources. ADM can potentially make governments fairer, more efficient, and more effective. To do so, however, it needs appropriate oversight and safeguards. Without safeguards, ADM can reproduce or amplify existing biases in [denying](#) welfare benefits, [misidentifying](#) innocent people, or [misdiagnosing](#) illness. In the context of private sector activity, the use of ADM systems and algorithms also benefits from safeguards that balance innovation with protection of rights. Improving transparency, participation, and accountability can help maximize the benefits and minimize the harms.

## Open Gov Challenge

### Digital Governance

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Digital Governance.

**Challenge prompt:** Strengthen transparency and public oversight of AI and data protection frameworks.

For new or existing AI, data processing, and automated decision-making policies, especially those governing the public sector, actions and reforms could include:

- Making underlying data publicly available (such as through transparency registers for algorithms).
- Embedding human rights impact assessments.
- Creating public grievance mechanisms.
- Creating or strengthening independent oversight agencies.
- Creating specific public consultation opportunities.
- Creating specific mechanisms to promote digital inclusion or to prevent online discrimination.

## Key Terms

- **Algorithmic transparency:** Algorithmic transparency is the [ability](#) of internal or external actors to obtain information, monitor, test, critique, or evaluate the logic, procedures, and performance of an algorithmic system.
- **Automated decision-making (ADM):** ADM is the processing of personal data using digital means, either without human involvement or in hybrid systems where some portion of decision-making is carried out by algorithms.
  - ADM includes algorithmic decision-making, which uses artificial intelligence (AI) algorithms to process data and conduct statistical analyses to automate or support a decision-making process.
- **Data Protection Authority (DPA):** In many jurisdictions, the DPA oversees and regulates algorithmic decision-making and personal data processing. Powers may include issuing regulations and guidelines, hearing complaints, and investigating issues of concern.

## The Evidence

Because it is a relatively new area of work, more research is needed to understand the most effective open government approaches to govern ADM. [Early research](#), however, shows that increasing transparency, civic participation, and public accountability have a positive effect.

- [Public scrutiny](#) of algorithms has been shown to help identify bias according to social status, gender, and other characteristics.
- [Explanations](#) of how ADM systems work can build trust with the public and create avenues of participation, with recent [participatory initiatives](#) showing that members of the public can investigate highly technical topics.
- ADM has been used effectively to support open government practices, such as detecting fraud or corruption. For example, Valencia, Spain's [SALER system](#) allows officials and members of the public to flag conflicts of interest in the public procurement process.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Create a legal framework for data protection:** Establish basic framework laws on data protection, including the establishment or enhancement of a DPA.
- Establish agency-level guidance:** Establish basic guidance and shared terminology on technology design and adoption for agencies to follow in terms of procurement to ensure that community needs are met, including fairness, transparency, privacy, and human rights. Such standards should be publicly available, reported on, and developed in consultation with community input.
- Create a public interface for DPAs and other regulators:** Ensure that the DPA and any other relevant regulators are capable of receiving, investigating, and prosecuting (or referring) cases of harm. This may also include expansion of subpoena and inspection powers by the DPA.
- Report regularly on high-risk activities:** Authorize the DPA to identify major high-risk activities inside and outside of government and to make referrals to other agencies for regulatory or other action.
  - This includes submitting regular reports to the legislature on data protection and other topics under the DPA's mandate.



- Mandate the use of impact assessments:** Authorize the DPA to mandate the use of impact assessments for agencies under its purview. This can identify potential bias or discrimination in an ADM system before it is put into use, and can include mechanisms for the public to give input on and access such assessments. [Canada's](#) Directive on Automated Decision-Making provides an example of what this looks like in practice.
- Establish guidelines to purchase AI systems:** [Establish](#) and publish basic guidelines for government procurement of AI systems, such as assessing risks and creating accountability mechanisms before purchase.
  - Such guidelines can include requirements for the [formation](#) of a multi-stakeholder oversight group to advise and report on AI procurement.
- Train public officials on ADM:** Provide training for public officials on how ADM systems work, including the general capacity building needed to understand the basics of ADM technology as well as knowledge of the specific systems used in a given agency.

Transparency  
Civic Participation  
Legislature Intermediate

Transparency  
Executive Intermediate

Civic Participation  
Executive Intermediate

**TRANSPARENCY**

- Require notifications of data breaches.**
- Require notifications for the use of ADM:** Require notifications to those who are affected by decisions made by an ADM system. This should include mechanisms for the public to challenge automated decisions or to request exclusion from ADM systems, such as in the [Republic of Korea](#).
- Require notice and consent for processing:** Require disclosure and consent to data processing activities when using online tools, including data collection, storage, use, and modification.
- Create an algorithm register:** Establish or enhance a data processing register. Such registers may focus on government (and contractor) processing or cover non-governmental activities. A register may support the proactive publication of algorithmic impact assessments.
  - Algorithmic transparency may include data on many elements of an ADM system [beyond the source code](#), including the system's existence, purpose, governing rules and structure, real-world impacts, training data, inputs, and outputs.
- Require data processing reports:** Require all ADM systems to disclose information that establishes and regularly renews a clear legal and ethical basis for how they collect, store, share, use, and modify data. This might include establishing individual consent or establishing social license through participatory processes.
- Standardize impact reporting:** Adopt or enhance procedures to standardize privacy and human rights impact assessments. Ensure that the public can scrutinize and give inputs on such reports and raise flags about irregularities.

Transparency  
Executive Foundational

Transparency  
Executive Foundational

Transparency  
Executive Foundational

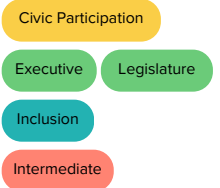
Transparency  
Legislature  
Intermediate

Transparency  
Executive  
Intermediate

Transparency  
Civic Participation  
Legislature Advanced

## CIVIC PARTICIPATION

- Conduct consultations with the public:** Conduct consultations where relevant members of the public can inform the design and pilot stages of technology that affects them (such as algorithms used in ADM systems). Examples of this include [deliberative models](#) of participation at national and local levels.
  - Ensure that such consultations include targeted outreach to vulnerable communities, who tend to experience negative impacts from data collection and technology use.



## PUBLIC ACCOUNTABILITY

- Create public complaint mechanisms:** Create public complaint mechanisms (including judicial, quasi-judicial, and ombudsperson structures) to report violations of the law. This is necessary to ensure the public has a means to communicate whether and how the social acceptance of a company’s or industry’s practices have changed, which can be used to identify gaps in current legal frameworks.
- Conduct regular audits:** Conduct regular audits of ADM systems through independent oversight bodies and civic monitors (such as a [social audit](#)).
- Publish enforcement and compliance history:** Make enforcement and compliance history available online, which can be used to support future enforcement actions.



## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. This is an emerging area of focus for OGP members, with recent commitments made on ADM.

- **Canada Algorithmic Impact Assessments in ADM:** [Requires](#) agencies using ADM to conduct and publish [impact assessments](#) before the deployment of any ADM system and to update the system when there is a change in its functionality or scope.
- **Netherlands Guidance for Making Algorithms Accessible:** [Committed](#) to establishing guidance and a decision tree for agencies, including guidance and tools for making algorithms openly available.
- **New Zealand Plans to Implement the Algorithm Charter:** [Committed](#) to implementing its [Algorithm Charter](#), such as consulting with the agencies that signed the charter to prioritize recommendations related to understanding and addressing the risk of using algorithms in their work.
- **Scotland, United Kingdom Transparency Measures for Government Decision-Making:** [Committed](#) to increasing the accessibility of government data, such as opening data related to government decision-making and developing a public register of AI algorithms.
- **Uruguay Multi-Stakeholder Oversight Body for AI Use:** [Committed](#) to creating a multi-stakeholder oversight body on the government’s use of AI.



## BEYOND OGP ACTION PLANS

- **European Union Requiring Human Intervention in AI Systems:** [Explicitly requires](#) human intervention in high-risk AI systems, such as facial recognition software and systems to evaluate the eligibility of natural persons for public benefits and creditworthiness.
- **Nigeria DPA Process to Increase Auditing Effectiveness:** [Established](#) a process to license and register authorized auditors, conduct training and provide consulting on data protection compliance.
- **South Africa DPA Enforcement to Protect Personal Data:** [Mandated](#) to take steps to limit or stop processing personal data, based on a specified time frame where the controller of data must comply with the DPA's decision.

### The Role of Local Governments

Local governments are frequently the procurers or developers of ADM systems. They play a special role in ensuring that such systems meet their own objectives, including effectiveness, efficiency, fairness, and explainability. These objectives must be made transparent to the public and explained to intermediaries, such as journalists.

Indeed, [several cities](#) (such as Amsterdam, New York, and Nantes) have been much quicker than their national counterparts in publicizing their use of ADM, such as through algorithm registers. In the absence of national legislation, provincial and state governments have often led legal reform and innovation in the area of transparency.

Of course, many local governments or agencies may not have the capacity to evaluate certain ADM systems. In this case, they may have a special role to act together to evaluate the merits of different systems and vendors.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Access Now](#)
- [Ada Lovelace Institute](#)
- [AI Now Institute](#)
- [ALT Advisory](#)
- [Center for Democracy and Technology](#)
- [Connected by Data](#)
- [Data & Society](#)
- [DataSketch](#)
- [Open Data Charter](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- **Data for Development (D4D)** will release the [Global Index on Responsible AI](#) on the quality of AI oversight, including adherence to OGP values of transparency, civic participation, and public accountability.
- [Data Protection Africa](#), managed by **ALT Advisory**, maps data protection laws in 55 countries on the continent.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- **Ada Lovelace Institute, AI Now Institute**, and the **OGP Support Unit** collaborated on a [publication](#) that draws lessons from public sector policy implementation examples related to algorithmic accountability. The resource includes an analysis of the limits of legal and policy mechanisms in ensuring safe and accountable algorithmic systems.
- **ALT Advisory** (South Africa) and the **OGP Support Unit** published [Data Protection in Africa: A Survey of Member Progress](#), which aims to analyze the context and major barriers to effective data protection among OGP members in Africa. It also makes recommendations that strengthen data protection in the region.
- The **University of Adolfo Ibáñez** and the **OGP Support Unit** conducted a [state-of-the-evidence review](#) of algorithmic transparency and accountability standards and recommendations, which informed the “[Algorithmic Transparency](#)” chapter of the 2022 edition of the [Skeptic’s Guide to Open Government](#).
- **Connected by Data** produced a [report](#) on how to secure meaningful commitments on data and AI governance, following a design workshop at the 2023 OGP Summit in Estonia with civil society representatives, government officials, and academics.
- The **OGP Support Unit**’s Open Algorithms [blog series](#) brings together recommendations and examples of good practices from government reformers and civil society members working on algorithmic accountability.
- **Data for Development (D4D)** will release the [Global Index on Responsible AI](#) on the quality of AI oversight, including adherence to OGP values of transparency, civic participation, and public accountability.
- Many countries have begun considering guidelines to address AI and data protection concerns, with the **United Kingdom**’s [Data Ethics Framework](#) providing an especially useful example of more formalized guidance.

An aerial photograph of a city at sunset, with a white brushstroke graphic on the left side. The text "Fiscal Openness" is written in bold black font over the white brushstroke.

# Fiscal Openness

*The Public Service Accountability Monitor (PSAM), a civil society organization, has led efforts to open South Africa's budget by increasing its accessibility and understandability.*

# Open Budgets

Every year, governments collect and spend billions of taxpayer funds to pay for public services like education and healthcare. The public has a right to know how that money is allocated and how it is spent. Making budgets open to public input and scrutiny can help ensure that government planning and spending align with public priorities. In particular, people should be able to see that money is spent equitably, addressing the needs of women, people with disabilities, youth, and low-income groups, among others. OGP members have made their budgets increasingly transparent, yet more work remains for governments to proactively increase civic participation and oversight.

## Open Gov Challenge

### Fiscal Openness

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the Open Gov Guide addresses Fiscal Openness.

**Challenge prompt:** Advance public oversight and inclusion reforms across the budget and spending cycle.

Actions and reforms covering budgeting, revenue, spending and auditing could include:

- Promoting participatory mechanisms, targeting underrepresented groups, to inform spending priorities.
- Combining online and offline tools to promote participation across the budget and spending cycle.

## Key Terms

- **Budget cycle:** The [budget cycle](#) covers the formation, approval, execution (including procurement), and audit stages of budgeting.
- **Budget openness:** This [refers](#) to government actions that ensure transparency and public engagement at any stage of the budget cycle. This includes transparency and participation in spending and revenues, as well as the management of deficits and debt.
- **Gender-responsive budgeting:** Gender-responsive budgeting is a process to ensure equity in budgets that involves gender budget analysis, budget reallocation, and stakeholder engagement. This budgeting process promotes public accountability and transparency in public finance planning and management, and increases representation in participatory budget processes.
- **Participatory budgeting:** [Participatory budgeting](#) is a deliberative process in which community members decide how to spend part of a public budget.

## The Evidence

[Open budgets](#) can improve governance and development outcomes, increase revenue, and lower borrowing rates through increased creditworthiness.

- Transparency and participation in the budget process are [consistently associated](#) with improvements in the quality of the budget, such as a lower deficit, more targeted budget priorities, and increased operational efficiency. These values can also lead to better governance and development outcomes for [different groups](#), such as reduced corruption and lower infant mortality rates.
- Open budgets have been shown to build [tax morale](#) and increase revenue. This is especially true when governments implement participatory budgeting, as a study from [Brazil](#) shows. There, municipalities raised an additional 16 percent when they adopted participatory budgeting.
- Budget transparency creates a [virtuous cycle](#) in public debt management—greater transparency can lead to [lower borrowing costs](#), which in turn can lead to a lower level of debt and an increase in investment. [Other studies](#) similarly point to the connection between creditworthiness and budget transparency.
- Participatory budgeting has been [shown](#) to improve public trust in government, increase civic participation and political know-how, increase tax revenue, and lead to better development outcomes through the redirection of spending to marginalized communities.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

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- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Make more of the proposed budget transparent:** Make more of the proposed budget transparent to include the following (in order of difficulty):
  - Estimated expenditures, revenue, and debt for the upcoming year
  - Historical data on recent years and projections for the future
  - Macroeconomic estimates, non-financial data on performance, and explanations on the link between proposed policies and budget estimates
  - Extra-budgetary funds, future liabilities, and tax expenditures
  
- Increase the level of detail in budget reporting:** Increase the level of detail in budget reporting for mid-year and year-end reports. Mid-year reports should contain updated estimates on expenditures, revenue, and macroeconomic indicators. Year-end reports should contain information on debt, macroeconomic estimates, and non-financial performance.
  
- Assign a permanent team to create budget documents:** Assign roles and responsibilities to permanent staff to manage the process to create, publish, and promote public use of budget documents each year, ensuring that the recommended elements above are included.

Transparency

Executive

Foundational

Transparency

Executive

Intermediate

Transparency

Executive

Intermediate

## TRANSPARENCY

**Publish key budget documents:** Ensure that the [eight key documents](#) are [published](#) in an ongoing, timely manner each year for each part of the budget cycle. Consistent presentation aligned with international standards across the planning, approval, and implementation documents allows data generators and users to track spending and revenue collection. These documents are as follows, adapted from guidance from the International Budget Partnership (IBP).

**Pre-Budget Statement**

- Assumptions and understanding of future macroeconomic conditions at the domestic and international level (such as real output growth, composition of GDP growth, employment, prices, the current account, and interest rates)
- Long-term economic and fiscal policy objectives for at least two fiscal years
- Broad policy strategy for different sectors based on budget allocations and how such allocations might be influenced by new policy initiatives, such as in [South Africa](#)
- Broad estimates for tax and revenue, including potential developments in the economy that could affect revenue collection
- Estimates for the cost of important, new policy initiatives

**Executive's Budget Proposal and Supporting Documents**

- Estimates of expenditures, revenue, and debt for the upcoming year, aligned to international standards and in an open data format
- Specific data for revenue: debt contracted, other financial instruments, donor assistance (and whether each funding source is international, national, or private), and implications on the deficit

**Citizens Budget**

- Written in everyday language, with a focus on clear data visualizations to make the content easier to digest for the general public
- Standalone document to explain the objectives and content of the budget
  - Such an explanation could also include a discussion of the social and gendered impacts of different budget allocations, as examples from [Albania](#) and [North Macedonia](#) show.

**Enacted Budget**

- Final, approved estimates for expenditures, revenue, and debt (balance and gross), aligned with international standards and in an open data format, including a presentation of significant differences between the Proposed Budget and the Enacted Budget
- Description of how the Enacted Budget impacts other areas of government performance, such as the government's financial assets and liabilities, non-financial assets, and employee pensions
- Relevant non-financial data, such as performance targets for expenditure programs

Transparency

Executive

Legislature

Foundational

### In-Year Reports

- Periodic (often monthly) reports on top-level trends in revenue collection and spending for the principal components of the budget (by month and year-to-date calculations)
- Should also contain information on the government's borrowing activity

### Mid-Year Review

- Comprehensive assessment of fiscal performance six months after the beginning of the budget year, including updates on how the macroeconomic context may have changed since the budget year began and whether the fiscal policy needs to be updated
- Detailed information on expenditure and revenue, including an explanation for significant differences between original estimates and the mid-year data
- Discussion of the impact of policy decisions on the budget

### Year-End Report

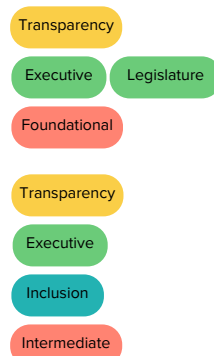
- Aggregate spending and revenues, the overall budget balance, and its financing at the end of the budget year to compare actual spending against original estimates
- Information on the level of public debt (a balance sheet of assets and liabilities)
- Information on budget outcomes, classified by sector and ministry
- Updated analysis of the macroeconomic context to draw lessons on how well fiscal policies addressed challenges and unexpected developments

### Audit Report

- Independent audit to assess the accuracy of the government's reported revenue and expenditure, as well as the level of compliance with financial management laws and regulations (scope depends on the legal mandate of the auditing institution)
- May also comment on the efficiency and efficacy of government spending

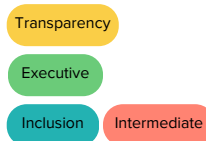
- Publish data on budget performance and oversight:** Publish data on budget performance (such as comparing budget projections to actual revenue and tax expenditures) and the functioning of the budget oversight mechanism(s) in line with international standards.

- Provide explanations of budget items:** Ensure the readability of budget documents beyond the Citizens Budget, such as providing narrative explanations for the public to better understand the content and context of such documents. For details, IBP [published](#) a framework for providing and assessing explanations.





- Provide disaggregated data in budget documents:** Where relevant, provide disaggregated data in all documents to show the impact of the budget on different demographic groups. For example, including alternative displays of expenditure by different categories (such as gender or age) can illustrate discrepancies in funding.
- Make planning data interoperable with spending data:** Link relevant planning and spending data (including public procurement transactions) to ensure the identification of gaps in spending, including spending through extrabudgetary funds. The Global Initiative for Fiscal Transparency (GIFT) [Open Fiscal Data Package](#) provides guidance on publishing this data.



### What does “timely publication” mean?

IBP requires the timely publication of each key budget document to meet its open budget criteria. IBP’s deadlines are as follows:

- **Pre-Budget Statement:** At least one month before the Executive’s Budget Proposal is submitted to the legislature for consideration
- **Executive’s Budget Proposal and Supporting Documents:** While the legislature is still considering the budget proposal and before it is enacted
- **Citizens Budget:** Within the same time frame as the Pre-Budget Statement and Executive’s Budget Proposal
- **Enacted Budget:** No later than three months after the budget is approved by the legislature
- **In-Year Reports:** No later than three months after the reporting period ends
- **Mid-Year Review:** No later than three months after the reporting period ends, typically at the midpoint of the fiscal year
- **Year-End Report:** No later than 12 months after the end of the fiscal year
- **Audit Report:** No later than 18 months after the end of the fiscal year

## CIVIC PARTICIPATION

- Support public participation in the budget cycle:** Increase public participation, including of vulnerable and marginalized groups, throughout the budget cycle, which covers planning, execution, and oversight. This means enabling engagement between the public and the executive (such as national and subnational governments, line/sector ministries, and departments and agencies), the legislature, and (sub)national audit offices. For example, the [Citizen Participatory Audit](#) process in the [Philippines](#) evaluates the effectiveness of government spending on public services across different thematic areas and feeds the results into future policy-making.
  - Provide training for the public (particularly vulnerable or underrepresented groups) and groups such as civil society organizations (CSOs) and journalists to cultivate the technical expertise necessary for effective participation.
  - Engage a broadly representative section of the public on key topics in a timely, open, and accessible manner.
    - In budget formulation, relevant topics for consultation include macroeconomic issues, revenue forecasts, policies and administration, social spending policies, deficit and debt levels, public investment projects, and public services.
    - In budget implementation, relevant topics for consultation include changes in macroeconomic circumstances, public services delivery, revenue collection, implementation of social spending, changes in deficit and debt levels, and implementation of public investment projects.
  - Provide comprehensive information on the consultation process before engagement begins, so that the public can participate in an informed manner. Comprehensive information must include at least three of the following elements: purpose, scope, constraints, intended outcomes, and the process and timeline.
- Provide feedback to the public:** Provide the public with clear, timely feedback on how public inputs have been used for each stage of the budget process.
- Conduct and publish gender-responsive budget reviews:** Conduct and publish [gender-responsive](#) budget reviews in consultation with expert groups, such as civil society representatives (for example, organizations focused on women’s empowerment and gender equality). Gender-responsive budget reviews ensure that the allocation of public resources promotes gender-equitable spending and represents the interests of all members of the public.

Civic Participation

Executive

Foundational

Transparency

Civic Participation

Executive

Intermediate

Civic Participation

Executive

Inclusion

Intermediate

PUBLIC ACCOUNTABILITY

- Create or strengthen oversight mechanisms:** Create or strengthen independent audit and legislative oversight mechanisms to ensure government funds are spent effectively and equitably.
  - Publish audit reports in an easy-to-find location (such as a central portal) and a structured format. Consider conducting a campaign to amplify the reach of the reports with users of such data (such as CSOs and journalists) and the general public. For example, the Court of Auditors in [France](#) has hosted hackathons with civil society and tech organizations by making public various datasets on budgets and spending by government agencies.
  - Make any responses to the audits publicly available, particularly by CSOs, journalists, and other infomediaries who analyze the data for advocacy purposes.
  
- Create feedback mechanisms:** Create feedback mechanisms for the public to provide input on the efficiency and effectiveness of government spending. This is especially important to oversee spending of emergency and other quickly dispersed funds.
  - Enable members of the public to submit suggestions during audit planning (such as ideas on what public projects should be audited) and the actual audit (such as submitting reports on misconduct or fraud). CSOs and journalists, in particular, should play a role in conducting spot-checks to ensure that funding and services reach intended beneficiaries, particularly those from marginalized groups.
    - For example, [Colombia](#) conducts “articulated audits,” where a CSO or citizen oversight body centralizes public inputs for review by the Office of the Comptroller Delegate for Citizen Participation. In another example, [Georgia](#) created a [budget monitoring portal](#) that includes the ability to submit suggestions or complaints through an OGP action plan.
  - Create a whistleblower hotline for anonymous submission of complaints. (For more information on corporate whistleblower protections, see [Keeping Good Company: How Financial Regulation is Helping Reduce Corruption in Market Economies](#), part of a [series](#) on the private sector and open government.)
  - Provide training for the public on how to participate in the audit process, with dedicated outreach to communities who may be less likely to participate, such as women or youth.
    - In [Costa Rica](#), the audit institution runs an online training course for the public on participating in audits and hosts capacity-building training before running local problem-solving initiatives between local governments and communities.

- Transparency
- Public Accountability
- Legislature
- Foundational

- Civic Participation
- Public Accountability
- Legislature
- Inclusion
- Foundational

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Budget transparency is part of OGP's eligibility requirements, and fiscal openness as a whole is the most popular policy area among members. Beyond increasing the transparency of budgets and other fiscal information, OGP members are also publishing data on the use of emergency funds (such as for COVID-19) and information on the state of public debt.

- **Côte d'Ivoire Online Citizens Budget:** [Uploads](#) an annual [Citizens Budget](#) online starting in 2019 to explain the budget process to the public. Newer versions of the budget also set desired results for expenditures rather than only focusing on expenses incurred. Also [committed](#) to institutionalizing participatory budgeting practices at the local level.
- **Finland Spending Transparency on the Public Procurement Portal:** [Expanded](#) its public procurement portal to include spending in near-real time, which can be [sorted](#) by government agency (known as “administrative branches”).
- **Lithuania Municipal Finance Data Portal:** [Created](#) a data [portal](#) for all municipalities in the country related to state and local revenue and expenses, debts, and unemployment, as well as national budget details. The portal also includes public and private recipients of public funding and the [use of tax revenue](#).
- **Malawi Parliamentary Oversight of New Loans:** [Committed](#) to mandating the referral of loan bills to the Parliament's Budget and Finance Committee, which then presents its findings to the National Assembly to ensure parliamentarians can track new loans.
- **Mongolia Law to Publish Government Budgets:** [Adopted](#) a law to make government budgetary information publicly available, which led to the launch of the [Glass Accounts portal](#) in 2015. [Continued work](#) on this topic also led to the expansion of the number of agencies that must upload information on their budgets, finances, and public procurement.
- **Montenegro Debt Transparency Commitment:** [Committed](#) to making data on local governments' revenues, expenditures, and tax debts more transparent, particularly in an open data format.
- **North Macedonia Open Finance Data Portal:** [Launched](#) a [database](#) on budget expenditures in 2019 for institutions administered under the Treasury, which media organizations have already begun to access for investigative reporting.
- **Papua New Guinea Commitment to Increase Budget Transparency:** Committed to increasing budget transparency through several commitments in the 2022–2024 action plan: [passing](#) a law on budget transparency, [publishing](#) fiscal data (including [subnationally](#)), and [publishing](#) annual audit reports.

## OPEN BUDGETS

- **Quintana Roo, Mexico Budget Transparency Platform:** [Co-created](#) a budget transparency [platform](#) that provides information on the budget cycle in open data format, with cross-cutting annexes on gender and anti-corruption. [Committed](#) to making the platform more user-friendly.
- **Scotland, United Kingdom Review Process for Spending Plans:** [Implemented](#) several reforms related to budget transparency, particularly creating a [Spending Review Framework](#) that sets criteria for future spending plans through dialogues between actors such as parliamentary committees, government officials, and public bodies.
- **Uruguay Public Feedback on Budget Transparency:** [Conducted](#) several consultations with users of the [budget transparency portal](#) and incorporated feedback, such as adding new content, revising existing content to be more readable, improving the search function, and ensuring that data is published according to the Open Fiscal Data Package.

## BEYOND OGP ACTION PLANS

- **Brazil Transparency Portal for COVID-19 Emergency Spending:** Created a page on its [Transparency Portal](#) (Portal da Transparência, Controladoria-Geral da União) to track planned and actual federal spending on coronavirus relief efforts with open data.
- **Estonia Budget Transparency Data Portal:** [Created](#) a budget data portal that includes monthly [reports](#) on the spending and accounting information of municipalities, and both state and municipal-owned agencies and companies.
- **Ghana Auditing App for Public Engagement and Transparency:** [Launched](#) a mobile app (CITIZENSEYE) through the Ghana Audit Service to track the use of public funds and engage the public on audit plans and programs. Since its launch, a Kenyan delegation from its Office of the Auditor-General visited the country to learn about the app.
- **Indonesia Commitment to Fully Distribute Fuel Subsidies to Fisherfolk:** [Committed](#) to simplifying the process for fisherfolk to register for fuel subsidies, following analysis from women leaders to diagnose the obstacles to receiving these funds, in partnership with the IBP and the national fishing union.

## **The Role of Local Governments**

The first 20 local governments to join OGP showed that fiscal openness commitments at the local level can be particularly effective. Over 30 percent of their fiscal openness commitments led to strong early results, and 80 percent of their participatory budgeting commitments were ambitious. According to OGP's Independent Reporting Mechanism, "[ambitious](#)" in this context means that a commitment, if fully implemented, has the potential to yield meaningful results by changing the practices, policies, or institutions related to a given policy area.

Participatory budgeting (PB) can be particularly effective at the local level. In fact, the city of [Porto Alegre](#) (Brazil) implemented the first PB initiative as an anti-poverty measure, where it helped reduce infant mortality by 20 percent. Over 7,000 cities worldwide now use this tool to determine how budgets will be allocated for areas such as housing and education. Findings from People Powered [show](#) that participatory budgeting can improve public trust in government, increase civic participation and political know-how, increase tax revenue, and lead to better development outcomes through the redirection of spending to marginalized communities.

## **Active OGP Partners**

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Collaborative Africa Budget Reform Initiative](#)
- [Global Initiative for Fiscal Transparency \(GIFT\)](#), an action network currently hosted by the [International Budget Partnership \(IBP\)](#).
- [Global Movement for Budget Transparency, Accountability, and Participation \(BTAP\)](#).
- [International Monetary Fund \(IMF\)](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [Oxfam International](#)
- [Participatory Budgeting Project](#)
- [People Powered](#)
- [Programme d'Appui aux Gouvernements Ouverts Francophones \(PAGOF\)](#)
- [Public Expenditure and Financial Accountability Program](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- **IBP** conducts the [Open Budget Survey](#), which evaluates the degree of transparency, public participation, and oversight of budgets in over 120 countries. As part of the survey, users can find country rankings and reports, as well as a data explorer that includes a calculator with the survey indicators and historical data.
- The **World Bank** hosts the [BOOST Open Budget Portal](#), a one-stop shop to connect users to participating countries' itemized fiscal data in an open data format.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- Beyond its annual [Open Budget Survey](#), **IBP** provides [guidance](#) on how to achieve greater transparency in the executive budget. The organization also provides comprehensive [recommendations](#) for what to include in the eight key budget documents necessary for budget transparency. Other guidance includes how to create a [Citizens Budget](#), how to strengthen [audit accountability and impact](#), and how to implement [gender-responsive budgeting](#).
- **GIFT**, which is currently hosted by IBP, published [High-Level Principles on Fiscal Transparency, Participation, and Accountability](#) in 2012, which were endorsed by the United Nations General Assembly that same year. GIFT has also published several useful guides related to open budgets, such as [principles](#) for public participation and a [guide](#) to advancing fiscal transparency. The organization also created an [open fiscal data package](#) to provide technical guidance both for governments that want to publish budgeting and spending data and for users of such data, such as journalists and researchers.
- Through its Fiscal Transparency Code, the **IMF** created a set of [principles](#) on reporting, forecasting and planning, risk analysis and management, and revenue management. The IMF also offers several guidelines on specific topics within fiscal transparency, such as the Public Investment Management Assessment [handbook](#) (including a new [tool](#) to evaluate public investments through a climate lens), [resources](#) to manage risk in public-private partnerships, and the [Tax Administration Diagnostic Assessment Tool](#) to evaluate tax administration functions, processes, and institutions.

- The **International Federation of Accountants** (IFAC), in collaboration with the Chartered Institute of Public Finance and Accountancy, developed an international [framework](#) to improve good governance in the public sector, with an emphasis on standards for strong financial management policies and practices. IFAC also supports the [International Public Sector Accounting Standards Board](#), which aims to improve public sector financial reporting through its [International Public Sector Accounting Standards](#).
- The **OECD Budget Transparency Toolkit** sets standards and provides guidance related to budget transparency in collaboration with members of the GIFT network—the IMF, World Bank, IBP, IFAC, and Public Expenditure and Financial Accountability (PEFA). The OECD has also published [guidance](#) on the best practices for gender-responsive budgeting.
- **PEFA** offers a diagnostic [framework](#) for governments to evaluate their public financial management (PFM) performance, as well as resources on specific PFM topics, such as a [book](#) on the relationship between PFM and good governance and a [toolkit](#) on the role of PFM in disaster response. PEFA also produces a [global report](#) on PFM and a [stocktaking analysis](#) of trends in how countries use the organization’s diagnostic tools.
- The **International Organization of Supreme Audit Institutions** (INTOSAI) created a set of [principles](#) for transparency and accountability to guide the governance and practices of audit institutions.
- The **Accountability Research Center** [assessed](#) citizen participation in the auditing process throughout Latin America, with a focus on progress at the subnational level, practices by Supreme Audit Institutions (SAIs) in the region, and how civil society uses data from SAIs. This report draws on discussions from the International Seminar on Citizen Participation and External Auditing, held in September 2020.
- **People Powered** published [The Participation Playbook](#), an interactive tool to help advocates, policy makers, and program managers in government offices or CSOs plan and implement participatory tools, including participatory budgeting. People Powered has also published a [review](#) of the effectiveness of participatory budgeting laws at the national level.
- The **Extractive Industries Transparency Initiative** (EITI) Standard includes [requirements](#) for participating countries to disclose fiscal data related to the extractive sector, such as projected revenues expected from the sector and public subsidies given to the sector.
- The **G20 Anti-Corruption Open Data Principles** provides a standard for open data that applies to policy areas such as budget and fiscal transparency, public procurement, and political finance.



## Gender and Inclusion



*North Macedonia has expanded protections for vulnerable groups, such as by improving access to justice, including for domestic violence survivors. Pictured: Vesna Shapkoski, Executive Director of L.E.T Station, a civil society organization focused on access to justice.*

# Gender-Based Violence

Open government approaches can contribute to combating one of the world's most prevalent human rights violations—gender-based violence (GBV). Gender-based violence takes many [forms](#). It may be physical, sexual, emotional, financial, and psychological. Women and girls are overwhelmingly the targets of gender-based violence—especially women living in poverty or extremely unequal societies—though this issue also impacts men, boys, and those across the gender and sexuality spectrum. The most [prevalent forms](#) of violence are intimate partner violence (IPV) and non-partner sexual violence (NPSV), though incidents of [tech-facilitated gender-based violence](#) and online violence have greatly increased in recent years. This, in turn, can affect [women's political participation](#) and involvement in civic life, including in [elections](#).

Opening government can make systems and services more transparent, accessible, and responsive to the needs of survivors of gender-based violence. They can help prevent violence by ensuring that potential victims and perpetrators understand the law and can access resources. They can help ensure that survivors of violence have access to services and [justice](#) mechanisms and the opportunity to shape those services to better address their needs. As evidence grows that collaborative and participatory approaches bear results, governments may also wish to scale up community engagement approaches and improve access to [gender data](#). There must be adequate democratic freedoms, [allowing](#) movements, organizations, and individuals to [protest](#), speak to their representatives and the public, and raise issues without [fear of retaliation](#).

## Open Gov Challenge

### Gender and Inclusion

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Gender and Inclusion.

**Challenge prompt:** Adopt open government reforms to promote the full participation of women politically, socially and economically.

Actions and reforms could include:

- Gender-targeted reforms such as mechanisms to tackle gender-based violence, both online and offline;
- Mainstreaming gender across other challenge areas (eg anti-corruption, fiscal openness, climate and environment); and
- Making the design and delivery of reforms participatory and inclusive of impacted communities.

## Key Terms

- **Femicide:** An intentional killing with a gender-related motivation, [femicide](#) (or feminicide) may be driven by stereotyped gender roles, discrimination toward women and girls, unequal power relations between women and men, or harmful social norms.
- **Gender data:** Also known as “gender statistics,” gender data [refers to](#) “data disaggregated by sex as well as data that affects women and girls exclusively or primarily.” According to [Data2x](#), a civil society organization (CSO) working to improve the production and use of gender data, “gender data provides meaningful insight into differences in well-being across women and men, and girls and boys, as well as actionable information for policy to address disparities.”
- **Gendered violence:** According to the Australian [e-Safety Commissioner](#), “gendered violence is any form of physical or non-physical violence or abuse against a person or group of people because of biased or harmful beliefs about gender. It can include things that happen online and that use digital technology.”

- **Intimate Partner Violence (IPV):** IPV refers to the abuse or killing of a person by their partner or spouse. The most common forms are physical, sexual, financial, or psychological abuse of a person by their partner or spouse.
- **Non-Partner Sexual Violence (NPSV):** NPSV refers to acts of sexual violence committed by any person that is not a current or former spouse or intimate partner. NPSV can be perpetrated by a family member, friend, acquaintance, or stranger.

## The Evidence

Combating the pervasiveness of gender-based violence requires a whole-of-government approach—including health and legal system improvements, public education about rights and services, economic access, and workplace protections. Open government approaches are core elements to deliver reforms across these strategies.

- Participatory and collaborative interventions have been shown to be effective ways to prevent and address GBV. The Pan-American Health Organization (PAHO) and UN Women created evidence-based programs around the “RESPECT” [framework](#), which focus on community engagement and the empowerment of youth and women’s organizations. Scholars [evaluating approaches](#) to combat GBV highlight the importance of participatory methods, such as gender and social empowerment group activities, participatory learning methods, and accessible public information. A separate meta-evaluation by the [Global Women’s Institute](#) found that interventions were more effective when they were participatory and multi-sectoral (involving government and non-governmental organizations), which was corroborated by another [meta-study](#).
- Creating avenues of accountability has been shown to improve outcomes for women and children in particular. A [study](#) in Peru found that, in communities with women’s justice centers, reporting of gender-based crimes increased by 40 percent, while gender-based violence, femicides, and female deaths due to aggression declined by 10 percent. Children living in households near a center became significantly more likely to attend school and less likely to drop out.
- According to [UN Women](#), “Evidence shows that the impacts of online and technology facilitated VAWG [violence against women and girls] can be as serious as ‘offline’ violence,” with negative consequences for health, safety, and civic participation, including political participation. For example, in a 2021 Inter-Parliamentary Union (IPU) [survey](#), 80 percent of women parliamentarians from 50 African countries reported experiencing psychological violence during their mandate, including online threats. IPU also highlighted the role of violence in suppressing women’s political participation across the continent. Addressing this growing threat, especially through open government approaches, is necessary to ensure the full and equal participation of all people in public life.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. "Foundational" does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### TRANSPARENCY

- Collect and publish GBV-related data in an open format:** Official government data on gender violence and femicide is often absent or incomplete. Collecting and opening up government-held data on GBV allows the public and officials to identify problems and strategies to address violence and contributes to public accountability for the success of public interventions. Targeted, disaggregated data can be significant in evaluating where and how to intervene, as seen in the case of [Mexico](#), where femicide data has been used to inform policy-making. To that end, prioritizing collection and publication through participatory engagement with women's empowerment organizations can identify gaps in data and increase the use of data in policy-making. Key data includes:

- Gender-specific risks to women and girls, such as safety and accessibility,
- Data on [perceptions](#) of safety and risk, which many government assess via surveys,
- GBV-related [crime reporting](#), including data on resolution of reports,
- Survey data on the public's understanding of legal rights, available resources, barriers, and outcomes around addressing GBV, and
- Access to and use of GBV-related prevention and survivor services (including medical care, justice services, and financial support).

Transparency

Civic Participation

Executive

Foundational

## GENDER-BASED VIOLENCE

- Implement data protection measures:** While the publication of data is essential, it is equally important that data publication is paired with data protection, ensuring the full anonymity of individuals vulnerable to GBV. This helps prevent stalking, retaliation, and harassment. Agencies and data protection authorities may work together to ensure that people can protect their privacy and safety. This may be particularly important in cases of [sexual extortion](#) (or sextortion), where public officers may be involved. In addition, this will be important when there is technology-assisted violence against women, which has become an [extremely prevalent](#) concern over the last decade.
- Create open models:** By most estimates, GBV is [underreported](#). This requires estimation models to ensure that resources reach the communities and individuals that need them. Such government models can be made public and subject to comment.
- Make data disaggregated, interoperable, and harmonized:** Ensuring comparable data across demographics and jurisdictions allows for better targeting of resources, stronger accountability, and faster learning from successes. Examples of demographic information to collect include age, ethnicity, geographic location, and marital status. This is especially important as new issues and approaches emerge, as is the case with the European Union’s emerging [data on psychological violence](#) or data on [femicide in Latin America](#).

Transparency

Civic Participation

Executive

Legislature

Intermediate

Transparency

Civic Participation

Executive

Intermediate

Transparency

Civic Participation

Executive

Advanced

## CIVIC PARTICIPATION

- Protect the civic space of gender-focused organizations:** Governments can take necessary steps to ensure that women’s organizations, LGBTQIA+ organizations, and other gender-based violence organizations have room to meet, voice their concerns, and propose solutions. This may require particular care, as some of these organizations may represent vulnerable groups such as sex workers, drug users, or youth—communities that face particular stigma and harassment, as well as intense risk of GBV. These protections are doubly important when military, police, or other powerful individuals may be implicated in violence or when implementing [counter-terrorism](#) measures. Work done by the [Prevention Collaborative](#) and [UN Women](#) illustrates successful examples of such interventions.
- Expand opportunities for civic participation in law and policy-making:** Expand opportunities for the public in developing laws, regulations, policies, and government strategies to combat GBV, including in drafting or strengthening laws to prevent and respond to GBV. Governments should proactively include individuals from vulnerable groups as well as representatives of GBV and gender-related organizations in such engagement efforts.

Civic Participation

Executive

Foundational

Civic Participation

Executive

Legislature

Inclusion

Foundational

## GENDER-BASED VIOLENCE

### **Ensure the inclusion of GBV and gender-related organizations and representatives in designing and overseeing government programs:**

Ensure that the communities impacted by GBV and gender-related organizations and representatives are included in designing and overseeing government community empowerment and education programs. Participatory and holistic approaches in such programming show stronger results. As governments seek to counter persistent violence, they will benefit from ensuring that local service delivery workers, local governments, and women’s empowerment organizations have a stake in programs through participatory approaches.

- GBV and gender-related organizations and representatives should also be involved in the budgeting process to ensure government programs targeting GBV have sufficient funding. Publishing such budget allocations can also help promote accountability. For details, see the “[Open Budgets](#)” chapter of the *Open Gov Guide*.

Civic Participation

Executive

Intermediate

- ### **Co-create policies to address online GBV threats:** Co-create policies to address online GBV threats with the public, including representatives from marginalized groups, the private sector, and CSOs. Examples of policies include assessing potential threats, creating codes of conduct and procedures for violations, designating escalation policies, and implementing justice reforms. Virtual harassment, intimidation, and threats of violence can [prevent](#) women, LGBTQIA+ individuals, and other vulnerable communities from participating in the digital public square. These threats also have the potential to translate into offline violence.

Civic Participation

Executive

Inclusion

Advanced

- ### **Strengthen the public’s role in oversight:** Legislators and administrators can better ensure that laws, regulations, and programs are effective when the public has the right to observe and inform a decision-making process. It is also important to ensure that audit reports and inspectors can publish their reports free of political interference.

Transparency

Civic Participation

Public Accountability

Executive

Legislature

Advanced

- ### **Carry out rights-based education and outreach on GBV prevention and response:** This includes engaging communities and community leaders to spread normative values around violence and working with educational leadership to encourage GBV discussion in schools.

Civic Participation

Executive

Advanced

## PUBLIC ACCOUNTABILITY

- ### **Create citizen advisory boards for first responders:** Create citizen advisory boards for first responders. Police, health, and emergency workers may be the first to encounter gender-based violence. In these cases, governments may wish to establish citizen advisory boards to address individual problems and strengthen positive interventions in first responder protocols.

Public Accountability

Executive

Foundational

□ **Ensure access to redress mechanisms for unsafe workplaces:** Ensure that workers have access to redress mechanisms to address unsafe workplaces in addition to courts. For open government purposes, this may be easier to begin with public sector agencies. This can help ensure that women and other vulnerable groups have appropriate protection from stalking, intimidation, and threats of violence. In no circumstances should this replace legal or other criminal measures.

Public Accountability

Executive

Inclusion

Intermediate

□ **Strengthen access to justice and redress for GBV survivors:** Survivors of GBV may not be able to obtain legal support due to reasons of awareness, resources, or prohibitive rules. Governments can take steps to improve access to redress and remedy by raising awareness of rights and processes, lowering procedural hurdles to make claims, and distributing legal and other aid to survivors in alternative locations. In addition, survivors of violence may need additional protections and services to supplement justice concerns, such as healthcare, shelter, and employment support. Responding agencies (such as police forces) should have publicly available information on their Standard Operating Procedures for supporting survivors. This information should also be shared with health justice organizations proactively. For more guidance, see OGP’s work on [Access to Justice](#) and in the “[Access to Justice](#)” chapter in the *Open Gov Guide*.

Public Accountability

Executive

Inclusion

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Gender-based violence commitments are a relatively new area of focus for OGP members, with countries in the Americas pioneering reforms in this area.

- **Argentina National Measures to Address GBV and Femicide:** [Successfully published](#) data on the budgets and resources allocated to preventing [gender-based violence](#) as part of a national plan, and [coordinated](#) trainings with subnational governments and justice officials to ensure implementation of “Micaela’s Law” to prevent femicide.
- **Canada Gender-Based Violence Knowledge Center:** [Created](#) a gender-based violence knowledge center to serve as a hub to coordinate federal initiatives under Canada’s Strategy to Prevent and Address Gender-Based Violence, support data collection and research, and disseminate and mobilize GBV-related knowledge and evidence.
- **Ecuador Plan to Eradicate Violence against Women:** [Co-created](#) a plan to implement the laws against violence against women, especially around access to justice, which saw major early results in achieving impact.
- **El Kef, Tunisia Women’s Access to Information on GBV:** [Committed](#) to creating an [online platform](#) that facilitates women’s access to information and resources, including legal guidance to victims of violence.



## GENDER-BASED VIOLENCE

- **Indonesia Public Participation in Drafting Regulations to Address Sexual Violence:** [Committed](#) to meaningfully engaging the public (especially civil society) in drafting regulations to address sexual violence. The goal of the regulations is to increase access to services for survivors and provide alternative remedies based on survivors' needs.
- **Liberia Sexual and Gender-Based Violence Map:** [Committed](#) to mapping CSOs that work on preventing GBV and creating a platform to track GBV cases across the country.
- **Monterrey, Mexico Committee to Produce GBV Data and Policies:** [Committed](#) to creating an Open Government Committee for the Unit of Attention to Victims of Familiar Violence and Gender of Monterrey, which would generate data and develop policy to address GBV in the state.
- **Morocco Creation of Women's Centers:** [Committed](#) to creating multi-disciplinary women's centers around the country to help ensure access to justice as part of a larger commitment related to women's participation and economic empowerment.
- **North Macedonia Access to Justice for Domestic Violence Survivors:** [Committed](#) to modernizing the administrative systems and information around the courts and other systems to expand access to justice for domestic violence survivors.
- **Sierra Leone Gender Equality Legislation:** [Passed](#) a Gender Equality and Women's Empowerment Bill, which aims to improve women's access to employment opportunities, equal pay, and political representation and to increase protections for women and girls against GBV.
- **Uruguay Gender-Based Violence Open Data:** Established and published standardized data on GBV across two action plans in [2018](#) and [2022](#), echoing the work of CSOs like [Feminicidio Uruguay](#) to capture data on gender-related violence.

## BEYOND OGP ACTION PLANS

- **Australia e-Safety Commissioner to Protect against Online Abuse:** [Created](#) an e-Safety Commissioner mandated to receive reports on issues such as cyberbullying and adult cyber abuse and help remove harmful content raised by such reports.
- **Bolivia Legal Framework on Violence against Women in Politics (VAWP):** [Created](#) a legal framework on VAWP, including passing the world's first and only law specifically on this issue, adopting Electoral Tribunal regulations to process VAWP complaints, and establishing a monitoring body to collect data on VAWP and other indicators.
- **Georgia Evidence-Based Policy-Making:** [Conducted](#) a nationwide study on violence against women in 2017, which included data on sexual harassment and stalking for the first time. Following advocacy efforts, the country adopted its first law on sexual harassment in 2019.

- **Kosovo Centralized Database for Domestic Violence Cases:** [Created](#) a centralized database of domestic violence cases with support from UN Women to improve the monitoring and prosecution of cases at the national and local level.
- **Spain Open Data Portal on Gender-Based Violence:** [Created](#) a statistical portal of gender-based violence data in an open format, which centralizes government-held data from various ministries and judicial bodies in a single place.

### The Role of Local Governments

Local governments play an essential role in preventing and addressing gender-based violence. They are most often responsible for community education, ensuring access to services, and responding to cases of gender-based violence.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Equal Measures 2030](#)
- [Iniciativa Latinoamericana por los Datos Abiertos \(Latin American Open Data Initiative, or ILDA in Spanish\)](#)
- [National Democratic Institute \(NDI\)](#)
- [Open Data Watch](#)
- [Pathfinders for Peaceful, Just and Inclusive Societies—Justice for Women](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **World Bank** maintains a [database](#) on GBV reporting.
- **Open Data Watch** [reports](#) on the availability of gender-disaggregated homicide data in national statistical organizations.
- The **European Institute for Gender Equality** maintains an [extensive database](#) for European countries on numerous issues of gender equality.

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit** [published](#) a guide to open government in the context of the coronavirus pandemic, which includes specific recommendations related to preventing gender-based violence in the context of a crisis.
- The European Union's **European Institute for Gender Equality** publishes standards for various [forms of GBV](#). In addition, it has [compiled](#) EU directives and regulations. Many of these rules have open government components.
- **Equal Measures 2030** reports on gaps in [SDG-relevant data](#), including GBV-relevant data.
- The **World Bank** published [guidance](#) on data to end violence against women and girls as part of its 2021 World Development Report.
- The **Organisation for Economic Co-operation and Development (OECD)** published a [resource](#) on applying survivor-centered approaches to governance, which includes government-wide strategies to address GBV and an [annex](#) of international and regional standards related to GBV.
- The **Latin American Open Data Initiative (ILDA)** has published a [standard](#) for femicide data to allow comparison and learning.
- Led by researchers at the **Data + Feminism Lab** at the Massachusetts Institute of Technology, **ILDA**, and **Feminicidio Uruguay**, the Data against Femicide project [centralizes](#) work to standardize femicide data and to develop tools to support the collection of such data from media sources as well as government bodies.
- The [#NotTheCost campaign](#) created by the **National Democratic Institute (NDI)** focuses on ending violence against women in politics. NDI's work on this topic includes [guidance](#) on designing programs to address this prevalent issue.

# Open Gender Data

The fight for gender equality often centers around the importance of being seen, of shining a light on the often-hidden challenges that can be exacerbated by a person's sex, gender, gender identity, or sexual orientation. Examples of these challenges are barriers in accessing loans or public procurement tenders for women-owned businesses, the ability of girls or boys to consistently attend school, and LGBTQIA+ discrimination in health care or employment. Collecting and publishing disaggregated [gender data](#) that captures these disparities is critical to addressing inequality and injustice across and within different communities.

According to [Equal Measures 2030](#), without open gender data, “it is impossible to identify where needs are greatest or measure the impact of policies and programs.” However, considerable gaps in gender data collection, publication, and use [persist](#) in many countries due to data inaccessibility, interoperability, or the use of non-open formats.

### Open Gov Challenge

#### Gender and Inclusion

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Gender and Inclusion.

**Challenge prompt:** Adopt open government reforms to promote the full participation of women politically, socially and economically.

Actions and reforms could include:

- Gender-targeted reforms such as mechanisms to tackle gender-based violence, both online and offline;
- Mainstreaming gender across other challenge areas (eg anti-corruption, fiscal openness, climate and environment); and
- Making the design and delivery of reforms participatory and inclusive of impacted communities.

*Note: Gender data may disaggregate information by men, women, or other gender and sexual identity characteristics and experiences. In this chapter, references to “women” include those who identify as women, whether cisgender, transgender, or intersex women. Sex-disaggregated data often refers to binary “sex assigned at birth” characteristics of male and female, while gender data may take into account additional lived experiences and identities. Depending on the circumstances, there may be times in which it is beneficial to collect both sex and gender-disaggregated data.*

## Key Terms

- **Gender data:** Gender data (or “gender statistics”) refers to statistics or information that is separated or sortable by characteristics of sex, gender, or sexual orientation. According to [Data2x](#), a civil society organization (CSO) working to improve the production and use of gender data, “gender data provides meaningful insight into differences in well-being across women and men, and girls and boys, as well as actionable information for policy to address disparities.”
- **Gender mainstreaming:** Gender mainstreaming [refers to](#) the process of integrating a gender perspective into governance systems and processes.
- **Open gender data:** To be considered “[open data](#),” gender data must be [published](#) with the technical and legal characteristics to be “freely used, reused, and redistributed by anyone, anytime, anywhere.” It must also be [machine-readable](#), [bulk-downloadable](#), and [openly licensed](#) to permit free redistribution and reuse. The gender data in this chapter refers to government-held data unless otherwise stated.

## The Evidence

Open gender data can support better decision-making and fairer access to services.

- [Investing](#) in open gender data creates a virtuous cycle to [improve](#) government data collection practices more broadly, such as through the use of “censuses, surveys, and administrative systems that produce health, education, employment, and welfare statistics.” Ensuring that data collection captures disaggregated, regularly updated information on multiple characteristics, including gender, helps shed light on vulnerabilities of other groups. For example, filling data gaps on women’s health outcomes would [address](#) persistent delays in the diagnosis of cancer and diabetes, which would, in turn, save at least one trillion dollars a year in the global economy.
- [Opening up](#) gender data is an important step to change policies and practices that could negatively impact different gendered groups and implement better-targeted initiatives to address their needs. For example, in [Kenya](#), data gathered by a CSO on women’s land ownership made it “faster, easier and cheaper for a woman to have her name added to a land deed.”

- Centralizing gender data can help ensure that policies and programs address the needs of those who most need that assistance. This can be done through a fully centralized process, across agencies, or through a [data collaborative](#).
- By improving knowledge and data sharing processes across government, open gender data can streamline how a government reports progress toward the [Sustainable Development Goals](#) (SDGs), the Commission on Ending Discrimination Against Women (CEDAW), and any other relevant international agreements or standards.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

## FOUNDATIONS

**Include the collection and publication of high-value gender data in RTI frameworks:** Include the collection and publication of high-value gender data in right to information (RTI) protections, including rules on archive management and proactive disclosure requirements. For example, in countries with lists of proactive data to be published, ensure that high-value gender data is on that list. For details on RTI best practices, see the “[Right to Information](#)” chapter of the *Open Gov Guide*.

Transparency

Executive

Legislature

Foundational

**Ensure the legal framework for data protection and ethical use applies to gender data:** Ensure that any [framework laws](#) on data protection and the ethical use of [automated decision-making](#), including the establishment or enhancement of a Data Protection Authority, explicitly refer to the protection of gender data. Though the use of “[big data](#)” [tools](#) can help accelerate efforts to close gaps in collecting gender data, it is critical to ensure that the government creates [appropriate safeguards](#) to protect individual rights and ensure an appropriate plan for use, storage, and disposal. For detailed guidance on digital governance reforms, please see the “[Automated Decision-Making, Algorithms, and Artificial Intelligence](#)” chapter of the *Open Gov Guide*.

Transparency

Public Accountability

Legislature

Foundational

**Allocate dedicated funding to collect and publish government-held gender data:** [Prioritize](#) the allocation of sufficient dedicated funding for gender data within the budgets of national statistical offices (NSOs) and in the budgets of implementing agencies. Budget commitments increase the likelihood that gender data collection, analysis, and dissemination efforts will be funded. Publishing such budget allocations can also help promote accountability. For details, see the “[Open Budgets](#)” chapter of the *Open Gov Guide*.

Transparency

Legislature

Foundational

The NSO or open data body can conduct training sessions with public officials to ensure they have the knowledge necessary to carry out data-related tasks.

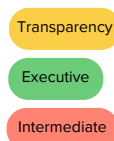
Consider creating an incentive program to encourage public officials to further develop their fluency with open data best practices in general, and open gender data in particular.

- **Prioritize the inclusion of gender data in agency and ministerial work plans:** [Prioritize](#) the inclusion of gender data in agency or ministerial work plans. One key agency that should prioritize the integration of gender data is NSOs, especially in planning national-level statistical data collection, analysis, and reporting activities each year. Other examples include gender-specific ministries, which can increase their use of gender data in planning and implementing policies and programs.



- [Chile](#) mandates that each ministry develops an annual commitment to fulfill gender-related data goals that are evaluated by the Ministry of Women and Gender Equality in close coordination with the Office of the President. The tracking of gender data by Chile's financial sector regulatory body illustrates how such commitments translate into real-world change. When the regulatory body began requiring banks to collect sex-disaggregated data on savings account holders, it led to the discovery of inequalities in the banking sector. For example, the regulator found that women have lower deposit rates and lower numbers of commercial loans. The government uses these annual findings to adjust policies on topics such as financial inclusion, housing, and credit.

- **Mandate the coordination of high-value gender data collection and publication through a new or existing body:** Mandate the [coordination](#) of high-value gender data collection and publication through a new or existing body (such as the NSO). The implementing body would coordinate or aggregate the data practices of agencies and ministries that produce key gender data sources, such as population censuses, household surveys, and administrative data. Specific tasks for the implementing agency include managing cross-sector data collection and prioritizing high-value datasets for proactive disclosure.



- [Strengthening collaboration](#) between the NSO and ministries with a high-priority gender data portfolio, in particular, is crucial to improving government-wide coordination, such as by aligning data collection, analysis, and dissemination efforts.
- According to Open Data Watch's 2023 Gender Data Compass [report](#), about 95 percent of statistics-related laws refer to the "importance of coordination between the NSO and other agencies that produce statistical data." Though most laws do not specifically reference gender, this legal foundation can help catalyze greater coordination in the collection, publication, and use of gender data.



## TRANSPARENCY

□ **Develop and coordinate standardized, disaggregated gender data to be used with other key data:** [Ensure](#) that government gender data collection is standardized and disaggregated according to multiple characteristics, such as age, ethnicity, socioeconomic status, disability, migration status, and location. The collection and publication of disaggregated gender data on the impact of government policies and programs on beneficiaries is necessary to target the unique needs of the populations they serve. Below are examples of how to expand data collection in priority areas for gender data, as well as suggestions for new data collection methods. For a full list of high-priority gender data to collect and publish, see the “High-Priority Gender Data Checklist” in the box below.

□ **Labor data:** [Implement](#) time-use and labor force surveys to regularly collect gender data on employment, unpaid care work, and time allocation, all of which are underrepresented in gender datasets. This could also include labor data on government employees—Honduras [committed](#) to a similar initiative in its 2023–2025 OGP action plan. According to the 2023 Gender Data Compass report, these surveys [provide](#) “indispensable insights into the dynamics of labor and the distribution of responsibilities within households and communities, contributing to a more comprehensive understanding of gender dynamics and inequalities.”

□ For example, in [Uruguay](#), time-use surveys quantified women’s unpaid care work, which helped support advocacy efforts to create an integrated national care system, including “expanded services for preschool children, the elderly and people with disabilities.”

□ **Health data:** Expand the scope of health data collected by the government, including on maternal mortality rates and other vital statistics. For example, UN Women [recommends](#) the consistent collection of information such as the cause of death or sex of victims and perpetrators, which could be used to inform progress toward the SDGs and other metrics. Efforts to expand the scope of administrative data collection and publication [require improving](#) civil registration and vital statistics (CRVS), health administration, and education administration systems through long-term financial and technical investments.

Transparency

Executive

Inclusion

Foundational

- Household surveys:** The NSO and other bodies focused on promoting best practices (such as a national science body or social science institution) can promote best practices to ensure statistical research is gender-sensitive. For example, [expanding](#) the scope of household surveys, which often serve as the primary source of gender data. Adding a [specialized survey](#) on [gender-based violence](#) as part of the regular household survey process would better capture the experience of women and girls to guide policy and programming. Another example is to include the collection of [intra-household](#) data, which aims to capture information about every member of the household. According to the 2023 Gender Data Compass report, such an [approach](#) “not only recognizes the unique roles and experiences of each individual but also ensures that gender data are as comprehensive and inclusive as possible.”
- Emerging technology:** [Consider](#) using emerging technology to collect and publish gender data, such as digitizing records, to increase the breadth and depth of data available, as well as the frequency of updates.
- Public participation:** Working with research institutions and networks can also [support](#) the integration of community priorities and perspectives into gender data collection and publication.
- Publish disaggregated, government-held gender data regularly and in an open format:** [Publish](#) disaggregated, government-held gender data at the individual level to improve the ability of government and non-government actors to analyze datasets for gender-specific insights through the coordination of the implementing body. Such data could be published on a centralized dashboard managed by the implementing body, where relevant government bodies can also upload their gender data and metadata in free, machine-readable formats and standardize vocabulary to make such information easier to analyze. The implementing body should also [publish](#) gender data regularly to make it easier to identify trends and progress over time. Finally, all gender data should be published with appropriate personal data protections.
  - One way to effectively broaden data accessibility is to create a government-wide “open with a purpose” policy, which emphasizes intentional data-sharing practices to align with specific goals and outcomes, such as promoting gender equity and addressing gender-based violence. Structuring the policy as “open with a purpose” can lay the foundation for an [open by default](#) standard to maximize access to data unless explicitly restricted. Such a [policy](#) could also require that all data be made publicly available with a limited number of exemptions, such as security or privacy protections.

Transparency

Executive

Foundational

## OPEN GENDER DATA

Improving census and CRVS systems can ensure the regular collection and publication of gender data. Census and CRVS systems can be used to provide reliable information on the demographics of people living within a country. According to the 2023 Gender Data Compass report, starting with these two systems could have an [outsized impact](#) on the production of gender data.

**Make gender data interoperable:** Use standardized coding across datasets related to gender to ensure that data in different databases can be used together, which increases accountability. Ensuring the successful centralization of gender data requires that data collected across government agencies and at the subnational level share a standardized coding system. This may include consistent ways of coding demographics across datasets or reducing duplication of data where there is no additional data. This allows data users to make connections across datasets to track trends and identify disparities. The [Republic of Korea](#) provides a good example of what a centralized, interoperable gender database looks like in practice.

Making sure the codes for different gender identity categories are consistent is an example of how to ensure interoperability across datasets. For example, in the United States, the Office of the National Coordinator for Health Information Technology established common coding for [gender identity](#) related to health data, [as well as](#) for race, ethnicity, and sex assigned at birth.

Transparency

Executive

Legislature

Intermediate

## CIVIC PARTICIPATION

**Consult with data users:** Consult those using the data (especially researchers, journalists, and [data collaboratives](#)) in an advisory capacity to ensure data is useful and usable. Specifically, the agency responsible for gender data collection can assess the demand for specific types of gender data, data users' needs, and the performance of existing data platforms. The agency can also take a participatory approach to decision-making on what gender data to publish, such as through a multi-stakeholder committee.

Civic Participation

Executive

Legislature

Inclusion

Foundational

**Conduct training and awareness raising for non-government actors:** [Provide](#) tailored training for different non-government actors working on areas relevant to implementing agencies. This can include CSOs, journalists, the private sector, academics, and members of the general public. This is necessary to create a baseline understanding of what open gender data is, why it matters, [where to find it](#), and how it can be used to monitor progress on gender-related commitments.

Civic Participation

Executive

Inclusion

Intermediate

## OPEN GENDER DATA

- Conduct public consultations on high-value data prioritization:** Conduct consultations where relevant members of the public can inform decision-making, such as in the identification of gender-related priorities for data collection or the design of pilots to collect new types of data. Ensure that such consultations include targeted outreach to the specific communities whose data will be collected and assessed. Examples of this include [deliberative models of participation](#) at national and local levels. The implementing agency can lead such consultations.

Civic Participation

Executive

Legislature

Inclusion

Intermediate

## PUBLIC ACCOUNTABILITY

- Create or strengthen oversight mechanisms:** Create or strengthen independent audit and legislative oversight mechanisms to use open gender data in assessing whether government funds are spent effectively and equitably on policies related to gender inequality and similar issues. An RTI Commission, ombudsperson, or similar body could also play an oversight role in enforcing an RTI law, statistical laws, and regulations related to data disclosure to ensure that data conforms to the law and is accurate and free of political influence.
  - This includes publishing audit reports in an easy-to-find location (such as a central portal) and a structured format. Consider conducting a campaign to amplify the reach of the reports with users of such data (such as CSOs and journalists) and the general public.

Transparency

Public Accountability

Legislature

Foundational

### High-Priority Gender Data Checklist

Implementing bodies charged with improving the quantity and quality of gender data can begin by prioritizing the collection and publication of high-value data. As mentioned above, gender data should include a broad definition of “women” that encompasses cisgender, transgender, and intersex women.

Below is a checklist of some of the most important types of high-priority gender data, with a full list available in the [Indicators Annex](#) of the 2023 Gender Data Compass [report](#).

- **Crime and justice data**, such as information on the sex of victims and perpetrators, [gender-based violence](#) indicators on physical, sexual, and psychological abuse, and prison population demographics
- **Economic data**, such as access to financial resources and land ownership
- **Education data**, such as school enrollment and literacy rates
- **Health data**, such as maternal and child mortality rates, food insecurity, and adult malnutrition
- **Labor data**, such as employment, unpaid care work, and time allocation
- **Living conditions data**, such as access to sanitation, electricity, and water

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. OGP members began making open gender data commitments in 2017 and have increasingly co-created commitments in this policy area since then. About 30 percent of OGP national members have at least one open gender data-related commitment.

- **Argentina Data Published to Address GBV:** [Successfully published](#) data on the budgets and resources allocated to preventing violence against women as part of a national plan.
- **Bosnia and Herzegovina Data Portal for Official Statistics:** [Created](#) a data [portal](#) on official statistics, with some datasets disaggregated by sex in areas such as employment, education, and health.
- **Buenos Aires, Argentina Gender Data on Budgets and LGBTQIA+ Individuals:** Made various commitments on open gender data, such as [publishing](#) open budget data on all city programs and resources related to gender policies, with a specific focus on comprehensive sexual education. Also [committed](#) to begin collecting and publishing data on the city's LGBTQIA+ communities.
- **Canada Gender-Based Violence Knowledge Center:** [Created](#) a gender-based violence knowledge center to serve as a hub to coordinate federal initiatives under Canada's Strategy to Prevent and Address Gender-Based Violence, support data collection and research, and disseminate and mobilize GBV-related knowledge and evidence.
- **Catalonia, Spain Open Gender Data on Socioeconomic Inequality:** [Committed](#) to generating and publishing open, disaggregated gender data related to socioeconomic status and the feminization of poverty.
- **Czech Republic Centralized System for Education Data:** [Committed](#) to creating a new, centralized system for education-related data, which will include open data disaggregated by sex and other characteristics.
- **Honduras Open Data for Gender Parity in the Public Sector:** [Committed](#) to increasing access to sex-disaggregated data in an open format about the gender breakdown of jobs in the public sector, especially in leadership positions.
- **Quintana Roo, Mexico Budget Transparency Platform:** [Co-created](#) a budget transparency [platform](#) that provides information on the budget cycle in open data format, with cross-cutting annexes on gender and anti-corruption. [Committed](#) to making the platform more user-friendly.
- **Republic of Korea Open Gender Data Portals:** [Began](#) proactively disclosing high-demand open data as part of a larger effort to increase the accessibility of government-held data. Government think tanks have also contributed to this effort, such as the [Gender Statistics Information System](#) created by the Korean Women's Development Institute, which centralizes gender data from all government agencies.

## OPEN GENDER DATA

- **Rosario, Argentina Opening Data with a Gender Perspective:** [Committed](#) to implementing a cross-cutting approach to collect, use, and publish gender data that can be used to create better-targeted policies based on its [Data and Gender Approach Guide](#) published in 2023.
- **Uruguay Gender-Based Violence Open Data:** Established and published standardized data on GBV across two action plans in [2018](#) and [2022](#), echoing the work of CSOs like [Feminicidio Uruguay](#) to capture data on gender-related violence.

## BEYOND OGP ACTION PLANS

- **Canada Inclusive Data Collection in the Census:** [Became](#) the [first country](#) to provide census data about transgender and non-binary individuals as part of its [2021 census](#), which allowed individuals to self-identify their gender.
- **Liberia Gender Data Mainstreamed in Statistical Law:** [Passed](#) one of the first [statistical laws](#) to mainstream gender-sensitive analysis and data disaggregation in the practices of its NSO. For example, the legal framework specifically “directs the NSO board to oversee development of gender-specific indicators.”
- **Senegal Annual, Gender-Sensitive Health Surveys:** [Conducts](#) annual health surveys, unlike other countries that tend to collect health data every two or three years. These annual surveys allow the country to regularly update gender-sensitive health data, which allows for more targeted policy responses to gender disparities in health outcomes.
- **United Kingdom Inclusive Data Collection:** [Collects](#) data on gender identity as well as sex assigned at birth through the Office for National Statistics, which covers England, Scotland, and Wales. The collection and publication of this data led to the creation of a “gender data roadmap,” which identifies eight key drivers of gender inequality.

## The Role of Local Governments

Discussions of open data in general, and open gender data in particular, tend to focus on the need for national-level gender ministries and statistical offices to improve their practices and take on more responsibility as central coordinators to improve data collection, publication, and use.

However, local governments have an important role to play in ensuring that national-level data practices fully capture trends taking place in smaller frames of measurement—within and between households, at the municipal level, and at the state or provincial level. This is why disaggregation by location and at the intra-household level is just as critical as disaggregation by sex and gender, as described in the “Recommended Reforms” section above. Challenges faced by specific groups—such as those living in temporary housing within cities—are often overlooked in traditional data collection practices. Local governments can therefore help address these gender data gaps.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Data2x](#)
- [Data for Development Network](#)
- [Equal Measures 2030](#)
- [Global Partnership for Sustainable Development Data](#)
- [Iniciativa Latinoamericana por los Datos Abiertos \(Latin American Open Data Initiative, or ILDA in Spanish\)](#)
- [Open Data Charter](#)
- [Open Data Watch](#)
- [Open Heroines](#)
- [Pollicy](#)
- [UN Women](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The [Gender Data Compass](#) maintained by **Open Data Watch** includes [rankings](#) and [country profiles](#) to evaluate gender data systems worldwide. The GDC specifically “documents the current availability and openness of 53 important gender indicators in over 180 countries...and the environment in which the gender data system operates.”
- **UN Women** runs the Women Count [data portal](#), which centralizes several data dashboards related to gender, such as a COVID-19 and gender monitor and a dashboard on the SDG indicators.
- The **UN Department of Economic and Social Affairs** (UN DESA) hosts the [Gender Data Hub](#), which includes an analysis of gender data coverage based on the minimum set of gender indicators put forth by the UN Statistical Commission.
- The State of Gender Data [portal](#) run by **Data2x** is updated annually to capture global progress toward filling gender data gaps.

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The [Gender Data Compass](#) maintained by **Open Data Watch** includes [rankings](#) and [country profiles](#) to evaluate gender data systems worldwide. Open Data Watch also produces reports on the findings of the GDC, with the latest published in [2023](#).
- **Equal Measures 2030** produced a [2022 update](#) to a report on its [SDG Gender Index](#), which includes an analysis of global progress on collecting, publishing, and using gender data.
- **UN DESA** hosts the [Gender Data Hub](#), which provides data on global progress toward meeting the minimum set of gender indicators created by the UN Statistical Commission. The Gender Data Hub also includes detailed [guidance](#) on specific themes related to gender data, such as economic empowerment, education, and the benefits of time-use data collection methods.
- The **UN Statistical Commission** mandated the creation of the [Global Gender Statistics Programme](#) through the UN Statistics Division, which is coordinated by the Inter-Agency and Expert Group on Gender Statistics. The Global Gender Statistics Programme provides methodological [guidelines](#) on how to use gender statistics, including for specific topics such as how to produce statistics to [capture violence against women](#), as well as a [minimum set](#) of gender indicators and targets.



## OPEN GENDER DATA

- **Data2x** published [recommendations](#) on the solutions needed to address gender data gaps in 2022, along with a “[Solutions Inventory](#)” that collects examples of methodological innovations to close these data gaps. Data2x also runs the [Gender Data Network](#) and participates in the [Women’s Financial Inclusion Data Partnership](#) (WFID) to advance work in this policy area. The WFID also includes a set of [principles](#) to guide the work of the partnership and others.
- The **Clearinghouse for Financing Development Data** [focuses](#) on gender data financing and reporting and includes detailed case studies and guidance in a single place.
- Led by researchers at the **Data + Feminism Lab** at the Massachusetts Institute of Technology, **ILDA**, and **Feminicidio Uruguay**, the Data against Femicide project [centralizes](#) work to standardize femicide data and to develop tools to support the collection of such data from media sources as well as government bodies.

# Justice



*In Argentina, particularly in Buenos Aires, open government advocates are increasing public accountability and access to the justice system, such as by simplifying legal texts through the JusLab initiative. Pictured: The University of Buenos Aires School of Law.*

# Access to Justice

People regularly face legal problems, such as discrimination in receiving public services, eviction threats, employment disputes, and gender-based violence. According to one estimate, about [1.5 billion people](#) worldwide had unresolved justice problems in 2019. Unclear rules, complex processes, high costs, and discrimination in justice systems exclude many from accessing justice. To address these issues, people need the capacity to understand their legal problems and seek help through fair and impartial processes. Open government measures can ensure efforts to increase access to justice are responsive to people's needs, by transforming justice systems to center people's justice needs and focusing on fair outcomes.

## Open Gov Challenge Justice

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Justice.

**Challenge prompt:** Advance people-centered justice reforms.

Actions may include:

- Ensuring that everyone has access to legal services.
- Ensuring that justice institutions across the public sector are independent, transparent, responsive to the public, and inclusive.
- Ensuring that there is accountability for policy-making through appropriate redress mechanisms that involve the public.

## Key Terms

- **Access to justice:** Access to justice is a component of the rule of law where individuals and communities with legal needs know where to go for help, obtain the help they need, and move through a system that offers procedural, substantive, and expeditious justice without undue cost or harm. Access to justice also includes the ability of people to resolve and prevent their own justice problems, and to use justice as a platform to participate in their economies and societies.

## The Evidence

Improving access to justice through [people-centered approaches](#) helps people and communities.

- Increasing access to justice helps reduce inequality. Examples include providing [legal representation](#) for disadvantaged groups (especially in [asylum cases](#)) and [financial assistance](#) to pay fines.
- Investing in [more judges](#) and [legal representation](#) has helped governments save money. It can help [prevent](#) the worst consequences—like bankruptcy, violence, and homelessness—when people cannot resolve their justice needs. This is especially true for [pro bono legal services](#), which can contribute to both economic growth and government savings.
- Expanding the type, number and reach of [justice services](#) has been shown to reduce conflict, which can result in economic returns of USD \$16 for every \$1 invested.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

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- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

**Create parliamentary multi-stakeholder processes:** Parliaments may establish regular public hearings, commission reports, convene expert panels, and solicit testimony from legal services, bar associations, and organizations representing those with the most intense unmet legal needs to inform policy.

Civic Participation

Legislature

Foundational

**Mandate regular reporting on access to justice data:** Mandate regular reporting by court statisticians to parliament on the various components of access to justice. All non-sensitive data from these reports should also be made available to the public.

Transparency

Legislature

Foundational

**Include access to justice issues on judicial committee agendas:** Establish public standing agenda items related to access to justice for judicial committees. To the extent possible, create mechanisms for public participation in such sessions, such as providing expert testimony to the committee.

Transparency

Civic Participation

Legislature

Foundational

**Include access to justice themes in judicial appointments:** Encourage the inclusion of access to justice themes in judicial qualifications for parliament-appointed judges. These qualifications and justifications of final appointments should be made available to the public.

Transparency

Legislature

Intermediate

LEGAL NEEDS

- Mandate and fund legal resource surveys:** Collect and analyze data on the availability of resources for people to resolve their legal problems. Make the data and analysis public.
- Mandate and fund legal needs surveys:** Develop, implement, and publish the results of [legal needs surveys](#) to identify the nature and impact of legal problems, as well as paths to resolution, so that policy makers have a clear understanding of the justice solutions and reforms needed.

Transparency  
Legislature Intermediate

Transparency  
Legislature Intermediate

LEGAL CAPABILITY

- Create alternatives to courts:** Support non-court intensive solutions to legal problems, such as paralegals, community-based mediation, and one-stop service centers, using technology when appropriate and feasible.
- Improve access to information on resources:** [Improve](#) access to information about laws and procedures to enable individuals to identify their legal needs, identify sources of legal advice, and help themselves. This might be through online portals where appropriate.

Civic Participation  
Public Accountability  
Foundational

Transparency  
Foundational

ACCESS TO HELP

- Create a legal aid authority:** [Create](#) an independent legal aid authority that can establish, fund, staff, regulate, and evaluate the legal aid scheme. Consider a multi-stakeholder approach, such as bringing in legal professionals and community members.
- Expand legal aid:** Expand access to civil and criminal legal aid to improve accountability in the justice system. This may include expanding the provision of legal aid for problems that might not have adequate funding and expanding partnerships with civil society organizations (CSOs) offering legal assistance.
- Expand programs for underserved communities:** Increase funding to existing legal aid services and establish new offices and services to reach isolated or underserved communities. Make budgets (and outcomes) transparent down to the program level.
- Strengthen partnerships:** Strengthen and institutionalize partnerships between CSOs and law enforcement, when appropriate, to better serve underserved communities and populations like survivors of gender-based violence.
- Train legal professionals:** Fund and launch [training programs](#) for legal aid lawyers, paralegals, and pro bono volunteers to improve their legal skills and knowledge in legal areas impacting low-income and underserved individuals.

Civic Participation  
Public Accountability  
Legislature Foundational

Public Accountability  
Legislature  
Intermediate

Transparency  
Public Accountability  
Legislature Inclusion  
Intermediate

Civic Participation  
Public Accountability  
Executive Inclusion  
Intermediate

Public Accountability  
Legislature Inclusion  
Intermediate

## ACCESS TO JUSTICE

- Expand the use of law clinics:** [Revise](#) legal profession regulations to enable law students (under the supervision of licensed attorneys) to provide legal services to low-income and underserved individuals through law school clinics or with CSOs.
- Increase and diversify legal aid funding:** Expand and diversify financing for legal assistance at national and sub-national levels. This might include public sector partnerships to strengthen justice interventions that secure basic needs like housing, employment, and access to public services.
- Increase cooperation to address legal needs:** Protect and deepen civil society partnerships, especially with civil legal aid providers, community paralegals, and other informal, community-based justice providers. Launch working groups composed of government and civil society members to identify legal reforms needed to improve justice delivery systems through legal assistance and the courts.

Public Accountability  
Legislature  
Inclusion  
Intermediate

Public Accountability  
Legislature  
Intermediate

Civic Participation  
Public Accountability  
Executive  
Advanced

## JUSTICE PROCESSES

- Adopt plain language rules:** Update legal systems to use [clear and plain language](#) in legal proceedings and in legal documents.
- Create an authority to oversee non-lawyers:** [Establish](#) a [legal authority](#) and [dedicated funding](#) for non-lawyer contributions, such as community paralegals, to ensure independence and effective oversight.
  - This might be through new or revised legislation, regulation, or policies by government and civil society actors.
- Empower people to access services and opportunities:** Eliminate or simplify legal, administrative, financial, and practical barriers that people face to obtain official and personal documents, access public services (including for mental health), and participate fully in society and the economy, while also promoting gender equality.
- Implement regulatory reforms:** Implement regulatory reforms to allow non-lawyers and non-judges to provide justice services at the community level. Many countries begin with a “[regulatory sandbox](#)” approach, allowing governments to experiment and test innovative legal regulations before full implementation.
- Establish an ombudsperson body:** Establish ombudsperson offices to hear complaints about the judicial system and its actors.
  - Work with the national bar or law societies to improve or develop grievance procedures related to the practice of law. This can enable individuals to file formal complaints related to their legal representation, a prosecutor’s conduct, or a judicial officer’s conduct.
- Create specialized legal procedures:** Establish legal procedures to protect the rights of people with limited capacity or other vulnerabilities, such as the creation of a Decision Support Service in [Ireland](#).

Public Accountability  
Foundational

Public Accountability  
Legislature  
Foundational

Civic Participation  
Inclusion  
Intermediate

Civic Participation  
Executive  
Intermediate

Public Accountability  
Legislature  
Intermediate

Civic Participation  
Public Accountability  
Legislature  
Inclusion  
Advanced

## JUSTICE OUTCOMES

- Collect and publish data on outcomes:** Improve data collection and publication of justice system metrics, including the number and types of courts, court caseloads, and legal actors (such as judges, prosecutors, legal aid, and paralegals).
- Informal systems monitoring:** Research shows that [less than a third](#) of people seek advice for their legal problems—those who do tend to ask family and friends for help. Consider working with community-based organizations and other advocates to create a fuller picture of justice outcomes beyond the formal justice system, especially for marginalized groups. The work of [LET STATION](#), a people-centered justice organization in North Macedonia, provides an [example](#) of this expertise.
- Evaluate key populations:** Fund and publish an evaluation of whether marginalized communities (such as women, indigenous communities, ethnic minorities, religious minorities, and people with disabilities) have specific justice needs or are disparately impacted by the justice system to identify areas of reform.
- Evaluate high-priority areas:** Fund [measurement and public evaluation](#) of the justice system as a whole and priority cases like housing, employment, debt, family problems, and access to public services.

Transparency

Civic Participation

Executive

Intermediate

Transparency

Legislature

Inclusion

Intermediate

Transparency

Legislature

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Justice reforms have been increasingly popular within OGP, with half of all action plans dealing with justice in some respect.

- **Albania Legal Services Awareness Campaign:** [Committed](#) to expanding access to justice by raising awareness of laws and services, such as free legal aid, and providing services in sign language.
- **Buenos Aires, Argentina Simple Language Versions of Legal Documents:** [Created](#) the JusLab [initiative](#) to [increase](#) transparency and understandability of legal documents, especially court decisions.
- **Colombia Web Portal on Justice Information:** [Launched](#) a web portal and mobile application called LegalApp to make it easier for the public to access information on justice services.
- **Indonesia Accommodations for Persons with Disabilities:** [Passed](#) regulations to implement accommodations for persons with disabilities in the Supreme Court and correctional institutions. [Committed](#) to passing regulations for these accommodations for the Attorney General's Office.
- **Mexico State, Mexico Alternative Dispute Resolution Mechanisms:** [Committed](#) to improving the use of alternative dispute resolution mechanisms for everyday conflicts.



## ACCESS TO JUSTICE

- **North Macedonia Legal Aid for Marginalized Groups:** [Committed](#) to building on previous work to expand access to justice for [marginalized groups](#), such as free legal aid services.
- **Tlalnepantla de Baz, Mexico Legislation on Rural Justice Access:** [Committed](#) to drafting legislation creating mobile justice mechanisms for remote areas, a proactive legal aid system, and the use of alternative dispute resolution mechanisms.

## BEYOND OGP ACTION PLANS

- **Kenya National Policy on Alternative Justice Systems (AJS):** [Passed](#) a national policy on AJS in 2020 based on a study of existing traditional or informal justice systems in the country. Through OGP, [committed](#) to implementing the policy, such as by allocating funding and piloting AJS programs to train legal aid lawyers and provide support for low-income people facing justice issues.
- **South Africa Survey to Collect Access to Justice Data:** [Expanded](#) its annual crime survey to capture access to justice data on a three-year cycle, such as the types of legal problems people face, their experiences in resolving these problems, and the resources they accessed to do so.

### The Role of Local Governments

Many of the most basic legal services are carried out at the local level. Often, provinces or states provide licenses for legal practices and establish the financial structure for legal services, through grants, pro bono services, or non-profit or public activities.

Just as importantly, in many countries, local courts and other dispute resolution processes are primarily local. They have specialized knowledge and are rooted in the community, often dealing with family law, employment, housing, and discrimination issues. Beyond courts, other parts of the justice system, such as public defenders and legal services, are often devolved to local actors as well.

Colombia's "[Justice in your neighborhood](#)" initiative shows how people-centered justice solutions can help protect vulnerable groups. Colombia's local governments hold public "justice fairs" in underserved communities. The program specifically targets communities with high concentrations of immigrant or refugee populations, high rates of human rights violations or violence, and high levels of vulnerability.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Namati](#)
- [Organisation for Economic Co-operation and Development \(OECD\)—Office for Access to Justice](#)
- [Pathfinders for Peaceful, Just and Inclusive Societies](#)
- [Penal Reform International](#)
- [The Hague Institute for Innovation of Law \(HiIL\)](#)
- [The International Legal Foundation](#)
- [United States Agency for International Development \(USAID\)—Center for Democracy, Human Rights, and Governance](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **World Justice Project's** [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, with specific indicators related to access to civil and criminal justice.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit** curated a list of recommendations, in addition to lessons from reformers and other key data related to [access to justice](#), as part of its [Justice Policy Series](#).
- The **Pathfinders for Peaceful, Just and Inclusive Societies** (Pathfinders) published a foundational analysis of access to justice issues in its [Justice for All report](#), which proposes a people-centered approach to increase access to justice in line with Goal 16 of the Sustainable Development Goals. See [here](#) and [here](#) for reports on the justice response to the pandemic. See also how [courts](#) globally are embracing justice innovations.
- The **OECD** published a [framework](#) for implementing people-centered approaches to increasing access to justice. The OECD Council also recently adopted a set of [recommendations](#) on access to justice and people-centered justice systems.
- A joint [report](#) from **UN Women, International Development Law Organization, UN Development Programme, UN Office on Drugs and Crime, the World Bank, and Pathfinders**, supported by the Elders, gathers available data and puts forth recommendations to accelerate action and increase justice for women.
- **Namati**, a legal empowerment organization, lays out [Six Recommendations for Advancing Justice for All](#) on the 10th anniversary of the Commission on the Legal Empowerment of the Poor. In addition, with the broader Justice for All campaign, Namati published two useful resources: [Grassroots Justice in a Pandemic: Ensuring a Just Response and Recovery](#) and [Providing Legal Services Remotely](#).
- The **Council of Europe** created a [framework](#) on how to measure access to justice, with a specific focus on capturing the gender-specific challenges women face.
- The **Open Society Justice Initiative** and **The Engine Room** published a [review](#) of how legal empowerment actors worldwide are using technology to give people information about the law, connect them with legal advice, and provide them with legal services. It includes examples that can be taken up as models by other countries.

## Justice for Accountability

Justice for accountability means that people and organizations can bring complaints to judiciaries, tribunals, and other forms of dispute resolution when the law is not being followed. Governments can reduce barriers around who can bring a claim to court, high costs, and a lack of information on how to pursue legal solutions. This can enable members of the public to help uphold the law.

### **Open Gov Challenge** Justice

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic "[Partnership-wide Challenges](#)." This section of the *Open Gov Guide* addresses Justice.

**Challenge prompt:** Advance people-centered justice reforms.

Actions may include:

- Ensuring that everyone has access to legal services.
- Ensuring that justice institutions across the public sector are independent, transparent, responsive to the public, and inclusive.
- Ensuring that there is accountability for policy-making through appropriate redress mechanisms that involve the public.

## Key Terms

- **Public accountability:** Public accountability is when rules, regulations, and mechanisms in place call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments. Public accountability is one of the three OGP values, along with transparency and civic participation.

## The Evidence

[Justice for accountability](#) can improve governance in several ways.

- Open and effective auditing and investigatory agencies can [prevent and punish](#) waste, fraud, and abuse in government spending and ensure that taxation is fair and transparent.
- Oversight mechanisms within accountability institutions (like courts and information commissions) allow citizens to appeal rejected or mishandled [right to information](#) requests, which ensures that information is not withheld from the public for political reasons.
- Accountable electoral management can [ensure](#) that elections are free and fair by investigating irregularities and allegations of denied voting rights.
- Institutions that allow citizens to monitor policies, programs, and plans that affect the environment can [prevent](#) pollution, environmental degradation, and the worst effects of climate change.
- Accountability institutions also provide a mechanism for members of the public to protect their most fundamental rights, especially those from socially vulnerable groups, such as [people with disabilities](#).

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### LOWERING LEGAL AND PRACTICAL BARRIERS

- Establish legal standing to address legal barriers:** Establish public interest legal standing, possibilities for citizen enforcement of the law, or amicus procedures. In many jurisdictions, limitations on who can bring a claim before accountability institutions can be a barrier to delivering justice.

- For example, in some countries, whistleblowers may enforce an environmental law on behalf of the state or government or may bring fraud cases as part of whistleblower compliance actions. For a case study of how to create such protections, [Transparency International Latvia](#) and the government worked to [update](#) whistleblower protections through an OGP action plan.

Public Accountability

Legislature

Foundational

- Create and enforce laws to lower cost barriers:** Create and enforce laws to lower costs (economic or otherwise) of accessing accountability. The following examples address issues that have long been cited as a barrier to individuals seeking to bring a grievance to court.

- Introduce legal funds to support public interest work.
- Establish rewards for citizen enforcement of a law.
- Waive court costs in cases of established public interest standing or citizen enforcement.
- Ensure that costs are not unduly borne by those bringing public interest or citizen suit actions.

Public Accountability

Executive

Legislature

Intermediate

### ACCESSIBLE COMMUNICATION

- Communicate procedures for complaints clearly:** Ensure that institutions handling all types of complaints communicate all procedures in an understandable and accessible way.
  - Translate legislation, policies, judicial decisions and precedent, and legal procedures related to particularly complex topics (such as public finance and climate change litigation) into plain language. For example, through an OGP action plan, courts in [Buenos Aires](#) (Argentina) have pioneered work on using plain language.
  - Provide reasonable accommodation for persons with disabilities, such as translating documents into braille and sign language and using clear, non-technical language in legal documents.

Transparency

Public Accountability

Executive

Legislature

Intermediate

### REPORTING MECHANISMS

- Create internal reporting mechanisms:** Create or maintain integrity tools such as whistleblower protections, gift registers, and registers of actual or perceived conflicts of interest for accountability institution officials.
- Require reporting to the legislature:** Require regular public reporting or ad hoc reporting on the performance of relevant legislation related to these internal reporting mechanisms.

Public Accountability

Executive

Legislature

Intermediate

Public Accountability

Legislature

Intermediate

### RESOURCES AND TRAINING

- Increase resources and training:** Encourage government officials, civil society, journalists, and others to use accountability mechanisms in some areas, especially [right to information](#) appeals. To do so, ensure there is sufficient technical or procedural knowledge to successfully file appeals (especially for civil society) and sufficient funding to support the functioning of accountability mechanisms.
  - Tailor resource allocation and training for advocates working with marginalized groups who face additional barriers (such as economic and linguistic barriers) to seeking justice through the formal channels of the legal system.

Public Accountability

Executive

Inclusion

Intermediate

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. To date, relatively few OGP commitments focus on creating or reforming accountability mechanisms. Less than 20 percent of OGP commitments focus on ensuring some means of accountability for government action or inaction.

- **Argentina Civil Society Participation in Audits:** [Hosted](#) workshops and consultations between the Office of the National Auditor General and civil society on audit design, and committed to working with civil society to further strengthen citizen monitoring.
- **Peru Online Platform to Monitor Public Works:** [Strengthened](#) participation in infrastructure monitoring through a [platform](#) that consolidated data on financial administration, public investments, and state contracting and allowed the public to oversee and flag issues in planning and executing public works projects.
- **Philippines Citizen Participatory Audits for Public Services:** [Created](#) Citizen Participatory Audits to [monitor](#) government spending on public services, which led to [tangible improvements](#) like increasing the quality of textbooks and building infrastructure in Metro Manila public schools.
- **Ireland Justice for Individuals with Limited Decision-Making Capacity:** [Created](#) the Decision Support Service to [expand](#) decision-making support options for people with “impaired mental capacity,” launched a website to provide accessible information, and committed to allocate EUR 3 million for its operation.

## BEYOND OGP ACTION PLANS

- **Uganda Tax Appeal Tribunals:** [Created](#) Tax Appeal Tribunals to allow the public to access a process for independent and impartial tax dispute resolution.



## The Role of Local Governments

Local governments play a special role in ensuring that the public can use accountability institutions to enforce the law and protect their rights.

- **Harms and standing:** Local legislatures, in particular, may design laws to ensure that people have standing and clear means of redress and remedy when their rights have been violated.
- **Cost:** Courts and legislatures may establish funds, provide pro bono services, reduce court costs, or establish other means of lowering the costs to those who are enforcing the law.
- **Specialized fora, ombudsperson, and alternative dispute resolution:** Local governments may establish or enhance specialized tribunals (such as environmental courts or access to information commissions) that can hear allegations of violations. In addition to courts, they may also establish other means of complaints including grievance mechanisms, ombudsperson offices, or alternative dispute resolution.
- **Legal assistance:** Many local jurisdictions, perhaps in cooperation with local bar associations or other professional associations, may help establish standards, procedures, and financing mechanisms to ensure that classes of people and individuals needing additional assistance receive appropriate assistance throughout a legal proceeding.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [International Foundation for Electoral Systems \(IFES\)](#)
- [Institute for Governance and Policy Studies](#) at Victoria University of Wellington
- [International Budget Partnership](#) and the [Global Initiative for Fiscal Transparency](#)
- [United Nations Economic Commission for Latin America and the Caribbean \(UNECLAC\)](#)
- [World Resources Institute \(WRI\)](#)
  - The [Access Initiative](#) is part of WRI.

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **World Justice Project's** [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, with specific indicators related to access to civil and criminal justice.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit**, along with the partners above and other experts, published a policy series on justice for accountability, [Accountability for Democratic Renewal](#). This paper contains six chapters that describe how OGP members can strengthen and improve access to citizen-activated accountability mechanisms in response to a different type of problem or harm. The chapters respectively focus on:
  - [right to information mechanisms](#),
  - [anti-corruption enforcement](#),
  - [environmental justice](#),
  - [electoral dispute resolution](#),
  - [tax and fiscal policy](#), and
  - [rights of people with disabilities](#).
- **IFES** has published several resources related to [election dispute resolution](#). Two examples of these resources are [Risk-Limiting Audits: A Guide for Global Use](#) and [Alternative Dispute Resolution in Elections: A Practitioner Brief](#). IFES also curates the Election Judgments [database](#), which collects global data on judicial decisions related to election law.
- The **UN Economic Commission for Europe** published a second edition [implementation guide](#) for the Aarhus Convention in 2014 to update its guidance from the original version published in 2000. The guide provides an overview of Aarhus and an analysis of each article of the convention.
- Similarly, **UNECLAC** published an [implementation guide](#) on the Escazú Agreement to raise awareness about the agreement and to provide guidance to ensure full compliance with its provisions.

- The **UN Office of the High Commission on Human Rights** published [principles and guidelines](#) to address the need for protections for people with disabilities. The guidelines provide details on the rights of individuals and the obligations of governments in this area, as well as general good practices to guarantee access to justice for this group of people.
- The **International Organization of Supreme Audit Institutions** has a [Framework of Professional Pronouncements](#), which sets standards for public auditing based on the expertise of the organization's membership. These standards include core principles of auditing and organizational requirements for audit institutions.
- **Environmental Law Alliance Worldwide (ELAW)** has [published](#) several guidance publications, such as a guide on [environmental sampling](#) and one on evaluating environmental impact assessments for [mining projects](#). ELAW also provides litigation strategies related to [climate](#) and [coal](#), and maintains a [global database](#) of environmental impact assessment laws.

# Open Justice

Open justice reforms can create a transparent, publicly accountable justice system to ensure people receive equal protections, benefits, and rights under the law. Opening up justice is not just about reforming courts. Many actors play a part in making the justice system fairer and more impartial, including police, prosecutors, legal aid providers, and corrections services. Open government approaches offer solutions to improve how these actors contribute to such a system.

## Open Gov Challenge Justice

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Justice.

**Challenge prompt:** Advance people-centered justice reforms.

Actions may include:

- Ensuring that everyone has access to legal services.
- Ensuring that justice institutions across the public sector are independent, transparent, responsive to the public, and inclusive.
- Ensuring that there is accountability for policy-making through appropriate redress mechanisms that involve the public.

## Key Terms

- **Justice system:** The justice system is a network of actors and institutions tasked with ensuring that justice is upheld. At a minimum, the justice system includes courts, judicial officials, prosecutors, public defenders, and police. However, in most countries, the justice system also includes administrative tribunals and organizations around them—whether dealing with tax, immigration, or other issues. In some places, traditional or religious leaders can be part of the justice system, as well as [informal or alternative](#) models to deliver justice.
- **Open justice:** This concept seeks to make judicial institutions more transparent, participatory, accountable, and inclusive, all of which are open government values. These principles are not only important for courts, but also for the many other actors that play a role in the delivery of [people-centered justice services](#).

## The Evidence

Applying open government approaches to the justice system can ensure that the rule of law is upheld, particularly by increasing the public's access to information. Opening information related to the justice system can improve outcomes in several areas.

- Open justice supports equitable growth and development by [helping](#) curb corruption, limiting abuses of power, and guaranteeing access to key public services.
- The use of more peaceful and reliable justice mechanisms can resolve conflict, which also helps increase the perceived legitimacy of the justice system.
- Channels of public accountability and oversight in the justice system uphold the rule of law.
- Increasing [access to justice](#) and [justice for accountability](#) protects human rights, which allows the public to request the enforcement of rights or a remedy for damages, especially for marginalized groups.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. "Foundational" does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### COURTS AND JUDICIAL OFFICIALS

- Require data collection:** Ensure standards include a [comprehensive](#) data collection and evaluation process to assess court systems, provisions to publish self-evaluations (based on examples set by the [United Nations Office of Drugs and Crime](#) or the [International Consortium for Court Excellence](#)), and a set of public [disciplinary measures](#).
- Publish judicial decisions:** [Publish](#) judicial decisions to ensure that they are free and easily accessible to the public.
- Use [plain language](#) in judicial decisions and documents to the extent possible.
  - Ensure the balance of right to information and protection of privacy and personal data within national and regional regulations in all data disclosed.
- Establish and enforce the right to access information in the judicial branch.** Pass or amend legislation or create regulations to establish and enforce the [right to access information](#) in the judicial branch. This would also apply to other justice actors, such as prosecutors and police.

Transparency  
Public Accountability  
Legislature Foundational

Transparency  
Executive  
Foundational

Transparency  
Executive Legislature  
Intermediate

- Pass legislation to publish court data:** Create or [strengthen](#) legislation to require the publication of open court data. This [includes](#) the publication of [basic court data](#) (such as court decisions, case registers, and filed document records) and [documentation](#) at the individual case level, especially for post-case filings and decisions still in proceedings. Such data collection and publication are critical to identifying and remedying [inequality](#) in the court system, especially when data is [disaggregated](#) by categories such as gender, socio-economic status, age, and disability.
  - Collect and disclose information that [measures](#) judicial officials' performance, such as data on how quickly they process cases, how frequently their rulings are overturned on appeal, and the use of [algorithmic decision-making](#) in court.
  - Consider collecting and disclosing administrative court data, such as information on court personnel, budgets, salaries, appointments, and promotions.
  - Add court data to an open data portal or create a centralized portal for court data and allow bulk data downloads to enable access to all court data from a single source.
  - [Ensure](#) that courts in different jurisdictions and at different levels of the judicial system standardize the content and format of datasets to make them interoperable.
  
- Train non-state actors on how to use court data:** Train non-state actors, such as journalists and civil society organizations (CSOs), on how to use published data to monitor courts.
  
- Conduct audits of court performance:** Conduct audits of court performance to evaluate the quantity and quality of court decisions made. The results of audits should be made public.
  
- Increase civic participation in court proceedings:** Create or strengthen avenues to increase civic participation in court proceedings, such as hosting public hearings and streamlining the process to file amicus curiae briefs.
  
- Test new court technology with users:** [Test](#) court data technology with the public during development to verify whether the system meets a wide range of accessibility standards, such as those for users with disabilities.
  - Provide comprehensive training for court officials on how to use new technologies, such as case management software, virtual tools to broadcast court hearings remotely, and [automated decision-making tools](#).
  - Monitor the effectiveness of court technology through indicators (like backlog reduction metrics) and court user surveys.
  
- Publish a judicial code of conduct:** Write and publish public [codes of conduct](#) that support an [independent and impartial](#) judiciary, including measures to encourage [continued learning](#), and mechanisms to enforce these standards. Involve judicial officers in the creation of standards.

Transparency  
Legislature  
Inclusion  
Foundational

Civic Participation  
Executive Intermediate

Transparency  
Public Accountability  
Executive Advanced

Civic Participation  
Executive Legislature  
Intermediate

Civic Participation  
Inclusion  
Intermediate

Transparency  
Public Accountability  
Foundational

- Require transparency in judicial appointments and disciplinary processes:** [Create](#) a transparent process to vet judicial appointees (such as publishing clear standards, making nominations public, and requiring [asset and interest disclosures](#)) and to discipline judicial officials for misconduct. For example, a judicial vetting process in [Albania](#), which included an assessment of asset disclosures, led to the dismissal or resignation of over 100 magistrates between 2017 and 2020 due to misconduct.

Transparency  
Legislature  
Inclusion  
Foundational

- The appointment process should [ensure](#) that:
  - qualifications and examination standards are published in advance and are gender and ethno-culturally neutral;
  - appointments include transparent term limits;
  - nomination details are made public;
  - efforts are undertaken to diversify the pool of judicial officers in recruitment, retention, and training to reflect the gender and social balance of a given context; and
  - members of the public (including CSOs) can submit [formal comments](#) related to high-level judicial appointments.

- Increase civic participation in court policy-making and oversight:** Involve the public in the formulation and oversight of judicial policies and court performance. The public can also provide input on the types of court data to prioritize for publication.

Civic Participation  
Executive  
Intermediate

- Mechanisms for public input include public consultation sessions, online platforms for citizen feedback, and civic monitoring bodies for policy implementation.

## POLICE

- Create or strengthen regulations for the police:** Work with relevant non-state actors (like CSOs) to develop police procedures, including for special events (such as [assemblies](#)), if none exist.

Civic Participation  
Executive  
Foundational

- Publish police procedures:** Make police operating procedures public, especially around practices such as use of force, search and seizure, surveillance, and control of [protests](#).

Transparency  
Executive  
Intermediate

- Publish police data:** Create or strengthen legislation to require the publication of police data, especially on topics of great concern such as use of force, search and seizure, surveillance, and control of [protests](#). [Convene](#) law enforcement, public officials, CSOs, and the public to identify priority data to collect and disclose.

Transparency  
Civic Participation  
Executive  
Legislature  
Inclusion  
Intermediate

- Consider how data is presented to ensure it can be easily digested. For one, making sure data adheres to open data principles allows for easier analysis. For another, considering user needs when presenting data (such as the design of a data portal) can ensure the data is easy to understand.



## OPEN JUSTICE

- Standardize police data in open, interoperable formats:** Systematically collect and retain standardized policing data, including on budgets.
  - Establish routine procedures that ensure various agencies use common terminology, categorization, and collection practices for data.
  - Organize data to ensure it can be downloaded in bulk, searched, and machine-read.
- Train non-state actors on how to use police data:** Train non-state actors, such as journalists and CSOs, on how to use published data to monitor the police.
- Create public accountability and oversight mechanisms:** Create [independent oversight bodies](#) with a clear mandate and funding, training to ensure responsibilities can be carried out, and a clear set of criteria for the selection of members.
  - Complaint tools and ombudsperson offices can also improve how individuals or groups seek corrective action for mistreatment by police.
- Encourage participatory budgeting:** Include communities [most affected](#) by policing in efforts to undertake [participatory budgeting](#). Budgeting processes are an increasingly important tool to address issues related to crime, policing, housing, and mental health.

Transparency

Executive

Advanced

Civic Participation

Executive

Intermediate

Public Accountability

Legislature

Intermediate

Civic Participation

Executive

Advanced

## PROSECUTORS AND PUBLIC DEFENSE

- Create an independent, professional oversight body:** [Establish](#) an independent, professional body with the power to examine cases for prosecutorial misconduct, wrongful conviction, unjust sentencing, or possible disparities in charging patterns based on particular areas or the demographics of the individuals being charged, such as ethnicity. Allow the body to also review prosecutors' decisions for adherence to internal guidelines.
- Create a civilian oversight body:** [Implement](#) a civilian oversight body to ensure direct accountability to the community, such as a civilian advisory board within the professional oversight office or an external civilian review board.
- Publish prosecutorial and public defense policies:** Create prosecutor policies and make them available to the public, [especially](#) on training, internal oversight and discipline, ethics compliance, and due process rights.
  - Prohibit elected prosecutors from accepting donations or endorsements from interested parties (including police unions), where relevant.
- Consult the public in setting prosecution priorities:** Allow communities to have a say in the types of crime prosecutors prioritize.

Public Accountability

Legislature

Intermediate

Public Accountability

Legislature

Advanced

Transparency

Executive

Legislature

Intermediate

Civic Participation

Executive

Intermediate

LEGAL AID

- Create an oversight body for legal aid:** Create an independent [legal aid authority](#) that can establish, fund, staff, regulate, and evaluate the [legal aid scheme](#) in a given context.
  - Consider a multi-stakeholder approach, bringing in legal professionals, civil society, and representatives from underserved communities.
  - Establish a body with the legal aid authority that can impartially investigate complaints against legal aid providers and put in place a suitable mechanism for evaluating and improving the quality of services.
  
- Publish minimum requirements for legal aid service providers:** Establish and publicly disclose minimum requirements for training and practical experience that legal aid service providers must meet. Establish clear disciplinary procedures for violations of these codes.
  - Develop all procedures in consultation with legal aid providers and publish them in advance of their use.
  
- Publish criteria for legal aid eligibility:** Publish criteria to determine eligibility for legal aid for criminal and civil cases. Persons who are denied services should have the right to appeal the decision.
  
- Increase access to legal aid:** Increase access to civil and criminal legal aid through training and funding to [ensure](#) that all communities, particularly the most marginalized, have access to quality legal aid.
  - Fund and launch training programs for legal aid lawyers, paralegals, and pro bono volunteers to improve their legal skills and knowledge to better understand the needs of low-income and underserved individuals. Providers should be trained on their professional obligations and relevant codes of conduct.
  - Increase funding to existing legal aid services, and establish new offices and services to reach isolated or underserved communities.
    - This may include identifying communities or areas with disproportionate legal needs or that traditionally lack access to legal aid, expanding the provision of legal aid for problems that might not have adequate funding, and developing partnerships with CSOs offering legal assistance.
  - Budgets should be made publicly available down to the individual program level. Expand and diversify financing for legal assistance at national and subnational levels, including public sector partnerships.

Public Accountability

Legislature

Foundational

Transparency

Civic Participation

Legislature

Foundational

Transparency

Public Accountability

Legislature

Foundational

Transparency

Public Accountability

Legislature

Inclusion

Intermediate

## OPEN JUSTICE

- Evaluate legal aid services:** Use surveys, multi-stakeholder working groups, and other evaluation tools to [identify](#) legal reforms needed to improve justice delivery systems through legal assistance and the courts.
  - Collect and publish data such as how many people go unrepresented each year at all levels, how many people qualify for legal aid, and what percentage actually receive legal aid services.
  - Conduct and report the results of client satisfaction surveys to assess overall quality.
  - Strengthen and institutionalize partnerships—such as between the judicial system, legal aid providers, CSOs, academia, social services, and law enforcement—to better serve marginalized communities.

Transparency

Civic Participation

Public Accountability

Legislature

Inclusion

Advanced

## CORRECTIONS

- Require justification for pretrial detention:** Require judicial officials or magistrates to publicly justify pretrial detention in a timely manner.
- Open prison and other correctional facility data:** Create or strengthen legislation for the publication of pretrial detention and general prison-related data. [Convene](#) prison institutions, CSOs, and the public to identify priority data to collect and disclose in a centralized place. Governments can also [require](#) the publication of data on prison management, budgets, policies, living conditions, prisoner demographic information, conviction information, and prisoner outcomes.
  - Provide [regularly updated information](#) on the number of and reasons for arrests; the number of people charged and the nature of their charges; the number of people in pretrial detention (in absolute terms and as a percentage of the overall prison population); the duration of pretrial detention, disaggregated by offense; the number of pretrial detainees receiving legal advice and representation; and the ratio of charged individuals held pretrial as compared to the number released.
    - Provide a public, anonymized record of the charges for which individuals are detained (disaggregated by offense) and the justification for their pretrial detention. Allow exceptions for juvenile detainees and individuals who have received expungements.
    - Disclose demographic, anonymized information about pretrial detainees. This includes information about prisoners' gender, age, race, ethnicity, disabilities, and any mental and physical healthcare needs.
    - Standardize data across jurisdictions to allow for comparison, and include private prisons and immigration detention centers in data collection.
- Train non-state actors on how to use corrections data:** Train non-state actors, such as journalists and CSOs, on how to use published data to monitor pretrial detention and the prison system broadly.

Transparency

Legislature

Foundational

Transparency

Civic Participation

Legislature

Intermediate

Civic Participation

Executive

Intermediate

- Create public accountability and oversight mechanisms:** Allow oversight institutions to identify cases of discrimination in the use of [pretrial detention](#) and to evaluate [prison conditions](#).
- Publish clear limits on the duration and conditions of detention.
  - Ensure that an independent body can inspect facilities on demand and unannounced, access prison information and data, and interview detainees privately. This body should also publish its findings and recommendations, which are to serve as the basis for constructive dialogue.
  - Establish clear complaint mechanisms that are accessible to detainees, their families, and legal representatives. This also includes whistleblower protections to allow confidential complaints without reprisal.
  - Conduct regular [reviews](#) of pretrial detainees by court authorities to evaluate alleged offenders regularly throughout the course of their case to determine whether continued detention is necessary. Reviews should be held in the presence of a detained person and their legal counsel.
  - Require a public response from prison officials and relevant ministries following the publication of inspection findings on their response to the report and progress made to date.

Transparency

Civic Participation

Public Accountability

Legislature

Advanced

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. On average, justice commitments are equally well-designed and implemented as other OGP commitments, with roughly two-thirds being completed and about a quarter showing early results.

- **Buenos Aires, Argentina Criminal Courts Publish Decisions:** [Piloted](#) the [publication](#) of all decisions in an anonymized, open data [repository](#) written in plain language. Opened hearings to the public and published a schedule of hearings in advance.
- **Colombia Improved Court Transparency:** [Began publishing](#) court data on decisions, officials, agendas, and procedure manuals to increase transparency and public awareness of court processes.
- **Costa Rica Online Platform to Monitor Judicial System:** [Developed](#) an online [judicial oversight system](#), which enables citizens to monitor how long open cases take until they are concluded.
- **Slovak Republic Transparency and Accountability of Prosecutors:** [Began publishing](#) a regularly updated list of prosecutors in 2016 and analyzed their [selection and disciplinary procedures](#) in 2017.
- **Ukraine Training for Law Enforcement Officers:** [Trained](#) law enforcement officers in community policing practices, created online resources for police-community coordination, and implemented a “schools and police” project.

## OPEN JUSTICE

- **United States Centralized Database for Police Data:** [Published](#) 295 police datasets (representing 135 jurisdictions) by the end of 2017 in a centralized database under the Police Data Initiative.
- **Uruguay Increased Access to Public Hearings and Data:** [Began](#) publishing statistical information from the judicial branch and [video recordings](#) of all public hearings over two action plans.

## BEYOND OGP ACTION PLANS

- **Mexico Assessment Tool for Open Justice:** [Launched](#) the first edition of a tool to assess the openness of the justice system in over 200 federal and state justice authorities, such as courts, human rights centers, prosecutors, and prisons.
- **Philadelphia, United States Public Dashboard for Justice Data:** Launched a new [public dashboard](#) for criminal justice data created through multi-stakeholder consultation, which is updated daily and presents data on [key outcomes](#) in the criminal justice system.
- **United Kingdom Call for Feedback on Open Justice:** [Opened](#) a Call for Evidence for a diverse set of actors (such as judicial officers, lawyers, journalists, and court users) to provide feedback on how the government can strengthen and uphold open justice.

### The Role of Local Governments

Most basic legal processes are carried out first (and often exclusively) at the local level. Below are examples of the many roles local governments play in determining the openness of the justice system.

- Provinces and municipalities establish laws, run courts, and run correctional facilities.
- In most OGP countries, law enforcement is also devolved to the local level.
- Public defenders and prosecutors (usually elected or appointed at the municipal or provincial level) are key actors in determining how well a justice system serves its people, such as by determining what goes to court, what the public sees, and just how fair trials may be.
- Local governments fund alternative justice providers—alternative justice models are often led through community-based centers or initiatives.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [International Development Law Organization](#)
- [International Open Justice Network](#) (Red Internacional de Justicia Abierta, or RIJA)
- [Organisation for Economic Co-operation and Development \(OECD\)—Office for Access to Justice](#)
- [Pathfinders for Peaceful, Just and Inclusive Societies](#)
- [Penal Reform International](#)
- [United Nations Office of Drugs and Crime \(UNODC\)](#)
  - The [Global Judicial Integrity Network](#) is part of the UNODC.
- [World Justice Project](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **World Justice Project's** [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, with specific indicators related to access to civil and criminal justice.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit** provides a comprehensive review of recommendations, case studies, and standards in its publication [Justice Policy Series, Part II: Open Justice](#), part of the [Justice Policy Series](#).
- The principles of open justice are woven throughout international law and standards. For example, the right to due process is enshrined in [Article 14](#) of the **International Covenant on Civil and Political Rights** and [Articles 9–11](#) of the **Universal Declaration of Human Rights**.
- The **Pathfinders for Peaceful, Just and Inclusive Societies** launched the [Task Force on Justice](#) in 2018. The Task Force brings together UN member states, international organizations, civil society, and the private sector to build people-centered justice institutions and accelerate delivery of the SDG targets for peace, justice, and inclusion.

## OPEN JUSTICE

- The **UN Office on Drugs and Crime** (UNODC) sets international standards on a variety of justice system actors, including [policing](#), [judicial independence](#) and [conduct](#), [legal aid providers](#), and prison conditions, especially for [women](#) and [children](#). Through its [Global Judicial Integrity Network](#), UNODC also provides guidance on how judiciaries can improve and strengthen their systems for the management of courts and cases, maintenance of records, and transparency in the judicial system. Examples of guidance include an [implementation and evaluation guide](#) for the UN Convention against Corruption, a [resource guide](#) on judicial integrity and capacity, and [guidelines](#) on judges' use of social media.
- The **UN Development Programme** created a [guide](#) on using digital tools to close the justice gap, which provides recommendations based on an analysis of the opportunities and risks of using technology to modernize justice systems.
- The **European Commission for the Efficiency of Justice** (Council of Europe) created a [charter](#) for the ethical use of artificial intelligence (AI) in judicial systems. The principles in the charter explore how AI can be used to improve the efficiency in courts and other areas while also protecting human rights.
- In 2018, two US civil society organizations—the **National Center for State Courts** and **Measures for Justice**—partnered to create the National Open Courts Data Standard, or [NODS](#). The project seeks to provide standardized, case-level court data publicly available to improve court system transparency and improve public policy. NODS includes case-level reporting in areas such as case status and details, litigant and lawyer information, pleadings, motions, filings, orders, charges, judgments, and sanctions.
- **RIJA** and **Hivos** published a [joint report](#) on open data standards for judicial institutions. RIJA also maintains a [map](#) of open data portals related to justice in Latin America, created through its multi-stakeholder open data working group.
- The **World Justice Project's** [Rule of Law Index](#) evaluates countries on a variety of indicators, including on police and criminal and civil justice institutions. Additional special reports use survey data to analyze perceptions of criminal justice institutions, such as in [Afghanistan](#).
- **Namati** and its partners in the [Grassroots Justice Network](#) work to advance [access to information](#) about law and justice processes through grassroots legal empowerment. Namati has published relevant [guides](#), such as a guide on how to [provide legal services remotely](#) and a [participatory toolkit](#) on providing legal aid to address gender-based violence.



# Open Government Foundations

*The Philippines has made notable progress in expanding access to the right to information, especially at the local level. The country [tripled](#) the number of local government units that passed “freedom of information” ordinances or executive orders in two years. Pictured: A neighborhood in Manila, the capital of the Philippines.*



## Mainstreaming Participation

Giving the public opportunities to provide input into government decision-making leads to more effective governance, improved public service delivery, and more equitable outcomes. In the context of open government, these deliberations allow the public to provide feedback on the actions of governments through organized discussions. Deliberative democratic processes have seen considerable innovation in the past few decades, ranging in formality, size, and permanence.

### Open Gov Challenge

#### Public Participation

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Public Participation.

**Challenge prompt:** Mainstream or embed fit-for-purpose, high-quality and inclusive public participation practices across key government sectors, processes, and institutions.

Actions and reforms to ensure that people are involved in policy-making could include:

- Passing and implementing laws and policies that create the expectation of a higher level of public participation within the policy-making process, or establishing new mechanisms for participation.
- Creating participation teams or centers of best practice that are responsible for improving public participation.
- Institutionalizing platforms or mechanisms to promote participation within specific sectoral reforms.

## Key Terms

- **Civic participation:** Civic participation occurs when governments seek to mobilize members of the public to engage in public debate, provide input, and make contributions that lead to more responsive, innovative, and effective governance.
- **Deliberative democracy:** Deliberative democracy is a democratic approach that emphasizes the importance of inclusive and reasoned deliberation among the public in shaping public decisions and policies. It is based on the belief that a well-functioning democracy requires active civic engagement, open dialogue, and rational deliberation to reach collectively just and informed outcomes.

## The Evidence

A growing body of evidence [suggests](#) that deliberative approaches can enhance decisions in a democracy.

- Achieving greater consensus on an issue can increase the legitimacy of decisions.
- Broad-based consultations can improve solutions by increasing their relevance and creativity.
- Creating a space for people with different interests and backgrounds can depolarize difficult or politicized decisions by allowing participants to discuss issues more fully and to see new perspectives.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

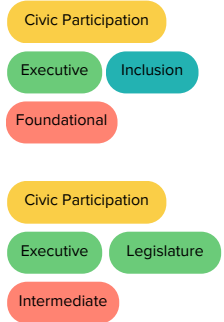
- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### STANDARDS AND PROCESSES

- Establish a basic framework for participation:** Establish a legal right to participation and access to information through common mechanisms, such as notice-and-comment periods in regulations.
- Improve access to decision-making processes:** Establish that the public has a right to observe and inform public decisions through open meeting laws, [right to information](#), and [lobbying rules](#).
- Develop minimum standards on deliberative practice:** Develop government standards that govern participation practice, either to elaborate on existing laws or to provide guidance for innovations in deliberative processes already being implemented by administrations or legislatures.
- Create oversight bodies:** Establish multi-stakeholder bodies at the agency or whole-of-government level that design, mainstream, and monitor inclusion and participation practices in agency decision-making. These may also be housed in legislative oversight committees.
  - These multi-stakeholder bodies should also be diverse, inclusive, and appointed using transparent, well-publicized processes.

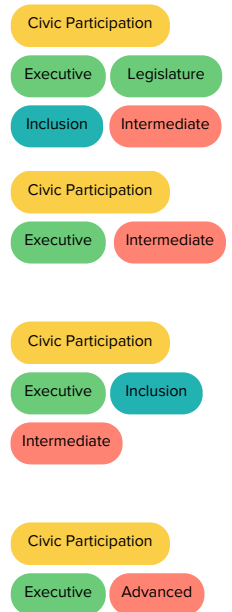
NEW MODELS

- Design pilots:** Carry out pilots of deliberative processes on key issues with the general public, paying special attention to ensure diversity across and within groups of the selected sample. Examples such as citizen assemblies have found success particularly at the local level, as [research](#) on public participation suggests.
- Establish rules for how deliberative processes interact with policy-making:** Explicitly explain how deliberative processes will interact with constitutional, legislative, and regulatory processes, such as clarifying when they will occur and how they will inform final decisions. For example, establish processes for deliberative polling and discussion around politically difficult issues.



CAPACITY BUILDING

- Conduct targeted outreach to identify new actors:** Conduct targeted outreach for new actors who will join participation initiatives to ensure that groups are as inclusive and representative as possible.
- Train public officials:** Carry out training and capacity building for public officials on public participation to ensure that high-quality, meaningful dialogue takes place.
- Train members of the public:** Carry out training and capacity building for members of the public who join participation initiatives. This is especially important to build capacity for representatives from groups that are not as likely to be involved in decision-making, such as young people, indigenous people, and women, to ensure they have the tools to participate fully.
- Create institutional knowledge teams:** Establish participation teams or centers of best practice to maintain institutional knowledge and increase the quality of participation mechanisms.



## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Commitments in this area have become increasingly popular, with almost all OGP members undertaking some kind of reform to improve or expand public dialogue.

- **Argentina Public Participation in Environmental Decision-Making:** [Committed](#) to creating the conditions for broad, inclusive, informed, and accessible public participation in [environmental decision-making](#) in line with the Escazú Agreement. This can build on the success of its [Federal Program of Open Government](#), which engaged diverse groups at the national and local levels to implement open government policies.
- **Australia New Framework to Increase Participation in Policy-Making:** [Created](#) a framework to increase public participation in policy-making based on a review of current engagement practices and workshops with members of the public to identify new strategies, with strong early results.
- **Estonia Online Platform for Policy Co-Creation:** [Committed](#) to developing a centralized platform to promote a [legislative and regulatory co-creation](#) process, where the public can access the edit history, meeting records, and reasoned government responses to feedback related to policies.
- **Latvia Commitment to Promote Multi-Stakeholder Collaboration:** [Committed](#) to strengthening multi-stakeholder decision-making by requiring ministries to identify and maintain regular dialogue with CSOs, experts, industry representatives, and others, in addition to its [council](#) promoting collaboration between CSOs and the Cabinet.
- **New Zealand Community Engagement Tool for Policy-Making:** [Committed](#) to requiring the use of the Policy Community Engagement Tool, with the goal of increasing public participation in designing policies, particularly for those most affected by an issue, such as Māori communities.
- **Republic of Korea Public Engagement Platform for Policy-Making:** Launched a [platform](#) to create opportunities for public engagement on policy-making that was then [expanded](#). Also [committed](#) to improving the platform to increase public engagement.
- **Scotland, United Kingdom Framework for Public Participation in Policy-Making:** [Created](#) a [participation framework](#) to guide policy makers on which kinds of participatory methods to use to involve the public in decision-making.
- **Sweden Consultation Model to Engage CSOs:** [Developed](#) a dialogue model (sokråd) to engage with CSOs on issue-specific consultations, which is now used [regularly](#) to reach consensus on difficult topics.

### BEYOND OGP ACTION PLANS

- **France Platform to Coordinate Public Participation:** [Established](#) an Interdepartmental Centre for Citizen Participation, which coordinates the [platform](#) used for all public consultations by the State.
- **Philippines Participation in the Cabinet:** [Created](#) a cluster at the Cabinet level for participatory governance, which consults civil society members in its work. The cluster also coordinates with the [OGP multi-stakeholder forum](#).
- **Spain Open Government Forum for Dialogue:** [Established](#) an Open Government Forum, a group meeting once a year that is composed of government representatives from the national and regional level, as well as civil society actors.

### The Role of Local Governments

Local governments have spearheaded participatory decision-making in many countries. They are often leaders in deliberative approaches, as they are closer to the people they serve, which allows for more direct participation in government. Local officials also may be the most well-positioned to understand the particular needs and concerns of their constituents.

Critically, local governments serve as laboratories for experimentation and innovation in governance. They have led new approaches, policies, and programs, such as:

- Local referendums,
- Participatory budgeting,
- Rules for open meetings,
- Citizens assemblies and juries, and
- Online platforms, such as complaint mechanisms.

For more examples of how [cities](#) are mainstreaming participation, the Bloomberg Harvard City Leader Initiative published a [guide](#) and [workbook](#) on this topic as part of its City Leader Guides series.

### Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [International Center for Not-for-Profit Law \(ICNL\)](#)
- [Involve](#)
- [Organisation for Economic Co-operation and Development \(OECD\)](#)
- [People Powered](#)
- [The Democratic Society](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data. At the current time, it is unclear if there is third party data to match this challenge across OGP membership.

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit** included a chapter on consultation in the 2020 [Regulatory Governance](#) report. The report provides an overview of regulatory openness, including potential commitments and examples from innovators worldwide.
- The **OECD** has produced several resources on this topic. Examples include the [Guidelines for Citizen Participation Processes](#), a [guide](#) on public engagement for better policies and services, [recommendations](#) related to regulatory policy and governance (specifically Principle 8), and [guidance](#) on innovations related to public participation and new democratic institutions.
- **Involve**, a UK-based organization, created a [guide](#) on designing and implementing public participation processes in decision-making.
- The **Council of Europe's** [Code of Good Practice for Civil Participation in the Decision-Making Process](#) defines practices and guidelines to bring CSOs into decision-making at the national and local levels.
- The **Organization for Security and Co-operation for Europe** published [recommendations](#) on enhancing the participation of associations in public decision-making processes.
- **ICNL** published [guidance](#) on how to develop agreements between government and civil society in Central and Eastern Europe.
- The **European Center for Not-for-Profit Law** (ECNL) created an [overview of civil participation](#) in decision-making in Council of Europe member states as well as [research](#) on participation methods to enhance engagement in the European Union. ECNL also published [guidance](#) on how governments can strengthen mechanisms for CSOs to participate in EU-related policy-making, as well as a [brief](#) on the rule of law in the EU and its role in strengthening civic space generally.
- The **Morris J. Wosk Centre for Dialogue**, based at Simon Fraser University in Canada, created a [guide](#) for global practitioners on how to ensure equity in public engagement.

# Right to Information (RTI)

The public needs access to information to hold the government to [account](#) for its decisions. [Right to information](#) (RTI) laws enable citizens to obtain this information, with [many laws](#) requiring governments to proactively publish information. While most OGP member countries now have RTI laws, many still face issues, such as implementing the required processes and managing request backlogs. In addition, data on how well agencies implement an RTI law can help measure progress in protecting this important right, aid learning and accountability, and prioritize reforms.

## Open Gov Challenge

### Access to Information

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Access to Information.

**Challenge prompt:** Improve effectiveness of access to information legal frameworks.

Actions and reforms could include:

- Improving access to information oversight authorities independence, capacity, and integrity.
- Improving agency by agency access to information performance reporting and data (including requests, affirmative responses, response times, use of exemptions, appeals, and outcomes of appeals).



## Key Terms

- **Appeals:** If a public authority denies the release of information due to an exemption or fails to respond, requestors have the option to challenge the response. Often the first appeal will be for internal review. If still unsatisfied, most RTI legal frameworks adopt one of [four different models](#): courts, tribunals, ombudsperson, or a specialist commissioner.
- **Exemptions:** Public authorities can exempt information from disclosure when those details fall in categories such as national security, attorney-client privilege, ongoing investigations, commercial secrecy, and privacy.
- **Proactive and reactive disclosure:** [Information](#) held by public authorities can be accessed by the public via proactive disclosure, when the authority releases information without requests being filed, or via reactive disclosure, when members of the public can file requests for information.
- **RTI performance data:** Key types of data related to RTI performance are:
  - Number of requests submitted
  - Time to respond to requests
  - Number of denials and reasons for withholding information
  - Number of appeals and their results
  - Amount of money collected in costs for RTI requests
  - Disaggregated, demographic data (such as gender), where appropriate

## The Evidence

The evidence shows that information availability can improve government effectiveness.

- RTI laws have been shown to reduce corruption by [providing](#) a framework that requires public officials to act impartially and give reasons for their decisions.
- When implemented, RTI laws are associated with strengthening the impact of other open government reforms, which can make it [more likely](#) that officials will behave ethically and legally.
- Increasing access to information and enforcing RTI laws improves public service delivery by [empowering the public](#) to monitor services and advocate for change.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

**Pass a law to manage archive rules:** Establish a law to manage the storage and retrieval of physical and electronic government records, including requirements related to how long information can be retained and oversight authority for records management. Ensuring that information is correctly stored and easy to retrieve is necessary to implement an RTI law.

Transparency

Legislature

Foundational

**Pass an RTI law:** Establish an RTI law in line with the most current standards on RTI, as outlined in the *Guidance and Standards* section below.

Transparency

Legislature

Foundational

## RIGHT TO INFORMATION (RTI)

- Require RTI performance data collection and publication:** Require the collection and publication of RTI performance information in open data format. Efforts can include mandates to collect and publish the following data for each authority covered by the RTI law.
  - Data on the number of requests submitted and processed, how long it took the relevant government agency or agencies to respond to requests, request disposition, reasons for denial, and appeals against RTI decisions and their results.
  - Data that follows a standardized, validated reporting method in a structured data format on an open platform.
  - Disaggregated data on requestors, such as by gender, where appropriate.
  - Standardized reports summarizing each agency's RTI performance.
  - Anonymized, request-level data of the actual information requested and the disposition of those requests at regular, periodic intervals.

Transparency

Legislature

Inclusion

Foundational

- Create an oversight body:** Establish a [body](#) (or give powers to existing inspectorates or ombudspersons) that can review cases, policies, and practices based on individual requests or denials, failures to report, and patterns of denial. This can also be done through an executive order or an administrative regulation.
  - Ensure appellate processes allow for individual appeals of denial of information.
  - Such bodies may publicly publish summaries of agency-level reports and make recommendations to chief administrators.
  - An oversight body can also enforce any proactive disclosure requirements that are included in the RTI law.
  - Establish criteria for composition that considers a diversity of sectors and experiences, including across gender, age, and other representative demographics.

Public Accountability

Executive

Legislature

Inclusion

Foundational

- Ensure the RTI oversight body is appropriately resourced:** Commit regular funding to the RTI oversight body, and ensure that the body is fully staffed to fulfill its mandate and maintain independence.

Public Accountability

Legislature

Intermediate

- Improve civil service incentives:** Establish a professional track for RTI professionals within agencies, and create professional certificates for relevant data management (where possible) to raise the effectiveness of RTI compliance as an accountability measure.

Public Accountability

Executive

Intermediate

### TRANSPARENCY

- Regularly report on compliance:** Regularly report to the public and the legislative branch on agency or department compliance with the RTI law.
- Create request-sharing requirements and systems:** Create request-sharing requirements and systems. In some cases, people make legitimate requests, but to the wrong authority. Governments can establish standardized request-forwarding processes to ensure that requests arrive in the right place.
  - These systems will allow for common rerouting of requests filed to the wrong authority, and more standardized tracking and reporting. Doing so would lessen the administrative burden and make the final release of RTI performance data much easier.
- Require data on RTI performance to be accessible and usable:** Require the following elements to ensure data is accessible and usable by the general public. Successful examples include RTI performance databases in the [Dominican Republic](#) and [Uruguay](#).
  - Proactive and frequent disclosure of RTI performance data that is published online, free of charge, and in a timely manner.
  - Machine-readable data published in non-proprietary formats that is also bulk-downloadable, so the public can access data for monitoring and accountability purposes.
  - Public validation function to allow the public to [flag data](#) that may need further validation or correction.
  - Gender-disaggregated data on requests and appeals, as appropriate.
- Standardize data, including for interoperability:** Standardize data and introduce common identifiers for key elements (such as agency names) that may be used in other important data, such as budgeting or spending data. Common identifiers can reduce the administrative burden of tracking RTI by relying on other validated databases and can allow for comparison across time and levels of government.
  - Across time: Make performance data consistent and comparable across requests and over the years by ensuring continuity of key indicators across years. This can help identify major changes in performance over time.
  - Across localities and agencies: Encourage (or mandate, if possible) government entities to use similar fields where comparison is possible through the production of guidance, appropriate validation methods, and incentives for standardization.

Transparency

Public Accountability

Executive

Legislature

Intermediate

Transparency

Public Accountability

Legislature

Intermediate

Transparency

Civic Participation

Public Accountability

Legislature

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Intermediate

Transparency

Executive

Advanced

CIVIC PARTICIPATION

- Ensure equal access to the RTI request process:** Create and enforce special measures to ensure that all persons, particularly the most vulnerable or marginalized, can benefit from the right to information. Such measures include accommodations for those who may have trouble accessing online systems, such as people living in rural areas with limited internet access or people with disabilities. For example, the [Philippines](#) focused on increasing RTI ordinances at the local level, which led to a considerable expansion of public access to information, including in rural areas.
- Create a public advisory panel:** Establish or enhance an advisory group to include RTI users (including journalists, industry, and civil society organizations) and government information producers. Ensure that the advisory group solicits, combines, and gives feedback on the quality of compliance reporting and recommends solutions revealed by data from agencies.
- Train public officials:** Provide adequate training to all relevant public officials, especially information officers, on record-keeping practices, how to respond in a proper and timely manner, the use of standardized data, and the timely provision of information and appropriate use of exemptions.
- Conduct public education campaigns:** Create a campaign to increase the public’s awareness of the right to information, including guidance on how to submit information requests.
  - Raise awareness of the [benefits](#) of RTI performance data through public education campaigns, especially where there is a high level of understanding and use of the right to information.
- Increase financial support to information intermediaries:** [Provide](#) education opportunities, grants, and support to data intermediaries (such as CSOs or local legal clinics) that use the RTI system.

Civic Participation

Executive    Legislature

Inclusion    Intermediate

Civic Participation

Executive    Legislature

Intermediate

Civic Participation

Executive    Intermediate

Civic Participation

Executive

Advanced

Civic Participation

Executive    Legislature

Advanced

PUBLIC ACCOUNTABILITY

- Strengthen the RTI oversight body’s powers of oversight and investigation:** Establish or strengthen the right to information commission, including by assuring funding, to ensure independence and maximal disclosure, especially in high-value areas of government activity.
  - Empower RTI commissions (or their equivalent) to investigate irregularities and patterns of practice as reflected in performance data and to independently report their findings to the legislature and the public.
  - Allow [independent oversight](#) to conduct on-site inspections and impose sanctions for non-compliance.
  - Create tribunals with the mandate and capacity to review irregularities and patterns of practice.
  
- Create a process for judicial or quasi-judicial review:** Ensure that non-reporting, falsification, and misrepresentation of data has adequate, publicly accessible avenues of redress and remedy, if they do not already exist.
  
- Create a process for parliamentary oversight:** Hold standing or ad hoc committees and legislative hearings to oversee the performance of the RTI law and ensure agencies are complying with the RTI law.

Public Accountability

Legislature

Foundational

Public Accountability

Legislature

Foundational

Public Accountability

Legislature

Intermediate

Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. RTI has historically been one of the most popular policy areas for reform among OGP members, with over 80 percent of members making RTI commitments overall.

- **Brazil Increased Effectiveness of Information Requests:** [Instituted](#) a time limit for government agencies to respond to information requests and created stricter rules to deny access to classified information in partnership with civil society organizations.
- **Dominican Republic Database of Information Requests:** [Made](#) data available online related to [statistics](#) for over 200 government agencies on levels of compliance with freedom of information requests.
- **Kenya National and County-Level RTI Laws:** [Drafted](#) RTI regulations in collaboration with civil society (finalization pending at time of writing) and created a toolkit and model RTI law for the county level. By the end of the implementation period, counties had begun to adopt RTI laws.
- **Morocco Increased RTI Capacity Building and Access:** [Conducted](#) public awareness campaigns, [appointed and trained](#) RTI officers, [increased](#) archive units across government bodies, and [created](#) an online portal where requests are publicly tracked. Also [committed](#) to expanding access to the portal to local governments.

## RIGHT TO INFORMATION (RTI)

- **Philippines Increase in Local RTI Ordinances:** [Tripled](#) the number of local government units that passed “freedom of information” ordinances or executive orders in two years, which [led to](#) strong early results in expanding the public’s access to information at the local level.
- **Spain Right to Information Law Reforms:** [Committed](#) to approving regulations that will strengthen transparency and access to public information. Spain has also signed the Council of Europe’s [Convention on Access to Official Documents](#)—ratification is pending.
- **Uruguay Index to Measure Compliance with Information Requests:** [Created](#) a National Transparency Index that [measures](#) agency-level compliance with the RTI law, such as the proactive sharing of information. Builds on a previous pilot by the Central Bank to [make](#) data available online on RTI requests, which other public institutions adopted.

## BEYOND OGP ACTION PLANS

- **Bangladesh Expanded Access to RTI for Vulnerable Groups:** [Working](#) to ensure that women and Dalit communities can request information through its [Information Commission](#), in collaboration with The Carter Center and other agencies. Activities included raising awareness among these groups and training local officials to better support these groups in requesting information.
- **Paraguay Online Tool to Explore RTI Request Data:** [Created](#) an accessible, open tool to help users explore data on RTI requests, such as statistics measuring the degree of agency compliance.

### The Role of Local Governments

Local governments often have their own RTI laws. They may administer these rules independently in a fully federal system, in coordination with the national government (as in Mexico), or they may operate according to a unified national system of RTI.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Access Info Europe](#)
- [Article 19](#)
- [Centre for Law and Democracy](#)
- [Programme d’Appui aux Gouvernements Ouverts Francophones \(PAGOF\)](#)
- [Red de Transparencia y Acceso a la Información](#)
- [The Carter Center](#)
- [United Nations Educational, Social and Cultural Organization \(UNESCO\)](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- RTI-Rating.org, maintained by the **Centre for Law and Democracy**, has [tracked and cataloged](#) the detailed characteristics of all RTI laws, including amendments thereto and whether through legislation or by decree.
- In collaboration with the **OGP Support Unit** and **Transparency International**, the **Data for Development Network**'s Global Data Barometer collects information on whether company RTI administrative data is available in open formats. Visualizations of this data are available on the [OGP website](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The 2022 **OGP Support Unit** report [Broken Links: Open Data to Advance Accountability and Combat Corruption](#) includes a chapter on RTI performance and the need for interoperability with other key political data.
- The right to seek information is recognized under [Article 19](#) of the **Universal Declaration of Human Rights** and [Article 19](#) of the **International Covenant on Civil and Political Rights** as an element of freedom of expression.
- Sustainable Development Goal [16.10.2](#), part of the **United Nations Agenda 2030**, encourages the adoption and implementation of constitutional, statutory, and/or policy guarantees for public access to information.
- The [joint declaration](#) published by the three special mandates on freedom of expression at the **United Nations**, the **Organization for Security and Co-operation in Europe**, and the **Organization of American States** (OAS) recognized the right to access information held by public authorities as a fundamental human right, as well as the requirement for governments to ensure effective implementation of RTI legislation.
- In October 2020, the **OAS** approved the [Inter-American Model Law 2.0 on Access to Public Information](#) as a follow-up to the Model Inter-American Law on Access to Public Information of 2010, which, at the time, was promptly embraced in the region as a reference for the development of this right.



## RIGHT TO INFORMATION (RTI)

- The **African Commission on Human and Peoples' Rights'** [Model Law on Access to Information for Africa](#) (also referenced as a source for further guidance in the Commission's [2019](#) update to the Declaration of Principles on Freedom of Expression in Africa) requires public bodies and relevant private bodies to submit annual reports on RTI performance to the relevant oversight mechanism, which is in turn directed to review and publish these reports.
- **The Carter Center** created an [Implementation Assessment Tool \(IAT\)](#) to protect the right to information. The IAT diagnoses the extent to which the public administration can respond to requests for information and provides an implementation guide for government ministries and agencies to better fulfill their duty to deliver information to the public.
- The **European Public Accountability Mechanisms'** [database](#) has a set of RTI indicators that includes a question regarding whether frameworks require the release of data on requests and appeals to the public.
- Additionally, **RTI-Rating.org** has [tracked and cataloged](#) the detailed characteristics of all RTI laws, including amendments thereto and whether through legislation or by decree.

# Acknowledgements

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Connected by Data, Global Data Barometer, International Center for Not-for-Profit Law, International Open Justice Network (RIJA), International Budget Partnership, Involve, Latin American Open Data Initiative, (ILDA), Media Freedom Coalition, Open Contracting Partnership, Open Data Charter, Open Ownership, ParlAmericas, Pathfinders for Peaceful, Just and Inclusive Societies, The Carter Center, The Good Lobby, Transparency International, the University of Buenos Aires School of Law, and World Resources Institute

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## **Anti-Corruption**

Using Italy's *OpenCoesione* platform, over 25,000 young people have joined efforts to monitor public spending, an important accountability mechanism that can help increase competition for public contracts. Pictured: Alessandra Costarella and her classmates.

## **Civic Space**

The Gwanghwamoon 1st Street platform aims to increase civic participation in the Republic of Korea. Pictured: A third-grade class from Jeju Island used the Gwanghwamoon 1st Street petition platform to successfully advocate for a ban on frozen ice packs in food delivery.

## **Climate and Environment**

The Escazú Agreement (adopted in Escazú, Costa Rica) affirms environmental democracy principles and practices as necessary to protect both the environment and human rights defenders. Pictured: Maricela Fernandez, an indigenous community leader in Costa Rica who works to promote gender equality and the protection of the environment.

## **Digital Governance**

OGP members are working to ensure that digital governance measures align with open government values like transparency, civic participation, and public accountability. Pictured: Andrew G. Temmeh, the then-Deputy Minister of Administration at the Ministry of Information in Liberia.

## **Fiscal Openness**

The Public Service Accountability Monitor (PSAM), a civil society organization, has led efforts to open South Africa's budget by increasing its accessibility and understandability.

## **Gender and Inclusion**

North Macedonia has expanded protections for vulnerable groups, such as by improving access to justice, including for domestic violence survivors. Pictured: Vesna Shapkoski, Executive Director of L.E.T Station, a civil society organization focused on access to justice.

## **Justice**

In Argentina, particularly in Buenos Aires, open government advocates are increasing public accountability and access to the justice system, such as by simplifying legal texts through the JusLab initiative. Pictured: The University of Buenos Aires School of Law.

## **Open Government Foundations**

The Philippines has made notable progress in expanding access to the right to information, especially at the local level. The country [tripled](#) the number of local government units that passed “freedom of information” ordinances or executive orders in two years. Pictured: A neighborhood in Manila, the capital of the Philippines.



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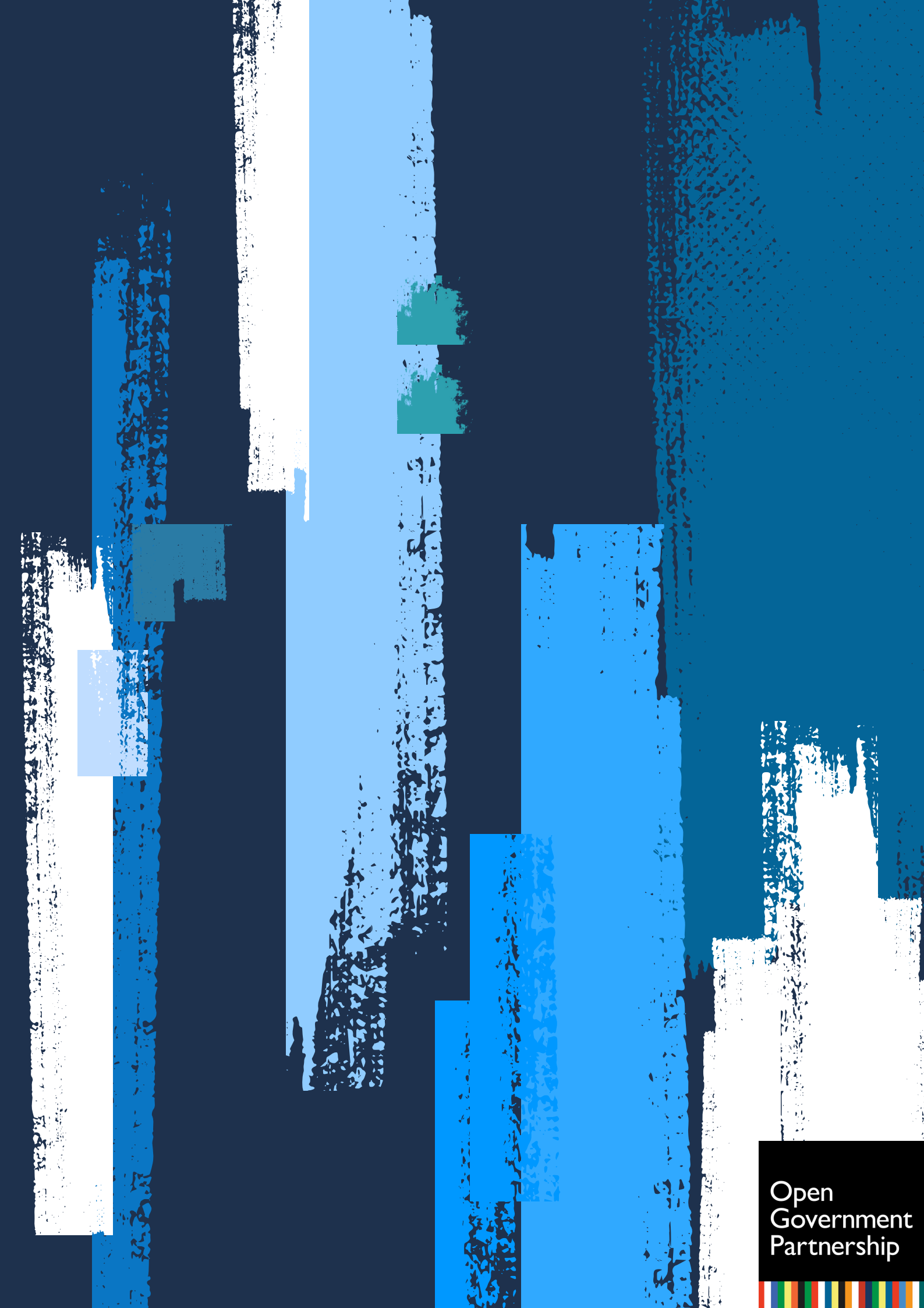
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