

## Participation of Judiciary Branch Institutions in OGP

### Objective

Provide basic guidance and rules on the submission of independent action plans by institutions beyond the executive and legislative powers, including the Judiciary Branch Institutions (JBI).

### Options

JBI that decide to engage with OGP have the following options:

1. Participation in the national OGP process (always the preferred option, as it includes the OGP Participation and Co-Creation Standards and the IRM)
2. Use the Open Gov Challenge on selected themes
3. Participation via submission of a standalone OGP action plan

### 1. PARTICIPATION IN THE NATIONAL OGP PROCESS

Participation by JBI in the national process offers OGP stakeholders critical opportunities to explore open government synergies across branches of government. A single national process also allows more efficient use of the time and resources allocated to co-creation and consultation, and reduces the transaction costs for civil society in engaging in OGP-related activities. This is the model of engagement already pursued in the majority of countries with JBI involvement in OGP.



JBI that choose to participate in the process commit to the following conditions:

- The [OGP Participation and Co-Creation Standards](#) that govern the co-creation and implementation of OGP commitments and national action plans.
- Where JBI representatives participate in the multi-stakeholder forum or platform (MSF), they must adhere to rules and practices established by the MSF.
- Where JBI participation in the national OGP process results in commitments made or supported by them, commitments must be integrated within the overall action plan and adhere to the overall start and end dates for the OGP action plan.
- JBI must adhere to all the regular reporting and monitoring mechanisms required from all commitment implementers by the MSF, and as established by the OGP Participation and Co-Creation Standards.
- JBI commitments included in national action plans will be assessed by the [Independent Reporting Mechanism](#) (IRM). JBI may convene their own multi-stakeholder working groups to determine the scope and substance of their commitments, but these processes are not separately assessed by the IRM, which will continue to focus on assessing the overall country co-creation process.

## 2. USE THE OPEN GOV CHALLENGE ON SELECTED THEMES

JBI of member countries are eligible to use the Open Gov Challenge to submit individual commitments. More information is available [here](#).

## 3. PARTICIPATION VIA SUBMISSION OF A STANDALONE OGP PLAN

JBI may choose to develop a standalone OGP plan when legal, political or practical reasons favor an independent plan rather than a joined national process. They offer an opportunity to co-create with civil society, and deliver on commitments that further open up their processes and systems, and to do so in a way that is fully aligned with their own calendars and strategic objectives.

### 3.1 Eligibility

JBI participation and submission of standalone OGP plans is limited to the highest ranking national level judiciary branch representatives such as the Supreme Court or High Level Judicial Courts or Councils that have the authority to establish or oversee rulings, standards and procedures at the national level. Special national level tribunals or similar organisms will be accepted on a case by case basis.

No executive branch ministry, agency or department will be allowed to submit a standalone OGP plan.

Institutions from countries with frameworks that are different from the scenarios described here can contact the Support Unit to find out if they are eligible.

### 3.2 Conditions for Engagement

JBI that choose to convene an independent co-creation process bear full responsibility for the process and for the resulting plan. They commit to the following conditions:

- JBI considering this option will have to do their best effort to adhere to the spirit of relevant rules and procedures established for national governments. Specific guidance for other actors will be published in time as we learn from the experience of some actors.
- JBI considering this option will appoint a Liaison to coordinate the process. The Liaison will share a formal notification with the OGP Support Unit, notifying them of the intent to co-create their own plan, and with the national Point of Contact, to explore possible opportunities for collaboration.
- JBI considering this option will be responsible for the co-creation process, which includes civil society participation, to develop, implement and monitor their action plans. The duration of the action plan and timelines for submission may be decided by the JBI, in consultation with civil society, to allow optimal alignment with the administrative calendar.
- JBI considering this option should shape their OGP processes following the OGP Participation and Co-Creation Standards (especially Standards 3, 4 and 5). JBI considering this option will have to develop a reporting mechanism to report on the inclusiveness and participation of their processes and on the results of the commitment implementation. The burden of proof to provide evidence for these monitoring reports falls on the JBI. More guidance will be provided by OGP.
- JBI convening their own processes do not have any additional decision-making or voting rights in OGP, which continues to rely on a single country view, coordinated via the official OGP Point of Contact.
- Procedural review does not apply to independently co-created standalone OGP plans. OGP members will continue to be assessed at the level of the national/local OGP action plan.

### 3.3 Support provided by OGP

- The Support Unit will upload these action plans onto the OGP member's page.
- JBI that choose this option will only receive basic support from the Support Unit and will have to rely on guidance materials available online.
- The OGP Support Unit and the IRM will begin to provide detailed guidance and templates for JBI to conduct their own monitoring shortly.