

INTERIM ALTERNATIVE MONITORING REPORT ON THE IMPLEMENTATION OF PUBLIC ADMINISTRATION REFORM ACTION PLAN FOR 2019-2020



DIRECTION 3: ACCOUNTABILITY



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



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INTERIM ALTERNATIVE MONITORING REPORT ON THE IMPLEMENTATION OF PUBLIC ADMINISTRATION REFORM ACTION PLAN FOR 2019-2020

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MAIN FINDINGS OF THE MONITORING

Analysis of the accountability direction of the Public Administration Reform Action Plan for 2019-2020 reveals that documents mainly consider challenges relevant during the time of their adoption and accordingly define priority directions. However, in a number of cases, insufficient of technical activities are defined for the implementation of objectives, undermining their significance.

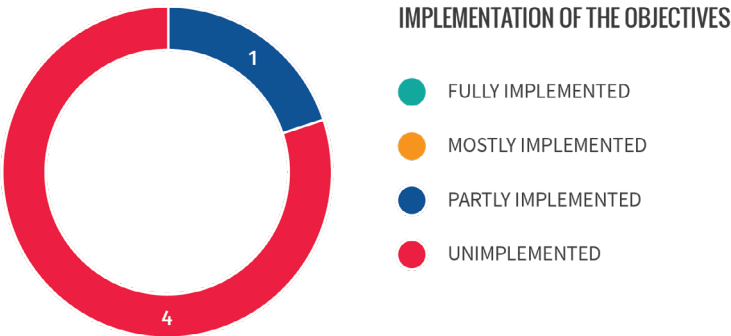
The Roadmap has not been updated since 2016 and, therefore, there are several inconsistencies between the Action Plan and the Roadmap. It is crucial for the Public Administration Reform Roadmap and the Action Plan to be in compliance with each other and for the Action Plan to be developed in accordance to challenges outlined in the Roadmap. Otherwise, the significance of the Roadmap is undermined.

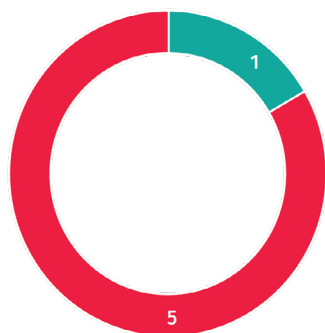
In most of the cases, one or maximum two activities are defined for 2019 for each objective outlined by the two-year Action Plan, unacceptably delaying the process of achieving objectives. For the absolute majority of objectives, the data for interim monitoring purposes could not be obtained, since the completion of most of the activities defined for their implementation is planned for the end of 2020.

Improperly formulated objectives and indicators, insufficient number of activities, formally defined risks and the lack of ambitious commitments – all represent significant gaps of the accountability direction of Public Administration Reform Action Plan.

As of 2019, out of five objectives defined by the Action Plan for the accountability direction, one has been partly implemented and four – not implemented. Out of six indicators defined for the objective, one has been implemented and five – have not.

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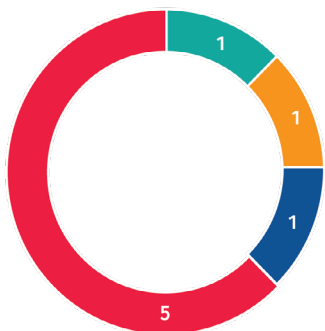




OBJECTIVE INDICATORS

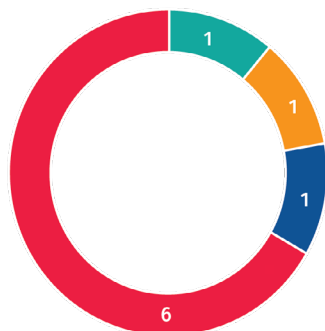
- FULLY IMPLEMENTED
- MOSTLY IMPLEMENTED
- PARTLY IMPLEMENTED
- UNIMPLEMENTED

With regards to activities, out of eight activities defined for 2019, one has been fully implemented, one – mostly implemented, one – partly implemented and five have not been implemented. Out of nine output indicators, one has been fully implemented, one – partly implemented and six are unimplemented.



IMPLEMENTATION OF THE ACTIVITIES

- FULLY IMPLEMENTED
- MOSTLY IMPLEMENTED
- PARTLY IMPLEMENTED
- UNIMPLEMENTED



OUTPUT INDICATORS

- FULLY IMPLEMENTED
- MOSTLY IMPLEMENTED
- PARTLY IMPLEMENTED
- UNIMPLEMENTED



INTRODUCTION

The Government of Georgia recognized the importance of public administration reform along with signing the Association Agreement between Georgia and the European Union. The Agreement emphasizes commitment to good governance, including cooperation in the directions of public administration and public service reforms. According to the Association agreement between Georgia and the European Union, the country has to implement in-depth reforms in the direction of public administration and public service.¹ In order to comply with the mentioned commitment, the Government of Georgia approved the Public Administration Reform Roadmap 2020 in 2015. The Document is meant to create a comprehensive conceptual framework and mechanisms ‘aimed at transparent, predictable, accountable and effective public governance, meeting European standards and satisfying public needs’.²

In order to implement the Public Administration Reform, the Government of Georgia, once in every two years approves the Public Administration Reform Action Plan. The most recent

Action Plan for 2019-2020 approved by the Government of Georgia in June 2019 aims at the implementation of goals defined by the Public Administration Reform Roadmap 2020.

The Public Administration Reform Roadmap and the Action Plan feature six directions: policy planning, public service and human resource management, accountability, provision of services, management of public funds and local self-governance. This document addresses the third direction of the Action Plan – the accountability direction, implementation of the activities and objectives for 2019 defined by the Action Plan for this direction.

Monitoring the implementation of policy documents, identifying gaps and challenges and setting measures for responding to these challenges – are all crucial for the successful implementation of any policy. It is noteworthy that unlike previous years the Administration of the Government has started monitoring the implementation of the Public Administration Reform Action Plan and, for the first time this year, has made monitoring results public. The below document represents an alternative monitoring report and may not be in full compliance with the results of monitoring report published by the Administration of the Government.

1 Article 4, Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part; ([‘Association Agreement between Georgia and the European Union’](#)).

2 Page 6, Public Administration Reform [Roadmap](#) of Georgia 2020.



METHODOLOGY

The compliance of goals and objectives defined by the Public Administration Reform Roadmap and the Action Plan for 2019-2020 with challenges facing public administration were assessed within the frames of this monitoring. Situation analysis was conducted based on the reports, researches and recommendations (including those regarding compliance with Sustainable Development Goals (SDG), commitments defined by the Association Agreement, and standards of the Organization for Economic Co-operation and Development (OECD)) of local and international organizations and as a result, several priority challenges were identified.

Structural order of the Action Plan was assessed based on the following criteria: to what extent do objectives indicators and activities of the Action Plan meet the so-called SMART criteria, according to which mentioned components of the Action Plan need to be specific, measurable, attainable, realistic and time-bound.

The implementation of objectives and activities defined by the Action Plan was described by one of the following four statuses:

1. Fully implemented – the activity/objective has been fully implemented or almost fully implemented and only insignificant part needs to be completed;
2. Mostly implemented –the main part of the activity/objective has been implemented, however, some parts still need to be completed;
3. Partly implemented – some parts of the activity/objective have been implemented but the main part has yet not been completed;
4. Unimplemented – the activity/objective has not been implemented at all or such an insignificant part has been implemented, that it is almost impossible to track progress;

The assessment conducted within the frames of this monitoring was mainly based on the analysis of commitments related to Public Administration Reform, via legislation, international standards and other tools. The monitoring was based on public information – the primary source of information when conducting the monitoring was the Administration of the Government of Georgia and responsible agencies defined by the Public Administration Reform Action Plan. Therefore, at the beginning of the monitoring process, the information about the implementation of each objective and activity was requested from responsible agencies. The draft was submitted to responsible agencies for comments and their position, to the possible extent, was considered while shaping the final version of the document.



ABILITY OF THE PUBLIC ADMINISTRATION REFORM ACTION PLAN FOR 2019-2020

The chapter on general assessment of accountability direction of the Public Administration Reform Action Plan for 2019-2020 reviews the compliance of objectives defined by the Public Administration Reform Roadmap and the Action Plan with challenges facing public administration in the direction of accountability. For these purposes, situation has been analyzed based on the reports of international organizations, researches and recommendations, priority challenges have been identified and the compliance of objectives defined by strategic documents with relevant challenges has been assessed. The chapter assesses the structural order of the direction of accountability of the Public Administration Reform Action Plan. It also assesses how sufficient and relevant are the activities defined for the implementation of objectives and to what extent do objectives, indicators and activities of the Action Plan meet the so-called SMART criteria³ according to which the mentioned components of the Action Plan need to be specific, measurable, attainable, realistic and time-bound.

³ Information available on the following link:

3.1 THE COMPLIANCE OF THE PUBLIC ADMINISTRATION REFORM ROADMAP AND THE ACTION PLAN FOR 2019-2020 WITH CHALLENGES IN THE DIRECTION OF ACCOUNTABILITY

The Public Administration Reform Roadmap⁴ and the Action Plan⁵ for 2019-2020 were approved in the corresponding order in August 2015 and June 2019. The Public Administration Reform Roadmap was updated in 2016⁶, however, mainly technical amendments were incorporated and the content remained mostly unchanged. It should be noted that the Guide is a living document, which shall be updated in accordance with relevant challenges. However, the Roadmap has not been updated since 2016 despite the fact that according to the 2017-2020 agenda of the Association Agreement between Georgia and the European Union such update is listed as one of the priorities⁷. Since the Public Administration Reform Action Plan is approved once in every two years, it is desirable to update the Roadmap with same periodicity and to approve the Action Plan in accordance with the updated roadmap. Taking all the afore-mentioned into consideration, this part of the document reviews challenges facing the Government when developing the Roadmap and the Action Plan for 2019-2020, which should have been reflected in the documents.

There have been challenges in the direction of accountability for years. These challenges have been repeatedly discussed at international and local levels. One of the main challenges is related to increasing the openness, transparency and accountability of public agencies and improving access to public information. As of today, norms regulating access to public information are scattered across separate legislative acts and some issues are not regulated at all. For instance, the legislation in force does not provide for the existence of oversight mechanism for monitoring access to information, neither does it define sanctions for public agencies for breaching the norms regulating access to information. The ambiguity of legislation often allows for multiple interpretation of norms, due to which, agencies that are obliged to provide information immediately, still take advantage of a ten-day deadline for the provision of information.

In its assessment report of the fourth phase of anticorruption reforms in Georgia, OECD-ACN not-

4 №427 Resolution of the Government of Georgia, dated 19 August 2015, on the Approval of Strategic Documents for the Implementation of Public Governance – Public Administration Reform Roadmap 2020 and Policy Implementation System Reform Strategy 2015-2017; available on the following link: <https://matsne.gov.ge/document/view/2953552?publication=1>.

5 №274 Resolution of the Government of Georgia, Dated 10 June 2019 on the Approval of the Public Administration Reform Action Plan for 2019-2020; available on the following link: <https://matsne.gov.ge/document/view/4586360?publication=0>.

6 №186 Resolution of the Government of Georgia, Dated 18 April 2016, on the Amendments to the №427 Resolution of the Government of Georgia, dated 19 August 2015, on the Approval of Strategic Documents for the Implementation of Public Governance – Public Administration Reform Roadmap 2020 and Policy Implementation System Reform Strategy 2015-2017; available on the following link: <https://matsne.gov.ge/document/view/3259832?publication=0>.

7 Association Agenda between the European Union and Georgia, 2017 – 2020, p. 17. Available at: https://eeas.europa.eu/sites/eeas/files/annex_ii_-_eu-georgia_association_agenda_text.pdf.

ed that inexistence of an independent normative act for the regulation of transparency of public information and inexistence of an independent body overseeing access to information negatively influenced the implementation of the right of access to information in Georgia and assessed this trend negatively.⁸ The organization gave its recommendations⁹ (reflected in the next report in an unchanged manner¹⁰) to the Government of Georgia in the third round monitoring report. The recommendation implied carrying out comprehensive review of legislative norms regulating the freedom of information, aimed at the adoption of a separate law on the access to information, in line with international standards and best practices. One of the OECD-ACN recommendations was to create such an independent public institution (separate institution or part of other institution responsible for the protection of personal data) that would oversee the implementation of the right of access to information. According to the information, the mentioned institution should have possessed the relevant authority to adopt decisions for mandatory implementation. In addition, OECD-ACN recommended for Georgia to ratify the Convention of European Council concerning access to official documents, which was not implemented.¹¹ The civil society has also been continually discussing challenges in this direction.¹² Mentioned problems became clear for the Government as well and, from 2014, in order to eliminate existing gaps, started the work to consolidate norms regulating access to public information in one normative act – the law on the freedom of information. Developing the law on the freedom of information was included as a commitment in Open Government Partnership Georgia¹³ and Anti-Corruption¹⁴ Action plans, as well as in an-

8 OECD Anti-Corruption Network for Eastern Europe and Central Asia (OECD-ACN), Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2016, page 78; available on the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Round-4-Monitoring-Report-ENG.pdf>.

9 OECD-ACN, Anti-Corruption Reforms in Georgia - Third Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2013, page 81, Recommendation 10; available on the following link: <https://www.oecd.org/corruption/acn/GEORGIAThirdRoundMonitoringReportENG.pdf>

10 OECD-ACN, Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2016, page. 132, recommendation 14; available on the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Round-4-Monitoring-Report-ENG.pdf>.

11 OECD-ACN, Istanbul Anti-Corruption Action Plan, Fourth Round of Monitoring, Georgia, Progress Update Report, 2019, pages 86 – 92; available on the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Progress-Update-2019-ENG.pdf>.

12 Institute for Development of Freedom of Information (IDFI), The Majority of recommendations issued by OECD-CAN for Georgia are unimplemented; Analysis, 2018; available on the following link: https://idfi.ge/ge/georgia_failed_to_implement_most_of_anti_corruption_recommendations_issued_by_oecd_acn_in_20117; Transparency International Georgia, Georgia's Stalling Anti-Corruption Reforms: Unfulfilled Recommendations of the Istanbul Action Plan, 2019; available on the following link: <https://transparency.ge/ge/blog/sakartvelos-sheperxebuli-antikorupciuli-repormebi-sheursrulebeli-rekomendaciebi-stambolis>;

Georgian Young Lawyers Association (GYLA), GYLA Research: Access to Public Information in Georgia, 2017; available on the following link: <https://gyla.ge/ge/post/saias-kveva-sajaro-informacii-khelimisatvdombis-mdgomareoba-saqartveloshi>.

13 Open Government Partnership Georgia Action Plan for 2014-2015; available on the following link: <https://matsne.gov.ge/ka/document/view/2510377?publication=0>; Open Government Partnership Georgia Action Plan for 2016-2017; available on the following link: <https://matsne.gov.ge/ka/document/view/3456448?publication=0>.

14 Georgia's National Anti-Corruption Strategy Implementation Action Plan for 2014-2015; available on the following link: <https://matsne.gov.ge/document/view/2818704?publication=0>; Georgia's National Anti-Corruption Strategy Implementation Action Plan for 2017-2018; available on the following link: <https://matsne.gov.ge/document/view/3816224?publication=0>; Georgia's National Anti-Corruption Strategy Implementation Action Plan for 2019-2020; available on the following link: <https://matsne.gov.ge/document/view/4674422?publication=0>.

nual action plans of the Association Agreement and the Agenda of Association between Georgia and the European Union.¹⁵ Submission of the Law on the Freedom of Information to the Parliament has been announced several times¹⁶, however, it has never been adopted and challenges in accessing public information were still relevant in 2019. The afore-mentioned indicates that during the development of the Public Administration Reform Roadmap and the Action Plan for 2019-2020, ensuring access to public information was posed as a significant challenge. **Therefore, sophisticating legislation and its' practical implementation should have been one of the priority directions of the Government in the process of developing strategic documents.** Improving legislation on the access to information via the adoption of the Freedom of Information Act is defined as one of the commitments according to the Public Administration Reform Action Plan for 2019-2020. As it has been mentioned, implementation of this objective should have been completed years ago, however, no further measures were taken after the preparation of the draft law on the freedom of information. Therefore, the objective of the Action Plan to improve legislation regulating the freedom of information has gained a technical character and it now implies the submission of already prepared bill to the Parliament. It should be noted here, that due to the failure to fulfill the obligation on the adoption of the Freedom of Information Act by the responsible agency – the Ministry of Justice, The Administration of the Government assumed the responsibility of submitting the bill to the Parliament (see further information under the part of implementation monitoring for the relevant objective).

As revealed by situation analysis, the proactive disclosure of information was among significant challenges during the development of strategic documents. According to the monitoring undertaken by IDFI in the beginning of 2019, 15 out of 100 public agencies did not provide for public information section on their websites or did not have a website at all. Compliance rate with the requirement of proactive disclosure of information was 53%, which is 18% lower than the indicator for 2014. In comparison to the data from 2014, 9 out of 13 central public agencies worsened the compliance rate.¹⁷ In addition, in 2019, none of the public agencies could demonstrate full compliance with the requirement to proactively disclose information. Compliance rate of LEPLs and Agencies under the authority of central bodies was 47%, while that of the Ministries– 76%. It is noteworthy that the expenditure of public funds was the most non-transparent in terms of proactive disclosure of information and none of the agencies disclosed information in the 'open data' format (CSV, XML).¹⁸ Disclosure of information regularly in an open data format and on the unified portal was named as one of the challenges of 2016 by OECD-ACN as well. OECD-ACN emphasized that it was important to define the obligatory character of disclosure of information of high pub-

15 Action Plan for 2014 available on the following link: <https://matsne.gov.ge/document/view/2496190?publication=0>; Action Plan for 2015 available on the following link: <https://matsne.gov.ge/document/view/2702520?publication=0>; Action Plan for 2016 available on the following link: <https://matsne.gov.ge/document/view/3222307?publication=0>.

16 Public Broadcaster, Freedom of Information Act will be submitted to the Parliament in February, 2017; available on the following link: <https://1tv.ge/news/informaciis-tavisuflebis-aqti-parlaments-tebervalshi-waredgineba/>.

17 Institute for Development of Freedom of Information (IDFI), Accepted Practice of Publishing Public Information in Georgia's Public Agencies, 2019, page 22; available on the following link: https://idfi.ge/public/upload/IDFI_2019/General/research_on_proactive_disclosure_geo.pdf.

18 Ibid, page 20

lic interest in an open format at a legislative level.¹⁹ The Document of the Basic Assessment of Policy Development and Coordination prepared in 2018 by the Support of the European Union and the OECD²⁰ addressed the problem related to proactive disclosure of public information as well. In addition, according to OECD-ACN, despite the implementation of the system for proactive disclosure of information, many public agencies were not in compliance with established standards.²¹ According to the recommendation of OECD-ACN, it was important to improve the quality of proactive disclosure of information by public agencies and to raise qualifications of individuals responsible for the provision of public information and for proactive disclosure of information.²² Legislative and institutional framework for the mentioned direction is still not sufficiently comprehensive today and does not encourage proactive disclosure of information. **Deriving from all the afore-mentioned, ensuring proactive disclosure of public information in an open format was an important challenge during the development of Public Administration Reform Road-map and the Action Plan for 2019-2020.** Improving access to open data is defined as one of the objectives (3.2.) of the Public Administration Reform Action Plan for 2019-2020. The objective does reflect the challenge, however, only three (Public Service Bureau, the Ministry of Finance, and Municipal Service Development Agency) out of more than 100 agencies were selected as responsible agencies for the implementation of the objective, making it impossible to achieve the objective (actually resolve the problem) and giving it formal significance. Moreover, 30 was defined as a final target for the number of open data to be disclosed on the open data portal (www.data.gov.ge), which is so low that it undermines the significance of the objective.

Public involvement in the implementation of legislative amendments as well as the lack of the reform awareness among public servants and the wider audience (as an example, only 38% of the society was informed about the Public Administration Reform in 2019²³) represented an additional equally important challenges during the time of approving strategic documents of the Public Administration Reform. As indicated by OECD-ACN in 2018, no common rule for conducting public consultations in the process of drafting the bill was in place in the country,²⁴ therefore, public

19 OECD-ACN, Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2016, page 78; available on the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Round-4-Monitoring-Report-ENG.pdf>.

20 OECD/SIGMA, Baseline Measurement Report, The Principles of Public Administration (Policy Development and Co-ordination), Georgia, 2018, page 18; available on the following link: <http://www.sigmaweb.org/publications/Baseline-Measurement-Report-2018-Georgia.pdf>.

21 OECD-ACN, Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2016, page 78; available on the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Round-4-Monitoring-Report-ENG.pdf>.

22 OECD-ACN, Anti-Corruption Reforms in Georgia - Third Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2013, page 81; recommendation 10; available on the following link: <https://www.oecd.org/corruption/acn/GEORGIAThirdRoundMonitoringReportENG.pdf>; OECD-ACN, Anti-Corruption Reforms in Georgia - Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, 2016, page 132, recommendation 14; available on the following link: <https://www.oecd.org/corruption/acn/OECD-ACN-Georgia-Round-4-Monitoring-Report-ENG.pdf>.

23 ACT – Analysis and Consulting Team, Interim Report on the Current State of the Public Administration Reform, 2019, page 37, available on the following link: https://www.undp.org/content/dam/georgia/docs/publications/DG/UNDP_GE_DG_PAR_civil%20service_public%20perceptions_midterm%20study_2019_geo.pdf

24 OECD/SIGMA, Baseline Measurement Report, The Principles of Public Administration (Policy Development and Co-ordination), Georgia, 2018, page. 6, 41; available on the following link: <http://www.sigmaweb.org/publications/Baseline-Measurement-Report-2018-Georgia.pdf>.

consultations were not conducted in the process of drafting several important bills (for example, draft laws on the Remuneration in Public Service and on Legal Entities of Public Law). In the fourth round monitoring report, the Group of States against Corruption (GRECO) also addressed challenges in the direction of public involvement in the legislative process and gave recommendation to ensure more transparency of legislative process and the uniformity of practices of conducting public consultations.²⁵ According to the assessment provided by the organization, by 2019, Georgia had not fully implemented the mentioned recommendation.²⁶ It should be noted, that the process of assessing the influence of regulation, which should have become operative from 2017, is crucial for ensuring the involvement of stakeholders in the legislative process, however, legislative amendments for the implementation of this mechanism were not fully implemented until 2020.²⁷ It is important that the Government has recognized the significance for improving regional involvement and participation under Governmental Programme for 2018-2020 as well.²⁸ **Therefore, improving transparency and public involvement should have been identified as one of the priority directions in the process of drafting the document.** However, the Public Administration Reform Action Plan does not view the afore-mentioned as a separate problem and does not define more transparency and inclusion as an objective for the direction of accountability.

Analysis of the Public Administration Reform Roadmap and the Action Plan for 2019-2020 reveals that documents, in most cases, take into account challenges relevant during their development and list afore-mentioned directions as priorities. However, as it has already been mentioned, in number of cases, insufficient or technical activities are defined for achieving objectives (objectives 3.2.1.; 3.2.2.; 3.5.1. as examples), undermining the significance of the objective itself. With regards to the Roadmap, it also addresses relevant challenges, however, it has never been further updated. It should also be noted here, that the current version of the Roadmap still defines the following as objectives in the direction of accountability: ‘3.1. implementation of the National Anti-Corruption Strategy and the Action Plan for 2014-2015’ and ‘3.2. implementation of the Open Government Partnership Action Plan for 2014-2015’.²⁹ In the process of developing the Guide – the framework document – instead of choosing the easy path and setting the implementation of sectoral plans as objectives, it is absolutely necessary to define priority objectives as a response to existing challenges, which will be guiding the development of relevant action plan. It should be noted, that for the purposes of the new Action Plan [of the Public Administration Reform] number of objectives that were formulated for the Roadmap have been changed and new objectives were

25 Group of States against Corruption (GRECO), Fourth Evaluation Round, Corruption Prevention ins respect of Members of Parliament, Judges and Prosecutors, Evaluation Report, Georgia, 2016, page. 12; available on the following link: <https://rm.coe.int/16806dc116>.

26 Group of States against Corruption (GRECO), Fourth Evaluation Round, Corruption Prevention ins respect of Members of Parliament, Judges and Prosecutors, Compliance Report, Georgia, 2019, page. 3, 41; available on the following link: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168095529a>.

27 Resolution №35 of the Government of Georgia on the Approval of Methodology for Assessing the Regulatory Influence was adopted on 17 January, 2020.

28 Government of Georgia, Government Programme for 2018 – 2020; available on the following link: http://gov.ge/files/68_67099_111823_2018-2020.pdf

29 Administration of the Government of Georgia, The Public Administration Reform Roadmap 2020, 2015, page. 25; available on the following link: http://gov.ge/files/423_49307_925454.

added. The new Action Plan does not repeat those objectives that were deemed irrelevant for the challenges [relevant in the process of developing the Document] or those that were fully implemented by the end of 2018.³⁰ The compliance of the Public Administration Reform Action Plan and the Roadmap with each other and the development of the new Action Plan in accordance with challenges defined in the Roadmap are of utter importance. Otherwise, the significance of the Roadmap is diminished. Considering this, it is necessary to periodically update the Roadmap.

3.2 ASSESSMENT OF ACCOUNTABILITY DIRECTION OF THE PUBLIC ADMINISTRATION REFORM ACTION PLAN FOR 2019-2020

The Public Administration Reform Action Plan for 2019-2020 features five objectives for the accountability direction. Outcome indicators, as well as basic and final targets, outcome confirmation sources and risks are defined under each objective. The Action Plan lists relevant activities for achieving objectives. In order to assess the implementation of these activities, output indicators and output confirmation sources are defined. The Action Plan defines responsible agencies (together with partner agencies, if relevant) for the implementation of each activity and sets deadlines for the implementation (by indicating years and quarters). The Action plan includes columns for the budget (indicating what administrative expenses are used to implement the activity) and sources of funding (indicating whether the financing comes from the State budget, the donor or whether there is a shortage) for each activity. Objectives, activities and indicators (if there are more than one) are numbered.

It should be noted that the new Action Plan of the Public Administration Reform has significantly improved technically in comparison to the previous one – for the purposes of better tracking progress, measurable indicators have been added and additional objectives that have been included in the new Plan are now formulated more specifically. Numbering objectives, activities and indicators makes the document easier for guidance and perception. The existence of basic and target indicators allows for the measurement of objectives and activities and simplifies the monitoring process. The new Action Plan for the Public Administration reform includes every element of the mandatory structure of the similar policy documents, except for goal and impact indicators. Despite the fact that the Policy Planning Guide applicable for the period of approving the Action

³⁰ The Administration of the Government of Georgia, the Description of the Public Administration Action Plan for 2019-2020, page 7; available on the following link: http://gov.ge/files/72422_72422_512614_%E1%83%A1%E1%83%90%E1%83%9B%E1%83%9D%E1%83%A5%E1%83%9B%E1%83%94%E1%83%93%E1%83%9D%E1%83%92%E1%83%94%E1%83%92%E1%83%9B%E1%83%902019-2020_%E1%83%90%E1%83%A6%E1%83%AC%E1%83%94%E1%83%A0%E1%83%98%E1%83%9A%E1%83%9D%E1%83%91%E1%83%90.pdf.

Plan for 2019-2020³¹ did not make it mandatory to define the goal in the Action Plan, it is crucial for the effectiveness of monitoring and evaluation of the Action Plan to define such goals as well as Government's long-term vision on desired results. It should also be noted here, that in most of the cases, one or maximum two activities have been defined for 2019 for each objective outlined by the two-year Action Plan, unacceptably delaying the process of implementing objectives. Conducting interim monitoring was practically impossible for the absolute majority of objectives as most of the activities necessary for their implementation are planned for the end of 2020.

In the process of developing the Public Administration Reform Action Plan for 2019-2020, the method of public consultations was applied for the first time and the draft of the Plan was published on the official Government website³² for the comments and opinions of wider audience. The civil society, including the Institute for Development of Freedom of Information (IDFI) in the capacity of the NGO member of the Interagency Coordinating Council of Public Administration Reform was also involved in the process of developing the Plan.

Despite the positive trends mentioned above, there are several gaps in the Public Administration Reform Action Plan for 2019-2020:

IMPROPERLY DEFINED RISKS – risks have not been defined for the two objectives (3.4. and 3.5.) of the accountability direction. With regards to other objectives, inactivity of State Agencies and low level of system utilization³³ by the agencies are defined as risks. Listing the 'inactivity of state agencies' and 'low level of system utilization by the agencies' as a risk, implies gaps in the planning process since, in order to meet the criteria of 'realistic' and 'achievable', each objective and activity of the Action plan shall be planned taking the readiness of the agency into consideration. Otherwise, the significance of policy planning process is undermined. The existence of such gaps indicate that an in-depth situational analysis and proper coordination activities were not carried out in the process of developing the Action Plan and, because of this, several problems were either missed or improperly reflected. Identifying risks in the policy documents is aimed at planning relevant steps for their elimination or reduction. Therefore, **risks in the Action Plan shall come along with the information on their elimination/reduction and this is not the case for the PAR Action Plan.** This leaves an impression that risks are only formally defined or that they are aimed at allowing the agencies to justify their failure to implement the specific objective or activity in the process of monitoring the Action Plan.

IMPROPERLY DEFINED INDICATORS - the policy document may define outputs and output indicators for each activity. According to universally recognized standards, indicators should meet the SMART criteria – meaning that they should be sufficiently specific, measurable, attainable, realistic, and time-bound. Output indicators are used to identify to what extent expected result for the

31 Resolution №629 of the Government of Georgia, dated 30 December 2016, on the Approval of Policy Planning Document – 'Policy Planning Manual'; available on the following link: <https://matsne.gov.ge/document/view/3526319?publication=0>.

32 Declaration on Launching Public Consultations, Official Webpage of the Government of Georgia: http://gov.ge/index.php?lang_id=GEO&sec_id=423&info_id=69990.

33 Electronic system for monitoring the implementation of recommendations issued by the State Audit Office of Georgia

specific activity has been achieved. Quantitative as well as qualitative measurement of output is feasible via the output indicator. The new PAR Action Plan features column for output indicators, however, instead of output indicators, mentioned column mainly lists outputs (or sub and parallel activities, in some cases), making quantitative and/or qualitative measurement of the output difficult when monitoring the implementation of the Action Plan.

Several examples from the accountability direction of the new PAR Action Plan, where outputs are listed instead of output indicators in the relevant column, are given below. 34 We also write out what the output indicator should have been:

#	ACTIVITY DEFINED BY THE ACTION PLAN	OUTPUT INDICATOR DEFINED BY THE ACTION PLAN	WHAT THE OUTPUT INDICATOR SHOULD HAVE BEEN
3.4.3.	Ensuring simplified access to information regarding Open Government Georgia	OGP Georgia Web-page has been created	1. Daily number of users of OGP Georgia Web-page; 2. Results of satisfaction survey of OGP Georgia web-page users
3.5.1.	Improving legislation regulating freedom of information	Freedom of Information Act is submitted to the Parliament	1. number of principles from article three of the European Convention on Access to Information that have been implemented in the new legislation; 2. Number of recommendations from the fourth phase monitoring report of OECD-ACN, that have been reflected in the new legislation; 3. Duration of public consultations conducted in the process of preparing the new legislation
3.5.2.	Developing the information manual on the implementation of norms regulating freedom of information	Information manual on the implementation of norms regulating freedom of information is developed	Specific examples and practical advice is provided in the manual developed for the purposes of implementing norms regulating the freedom of information

Although indicators have been improved compared to the previous Action Plan, vague indicators incapable of proper measurement of objective implementation are still found in the document.

34 Same is relevant for the following activities: 3.1.2.; 3.1.3.; 3.2.1.; 3.3.1; 3.3.3.; 3.5.2.

For example, outcome indicator for objective 3.5 is formulated in the following way: ‘percentage of refusals to provide public information within their scope of competence by public agencies (central offices of the Ministries and LEPLs)’. It is noteworthy, that number of refusals on the provision of information may be reduced at an expense of increasing the number of unresponded requests, emphasizing the ambiguity of the indicator.

In addition, in some of the cases, defined indicators are not sufficient for the measurement of the result. For example, indicator defined for objective 3.2 implies the increase in the data published on the open data portal; however, this is not sufficient for measuring the improvement in access to open data. Additional indicator implying the increase in the number of public institutions publishing data on the open portal, along with the increase in data itself, is necessary for the proper measurement.

IMPROPERLY FORMULATED OBJECTIVES – The Guide for Planning, Monitoring and Evaluations of Policy Documents, approved by the Government³⁵ defines ‘objective’ as a specific declaration on the improvement of the relatively narrow aspect (related to the trigger of the problem) in the specific area (or areas) of the sector. In the same document the ‘activity’ is defined as measure or measures used for the implementation of the policy. Not following the definition provided by the Government decree, the Action Plan features objectives that are formulated as specific activities. E.g. in the case of objective 3.1. – ‘offering decision for institutional arrangement for the legal entities of public law, in order to strengthen principles of economy, efficiency, and effectiveness’ – ‘offering decision’ cannot actually be applied as an objective of the Action Plan, since it is too specific and can only be used as an activity or sub-activity. Instead of the mentioned statement, the objective could have been defined as, for instance, ‘the improvement of institutional arrangement for Legal Entities of Public Law’.

The objective 3.3. – ‘establishment of the practice of electronic monitoring of recommendations issued by the State Audit Office of Georgia’ is more tailored to an activity. The objective for this activity could have been defined as, for instance, ‘the improvement of response on recommendations issued by the State Audit Office’. In addition, it is unacceptable to apply the same action for both – the objective and the activity, which is the case for objective 3.4 (both imply raising awareness of the society, including public servants, regarding Open Government at a central level).

Improperly formulated objectives and indicators, insufficient activities, formally identified risks and lack of ambitious reforms – all represent significant gaps of the accountability direction of the Public Administration Reform Action Plan.

35 Resolution №629 of the Government of Georgia, dated 20 December 2019, on the Approval of the rule for the Planning, Monitoring and Evaluation of Policy Documents; available on the Following link: <https://matsne.gov.ge/ka/document/view/4747283?publication=0>.



IMPLEMENTATION OF THE OBJECTIVES AND ACTIVITIES

Accountability is the third direction of the Public Administration Reform Action Plan and it implies five objectives. Implementation of each objective is assessed based on indicators defined for them by the Action Plan. For the cases where the indicator does not comply with the SMART criteria,³⁶ making it impossible to assess the implementation of the objective, additional outcome indicators are defined. As of 2019, out of five objectives defined for the third direction, one has been partly implemented and four are unimplemented.

³⁶ S.M.A.R.T.: S - specific, significant, stretching; M - measurable, meaningful, motivational; A - agreed upon, attainable, achievable, acceptable, action-oriented; R - realistic, relevant, reasonable, rewarding, results-oriented; T - time-based, time-bound, timely, tangible, trackable. Information available on the following link

4.1 IMPLEMENTATION OF THE OBJECTIVE 3.1

The objective 3.1 of the Action Plan implies offering decision on institutional arrangement for the purposes of strengthening principles of economy, effectiveness and efficiency, to those legal entities of public law that fall within the scope of regulation of the Law on Public Service. The indicator for this objective has been defined as the share of the legal entities of public law, falling within the scope of the regulation of the Law on Public Service, which implemented regulations on the institutional arrangement of LEPLs issued by the Public Service Bureau.

Objective 3.1. Offering decision for institutional arrangement, for the purposes of strengthening the principles of economy, effectiveness and efficiency, to those legal entities of public law, that fall within the competence of the regulation under the Law on Public Service.

Indicator(s): the share of the legal entities of public law, falling within the scope of the regulation of the Law on Public Service, that implemented regulations with regards to institutional arrangement of LEPLs, issued by the Public Service Bureau

Implementation status: unimplemented

Basic target for 2018: 0%

Target for 2020: 10%

According to the information provided by the Public Service Bureau, developing recommendations for LEPLs considered as public services is planned for the fourth quarter of 2020, after the adoption of the amendment package for the Law of Georgia on Legal Entities of Public Law. The indicator implies measuring the implementation of recommendations issued by the Bureau after the bill comes into force. Therefore, measuring the outcome indicator is impossible for the reporting period and the Bureau is not capable of providing information regarding recommendations and their implementation.

Even though 2020 is set as a target for implementing the objective by the Public Administration Reform Action Plan and even though the Plan does not define mid-term target, specific actions should still have been taken within a year for the implementation of the objective defined by the two-year Action Plan. It should also be noted that in order to implement any objective successfully the responsible agency should define and monitor interim target indicators on its own even in case when the specific sectoral Action Plan does not provide for such. As revealed from the information provided by the responsible agency, it is impossible to measure outcome indicator for the implementation of recommendations issued by the Bureau by Legal Entities of Public Law at this stage and, since such recommendations have not been even issued yet, **the objective should be considered as unimplemented.**

4.2 IMPLEMENTATION OF THE ACTIVITIES OF OBJECTIVE 3.1

The objective 3.1 of the Public Administration Reform Action Plan implies two activities for the reporting period and three indicators are defined for their assessment. According to output indicators defined by the Action Plan, both activities are considered as unimplemented.

ACTIVITY 3.1.1.

The first activity of objective 3.1 implies the analysis of functions and authorities of legal entities of public law by the Public Service Bureau. A quantitative indicator has been defined by the Action Plan for the activity, which has been unimplemented

Activity 3.1.1. Analysis of functions and authorities of legal entities of public law

Output indicator(s): list of LEPL, divided into categories, as a result of analysis of their functions and authorities

Implementation status: unimplemented

According to the information regarding the implementation of the activity provided by the Public Service Bureau, on the first stage of analyzing functions and authorities of legal entities of public law, legal entities that may have been considered as public services have been identified. On the next stage, the Bureau developed the methodology and the matrix of criteria in order to divide legal entities of public law into categories. Based on the analysis of functions and authorities of legal entities of public law, followed by the division of LEPLs into categories, amendment to the Law of Georgia on the Public Service was drafted. The draft amendments imply the division of legal entities of public law into categories, defining grounds for their establishment and establishing application or non-application of the legislation regulating public service.

As revealed from provided information, Public Service Bureau carried out analysis of functions and authorities of LEPLs to divide LEPLs into categories. However, the indicator is defined as the list of those LEPLs that have been divided into categories. The Public Service Bureau has not presented such a list. Even though the Annual Report of Public Service Bureau is defined as the confirmation source for the implementation of the mentioned activity by the Action Plan, the list of legal entities of public law, divided into categories, is not presented in the annual report of the Bureau either. Therefore, without the full provision of information necessary for measuring implementation, **the activity cannot be considered as implemented.**

ACTIVITY 3.1.2.

The second activity of objective 3.1 of the Action Plan implies the development of the new draft law on LEPLs by the Public Service bureau. The draft law would define activities of LEPLs, their categorization and status of employees. Two output indicators have been defined for the activity and both indicate that the activity has not been implemented.

Activity 3.1.2. The development of the new draft law on LEPLs by the Public Service bureau defining activities of LEPLs, their categorization and status of employees.

Output indicator(s):

- New draft law on LEPLs has been developed
- At least three public reviews of the new draft law have been conducted

Implementation status: unimplemented

According to the information regarding implementation of the activity, provided by the Public Service Bureau, the first draft of the law on LEPLs has been prepared and three discussion sessions were conducted in 2019. Representatives of public agencies and OECD/SIGMA experts participated in the review.

As it can be concluded from the information provided by the Bureau, only the initial version of the draft law has been prepared and working on the draft law is still in progress. Meetings conducted in 2019 were internal review in nature, the civil society representatives and wider public did not participate in it and the draft law was not published in the Legislative Herald for the wider audience, therefore, public hearings did not really take place. In addition, the Public Service Bureau did not present the draft law, which has been defined as the confirmation source by the Public Administration Reform Action Plan. Without studying the draft law, it is impossible to assess the extent to which the prepared draft law regulates components defined by the activity 3.1.2 of the Action Plan: LEPL activities, their categorization and status of employees. Deriving from the afore-mentioned, assessment against the first indicator is impossible, while the requirements of the second indicator regarding public hearings have not been met. Therefore, **the activity may be considered as unimplemented.**

4.3 IMPLEMENTATION OF THE OBJECTIVE 3.2

The objective 3.2 of the Action Plan implies the improvement of access to open data. The indicator for this objective has been defined as the quantity of open data published on data.gov.ge.

Objective 3.2. the improvement of access to open data by strengthening the existing mechanism

Indicator(s): the quantity of open data published on data.gov.ge

Basic target for 2018: 3

Target for 2020: 30

Additional indicator: the number of public agencies publishing open data on data.gov.ge

Basic target for 2018: 30

Target for 2020: 50

Implementation status: partly implemented

Although the implementation of objective 3.2, similarly to objective 3.1 is planned for the end of 2020 according to the Action Plan, the Data Exchange Agency presented interim data, based on which 719 data entries were placed on the open data portal, as of 31 December 2019.

The number of data posted on the open portal exceeds the final target set for 2020, indicating that, according to the indicator defined by the Action Plan, the objective has been implemented. However, the mentioned indicator does not comply with the SMART criteria; it is not sufficiently important and cannot measure the implementation of the objective as it only aims for the publication of 27 data entries on data.gov.ge within the two-year period. According to the information presented by the Data Exchange Agency, the interim data already exceeds the target indicator defined by the Action Plan by 27 times, and this is while the public information has not yet been fully published on the mentioned portal. Almost three times as much (up to 970) data entries are posted on the portal created by Institute for Development of Freedom of Information (IDFI) - <https://datalab.ge> - compared to the portal created by the Government.

Therefore, for the purposes of the monitoring, the number of public agencies publishing data on data.gov.ge has been defined as additional indicator for objective 3.2. According to Data Exchange Agency, the completion of the activity designed for increasing the quantity of open data on the portal is planned for the fourth quarter of 2020 and it is not feasible to assess implementation progress for the indicator as of 2019.

According to the provided information, 30 agencies had posted open data on data.gov.ge as of 2018. The figure remains unchanged for 2019. Eight data tables were updated on open data portal in 2019, however, no additional agencies posted data. Therefore, the mentioned indicator suggests that the **activity 3.2 should be considered as partly implemented.**

4.4 IMPLEMENTATION OF THE ACTIVITIES OF OBJECTIVE 3.2

The objective 3.2 of the Public Administration Reform Action Plan implies one activity for 2019 and defines one indicator for it. According to this indicator, the activity is unimplemented.

ACTIVITY 3.2.1.

The activity of objective 3.2 of the Action Plan implies continuous update of the open data portal by the Data Exchange Agency in the fourth quarter of 2019. The output indicator has been defined as the update of open data portal – data.gov.ge - according to which the mentioned activity is considered unimplemented for the reporting period.

Activity 3.2.1. continuous update of the open data portal

Output indicator(s): the open data portal – data.gov.ge has been updated

Implementation status: unimplemented

According to the information regarding activity implementation presented by the Data Exchange Agency, the preparation of the document describing new functionality of the open data portal was completed by the end of 2019. Since scarce internal resources are not sufficient for the implementation of technical work, the agency has appealed to donor organizations to request funding.

As revealed from the information provided by the Agency, the data on data.gov.ge have not been updated within the reporting period. It should also be noted, that factors, such as the resources of the agency, should be properly assessed in the process of developing the Action Plan and defining specific commitments, while the implementation of specific activities shall be planned accordingly. **Therefore, the activity is unimplemented.**

4.5 IMPLEMENTATION OF THE OBJECTIVE 3.3

The objective 3.3 of the Action Plan implies the establishment of the practice of electronic monitoring of recommendations issued by the State Audit Office in order to improve response to recommendations. The indicator for this objective has been defined as the percentage of ‘unresponded’ recommendations issued by the State Audit Office.

Objective 3.3. The establishment of the practice of electronic monitoring of recommendations issued by the State Audit Office, in order to improve response to recommendations

Indicator(s): the percentage of ‘unresponded’ recommendations issued by the State Audit Office.

Basic target for 2018: 12%

Target for 2020: 8%

Implementation status: unimplemented

According to the information provided by the State Audit Office, the development of electronic monitoring system for the implementation of recommendations has been completed and it is now being tested. The percentage of recommendations issued by the State Audit Office with the status of ‘unresponded’ will be measured after the implementation of electronic monitoring system for the implementation of recommendations issued by the State Audit Office. According to the information provided by the Agency, the its implementation is planned for the end of 2020, therefore, it is not feasible to measure the outcome indicator for the reporting period.

Despite such position of the Agency, the process of monitoring implementation of recommendations is being carried out by the State Audit Office independently from the electronic platform. Therefore, the Audit Office is capable of presenting interim information on so-called unresponded recommendations. However, according to the opinion of the Agency, the goal of the indicator is to measure the benefit brought by the implementation of electronic system after its actual implementation. Even though working on the implementation of electronic system is in progress, it is not feasible to identify whether its’ implementation can actually bring the result defined by the Action Plan. **At this stage, the objective should be considered as unimplemented.**

4.6 IMPLEMENTATION OF THE ACTIVITIES OF OBJECTIVE 3.3

The objective 3.3 of the Action Plan implies one activity for the reporting period and defines one output indicator for the assessment of its' implementation. According to the indicator, the activity has been fully implemented.

ACTIVITY 3.3.1.

The activity 3.3.1 of the Action Plan implies the development of electronic monitoring system for monitoring the implementation of recommendations issued by the State Audit Office in the fourth quarter of 2019. According to the indicator, the activity has been fully implemented.

Activity 3.3.1. Development of electronic system for monitoring implementation of recommendations issued by the State Audit Office

Output indicator(s): electronic system for monitoring the implementation of recommendations issued by the State Audit Office has been developed

Implementation status: fully implemented

According to the information provided by the State Audit Office regarding activity implementation, functionality prototype of the electronic system for monitoring the implementation of recommendations issued by the State Audit Office was prepared in the reporting period. The developer has prepared the system and it is now being tested.

The preparation of functionality prototype of the electronic system for monitoring implementation of recommendations issued by the State Audit Office is confirmed by the official webpage (www.sao.ge) of the State Auditor's Office, the main page of which features the functionality named as 'monitoring recommendations'. Authorization is required for the use of this functionality. According to the information published on SAO webpage, the electronic system unites audit reports, breaches identified by audits and recommendations issued for their elimination. Therefore, based on the information provided by the Agency and retrieved by IDFI, **the activity shall be considered as fully implemented.**

4.7 IMPLEMENTATION OF THE OBJECTIVE 3.4

The objective 3.4 of the Action Plan implies raising awareness of Open Government agenda of the Country among public servants at the central level with the purpose of implementing principles of Open Government Policy in the public service. The indicator for this objective has been defined as the share of public servants representing structural units of policy planning and analysis of the Ministries, who declare that they are aware of the existing Open Government Action Plan for Georgia and participate in planning Georgia's Open Government Policy for 2020-2022.

Objective 3.4. Raising awareness of open government agenda of the Country among public servants, at the central level, with the purpose of implementing principles of Open Government Policy in the public service

Indicator(s): the share of public servants representing structural units of policy planning and analysis of the Ministries, who declare that they are aware of the existing Open Government Action Plan for Georgia and participate in planning Georgia's Open Government Policy for 2020-2022

Basic target for 2018: 0

Target for 2020: 51%

Implementation status: unimplemented

According to the information provided by the Administration of the Government, the indicator of objective 3.4 will be measured after the approval and implementation of OGP strategy, since the latter should be followed by the result defined by the indicator. According to the same information, matters related to communication shall be fully implemented by 2020, therefore, information regarding the implementation of the objective was not provided.

Basic outcome indicator for objective 3.4 was defined as zero in 2018. It is necessary to carry out specific actions for increasing this figure and this, according to the information provided by the Administration of the Government, is planned for 2020. Therefore, the increase in basic indicator for 2019 is less probable and the **activity should be considered as unimplemented at this stage.**

4.8 IMPLEMENTATION OF THE ACTIVITIES OF OBJECTIVE 3.4

The objective 3.4 of the Public Administration Reform Action Plan implies two activities for the reporting period and defines two output indicators for 2019 for its assessment. According to the indicators, one activity has been partly implemented and the other one has been mostly implemented.

ACTIVITY 3.4.1.

The activity 3.4.1 implies raising awareness of the Open Government among the society including public servants in the third quarter of 2019, at the central level. According to the output indicator defined by the Action Plan, the activity has been partly implemented.

Activity 3.4.1. Raising awareness of the Open Government among the society, including public servants, at the central level

Output indicator(s):

- The open government communication strategy has been developed; one of the components of the strategy is fully dedicated to raising awareness of public servants;

Implementation status: partly implemented

According to the information regarding activity implementation presented by the Administration of Government, draft version of the communication strategy has been prepared during the reporting period and it addresses three target audiences: public servants employed at local and central levels, representatives of civil society, citizens.

According to the provided information, working on the Open Government Strategy has not yet been completed. In addition, in the monitoring process, the monitoring agency has not presented the strategy document that is not yet publicly available. Since, according to the Action Plan, the strategy document represents confirmation source for activity implementation, without it, it is not feasible to assess against the first indicator. **Therefore, the activity should be considered as partly implemented.**

ACTIVITY 3.4.3.

The Activity 3.4.3 of the Action Plan implies ensuring simple access to information on Open Government Georgia, by the Administration of the Government in the fourth quarter of 2019. One indicator has been defined for the activity by the Action Plan and the indicator suggests that the activity has been mostly implemented.

Activity 3.4.3. Ensuring simple access to information on Open Government Georgia

Output indicator(s): OGP Georgia webpage has been created

Implementation Status: mostly implemented

According to the information on the activity implementation provided by the Administration of the Government, within the reporting period, with the support of Good Governance Initiative (GGI) of the US Agency for International Development (USAID), the Open Government Georgia secretariat started working on the creation of the online platform (webpage) of Open Government Georgia. Detailed description of the webpage was prepared in the reporting period; webpage developer and design were selected. Technical sophistication of the webpage was started.

According to the provided information, The Administration of the Government could not fully develop the Open Government webpage in the reporting period; however, the important part of the work has been completed. **Therefore, the activity may be considered as mostly implemented.**

4.9 IMPLEMENTATION OF THE OBJECTIVE 3.5

The Objective 3.5 of the Action Plan implies improving existing legislation on Access to information and ensuring its consistent use in practice. The indicator for this objective has been defined as the percentage of refusals to provide public information within their competence by the public agencies (central offices of Ministries and LEPLs).

Objective 3.5. Improving current legislation on access to information for the purposes of increasing openness, transparency and accountability of public agencies, and its consistent use in practice

Indicator(s): the percentage of refusals to provide public information within their competence by the public agencies (central offices of Ministries and LEPLs).

Basic for 2018: 15%

Target for 2020: 10%

Implementation status: Unimplemented

According to the information provided by the Administration of Government, the implementation of the objective depends on measuring results caused by the adoption of Public Information Act. The mentioned law has not yet been adopted. Therefore, according to the opinion of the agency it

is not feasible to measure the implementation of the objective against given indicator, as interim data was not processed in 2019 due to the delay in adoption of the Freedom of Information Act.

Similar to objective 3.4 of the Action Plan, in this case it is also necessary to implement specific measures in order to improve basic target and this, according to the information provided by the Administration of the Government is planned after the Adoption of the new law. Therefore, further increase of basic target in 2019 is less probable and **the activity may be considered at unimplemented at this stage.**

4.10 IMPLEMENTATION OF THE ACTIVITIES OF OBJECTIVE 3.5

Objective 3.5 of the public Administration Reform Action Plan implies two activities for the reporting period and defines two output indicators for their assessment. According to the indicators, both activities are unimplemented.

ACTIVITY 3.5.1.

Activity 3.5.1 of the Action Plan implied improving legislation regulating freedom of information by the Ministry of Justice in the fourth quarter of 2019. The Indicator for this objective has been defined as the submission of the Freedom of Information Act to the Parliament and it has not been implemented.

Activity 3.5.1. Improving legislation regulating freedom of information

Output indicator(s): Freedom of Information Act is submitted to the Parliament

Implementation status: unimplemented

According to the information provided on the activity implementation, on 4 October 2019, after the approval of Public Administration reform Action Plan by №484 Decree of the Government of Georgia, the commitment to finalize the law and submit it to the Government for approval was taken from the Ministry of Justice by the Administration of Government. The afore-mentioned fact suggests that the new responsible agency shall partly undergo the process all over again – familiarize with the project text etc. The administration of the Government started familiarizing with and processing the draft law, after completion of which further steps will be identified.

According to the provided information, the Ministry of Justice could not fulfill the obligation imposed by the Public Administration Reform Action Plan and could not submit the draft law to the Parliament; the later has become the responsibility of the Administration of the Government at

this stage and the Administration has to undergo the working process all over again. Therefore, **the Activity may be considered as unimplemented.**

ACTIVITY 3.5.2.

Activity 3.5.2 of the Action Plan implies developing the information manual for the purposes of the implementation of norms regulating the freedom of information by the Ministry of Justice in the fourth quarter of 2019. The indicator has been defined as the development of information manual for the purposes of the implementation of norms regulating the freedom of information.

Activity 3.5.2. Developing the information manual for the purposes of the implementation of norms regulating the freedom of information

Output indicator(s): the information manual is developed

Implementation Status: Unimplemented

According to the information regarding activity implementation, the implementation depends on the fulfillment of the first activity. According to the information provided by the Administration of the Government, deadlines for developing the information manual for the implementation of regulatory norms will be defined and the preparation will start right after the adoption of the Law.

Due to the failure to fulfil activity 3.5.1 by the Ministry of Justice (the responsibility was assumed by the Administration of the Government), information manual for the implementation of regulatory norms could not be developed in the reporting period. **Therefore, the activity may be considered as unimplemented.**



CONCLUSION AND RECOMMENDATIONS

Situational analysis of the direction Accountability of the Public Administration Reform Roadmap and the Action Plan reveals that strategic documents take into consideration challenges facing public administration during the period of their adoption and define relevant objectives. However, in some cases, indicators and target indicators defined for the confirmation of the implementation undermine the significance of objectives and/or make it impossible to measure their implementation.

Although the Action Plan for 2019-2020 has been significantly improved in comparison to the previous plan, current objectives and indicators still require sophistication against the SMART criteria. In addition, defining more activities and setting realistic deadlines for their implementation is necessary in order to achieve the objectives.

Risk assessment standards of the Action Plan need to be sophisticated. Often, factors that represent actual circumstances rather than risks are described as risks. The Action Plan does not offer mechanisms for risk elimination.

Interim monitoring of objectives defined by the Action Plan was not carried out due to the lack of the relevant data; this is because the Action Plan does not actually provide interim targets.

Most of the activities defined by the Action Plan are unimplemented, making the successful implementation of the Plan in 2020 questionable. Quite frequently, unimplemented activities are justified by reasons that could have been anticipated and avoided.

In order to eliminate the afore-mentioned gaps and challenges, the following recommendations need to be considered:

1. Periodically update the Public Administration Reform Roadmap and ensure the compliance of the Roadmap and the Action Plan with each other;
2. Define ambitious/significant commitments for the Action Plan;
3. Include SMART objectives and indicators in the Action Plan;
4. Define indicators necessary for the actual implementation of objectives;
5. Define interim targets along with basic and final ones, in order to simplify monitoring of the implementation of the Action Plan;
6. Consider activities necessary for the implementation of objectives and set realistic deadlines for their implementation;
7. When defining activities, accurately assess required resources in order to avoid the delay in activity implementation for the future.



20 T. SHEVCHENKO STREET, 0180, TBILISI



+ 995 32 292 15 14



INFO@IDFI.GE



WWW.IDFI.GE