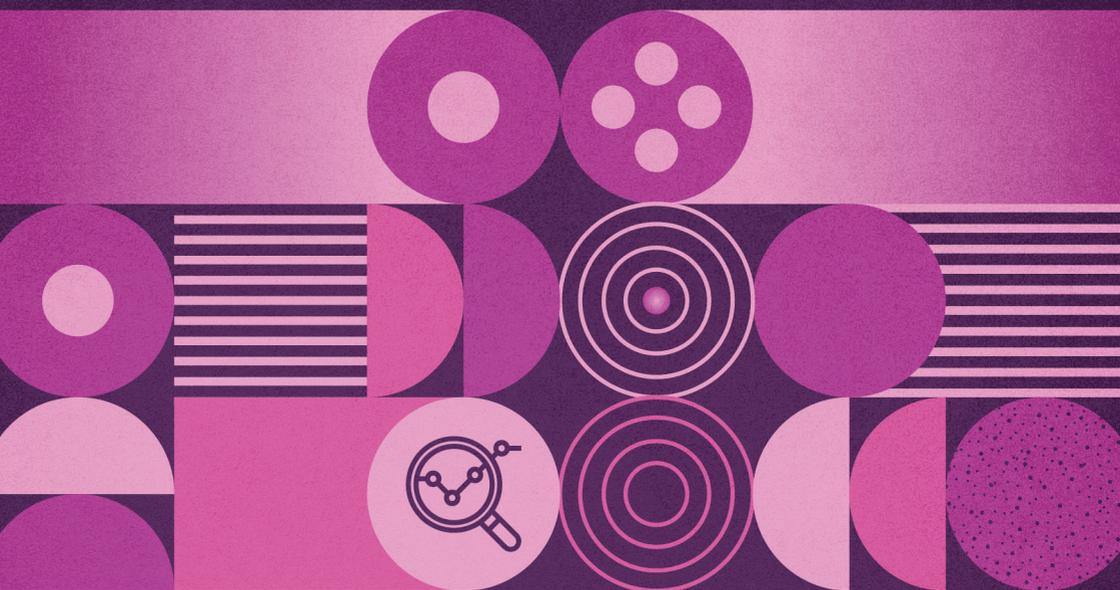


INTERIM ALTERNATIVE MONITORING REPORT ON THE IMPLEMENTATION OF THE PUBLIC ADMINISTRATION REFORM (PAR) ACTION PLAN FOR 2019-2020



Direction 3: Accountability

Second Half of 2020

2021



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION

**INTERIM ALTERNATIVE MONITORING REPORT ON THE IMPLEMENTATION OF
THE PUBLIC ADMINISTRATION REFORM (PAR) ACTION PLAN FOR 2019-2020
SECOND HALF OF 2020**

DIRECTION 3: ACCOUNTABILITY

The document was prepared by the Institute for Development of Freedom of Information (IDFI) supported by the European Union (EU). IDFI is fully responsible for the content of the document. The content may not reflect the opinion of the European Union.

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MAIN FINDINGS

The objectives and indicators of the Accountability direction of the Public Administration Reform Action Plan 2019-2020 need to be refined according to S.M.A.R.T. criteria. In addition, in order to actually achieve the objectives, more activities are necessary to be defined and real efforts need to be made for their implementation.

At the end of the Action Plan the performance of the objectives under the Accountability direction is identical to the monitoring results of the first half of 2020, which means that nothing has been done to meet the objectives set to improve accountability during the reporting period.

Out of the five objectives envisaged by the Action Plan, three are partly implemented and two are unimplemented during the reporting period. Out of six outcome indicators (including one additional indicator), one is fully implemented, one is partly implemented and four are unimplemented.

As for the activities, six activities were outlined for the second half of 2020, out of which two are partly implemented and four are unimplemented. Out of nine output indicators, three are partly implemented and six are unimplemented.



1. 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

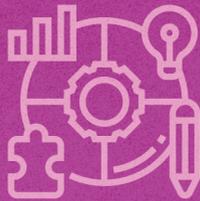
In order to implement the Public Administration Reform, the Government of Georgia, once in every two years approves the Public Administration Reform Action Plan. The most recent **Action Plan for 2019-2020** approved by the Government of Georgia in June 2019 aims at the implementation of goals defined by the Public Administration Reform Roadmap 2020.

The Public Administration Reform Roadmap and the Action Plan feature six directions: policy planning and coordination, public service and human resource management, accountability, public service delivery, public finance management and local self-government. This document addresses the third direction of the Action Plan – the Accountability direction and the implementation of the activities and objectives envisaged by the Action Plan for this direction for the second half of 2020.

Monitoring the implementation of policy documents, identifying gaps and challenges and setting measures for responding to these challenges are 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 made monitoring results public for the first time in 2019. This document represents an alternative monitoring report and may not be in full compliance with the monitoring results 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.



2. METHODOLOGY

The subject of the monitoring was to assess the progress of the implementation of the objectives and activities envisaged by the Public Administration Reform Action Plan for 2019-2020 as of the second six months of 2020.

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

- 1. FULLY IMPLEMENTED** – an activity/objective is fully or almost fully implemented and only a minor part of it has not been completed;
- 2. MOSTLY IMPLEMENTED** – a major part of an activity/objective was implemented, while part of it has not been completed;
- 3. PARTLY IMPLEMENTED** – a part of an activity/objective was implemented while a major part remains incomplete;
- 4. UNIMPLEMENTED** – an activity/objective was not implemented at all or a minor part is implemented and it is impossible to observe progress.

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, in 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.

Non-entrepreneurial (non-commercial) Legal Entity Youth Center for Civil Development and CRI "Bright Future" were involved in the monitoring process of Accountability direction together with IDFI to monitor the fulfillment of the relevant obligations in Kvemo Kartli and Imereti regions, respectively.

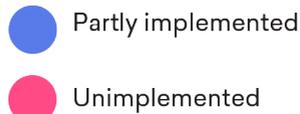
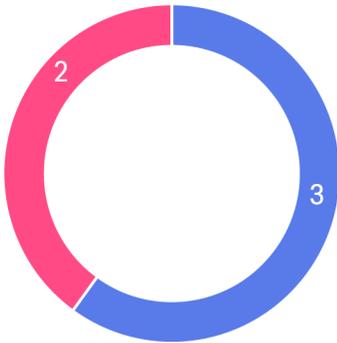


3.IMPLEMENTATION OF OBJECTIVES AND ACTIVITIES

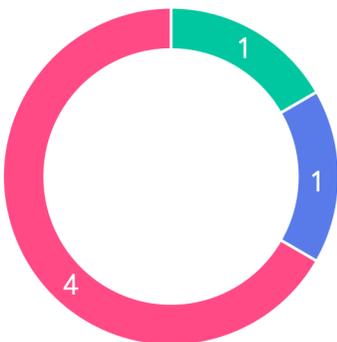
Accountability is the third direction of the Public Administration Reform Action Plan and it includes five objectives. Implementation of each objective is assessed based on outcome indicators defined for them by the Action Plan. For the cases where the indicator does not comply with the S.M.A.R.T. criteria,³ making it impossible to assess the implementation of the objective, additional indicators are defined. The objectives for which no information on the implementation was provided by the responsible agency, which would confirm the progress of the objective implementation, were considered unimplemented.

Out of five objectives envisaged by the Action Plan for the Accountability direction, three are partly implemented and two are unimplemented. Out of six outcome indicators (including one additional indicator), one is fully implemented, one is partly implemented and four are unimplemented.

OBJECTIVE IMPLEMENTATION RESULTS

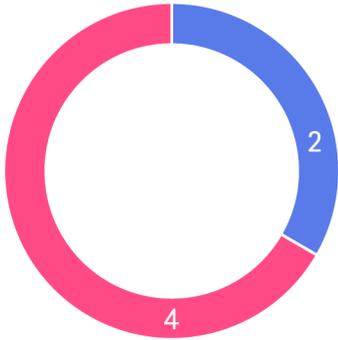


OUTCOME INDICATORS

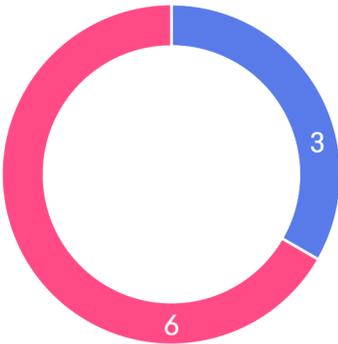
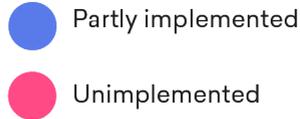


³ S.M.A.R.T.: S - specific, significant, stretching; M - measurable, meaningful, motivational; A - agreed upon, attainable, achievable, acceptable, action-oriented; R - realistic, relevant, reasonable, rewarding, results-oriented; T - time-based, time-bound, timely, tangible, trackable. Information available at: <https://www.projectsmart.co.uk/smart-goals.php>.

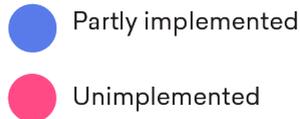
As for the activities, six activities were outlined for the second half of 2020 out of which two are partly implemented and four are unimplemented. Out of nine output indicators, three are partly implemented and six are unimplemented.



ACTIVITY IMPLEMENTATION RESULTS



OUTPUT INDICATORS



IMPLEMENTATION OF THE OBJECTIVE 3.1.

Objective 3.1. of the PAR Action Plan implies suggestion of institutional set up to the Legal Entities of Public Law covered by the Law of Georgia on Civil Service in order to strengthen the principles of economy, effectiveness and efficiency. The outcome indicator is the share of the Legal Entities of Public Law covered by the Law on Civil Service that have implemented recommendations issued by the Civil Service Bureau (“the Bureau”) on institutional set-up of the LEPLs.

Objective 3.1. Suggest institutional set-up to the LEPLs covered by the CSL in order to strengthen the principles of economy, effectiveness and efficiency

Outcome indicator(s): Share of LEPLs covered by the CSL that have implemented recommendations issued by the Civil Service Bureau on institutional set-up of the LEPLs

Baseline 2018: 0%

Target 2020: 10%

Objective implementation status: Unimplemented

According to information provided by the Bureau in the framework of the 2019 alternative monitoring report, development of recommendations on institutional set-up of LEPLs considered as public services was planned in the fourth quarter of 2020 after adoption of draft amendment to the Law of Georgia on “Legal Entity of Public Law”. According to the information provided by the Civil Service Bureau in the beginning of 2021, the process of functional and institutional analysis of legal entities of public law is still underway. Legislative amendments have not yet been enacted and recommendations for their institutional set-up have not been developed, which is planned by the Bureau after a secondary functional analysis.

The PAR Action Plan sets 2020 as a target for implementing the objective. The information provided by the responsible agency, according to which the activities envisaged by the objective indicators are to be implemented after 2020, indicates that the objective results are not achieved by the end of 2020. At the same time, the activities under the objective and its output indicators are not fulfilled. Thus, **the Objective 3.1 should be considered unimplemented.**

IMPLEMENTATION OF THE ACTIVITY OF OBJECTIVE 3.1.

Objective 3.1. of the Public Administration Reform Action Plan envisages one activity for the reporting period for which three indicators are defined. According to the indicators, the activity is not implemented.

Activity 3.1.3.

Activity 3.1.3. of the Action Plan implied institutional analysis of LEPLs considered as public services. According to the output indicators envisaged by the Action Plan the activity is unimplemented.

Activity 3.1.3. Institutional analysis of LEPLs covered by the CSL

Output indicator(s):

3.1.3.1. Institutional analysis of the LEPLs covered by the CSL is carried out

3.1.3.2. Recommendations on institutional set-up of the LEPLs covered by the CSL are developed

3.1.3.3. Discussions about analysis and recommendations of those LEPLs covered by the CSL are conducted; At least 3 public discussions are carried out

Activity implementation status: unimplemented

Regarding the first indicator which implies institutional analysis of LEPLs, the Civil Service Bureau indicates that a secondary institutional analysis of LEPLs based on a relevant methodology is planned before the amendment to the Law on Legal Entity of Public Law is enacted. The content of the analysis will be based on the legal definitions of the new categories of the legal entities of public law. Since the legislative amendments have not been enacted yet and, consequently, no secondary institutional analysis has been carried out, this indicator is not implemented.

Regarding the second indicator which implies development of recommendations on institutional set-up of the LEPLs, the Bureau is waiting for the legislative amendments to be enacted as mentioned above, thus this indicator is not implemented either.

The third indicator implies public discussions about the analysis and recommendations of LEPLs, which, of course, is unimplemented, as neither analysis is carried out nor the recommendations are developed.

According to the information submitted by the Civil Service Bureau, none of the three output indicators are fulfilled, thus the **Activity 3.1.3 should be considered unimplemented.**

IMPLEMENTATION OF THE OBJECTIVE 3.2.

Objective 3.2 of the PAR Action Plan implies improvement of access to open data. The outcome indicator is the number of open data published on the data.gov.ge.

Objective 3.2. Improve access to open data by strengthening existing mechanisms

Outcome indicator(s): Number of open data published on the Data.gov.ge

Baseline 2018: 3

Target 2020: 30

Additional outcome indicator: Number of public institutions publishing open data on data.gov.ge

Baseline 2018: 30

Target 2020: 50

Objective implementation status: partly implemented

According to the information provided by the LEPL Digital Governance Agency 719 data entries were placed on the open data portal in XML and CSV format by 30 public institutions by the end of 2020.

Regarding the first indicator, it should be mentioned that the number of data published on the open portal already exceeds the target set for 2020, indicating that, according to the indicator defined by the Action Plan, the objective has been fully implemented. However, it is important to note that the data was the same by the end of the first half of 2020, which means that no additional information was published on the open data portal during the second half of the year. This points to the shortcomings of the action plan and the need to set more ambitious indicators on the one hand, and the attitude of public agencies, which are not active in publishing open data on the other hand. As the Digital Governance Agency itself notes, since the publishing of open data is not subject to a legal obligation, agencies often do not voluntarily post open data on the portal. Besides, the portal is technically and systematically outdated and needs to be updated, which the Agency is working on with the support of the UNDP.

The IDFI monitoring team considers that the indicator defined by the Action Plan for the Objective 3.2. does not comply with the S.M.A.R.T. 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 <http://data.gov.ge> within the two-year period. Therefore, for the purposes of the monitoring, the number of public agencies publishing data on the open data portal has been defined as additional indicator for objective 3.2. According to LEPL Digital Governance Agency the number of public institutions publishing open data is 30 as of the end of 2020. This indicates that the baseline in this regard has not improved in two years, since 30 agencies had posted open data on the portal as of 2018 as well. Considering the mentioned, **the Objective 3.2 should be considered partly implemented.**

IMPLEMENTATION OF THE ACTIVITY OF OBJECTIVE 3.2.

Objective 3.2 of the Public Administration Reform Action Plan envisages one activity for the reporting period for which one indicator is defined. According to the indicator, the activity is not implemented.

Activity 3.2.2.

Activity 3.2.2 of the Action Plan implied increase of the number of open data published on the Open Data Portal. According to the output indicators envisaged by the Action Plan the activity is unimplemented.

Activity 3.2.2. Increased number of open data published on the Open Data Portal

Output indicator(s):

By the end of 2020 the number of open data published by the Municipal Services Development Agency (0), the Civil Service Bureau (0) and Ministry of Finance (3) is increased by 1000% compared to 2018

Activity implementation status: unimplemented

According to the LEPL Data Exchange Agency information, by the end of 2020, four open data entries of the Ministry of Finance (LEPL Revenue Service) were available on data.gov.ge. The responsible agency indicates, that the Agency was focused on creation of a new open data portal which could not be accomplished due to cancellation of announced tenders.

According to the information provided by the responsible agency, no efforts were made to implement the activity during the reporting period, as development of a new

portal was decided. Due to the above, none of the three agencies' open data entry number is increased by the number indicated in the output indicator. Thus **3.2.2 Activity should be considered unimplemented.**

IMPLEMENTATION OF THE OBJECTIVE 3.3.

Objective 3.3 of the PAR Action Plan implies introduction of electronic monitoring tool on recommendations issued by the State Audit Office in order to improve the feedback mechanism. The Outcome indicator is the percentage of the recommendations issued by the State Audit Office with a "No Response" status.

Objective 3.3. Implement electronic monitoring tool on recommendations issued by the State Audit Office in order to improve the feedback mechanism

Outcome indicator(s): Share of the State Audit Office recommendations with a "No Response" status

Baseline 2018: 12%

Target 2020: 8%

Objective implementation status: partly implemented

According to the information provided by the State Audit Office in the framework of the monitoring of the first half of 2020, the development of electronic monitoring system for the implementation of recommendations was complete and was being tested. According to the State Audit Office the percentage of the recommendations issued by the Office with a "no response" status would be measured by the end of 2020. According to the information provided by the agency by the end of 2020, the indicator will be calculated and presented in the 2020 activity report, which will be prepared and submitted to the Parliament by June 1, 2021. The agency also points out that due to the pandemic, the ARIS system could not be fully introduced in 2020, on which the benefits of electronic system depend.

According to the agency, the increase or decrease in the percentage of recommendations issued by the State Audit Office with "no response" status at this stage does not measure the improvement of electronic monitoring practices, as the electronic mechanism has not yet been introduced. The activities under the objective envisaged

for the second half of 2020 are only partly implemented. Consequently, the monitoring results of the first half of 2020 remain unchanged as of the end of 2020 and **the Objective 3.3 can still be considered partly implemented.**

IMPLEMENTATION OF THE ACTIVITIES OF OBJECTIVE 3.3.

Objective 3.3 of the Public Administration Reform Action Plan envisages two activities for the reporting period for which two indicators are defined. According to the indicators, one activity is partly implemented and the other activity is not implemented.

Activity 3.3.2.

Activity 3.3.2 of the Action Plan implied the launch of the Electronic Monitoring System for the State Audit Office recommendation fulfilment. According to the output indicators envisaged by the Action Plan the activity is partly implemented.

Activity 3.3.2. Launch of the Electronic Monitoring System

Output indicator(s):

All subjects of the audit are registered at the SAO recommendations Electronic Monitoring System

Activity implementation status: partly implemented

According to the information provided by the State Audit Office, it was planned to include all audit facilities in the electronic system from 2020, however, the coronavirus pandemic significantly delayed the introduction of the system and distance working made communication with public agencies difficult. During the reporting period, the State Audit Office, in cooperation with the Ministry of Justice, launched introduction of a pilot monitoring system for the implementation of recommendations. In particular, the action plans of the recommendations issued within the framework of the audit of the consolidated financial statements of the Ministry of Justice in 2019 were prepared through the ARIS system. Accordingly, from 2021, the State Audit Office will monitor these recommendations electronically.

According to the information provided by the responsible agency, the implementation of the activity was delayed during the reporting period, the electronic monitoring sys-

tem is still in pilot mode and is not fully operational. Thus the **Activity 3.3.2 should be considered partly implemented.**

Activity 3.3.3.

Activity 3.3.3 of the Action Plan implied disclosure of the information on the implementation of SAO recommendations at the Budget Monitor website. According to the output indicator envisaged by the Action Plan the activity is unimplemented.

Activity 3.3.3. Disclosure of the information on the implementation of SAO recommendations at the Budget Monitor website

Output indicator(s):

Information on the implementation of SAO recommendations is uploaded on the Budget Monitor web-platform

Activity implementation status: unimplemented

According to the information provided by the SAO, the process of functional updating of the Budget Monitor platform was completed at the end of 2020, as a result of which the platform was to include the information about the state of implementation of the recommendations issued by the State Audit Office. At the same time, the precondition for publishing information on the implementation of recommendations on the Budget Monitor is the full introduction of the ARIS system.

The information submitted by the responsible agency clarifies that the activity could not be performed during the reporting period because the web platform on which the information on the status of the implementation of the Audit Service's recommendations was to be posted could not be completed in a timely manner. Platform development works are part of Activity 3.3.2 (launch of electronic system) and cannot be reflected in the performance of Activity 3.3.3. Thus, **the Activity 3.3.3 should be considered unimplemented.**

IMPLEMENTATION OF THE OBJECTIVE 3.4.

Objective 3.4. of the PAR Action Plan implies awareness raising of civil servants of central government bodies on the Open Government agenda in order to enhance implementation of the Open Government policy principles. The outcome indicator is the share of civil servants of central government bodies representing policy planning and analysis units, who claim that they are familiar with the OGP Georgia Action Plan and participate in the elaboration process of open government policy for 2020-2022.

Objective 3.4. Raise awareness of civil servants of central government bodies on the Open Government agenda in order to enhance implementation of the Open Government policy principles

Outcome indicator(s): Share of civil servants of central government bodies representing policy planning and analysis units, who claim that they are familiar with the OGP Georgia Action Plan and participate in the elaboration process of open government policy for 2020-2022

Baseline 2018: 0

Target 2020: 51%

Objective implementation status: partly implemented

According to the information provided by the Administration of the Government of Georgia, a communication strategy was developed together with an accompanying action plan in order to raise the awareness of civil servants about Open Governance which covers three target audiences. In addition, the Open Government Georgia website has been created, which contains information on the ongoing reforms since Georgia's accession to the Open Government Partnership. According to the same information, a monitoring functions will be integrated on the website, which will allow stakeholders to follow the implementation of Georgia's action plans and express their views online. The Government Administration indicates that the situation created during the reporting period hindered the development of the new Action Plan of the Open Government Georgia, due to which it is not possible to measure the outcome indicator according to the wording given in the PAR Action Plan. Instead, the Secretariat decided to measure the share of civil servants who declare to be familiar with the Open Government Georgia and would like to participate in the Open Government Georgia policy planning for 2021-2022. In order to measure the new outcome indicator, a quantitative survey was conducted in the structural units of policy planning and

analysis of 11 ministries. According to the results of the survey:

- ▶ 80% state they have heard about Open Government Partnership (OGP),
- ▶ 77% know and receive information about Georgia's membership in OGP,
- ▶ 97% express willingness to participate in the OGP Georgia policy planning for 2021-2022.

The IDFI Monitoring Group welcomes the steps taken by the Secretariat to raise the awareness of civil servants, however, these activities are not sufficient to have a significant impact. In particular, the development of documents and a website by the Government Administration without introducing and promoting them to public officials cannot be considered as awareness-raising activities. In addition, the monitoring team does not agree with the change in the indicator by the Secretariat, which was due to the fact that the OGP Action Plan was not adopted by the Government. The new indicator diminishes the importance of the objective when, instead of measuring the share of civil servants involved in the OGP Action Plan development, it measures the share of civil servants who would like to participate in the OGP Action Plan elaboration. The results of the survey conducted indicate the partial implementation of the indicator provided in the action plan, as the number of employees who have heard and are familiar with OGP has been measured. As for the number of participants in the new OGP Action Plan development process, as the plan has not been developed, this indicator is unfulfilled. Consequently, the **Objective 3.4 should be considered partly implemented.**

IMPLEMENTATION OF THE ACTIVITY OF OBJECTIVE 3.4.

Objective 3.4 of the Public Administration Reform Action Plan envisages one activity for the reporting period for which two indicators are defined. One indicator implied assessment of the activity in 2019 and the other indicator - by the end of 2020. According to the mentioned indicator, the activity is partly implemented.

Activity 3.4.1.

Activity 3.4.1 of the Action Plan implied public awareness raising, including of civil servants working at the central level, about the Open Government issues.

Activity 3.4.1. Raise public awareness, including of civil servants working at the central level, about the Open Government issues

Output indicator(s):

Implementation of the Open Government Communication Strategy is in progress

Activity implementation status: partly implemented

As already mentioned, the 3.4.1.1 indicator provided an assessment of activity implementation for 2019. According to the IDFI monitoring results, the Activity 3.4.1 was considered partly implemented according to the mentioned indicator in 2019. As for the second indicator, according to the information provided by the Government Administration, the implementation of the Open Government Georgia Communication Strategy will start in parallel with the resumption of the process of developing the new OGP Georgia Action Plan.

According to the submitted information, the works required for the implementation of indicator 3.4.1.2 were not carried out during the reporting period, thus the status of the activity remains unchanged and **the Activity 3.4.1 should be considered partly implemented.**

IMPLEMENTATION OF THE OBJECTIVE 3.5.

Objective 3.5 of the PAR Action Plan implies improving existing legislation on access to information and ensuring its consistent use in practice. The outcome 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. Improve existing legislation on the access to information in order to enhance openness, transparency and accountability of the public institutions and ensure its consistent application in practice

Outcome indicator(s): Percentage of decisions to refuse to disclose public information by public institutions (ministries and LEPLs) within their competence

Baseline 2018: 15%

Target 2020: 10%

Objective implementation status: unimplemented

The Administration of the Government of Georgia did not provide information regarding implementation of the objective as of the first six months of 2020. By the end of 2020 the Government Administration indicates that the outcome cannot be measured as the activities under the objective are not implemented.

Since relevant activities are necessary to improve baseline of the Objective 3.5, which, according to the information submitted by the Government Administration, were not implemented, it is logical that the target would not be achieved by the end of 2020. Consequently, **the Objective 3.5 should be considered unimplemented.**

IMPLEMENTATION OF THE ACTIVITY OF OBJECTIVE 3.5.

Objective 3.5 of the Public Administration Reform Action Plan envisages one activity for the reporting period for which one indicator is defined. According to the indicator, the activity is not implemented.

Activity 3.5.3.

Activity 3.5.3 of the Action Plan implied improvement of the staff capacity responsible for disclosure of public information.

Activity 3.5.3. Improve staff capacity responsible for disclosure of public information

Output indicator(s):

Public Institution (central government bodies, LEPLs) employees responsible for disclosure of public information are trained in order to enhance their qualification for regulatory norms

Activity implementation status: unimplemented

According to the information provided by the Government Administration, the implementation of this activity depends on the draft Law on Freedom of Information entering into force, as it provides for the training of the staff responsible for issuing public information on new regulatory norms.

According to the information provided, 3.5.3. Activity could not be implemented as the Law on Freedom of Information was not adopted. Consequently, the **Activity 3.5.3 should be considered unimplemented.**



4. CONCLUSION AND RECOMMENDATIONS

The objectives and indicators of Accountability Direction of the Public Administration Reform Action Plan 2019-2020 still require refinement according to the S.M.A.R.T. criteria. In addition, in order to actually achieve the objectives, more activities are necessary to be defined and real efforts need to be made for their implementation.

Most of the objectives and activities envisaged in the Action Plan for Accountability direction are unimplemented, in many cases, monitoring is complicated by the lack of relevant data, which is due to the fact that the responsible agencies do not process the required data in a timely manner and do not take seriously the activities envisaged in the Action Plan.

In response to identified gaps and challenges, it is important to:

- Include S.M.A.R.T. objectives and indicators in the Accountability direction of the Action Plan;
- Define targets and indicators necessary for the actual implementation of objectives under the Accountability direction;
- Improve coordination and oversight with responsible agencies, and emphasize the importance of the Public Administration Reform to facilitate the implementation of the action plan.

