

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 424 (2018)¹ Transparency and open government

1. At its 31st Session in October 2016, the Congress of Local and Regional Authorities of the Council of Europe adopted a roadmap of activities including six thematic reports to improve efficiency and quality of good governance at both local and regional level. This roadmap included a report on transparency and open government as part of the work on the prevention of corruption and the promotion of public ethics at local and regional levels.

2. Open government describes a government that is transparent, participatory and accountable towards its citizens. It is a concept that can be applied to any government, irrespective of its size and no matter whether it is local, regional or national. Many local and regional authorities have already implemented open government reforms, not only to increase their transparency with regard to citizens, but also to increase their efficiency.

3. An open government is a government whose work can be understood by the public. This means that citizens should be able to look at what their government has discussed and produced, and to request information from their local administration. For their part, territorial administrations and authorities need to facilitate access to their information, to make the information available using open data systems and to put in place robust records management policies and procedures.

4. An open government should also enhance the participation of citizens both in the workings of their governments and in the civic space. To encourage such involvement of the public with authorities and Non-governmental organisations (NGOs), governments need to prevent undue restrictions or possible repercussions of such activities. These safeguards should also extend to whistleblowers.

5. Along with transparency and participation, accountability is the third essential feature of an open government. It is a core feature of democracy that the public should be able to hold their governments accountable for its actions. Accountability can be encouraged by internal means, such as codes of ethics, or external ones, including audits and scrutiny by civil society and the media.

6. These three principles of open government – transparency, participation and accountability – can and should be applied to five main functions of territorial government: budgeting, contracting, law making, policy making and service delivery.

7. In the light of the above, the Congress:

a. bearing in mind:

i. Congress Resolution 417 and Recommendation 398 (2017) on open data for better public services;

ii. Congress Resolution 421 and Recommendation 405 (2017) on making public procurement transparent at local and regional levels;

iii. the Council of Europe “Guidelines for civil participation in political decision making” (2017);

iv. the Council of Europe “12 principles of good democratic governance” (2008);

v. the Council of Europe’s “Handbook of good practice on public ethics at local level” (2004);

vi. the Code of Good Practice for Civil Participation in the Decision-Making Process (2009, Conference of NGOs of the Council of Europe);

vii. OECD Recommendation of the Council on open government (2017);

viii. the International Open Data Charter (2015), adopted at the Open Government Partnership Global Summit (Mexico, 2015);

b. recognising that open governance has great potential for improving democracy at local and regional levels;

c. aware that more open local government can increase public trust and reduce corruption, both of which are necessary in order for local democracy to flourish;

d. aware that implementation of the principles of open government can lead to more effective provision of local public services;

e. convinced that member States of the Council of Europe need to do more to promote open governance at every level;

8. Recommends that the Committee of Ministers call upon the governments of its member States to:

a. adopt common open government standards, in particular by:

i. drawing from the six principles of the International Open Data Charter;

ii. supporting the adoption of common open government standards, such as the Open Contracting Data Standard (2015);

iii. supporting the implementation of the four principles identified in the Code of Good Practice for Civil Participation in the Decision-Making Process, namely participation, trust, accountability and independence, as necessary to ensure good co-operation between civil society and governments;

b. encourage territorial authorities to publish key documents and information, and in particular:

i. encourage the publication of budget documents;

ii. provide information concerning the levels of public service that people are entitled to;

iii. facilitate access to data that is understandable, for use by the public and the private sector;

iv. promote the publication of key documents in multiple languages;

c. support public consultation processes;

d. support effective monitoring and implementation of transparency measures at local and regional level, notably by:

i. ensuring that ombudsperson's offices play an active role in the implementation of open government;

ii. ensuring regular internal and/or external audits of local authorities;

iii. facilitating the carrying out of social audits by NGOs at the local level;

e. involve all stakeholders in promoting transparency and open government at local and regional levels, and in particular:

i. encourage greater budget literacy of parliamentarians, government officials, elected representatives, journalists and civil society representatives;

ii. raise public awareness of the importance of civil society, NGOs and whistleblowers in tackling problems of corruption and waste in local and regional government;

f. ensure that their legislation is compatible with the principles set out in this recommendation and its explanatory memorandum.

1. Debated and adopted by the Congress on 7 November 2018, 2nd sitting (see Document [CG35\(2018\)14](#), explanatory memorandum), rapporteur: Andreas GALSTER, Germany (L, EPP/CCE).