

Public Ethics

Transparency and open government

Congress of Local and Regional Authorities
of the Council of Europe

The Congress



Le Congrès

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Congress of Local and Regional Authorities
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French edition:

Transparence et gouvernement ouvert

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Foreword

The concept of “open government” is based on the simple idea that public action is more effective when it is transparent, participatory and accountable.

This brochure aims to raise awareness among local and regional elected officials of this concept which contributes to good governance, the prevention of corruption and the effectiveness of public services. “Open government” also ensure better decision-making and greater public trust in the institutions.

The Congress of the Council of Europe encourages local and regional authorities to apply these principles: involving and engaging citizens means giving them access to information, especially through open data. This is a prerequisite for citizens to be able to influence the work of their elected representatives.

In a context of citizen’s distrust of their elected representatives, openness and transparency, as well as accountability, have now become the cornerstones of good democratic governance.

The titles of the “Public Ethics” series are part of the Congress’ roadmap on activities to prevent corruption and promote public ethics at local and regional levels. The objective is to provide a set of practical responses to the challenges facing local and regional authorities.

Transparency and open government

Explanatory memorandum

CG35(2018)14final

7 November 2018

**Rapporteur: Andreas GALSTER, Germany
(L, EPP/CCE)**

Summary

Transparency and open government is one of the priorities identified by the Congress in its Roadmap of activities on the 'prevention of corruption and the promotion of public ethics at local and regional levels', adopted at the 31st session in October 2016.

This report highlights the potential of open governance to improve democracy at local and regional levels. It explores the concept of 'Open government' and identifies local government activities to which it can apply, such as budgeting, law making, policy making, contracting and service delivery.

In its resolution, the Congress invites local and regional authorities to adopt and implement open government standards and to introduce training courses in their administrations to raise awareness on the importance of transparency. It calls on them to promote the participation of citizens in local public life, in particular by encouraging public participation in their policy and decision-making processes and promoting the involvement of citizens in defining budget priorities and evaluating procurement contracts.

In its recommendation, it asks the Committee of Ministers to call on governments to encourage local and regional authorities to publish key documents and information, promote public consultation processes, and support the monitoring and implementation of transparency measures.

INTRODUCTION

Open government is the simple but powerful idea that governments will work better for people if they are transparent, participatory and accountable.

From participatory budgeting in Porto Alegre to participatory budgeting in Paris, local governments around the world have long been pioneers of open government. This report introduces the concept of open government and its implications for local government. It makes recommendations for how local governments, particularly in Council of Europe member states, can adopt open government principles and practices, and what the Council of Europe can do to provide support.

Defining Open Government

Common definitions of open government tend to include three key principles: transparency, participation and accountability. The table below summarises what these mean from the perspective of citizens and governments.

Principle	What it means for citizens	What it means for governments
Transparency	The public can see and understand the workings of their government	Opening up government data and information on areas such as public spending, government contracts, lobbying activity, the development and impact of policy, and public service performance.

Principle	What it means for citizens	What it means for governments
Participation	The public can influence the workings of their government	Support for a strong and independent civil society, the involvement of citizens and other stakeholders in decision making processes, and protection for whistleblowers and others who highlight waste, negligence or corruption in government.
Accountability	The public can hold their government to account for its actions	Embedding rules, laws and mechanisms that ensure government listens, learns, responds and changes when it needs to.

Open government is an umbrella term for a wide range of practices that further these principles, including open data initiatives, access to information laws, political rights, whistleblower protections, public consultation and engagement processes, among many others.

The concept of open government also often extends to include initiatives that target other powerful institutions (e.g. business, parliament, legal systems, etc.). It is therefore often more appropriate to consider the concept as open governance or open state, rather than open government.

Brief history of open government

The modern origins of open government are often traced back to Enlightenment thinking, which included significant

strands of thought around press freedom and access to information.

The first piece of open government legislation is credited to Sweden, which introduced the first access to information law. The Freedom of the Press Act, which was passed in 1766 and forms part of the Swedish Constitution, granted the public access to any official documents unless they contained information defined as secret. Over 100 access to information laws have since been introduced around the world, though it took until 1966 for the second to be made, and the majority have come since 2000.¹

The second half of the twentieth century also saw the development of significant laws and practice in, among other things, human rights, public consultation, social accountability, and whistleblower protections. Recent years have seen open government gain renewed momentum, particularly supported by developments in information and communication technologies (ICT), the emergence of the open data movement and high profile political champions such as President Obama.

A cause and effect of this renewed momentum has been the establishment of the global Open Government Partnership (OGP). The OGP, which started with a membership of eight governments, was launched at the UN General Assembly in September 2011 as 'a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments

1. Freedominfo.org (n.d.) FOI Regimes <http://www.freedominfo.org/regions/global/foi-regimes/>

from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.²

Since its launch, OGP has built a membership of over 70 national governments, which have developed more than 200 action plans containing over 2,500 commitments. The OGP was exclusively a partnership of member states until 2016, when it introduced a Subnational Pilot Programme with fourteen subnational governments (including devolved, regional and local tiers). The subnational governments signed the Open Government Subnational Declaration in Paris in December 2016.

Open Government Subnational Declaration, Paris – France 2016³

We, devolved, local, regional, and other subnational governments from across the globe, representing the populations of municipalities, cities, metropolitan areas, counties, states, provinces, regions, and countries, are gathered at the Open Government Partnership Global Summit, convened by the Government of France, the Open Government Partnership, and the City of Paris, to:

-
2. Open Government Partnership (2012) Articles of Governance, June 2012 [Updated March 2014 and April 2015] https://www.opengovpartnership.org/sites/default/files/attachments/OGP%2520ArticlesGov%2520Apr%252021%25202015_0%5B1%5D.pdf
 3. http://www.opengovpartnership.org/sites/default/files/OGP_subnational-declaration_EN.pdf

Recognise:

1. That government is closest to the people at the subnational level, offering greater opportunity for truly transformative change to more transparent, responsive, accountable, and effective government to benefit all citizens.
2. The 15 devolved, local, regional and subnational governments which make up the OGP Pioneer Subnational Pilot Program, working to advance local open government.
3. The prominent role of civil society in co-creating subnational action plans, and implementing these commitments towards transformative change for citizens at the local level.
4. The importance of the support of State level government and the global open government agenda.

Commit to:

1. OGP's mission to "foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government".
2. The Open Government Declaration, which encourages us to: increase the availability of information about governmental activities, support civic participation, implement the highest standards of professional integrity throughout our administrations, and increase access to new technologies for openness and accountability.
3. Create and implement open government commitments alongside civil society partners which advance the needs of the local community.

Call on:

1. Additional devolved, local, regional and subnational governments and civil society partners to sign this declaration and pursue local open government.
2. The OGP Community to recognise the important role of devolved, local, regional and subnational governments in the Partnership.
3. OGP countries to engage with and support the role of subnational governments through local action plans as well as incorporation of subnational perspective and commitments in National Action Plans.

Rationales for open government

Open government reforms have been implemented in pursuit of a range of objectives. The most successful reforms are those that address a clear problem and have a well-developed theory of change. Some of the most common objectives of open government reforms are the pursuit of good governance, better decision making, greater public trust, reduced corruption and more effective public services.

Good governance

Openness and accountability are increasingly recognised as fundamental qualities of good democratic governance. For example, the Councils of Europe's 12 principles of good governance, enshrined in the 'European Strategy for Innovation and Good Governance at Local Level', identify principles of open government as being critical to good democratic governance.

The 12 Principle of Good Governance⁴

1. **Fair Conduct of Elections, Representation and Participation**, to ensure real possibilities for all citizens to have their say in local public affairs;
2. **Responsiveness**, to ensure that the local authority meets the legitimate expectations and needs of citizens;
3. **Efficiency and Effectiveness**, to ensure that objectives are met while making the best use of resources;
4. **Openness and Transparency**, to ensure public access to information and facilitate understanding of how local public affairs are conducted;
5. **Rule of Law**, to ensure fairness, impartiality and predictability;
6. **Ethical Conduct**, to ensure that the public interest is put before private ones;
7. **Competence and Capacity**, to ensure that local representatives and officials are well able to carry out their duties;
8. **Innovation and Openness to Change**, to ensure that benefit is derived from new solutions and good practices;
9. **Sustainability and Long-term Orientation**, to take the interests of future generations into account;
10. **Sound Financial Management**, to ensure prudent and productive use of public funds;

4. Council of Europe (2007) Strategy on Innovation and Good Governance at local level – <https://rm.coe.int/1680701699>

11. **Human rights, Cultural Diversity and Social Cohesion**, to ensure that all citizens are protected and respected and that no one is either discriminated against or excluded;
12. **Accountability**, to ensure that local representatives and officials take responsibility and are held responsible for their actions.

Open government reforms are, therefore, often considered to have intrinsic value through furthering these principles of good democratic governance.

Better decision making

Linked, but distinct from, the intrinsic value of open government to good governance is its instrumental value to better decision making. Open government is often considered to promote better decision making in government. On the one hand, this is often based on the idea that openness curbs the worst excesses of power, and encourages more responsible and fairer decision making through fear of being caught. This links to the objective of reducing corruption.

On the other hand, the value that citizens and other stakeholders have to offer to decision making – in the form of personal experience, ideas, expertise and scrutiny – is increasingly being recognised. This is supported by research that shows larger and more diverse groups of people typically make better decisions than smaller and homogenous groups.⁵

5. Surowiecki, J. (2004) *The Wisdom of the Crowds: Why the many are smarter than the few*. London: Abacus

Greater public trust

Increased openness is often advanced as a solution to the crisis of public trust in public institutions, which is being experienced around the world. In practice, the actual relationship between open government and trust is complicated. Public participation, where it is done well, can help build trust between citizens and institutions. While people may have generally negative perceptions of an amorphous institution, coming face-to-face with decision makers can help to build trust, particularly when they feel listened to and valued.

Transparency on the other hand has been shown to have the potential to decrease public trust, as it reveals corruption, bad decision making and other failings in government. However, increasing government trustworthiness is an important precursor to increasing public trust, and transparency can be a useful mechanism for achieving this.

Reduced corruption

Sunlight is often said to be the best disinfectant for corruption, and a specific goal of many open government initiatives is to reduce corruption in institutions. Openness is thought to have a regulating effect on the behaviour of public officials if they feel that they are under scrutiny from the public, media, civil society or watchdogs. However, transparency will only reduce corruption if it is supported by effective accountability mechanisms that impose sanctions on the corrupt. Without the presence of such mechanisms, the exposure of corruption only serves to reduce public trust and dissuade whistleblowers from coming forward.

That said, where there is a comprehensive and effective system of standards, detection, reporting, investigation and sanctioning in place, open government can help to significantly reduce corruption.

More effective services

Finally, open government is also often proposed as a mechanism for improving public services. This is based on the idea that public services that are more responsive and accountable to people – and benefit from their insights, ideas, energy and scrutiny – will work better for people.⁶

There are a range of examples from around that world that demonstrate that open government can be effective at improving the quality and accessibility of public services for citizens. However, the relationship between open government and more effective services is not a simple one, and depends on a range of contextual factors (e.g. civic space, state capacity, and independent media), good design (e.g. a clear problem and iteration over time), and a clear theory of change. Specifically, successful reforms typically require a clear link from transparency (e.g. access to information and open data), through participation, to accountability (e.g. incentives, sanctions and feedback loops).

6. Hughes, T; Scott, K; & Maassen, P. (2017) Improving Public Services: Guidance for developing OGP commitments. Washington DC: Open Government Partnership. https://www.opengovpartnership.org/sites/default/files/OGP_public-service-guidance.pdf

CROSSCUTTING ELEMENTS OF OPEN GOVERNMENT

There are a number of foundational elements of open government under the headings of transparency, participation and accountability that cut across all government functions and policy areas. Below are brief introductions to each, with links to further materials and guidance.

Transparency	Participation	Accountability
<ol style="list-style-type: none">1. Access to information2. Open data3. Records management	<ol style="list-style-type: none">1. Civic space2. Civic participation3. Whistleblower protections	<ol style="list-style-type: none">1. Audit2. Codes of ethics3. Scrutiny

Transparency – “The public can understand the workings of their government”

Access to information

Access to information – otherwise known as right to information or freedom of information – is an integral building block of open government. It provides the legal right for citizens to request information from government, which must be provided unless it fits a specific exemption in law.

As of September 2016, 113 countries or territories had access to information provisions in their national or federal laws, or actional decrees.⁷ In addition to national laws, the right to information has been recognised in international

7. Open Society Justice Initiative <http://www.right2info.org/resources/publications/countrieswithatiprovvisions113Sept2016.pdf>

declarations, including Article 19 of the Universal Declaration of Human Rights, and by international human rights tribunals.

The Council of Europe's Convention on Access to Official Documents outlines a number of standards to govern the right to access to official documents, including exemptions, request processes, charging and review procedures.⁸

Open data

Open data is a relatively recent addition to open government, enabled by improvements in ICT that allow large amounts of data to be collected, published and interrogated with relative ease. According to The Open Definition, 'open data and content can be freely used, modified, and shared by anyone for any purpose.'⁹ These three qualities of free use, reuse and publication are essential for data to be considered open.

In 2015, the International Open Data Charter was launched outlining six principles for the release of data:

1. Open by Default;
2. Timely and Comprehensive;
3. Accessible and Useable;
4. Comparable and Interoperable;
5. For Improved Governance and Citizen Engagement; and
6. For Inclusive Development and Innovation.

8. Council of Europe (2009) Council of Europe Convention on Access to Official Documents; Council of Europe Treaty Series – No. 205, <https://rm.coe.int/1680084826>

9. <http://opendefinition.org>

At the time of writing, the Charter has been adopted by 47 governments, including 17 national and 30 local/subnational.¹⁰

Records management

Good records management ensures that information is accessible, comprehensive and reliable, and therefore underpins both access to information and open data. As the Open Government Guide outlines, ‘records management will not in itself achieve openness, but without it, openness is not possible.’¹¹

Good records management procedures ensure that information is authentic and reliable, can be retrieved quickly and easily, is retained for an appropriate length of time, is disposed of securely and appropriately, and is suitably protected if private or confidential.

Participation – “The public can influence the workings of their government”

Civic space

Open government mechanisms are often based on the assumption that citizens and civil society will request and access information, and use it to hold decision makers to account. This is only possible where civil society is free from

10. International Open Data Charter; <http://opendatacharter.net>

11. Open Government Guide (n.d.) Records management <http://www.opengovguide.com/topics/records-management/>

restrictions and do not fear possible repercussions.¹² Civic space is defined as ‘the freedom and means [for individuals and organised groups] to speak, access information, associate, organise, and participate in public decision making’¹³ and is an essential precondition for open government.

The Council of Europe identifies four principles required to foster a constructive relationship between civil society and governments:¹⁴

1. Participation: NGOs collect and channel views of the citizens. This is a valuable input to the political decision-making process, enhancing the quality, understanding and longer term applicability of the policy initiative.
2. Trust: An open and democratic society is based on honest interaction between actors and sectors. Although NGOs and public authorities have different roles to play, the shared goal of improving the lives of people can only be satisfactorily reached if based on trust, implying transparency, respect and mutual reliability.

12. Fox, J. (2014) Social Accountability: What does the evidence really say? GPSA Working Paper No.1, Washington DC: Global Partnership for Social Accountability/World Bank <http://gpsaknowledge.org/wp-content/uploads/2015/04/Social-Accountability-What-Does-Evidence-Really-Say-GPSA-Working-Paper-1-with-Foreword.pdf>

13. Malena, C. (2015) Improving the measurement of civil space. London: Transparency and Accountability Initiative. <http://www.transparency-initiative.org/archive/wp-content/uploads/2015/05/TAI-Civic-Space-Study-v13-FINAL.pdf>

14. Council of Europe (2009) Civil Participation in the Decision-Making Process: Code of Good Practice. Strasbourg: Council of Europe. <https://rm.coe.int/16802eede1>

3. **Accountability and Transparency:** Acting in the public interest requires openness, responsibility, clarity and accountability from both the NGOs and public authorities, with transparency at all stages.
4. **Independence:** NGOs must be recognised as free and independent bodies in respect to their aims, decisions and activities. They have the right to act independently and advocate positions different from the authorities with whom they may otherwise cooperate.

Civic engagement

Civic engagement – otherwise known as public participation, citizen involvement, and combinations thereof – refers to where government proactively engages with citizens, civil society and other stakeholder groups.

Civic engagement can take place at any stage of the policy cycle, from identifying priorities, through informing and taking decisions, to implementing and evaluating the policy. It can also take place at a variety of levels, from processes such as public consultations, where stakeholders inform a decision making process, to processes such as participatory budgeting, where citizens make the final decision themselves. The International Association for Public Participation (IAP2)'s identifies 5 levels of participation:

- ▶ **Inform:** to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions;
- ▶ **Consult:** to obtain public feedback on analysis, alternatives and/or decisions;

- ▶ **Involve:** to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered;
- ▶ **Collaborate:** to partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution;
- ▶ **Empower:** to place final decision making in the hands of the public.

Whistleblower protection

Employees are often the first people to spot corrupt, dangerous, dishonest and/or illegal behaviour within an organisation. Whistleblowers, therefore, play a critical role in open government, alerting organisations and wider society to wrongdoing where it arises. Responsible organisations establish clear whistleblowing procedures and protections, that ensure individuals can report their concerns with certainty that they will be appropriately addressed and without fear of negative repercussions to their safety or career.

Resolution 1729 of the Council of Europe's Parliamentary Assembly 'recognises the importance of whistleblowers – concerned individuals who sound an alarm in order to stop wrongdoings that place fellow human beings at risk – as their actions provide an opportunity to strengthen accountability and bolster the fight against corruption and mismanagement, both in the public and private sectors.'¹⁵

15. Council of Europe Parliamentary Assembly (2010) Protection of "whistle-blowers, Resolution 1729, adopted on 29 April 2010 (17th Sitting). <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17851&lang=en>

Accountability – “The public can hold their government to account for its actions”

Audit

Audit, both internal and external, is critical to ensuring that public money is appropriately collected, managed and spent by local government. The Council of Europe’s Handbook on Public Ethics at Local Level states that:¹⁶

‘Mechanisms of audit and control of local authorities should reflect a commitment to rule of law, transparency, democratic participation, and effective internal and external control of local elected officials. [...]

‘A framework for the dissemination of the external auditor’s findings should be established and should be made public. Similarly, the local government should publicise results of internal audits.’

In addition to official audit functions, recent decades have seen the growth of social audits, particularly in parts of Asia and Africa. Social audits are conducted by civil society in a locality through accessing information from government, engaging citizens and reviewing the situation on the ground. Social audits are most effective when they are supported by and feed-into official audit institutions.

16. Council of Europe (2006) Abridged Handbook on Public Ethics at Local Level. Strasbourg: Council of Europe. <https://wcd.coe.int/ViewDoc.jsp?p=&id=1378293&direct=true>

Codes of ethics

Codes of ethics outline what is expected of public servants and provide an important basis for challenging malpractice and corruption in government. Codes of ethics need to be underpinned by clear procedures for complaints, review and sanctions.

The Council of Europe's Handbook on Public Ethics at Local Level states that:¹⁷

'Once a local authority adopts a particular code of conduct including sanctions for violations, that code becomes legally binding and enforceable against violators. In keeping with the goal of transparency, the relevant legislation, the model code of conduct and any pertinent court decisions should be publicised. Local authorities and their elected and appointed officials should work together to make sure that the code of conduct is known, promoted and enforced among all local public servants.'

Scrutiny

Scrutiny of the executive functions of local government by elected representatives is an important cornerstone of democratic governance. It helps to ensure that decision makers are responsive and accountable to residents for their decisions. Scrutiny by elected representatives is further supplemented by scrutiny by residents, civil society and the media. As with

17. Council of Europe (2006) Abridged Handbook on Public Ethics at Local Level. Strasbourg: Council of Europe. <https://wcd.coe.int/ViewDoc.jsp?p=&id=1378293&direct=true>

auditing, this can take place through local government structures (e.g. town hall meetings, evidence sessions, shadow citizens' committees), or independently of it.

FRAMEWORK FOR OPEN LOCAL GOVERNMENT

Open government principles, mechanisms and initiatives can be applied to any function of local government. In the framework presented below and detailed in the following sections, we introduce how open government can be applied to five such functions: budgeting, contracting, law making, policy making and service delivery.

What follows is not intended to be comprehensive, but provide a starting place for exploring open government reform in local government. Each section provides background to the topic, an overview of international standards or best practice principles, an illustrative case study, recommendations and further resources.

OPEN LOCAL BUDGETING

Function: Budgeting	
Transparency	The public have access to information on how government collects and spends public funds.
Participation	The public are involved in influencing or deciding how a public budget is spent.
Accountability	The public can hold decision makers to account for how public money is allocated and spent.

Background

Local governments could not function without collecting, allocating and spending taxes from, and on the behalf of, their residents. Open local budgeting is the principle that residents should be able to know and influence how public money is being spent in their area.

Open budgeting initiatives range from transparency reforms, which provide citizens and stakeholders with the information necessary to scrutinise how budgets are allocated and spent, to participation reforms, which give residents influence or even control over aspects of the budgeting process.

Local governments around the world have pioneered open budget reforms, often going significantly further than their national counterparts. Perhaps the best known example is Participatory Budgeting, whereby citizens are given the power to decide how a budget is spent, which was developed by the Brazilian city of Porto Alegre.

Standards

Subnational Open Budget Survey Questionnaire

The International Budget Partnership's Subnational Open Budget Survey Questionnaire sets out a range of metrics for measuring the openness of local government budgets, including during budget formulation, execution, and reporting and oversight.¹⁸

18. http://www.internationalbudget.org/wp-content/uploads/SN-OBS_Questionnaire_final020514vrquestions_em.pdf

Principles of Public Participation in Fiscal Policy

The Global Initiative for Fiscal Transparency has ten principles for public participation in fiscal policy, including accessibility, openness, inclusiveness, respect for self-expression, timeliness, depth, proportionality, sustainability, complementarity and reciprocity.¹⁹

Case study: Participatory Budgeting in Paris, France

In 2014, Paris ran its first participatory budgeting exercise, in which €17.7M was allocated to nine projects by 40,745 voters. In this pilot round, the proposals had been put forward by City departments.

The process has grown in size and sophistication in each subsequent year since. In 2015, €75M was allocated to 188 projects by 70,000 voters and in 2016, €100M was allocated to 219 projects by 92,809 voters.

The 2015 edition saw the proposals process be opened up beyond city departments to Parisians, so any resident can now suggest a project. In 2016, 3,200 projects were submitted, 624 of which were selected to be put to the voters. The 2016 edition saw a special focus on deprived areas, with 30% of the overall budget being allocated to them. A schools participatory budget was also introduced, in which 66,155 children voted.²⁰

Recommendations

Publish key budget documents: Local governments should publish key budget documents in order that residents and

19. http://www.fiscaltransparency.net/pp_principles/

20. Find out more: <http://www.paris.fr/actualites/the-participatory-budget-of-the-city-of-paris-4151>

other stakeholders are able to scrutinise how public money is being allocated and spent.²¹ These should be published in a timely fashion and on a routine basis.

Produce a citizen's budget: Local governments should produce an annual citizen's budget, which communicates the headline figures of the budget in an easy to understand format. This could include the use of infographics or other visual and/or interactive media.²²

Involve residents in defining budget priorities: Local governments should engage their residents in helping to define priorities for spending. This could include holding budget consultations to inform the development of the locality's budget and/or defining a portion of the budget for residents to allocate themselves through participatory budgeting.²³

OPEN LOCAL CONTRACTING

Function: Contracting	
Transparency	The public have access to information on the full contracting cycle, including planning, tender, award, contract and implementation.
Participation	The public are involved in planning, awarding and/or evaluating the implementation of government contracts.
Accountability	The public can hold decision makers to account for how goods and services are commissioned and procured.

21. <http://www.opengovguide.com/commitments/publish-the-four-core-budget-documents/>

22. <http://www.internationalbudget.org/opening-budgets/citizens-budgets/>

23. <http://guide.fiscaltransparency.net/>

Background

Local governments commission and procure a wide range of infrastructure, goods and services on the behalf of their residents. Contracts are often the route through which policies get translated into tangible benefits for people and communities. Open contracting is the principle that residents should be able to know and influence what local government is contracting, with whom and for what.

Open contracting reforms range from the provision of more information on each stage of the contracting process (i.e. planning, tender, award, contract and implementation) to the active involvement of citizens in defining, awarding or overseeing contracts. The Open Contracting Partnership reports that:²⁴

“Publishing and using structured and standardized information about public contracting can help stakeholders to:

- deliver better value for money for governments,*
- create fairer competition and a level playing field for business, especially smaller firms,*
- drive higher-quality goods, works, and services for citizens,*
- prevent fraud and corruption,*
- promote smarter analysis and better solutions for public problems.*

24. Open Contracting Partnership (n.d.) Why Open Contracting: The benefit of open contracting <https://www.open-contracting.org/why-open-contracting/>

This public access to open contracting data builds trust and ensures that the trillions of dollars spent by governments results in better services, goods, and infrastructure projects.”

Standards

Open Contracting Global Principles

The Open Contracting Partnership has a set of Open Contracting Global Principles ‘intended to guide governments and other stakeholders to affirmatively disclose documents and information related to public contracting in a manner that enables meaningful understanding, effective monitoring, efficient performance, and accountability for outcomes.’²⁵ These cover both “affirmative disclosure”, and “participation, monitoring, and oversight”.

Open Contracting Data Standard

The Open Contracting Partnership’s Open Contracting Data Standard sets out requirements for the publication of data throughout the full contracting process, including planning, tender, award, contract and implementation.²⁶

Case study: Transparent Public Procurement – ProZorro (Ukraine)

Following the Maidan revolution, a unique collaboration between government, business and civil society, led to the

25. Open Contracting Partnership (n.d.) Global Principles <http://www.open-contracting.org/get-started/global-principles/>

26. <https://www.open-contracting.org/data-standard/>

creation of 'ProZorro'; an e-procurement system designed to make government contracts more open, minimize corruption and prevent collusion in public procurement processes. ProZorro (which means "transparent" in Ukrainian) was designed to enable government bodies to conduct procurement deals electronically, while also making information about public contracts easily accessible to citizens, journalists, and civil society organisations enabling them to track the procurement activities of public bodies.

In line with the Open Contracting Data Standard, the system stores information on all parts of the contracting process—from planning through to payments made on completion. The information presented on a searchable, government-run web portal where procuring authorities can also publish their tender announcements and procurement plans. The actual tendering process is carried out via a series of separate (but linked) commercial tender sites, tailored towards the needs of buyers and suppliers.

It also includes tools for analysing tender data, a complaints mechanism for bidders (with the outcome of appeals published online), an information portal with training guides on procurement basics and relevant laws, and a monitoring platform that allows procurers and suppliers to rate their experiences with one another and a route for the general public a way to report suspicious deals to authorities.

Following a voluntary pilot period the Ukraine's parliament passed a public procurement law requiring all government contracting to be carried out using ProZorro from 1 August 2016. Since that time use of ProZorro has resulted

in increased participation and competition for public tenders and improved business and public confidence in the fairness of the Ukraine's public procurement processes²⁷.

Recommendations

Publish key documentation and data: Local governments should publish information from the contracts they sign, particularly where they relate to large amounts or critical services or infrastructure, for residents and other stakeholders to scrutinise.²⁸

Adopt the Open Contracting Data Standard: Local governments should sign and adopt the international Open Contracting Data Standard and publish information and data relating to public contracts accordingly. Local governments should review, ideally through an independent assessment, their compliance with the standards at regular intervals.²⁹

Involve citizens in commissioning services: Local governments should involve their residents in defining, awarding and evaluating contracts, particularly where they relate to essential services or infrastructure.³⁰

27. Find out more: <https://medium.com/open-contracting-stories/everyone-sees-everything-fa6df0d00335>

28. <http://www.opengovguide.com/commitments/publish-key-documents-and-data/>

29. <https://www.open-contracting.org/data-standard/>

30. <http://www.opengovguide.com/commitments/involve-citizens-in-the-commissioning-design-delivery-and-assessment-of-public-services/>

OPEN LOCAL LAW MAKING

Function: Law making	
Transparency	The public have access to information on how laws are made, and by whom.
Participation	The public are involved in informing, making and scrutinising laws.
Accountability	The public can hold decision makers to account for how they make laws and their implementation.

Background

Local governments are often responsible for making or implementing laws, byelaws and regulations. Open law making is the principle that residents should know and influence what decisions their elected representatives are making, why and how, and be able to hold them to account for it. Open law-making reforms range from providing citizens with more information about the law-making process and access to decision making forums, to their active involvement in informing or scrutinising a decision.

Standards

The Declaration of Parliamentary Openness, developed by members of OpeningParliament.org, sets out standards on parliamentary openness around four topics:

- ▶ Promoting a Culture of Openness
- ▶ Making Parliamentary Information Transparent
- ▶ Easing Access to Parliamentary Information
- ▶ Enabling Electronic Communication of Parliamentary Information

Case Study: Decide Madrid, Spain

Decide Madrid is Madrid City Council's web-based platform for public participation in decision making. One of the four main functions of the platform is to provide a forum for any resident to propose a new local law which other residents can vote to support. Proposals which gain support from one per cent of the census population are put to a binding public vote. Following this, the council then has one month to draw up technical reports on the legality, feasibility and cost of successful proposals, which are published on the platform.

The first vote on successful citizen proposals took place in February 2017, when residents of Madrid voted on "Madrid 100% sustainable" and "Single ticket for public transport". Both proposals were passed, gaining 94% (198,905 votes) and 89% (188,665 votes) support respectively, and the City has since published technical papers on both.

As well as proposals and voting, the Decide Madrid platform also supports debates and participatory budgeting.³¹

Recommendations

Publish information in an accessible format about the decision making process, agendas, and minutes: Local governments should provide accessible information on the democratic decision making process. This should enable residents and other stakeholders to understand what decisions are being made on their behalf, when and by whom, and how final decisions were reached.³²

31. Find out more: <https://decide.madrid.es/>

32. <https://www.openingparliament.org/declaration/>

Make council meetings open to members of the public, civil society and press access to attend and report on: Local governments should enable residents and other stakeholders to attend, record and report on meetings of their elected representatives, unless there is an exceptional case for holding a meeting in private. Local governments should clearly set out the entitlement of residents and others to attend, as well as the criteria for exemptions.³³

Enable citizens to propose and vote on local laws: Local governments should involve residents in informing the decision and law-making process, and establish a clear mechanism through which residents themselves can propose and/or vote on new laws.³⁴

OPEN LOCAL POLICY MAKING

Function: Policy making	
Transparency	The public have access to information on how policy is made, and by whom.
Participation	The public are involved in informing, making, implementing and evaluating policies.
Accountability	The public can hold decision makers to account for how they make policies and what they achieve.

33. <https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>

34. <http://participedia.net/en/methods/initiative-process>

Background

The work of local government is driven by the policy making process, which translates political ambition into practical plans and services. Open policymaking is the principle that residents should be able to know and influence what decisions are being made on their behalf, by whom and how.

Open policymaking reforms range from providing citizens access to information about policy formulation to actively involving them in its development. Public participation in policy making can take place at any stage of the policy process. For example, the table below outlines some of the methods of public participation that could be applied at different stages of the policy cycle:

Policy stage	Examples of methods
Agenda setting	<ul style="list-style-type: none">- Citizens' Initiatives- Deliberative forums- Future search- Participatory budgeting- Visioning
Policy formation	<ul style="list-style-type: none">- Citizen panels- Crowdsourcing- Deliberative forums- Focus groups- Opinion polling
Decision making	<ul style="list-style-type: none">- Citizens' assemblies- Citizens' juries- Consensus Conferences- Public consultation- Referenda

Implementation	<ul style="list-style-type: none"> - Co-commissioning - Co-production - Service co-design - User panels
Monitoring and evaluation	<ul style="list-style-type: none"> - Citizen report cards - Complaint mechanisms - Mystery shoppers - Surveys

Standards

The International Association for Public Participation's (IAP2) Core Values for the Practice of Public Participation set out seven broad principles for the practice of public participation:

- a. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- b. Public participation includes the promise that the public's contribution will influence the decision.
- c. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
- d. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- e. Public participation seeks input from participants in designing how they participate.
- f. Public participation provides participants with the information they need to participate in a meaningful way.

- g. Public participation communicates to participants how their input affected the decision.³⁵

Case Study: The Tuscany Regional Participation Policy, Italy

The Tuscany Regional Participation Policy (TTPR) institutionalises participatory, deliberative processes as a regular part of administration and governance throughout Tuscany. Introduced into Tuscan regional law in 2007, and strengthened in 2013, the central purpose of the TTPR is, as declared in Article 1 No 46/2013, “contributing to renew democracy and its institutions by integrating them with practices, processes and tools of participatory democracy”, and, through this, to develop “greater social cohesion, through the diffusion of a culture of participation, and valuing all forms of civic engagement, knowledge and skills disseminated in society”.

The law goes on to establish an obligation on local and regional governments to develop varied participatory processes for engaging citizens in the construction of public policies and projects. These obligations are based on the principle that participation is a basic human right and that it is the responsibility of public institutions to provide opportunities for this, and ensure the right tools are in place to enable effective participation.

The law also provided for the creation of an independent institution in charge of the promotion of participatory processes: “the Authority for participation”. This body has the

35. <http://www.iap2.org/?page=A4>

role of monitoring the development of a more participatory culture across the region and distributing funding to support innovative methodological approaches to participation (including the use of new information and communication technologies) to enable new forms of exchange to develop between institutions and citizens.³⁶

Recommendations

Publish information in an accessible format on the policy making process, including up to date information on current policy processes: Local governments should provide accessible information on the policy making process. This should enable residents and other stakeholders to understand what policies are being made on their behalf, when and by whom, and how final policies were reached.³⁷

Engage residents on a high priority issue: Local governments should identify issues of high priority to residents, and involve them in developing, reviewing and/or deciding on policy options. The process must reflect a genuine desire to engage, be designed in accordance with good practice principles, and include feedback to residents on the outcome.³⁸

Develop and implement a council participation policy: Local governments should make efforts to embed public

36. Find out more: <http://participedia.net/en/cases/tuscany-regional-participation-policy-italy>

37. <http://www.opengovguide.com/commitments/publish-core-information-about-government-on-a-proactive-basis/>

38. <http://www.opengovguide.com/commitments/engage-citizens-in-deliberation-on-a-priority-issue/>

participation in the way they work. This may take the form of a council participation policy which establishes a requirement to engage residents, which is communicated to residents and legally enforceable.³⁹

OPEN LOCAL SERVICE DELIVERY

Function: Service delivery	
Transparency	The public have access to information on their rights and entitlements, and the governance, funding and performance of public services.
Participation	The public are involved in designing, commissioning, delivering and evaluating public services.
Accountability	The public can hold decision makers to account for the quality and accessibility of public services.

Background

The provision of public services is a critical function of local governments. Residents rely on these services being accessible and high quality for their and their family's well-being. Open public services is the principle that residents should be able to know and influence how public services are run in their area.

Open public service reforms range from the provision of information on residents' entitlement to services and their standards, to the active involvement of service users in their

39. <http://www.opengovguide.com/commitments/establish-legislation-and-guidelines-on-public-consultation-in-policy-development/>

design, delivery and/or scrutiny. The Open Government Partnership reports that:⁴⁰

“Open public service reforms can be applied to various stages of the policy cycle; for example:

- Priority identification and agenda setting – i.e. commitments to develop mechanisms that bring citizen voice into decisions to prioritise issues and/or allocate resources (e.g. participatory budgeting).*
- Policy making and service design – i.e. commitments that bring citizen voice into policy processes related to public services and/or involve citizens in the design of services*
- Co-commissioning and co-production – i.e. commitments that involve citizens in making commissioning decisions and/or directly delivering public services*
- Monitoring and accountability – i.e. commitments that involve citizens in assessing public service performance and holding providers to account for their delivery”*

Standards

The Open Government Partnership’s guidance recommends a six step approach to developing open public service reforms/commitments:

- a. Engage citizens and civil society in selecting a priority service, and defining the problem, the reform or initiative will tackle.

40. Hughes, T; Scott, K; & Maassen, P. (2017) Improving Public Services: Guidance for developing OGP commitments. Washington DC: Open Government Partnership. https://www.opengovpartnership.org/sites/default/files/OGP_public-service-guidance.pdf

- b. Scope out and understand the context and system in which the reform or initiative will be applied, including the availability and use of resources, relevant state and non-state stakeholders, power relationships, and existing engagement and accountability mechanisms.
- c. Engage citizens, sector specialists and social accountability experts – from national civil society, academic, international NGOs and/or multi-lateral organisations – in helping to design the reform or initiative.
- d. Engage relevant oversight (inspection, etc.), audit, ombudsman and/or parliamentary institutions in exploring how the reform or initiative can feed into existing accountability processes.
- e. Engage with the media, civil society organisations, social movements and other groups to raise awareness of the reform or initiative, and mobilise citizens to participate.
- f. Work with academics and multilateral partners to evaluate the impact of the reform or initiative.

Case study: MH:2K – Youth Mental Health in Oldham, UK

Mental health conditions affect about 1 in 10 young people in the UK, with vulnerable groups particularly at risk. MH:2K was developed by Involve and Leaders Unlocked to engage young people in conversations about mental health in their local area. It empowers 14-25 year olds to identify the mental health issues that they see as most important; engage their peers in discussing and exploring these topics; and work with key local decision-makers to make recommendations for change.

The MH:2K model consists of six key components:

- a. Recruitment of a core team of young people as 'Citizen Researchers', including those with direct experience of mental health issues and individuals from at risk groups.
- b. Design Days to allow this team to explore key national and local information about youth mental health, alongside their own views and experiences. The Researchers determine which mental health issues are most significant for their area. They receive training in research, facilitation and public speaking.
- c. Roadshow: The Citizen Researchers co-design and co-deliver workshops to engage at least 500 other young people in the topics they have identified to be the most significant for their area. The workshops stimulate informal learning and gather young people's views on the issues and potential solutions.
- d. Results Day: The Citizen Researchers help analyse and extract key findings. They work with local decision-makers to develop strong, practical recommendations for change.
- e. Big Showcase: The Citizen Researchers present their findings and recommendations to key stakeholders at a showcase event, involving facilitated conversations about next steps.
- f. An Expert Panel of key local decision-makers and stakeholders informs the project's work throughout its lifetime.

The process was piloted in Oldham, a city in the north-west of England, between September 2016 and May 2017. Twenty young adults from diverse backgrounds were recruited to

become the first MH:2K Citizen Researchers. Armed with the right knowledge and support, the Citizen Researchers selected five key priorities to address through the pilot: Self-harm; Stigma; Professional Practice; Family and Relationships; The Environment; and Culture of Education. The project will be trialled in four new areas in 2017/18.⁴¹

Recommendations

Publish and promote information on the public services to which residents are entitled: Local governments should inform their residents of the services they are entitled to receive and the standards they should expect. This should enable residents and other stakeholders to understand their rights and responsibilities and hold service providers to account for the level of service they receive.

Collect feedback on citizens' satisfaction with public services: Local governments should routinely collect and act on feedback from residents on the quality and accessibility of services they receive. This may take place at the point of service delivery and/or via wider engagement processes.

Involve citizens in the design and delivery of public services: Local governments should involve residents, particularly service users, in reviewing, designing and delivering public services. The process must reflect a genuine willingness to act on the feedback and ideas of residents, be designed in accordance with good practice principles, and include feedback to residents on the outcome.

41. Find out more: <http://www.involve.org.uk/programmes/mh2k/>

RECOMMENDATIONS FOR SUPPORTING OPEN LOCAL GOVERNMENT

Open government cuts across the Council of Europe's efforts to promote human rights, democracy, and rule of law. In the context of local government, the principles and practices of open government particularly overlap with the Council of Europe's '12 Principles of Good Democratic Governance at Local Level' (see 1.3.1 above).

Below are outlined several recommendations for how Council of Europe could further support the development of open local government within its member countries.

Develop and promote international open government standards applicable to local government. There already exist a number of international open government standards, as outlined in previous sections. Where these exist, Council of Europe can play an important role in helping to disseminate them throughout Council of Europe member countries. However, there are gaps in existing standards, particularly in their application to local government. Council of Europe could play an important role in helping to plug these gaps.

Provide technical assistance for local governments to implement open government mechanisms. Open government reforms can require significant technical expertise to implement. The Council of Europe can play a critical role of matching sources of expertise with demand from local governments, whether through mentoring, training or consultancy. Where there are areas of shared interest across multiple local governments, the Council of Europe could help to convene fora at which practice can be shared and discussed.

Support peer-to-peer exchange and learning among local governments pioneering open government reforms. As well as technical expertise, the Council of Europe can support peer-to-peer exchange across local governments in its member countries. There exist pockets of significant expertise in local governments on the realities of implementing open government reforms, which could be shared with local governments at an earlier stage of development.

Encourage membership of the Open Government Partnership and other international fora. There already exist a number of international fora, of which the Open Government Partnership is the most prominent, that are supporting open government practice at a national and subnational level. The Council of Europe can help to encourage and support membership of such initiatives by local governments in its member countries.

Resolution 435 (2018)

Transparency and open government

Debated and adopted by the Congress
on 7 November 2018

1. Transparency and open government is one of the priority areas that the Congress identified in its Roadmap of activities on the 'prevention of corruption and the promotion of public ethics at local and regional levels' that it was adopted at its 31st session, October 2016.

2. The concept of 'Open government' encompasses a wide range of practices, which can lead to new ways of governing, both from the governments' and citizens' perspective. It can promote good governance and encourage better decision making. By helping to reduce corruption or to promote more effective services, open government is a powerful tool to tackle some of the problems local democracy may face.

3. Transparency, participation and accountability, the key principles of open government, require innovation on the part of local and regional authorities in their interaction with citizens and how they manage their administrations. Transparency requires authorities to make it easier for citizens to access information, notably through open data and records management. It should go in hand with greater participation of civil society in the public decision-making process, including protection for whistleblowers. This increase in participation should also be fuelled by greater accountability of authorities, through the use of audits, codes of ethics and public scrutiny.

4. An 'Open government' strategy can be applied to a wide range of government activities, including not just budgeting, law making and policy making, but also areas such as contracting and service delivery, where local and regional authorities often work with our partners and stakeholders.

5. 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 governance (2008);
 - v. the Council of Europe’s Handbook 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;
 - b. convinced that open government and transparency is an opportunity for local governance to be more democratic;
 - c. convinced that an open decision-making process is a effectual tool to develop and apply more efficient public policies;

- d. conscious of the challenges for local authorities to address all citizens, in particular those suffering from a digital gap;
 - e. conscious of the importance of abiding by the privacy and data protection laws.
6. Calls upon local and regional authorities in Council of Europe member States to:
- a. adopt and implement open government standards, in particular by:
 - i. drawing from the main provisions of the International Open Data Charter and the Open Contracting Data Standard;
 - ii. 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;
 - b. introduce training courses within in their administrations to raise awareness on the importance of transparency, and in particular:
 - i. organise educational activities in public institutions, such as seminars, workshops and in-service training events, to raise awareness about the benefits of open government and the importance of transparency;
 - ii. increase the use of open data and records management by their administrations, while making sure to publish these in comprehensive, accessible and reusable ways;

- c. promote the involvement and the participation of citizens in the local public life, by:
- i. implementing measures to help citizens better understand the workings of their governments in order to secure public trust;
 - ii. encouraging public participation in their policy and decision-making processes, taking into account the importance and relevance that civil society, including NGOs and whistleblowers, can have on the decision-making process;
 - iii. make increasing use of different forms of deliberative public engagement, such as public consultations, to inform their policy-making and decision-making processes;
 - iv. promoting the involvement of citizens in defining budget priorities and evaluating important contracts, such as those relating to large infrastructure projects;
 - v. enabling citizens to attend city council and regional parliament sessions and set out the criteria governing their participation in such meetings;
 - vi. promoting the collection of feedback on citizens' satisfaction with public services, whether they are directly or indirectly managed by local and regional authorities;
 - vii. responding to complaints and recommendations by citizens, in order to increase public trust in local and regional governance;

- d.* conduct research and consultations with different parties of communities, including civil society organizations, trade unions and human resources officers, in order to devise policies best suited to local needs;
 - e.* encourage internal, external and social audits of their administrations;
 - f.* ensure that measures related to transparency and open governments do not violate data protection and privacy laws.
7. Commits itself to:
- a.* developing and promoting international open government standards applicable to local and regional governments;
 - b.* providing technical assistance to local and regional governments to implement open government mechanisms;
 - c.* supporting peer-to-peer exchange and learning among local and regional governments pioneering open governments reforms;
 - d.* encouraging membership of the Open Government Partnership.

Recommendation 424 (2018)

Transparency and open government

Debated and adopted by the Congress
on 7 November 2018

1. At its 31st session in October 2016, the Congress 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 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 government 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 governance (2008);
- v. the Council of Europe’s Handbook 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;
- b. recognising that open governance has great potential for improving democracy at local and regional level;
 - 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 Global Principles;
 - 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. 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 Ombudsman'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.

In view of the risks of corruption to which local and regional authorities are exposed, the Congress of Local and Regional Authorities of the Council of Europe encourages local and regional authorities to develop and implement the concept of “open government”.

The report adopted by Congress details the three principles of open government – transparency, participation and accountability – that can and should be applied to the functioning of local and regional authorities.

This report is part of the Congress’ roadmap on activities to prevent corruption and promote public ethics at local and regional levels. The objective is to provide a set of practical responses to the challenges facing local and regional authorities.

The Council of Europe is the continent’s leading human rights organisation. It comprises 47 member states, including all members of the European Union. The Congress of Local and Regional Authorities is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 47 member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together 648 elected officials representing more than 200 000 local and regional authorities.