



**Open Government Partnership
approach and priorities**

COUNTRY ANALYSIS

POLAND

2021

The assessment report was developed within the framework of the “Knowledge Transfer for Enhanced Government’s Accountability and Citizens Participation in Armenia” Project by Project partner- Foundation in Support of Local Democracy, Poland.

The Project is implemented by OxYGen Foundation with the financial support of the Visegrad Fund.

The aim of the project is to promote the participation of citizens in the democratic system, increase awareness of transparency and involvement in policy-making processes with emphasis on youth and women as a norm in society and formalize these efforts in the new Open Government Partnership (OGP) Action Plan 2021-2023 of Armenia.

This country report is based on desk research conducted by the project partner from Poland – the Jerzy Regulski Foundation in Support for Local Democracy. It has been completed by the project coordinator Elzbieta Plaszczyk in August 2021.

Although the idea of open government is not new and there have been few attempts to encourage Polish authorities to declare Poland's will to become the member of this initiative, yet we are still far from the status of an OGP member state. The Polish government – despite many appeals and lobbying actions undertaken by the civil society organisations such as those associated in the Open Government Coalition – refuse to take any further steps to join this initiative.

Regardless of the apparent lack of interest from the central authorities to declare membership with OGP – the topic is still the subject of public debate, being a result of various initiatives developed on the one hand by citizens and media, and on the other by public authorities themselves.

Poland – during the last 3 decades has made significant progress to fulfil fundamental commitments of the OGP declaration such as:

- To increase the availability of information about governmental activities,
- To support civic participation,
- To implement the highest standards of professional integrity throughout administrations,
- To increase access to new technologies for openness and accountability.

The Open Government Partnership mission is to implement the aims and values through motivating political leaders to launch appropriate activities in their countries (adopting plans and strategies, preparing relevant legislative measures), to offer expert support (e.g. through possibility to exchange experiences and conduct consultations), to support the role of civic society, to encourage cooperation between governments and non-governmental organisations, to implement mechanisms of mutual evaluation and accountability for commitments undertaken under the Open Government Partnership.

Even though the process of opening and making public institutions and policies more accessible for citizens we observe improving quality of public institution operations, including openness for citizens or ability to counteract corruption. On the other hand implementation of aims and values promoted by the Open Government Partnership, such as better access to public information, supporting participation in social life, implementing the highest standards of professional honesty in administration, enhancing access to new technologies for higher transparency and responsibility, still remains a challenge for the Polish authorities.

The Polish government fell short in implementing even its own “Efficient State 2020” strategy, a document seemingly convergent with priorities established by the Open Government Partnership principles in regard to non-governmental organisations.

At the end of 2013 an introductory report was issued by Open Government Coalition which aimed at diagnosing the situation and served as a tool to encourage the Polish government to further its efforts in aligning the policies and joining Open Government Partnership.

The results were published to encourage public administration and politicians to exert more transparency in public governance and consolidate their capacity to counter corruption and other negative effects.

As the awarded scores proved to be far below the expectations and acceptance levels, Polish administration was caught in a mid-step as far as formal conditions were concerned. Significant differences were also diagnosed between different governmental bodies - with varying strengths and weaknesses. This signaled a need for not only individual quality improvements but also a better cooperation within the government itself.

When it comes to scores, the Polish ministries achieved 35% of the requirements on average with strong points related to anti-corruption standards and lack of openness for civic participation on a weak side.

It is worth mentioning that both scores were relatively low.

The report concluded that some standards were met, but in a noncoherent and fragmented way. Breaking up the results in regard to highs and lows:

- 1) the weak point - the guidelines were initially adopted by eight out of seventeen ministries, and by 2014 most of the ministries produced their internal documents on the implementation of the guidelines on public consultation procedures.
- 2) the strong point - counteracting corruption was evaluated better than other areas but still lack of internal policies and broad strategies was observed. Some ministries adopted limited solutions, but the comprehensive ones were only in effect within three ministries.
- 3) the midpoint (access to public information)- while it was noticed that almost all government institutions provided public information bulletins, they failed to provide a useful code of conduct where that information was denied.

The report resulted in recommendations:

In the area of access to public information and openness of data, the following measures should be taken:

- to re-organise and standardise Public Information Bulletins and web pages of ministries, to introduce a common platform for Public Information Bulletins, to introduce similar information architecture in all ministries, to maintain one web page meeting the standards for Public Information Bulletin that would allow to search and to download

easily relevant information,

- to make available proactively more information through Public Information Bulletins and web pages, and in particular reports and expert opinions as well as calendars of ministers, and registers of applications for access to public information together with relevant processing documents,
- to make available all information in a manner that would allow their electronic processing.

In the area of openness of decision-making processes, it is in particular necessary:

- to standardise within the government institutions and to consistently implement a policy on publishing information on public consultations (the existing tools, such as the portal konsultacje.gov.pl, should be used for this purpose),
- to develop a common government standard for publishing feedback on consultations, related mainly to reports from consultations, and to set deadlines for publishing reports,
- to develop and to implement common electronic communication procedures, and in particular to introduce the practice to create databases containing addresses of stakeholders who should be invited to participate in consultations (such database should also allow registration from outside),
- to conduct permanent training and educational activities in the field of organising and conducting consultations.

In the area of counteracting corruption, it is necessary:

- to develop framework requirements concerning counteracting corruption in government administration,
- to launch legislative initiatives at least in the fields of mechanisms of filing, publishing and reviewing financial disclosures, lobbying activities, protection for whistleblowers,
- to introduce in government administration external procedures for detecting irregularities, and to develop appropriate organisational culture that would build favorable climate for whistleblowers and positive attitudes among public workers,
- to improve implementation of management control to include issues related to counteracting corruption, and to improve activities in the field of publicizing control results,
- to develop anti-corruption educational programs for employees of government administration

Unfortunately, since 2015 the process was effectively halted due to political reasons after the elections. While some developments were continued, they progressed in disjunction to overall OGP ideas and the perspective of membership has been suspended due to political decision.