



A Guide to Open Government
and the Coronavirus:

**OPEN + OPEN
RESPONSE RECOVERY**



INTRODUCTION

This is a moment of peak uncertainty for governments, civil society and citizens. Facing a unique challenge from the coronavirus, new policies and approaches are being tested in real-time. Many in the open government community are deeply involved in their country's response and recovery.

This guide is a one stop shop for the best current resources on how open government projects and approaches can support tackling the pandemic. It draws on over [350 crowdsourced examples](#) from the open government community and amplifies the work of OGP's wide range of thematic partners, many of whom have directly contributed their expertise to the guide. The guide is for open government reformers who are looking for practical ideas, tools and resources that can be adapted to their particular context.

The guide lays out recommendations and resources for an open response and an open recovery, and some long-term reforms that OGP members should consider to build trust and resilience to manage future shocks of this nature, and stronger societies overall. Our intention is not to present an unrealistically sequenced set of policy recommendations to an unpredictable situation. In some contexts the correct policy response will already be a mix of what this guide lays out under response and recovery, while early thinking about the opportunities for bigger structural shifts in society has already begun, for example on more inclusive safety nets.

The guide is organized by different policy areas which are long-standing priorities for the open government community. For each topic, the guide explains why it is relevant to the COVID-19 response and recovery, summarises key recommendations, includes examples of real-time projects and policies, and provides links to resources for more information. For each policy area, OGP and our partners ensured that gender and inclusion dimensions were considered, that the role for civil society, government and civic tech tools were explained. As a highly collaborative project, we welcome suggestions of additional resources that can be added or new examples that can be shared.

TABLE OF CONTENTS

2	Introduction
4	Civic Space
8	Fiscal Openness
11	Inclusion and Gender
17	Justice
23	Misinformation and Protecting Freedom of Expression
27	International Aid
32	Open Data
38	Protecting Participation and Deliberation
44	Public Procurement
48	Privacy Protections
51	Right to Information
56	Social Safety Nets
61	Whistleblower Protections and Scientific Integrity



CIVIC SPACE

Governments are taking exceptional steps in response to COVID-19, such as enforcing social distancing and quarantine measures. Prohibitions against in-person gatherings have had a dramatic impact on civic space across the globe. Basic activities for many civil society organizations, from holding meetings and workshops to lobbying, protesting and funding activities, have come to an abrupt halt. It is essential that the freedoms of association, assembly, and expression are respected in the context of these dramatic public health measures.

A healthy civic space is even more important in times of crisis, from incubating innovative pandemic responses to ensuring vulnerable communities receive vital support. Government changes to civic space must take a transparent, accountable, participatory, and legal approach to ensure that the freedoms of assembly, association, and expression are upheld despite the pandemic. This guide offers basic recommendations, examples, and resources for protecting civic space during COVID-19. Please take a look at our upcoming guides on protecting freedom of expression and combating misinformation and privacy protection for more information on those topics.

Recommendations

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

The following recommendations specifically highlight open government measures to protect civic space:

Legal Principles

- **Legal basis:** Measures affecting freedom of assembly or association must be based in law while also clearly articulating the reasons for the measure, and must be precise enough to permit individuals to determine what behavior is prohibited and permitted.
- **Non-discrimination:** Measures affecting freedom of assembly or association must be evenly applied and not target specific groups.
- **Scope of restrictions:** Measures affecting freedom of assembly or association must be necessary, narrowly tailored, and proportionate in their efforts to respond to the pandemic.
 - Measures adopted should be short term and renewable, and include automatic sunset clauses.
- **Public:** Measures affecting freedom of assembly or association must be disseminated widely and promptly to the public.

Processes and Institutions

- **Multi-stakeholder advisory council:** Organize (virtually if needed) an inclusive council of stakeholders from across government, civil society, labor unions, special interest groups, and vulnerable communities to co-design and review measures related to civic space in the COVID-19 response.
- **Enabling resources:** Support civil society organizations that provide vital support whose funding is at risk as a result of the crisis:
 - Streamline and eliminate restrictions on access to funding for civil society organizations generally.
 - Shift project funding to core funding when possible.
 - Provide salary support to civil society organization workers in line with workers in the private sector.
 - Extend timelines for project applications and implementation.
- **Digital civic space:** Avoid interference with online spaces used by civil society for assembly or association, and create new online spaces and mechanisms to permit civil society to participate in policy development, implementation, and review.
 - Seek to make digital platforms inclusive. Understand the limitations of online deliberation in your community and consider specific outreach to key stakeholders, academia, and civil society groups where access is limited.
- **Workplace protections:** Engage labor unions and other worker associations to ensure workplace health and safety and protect freedom of speech when workers' rights are violated.

Open Recovery and Reform

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

Processes and Institutions

- **Independent oversight:** The legislature and courts should retain the ability to exercise close oversight and review over measures affecting freedoms of assembly or association.
 - Mechanisms should include an independent legislative review process to monitor and where appropriate affirmatively re-authorize such measures, as well as a judicial forum to address and remedy abuses resulting from such measures.
- **Sunset clauses:** Measures affecting freedoms of assembly or association, such as restrictions on public gatherings, should be of limited duration and require affirmative review and re-authorization by the legislature.
- **Reporting and transparency:** Ensure financial and reporting transparency requirements that are not more restrictive than those for other legal entities, such as corporations, and create a common registry for all nonprofits.

Examples

The following examples in the context of COVID-19 are drawn from [this article](#) by the Carnegie Endowment for International Peace.

- **Zimbabwe:** [Zimbabwe Lawyers for Human Rights](#) has launched a hotline to report human rights violations related to the crisis and has successfully filed a court application on behalf of citizens who were assaulted by police officers enforcing lockdowns.
- **Nigeria:** [Action Group on Free Civic Space](#) is documenting and analyzing coronavirus-related government measures as well as violence by public authorities.
- **Hong Kong:** [Hong Kong's pro-democracy movement](#) shifted to digital organizing during the pandemic.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- [Luxembourg](#) (2019-2021): Committed to establishing a platform to offer human rights defenders from other countries protection in Luxembourg.
- [Mexico](#) (2019-2021): Committed to creating regulations to protect citizens' privacy online and limit government access to personal data.
- [Sierra Leone](#) (2016–2018): Made a commitment in its third action plan to improve transparency of public funding received by CSOs working in post-Ebola recovery efforts. Reporting was public and in an open data format.
- **Uganda:** The NGO [Solidarity Uganda](#) created a hotline in 2016 for protestors to contact for assistance in response to state-sponsored violence and repression. Protestors receive legal, psychological, and medical care.

Resources

- International Center for Not-for-Profit Law (ICNL) maintains a global COVID-19 [civic freedom tracker](#) and brings together [key resources](#).
- EU Agency for Fundamental Rights's COVID-related work can be found [here](#).
- CIVICUS also provides a global civic space [monitor](#).
- Information on Organisation for Economic Co-operation and Development's (OECD) civic space monitoring can be found [here](#).
- Specific to Latin America and the Caribbean, [Directorio Legislativo](#) monitors regulations affecting civic space during the pandemic.
- OGP's Global Report Guides to Freedom of Assembly and Association can be found [here](#).
- For more information on common civic space restrictions and potential responses view CIVICUS and OGP's [paper](#).
- You can also read [OHCHR's](#) ten key principles for protecting civic space during COVID-19.

**Partners who can
provide further support
and information**

[Access Now](#)

[CIVICUS](#)

[EU Agency for Fundamental Rights \(FRA\)](#)

[Freedom Online Coalition](#)

[International Center for Not-for-Profit Law](#)

[OECD](#)

Thank you to our partners at the International Center for Not-for-Profit Law, the EU Agency for Fundamental Rights, and CIVICUS for sharing recommendations and reviewing this module.

FISCAL OPENNESS

The COVID-19 pandemic has weakened economies, increased public debt, and exacerbated existing inequalities. Governments across the world are in the process of enacting emergency responses, including reallocating budgets to the healthcare sector and sizable stimulus packages. Transparency is critical to ensure that budgets are allocated where there is the most need and that leakage due to mismanagement and corruption is minimized. As economies brace for long-term fallout from the crisis, tracking expenditures, tax benefits and financial sustainability becomes even more essential to ensure that critical public services are delivered and that financing for future emergencies is also taken into account.

Eighty-nine OGP members have made over 580 commitments in OGP since 2011. Budget transparency is also one of the four eligibility criteria for membership to OGP. This implies that there is a strong set of OGP members who can demonstrate leadership on this issue.

Recommendations

Open Response:

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

- **Publish data on budget allocations and expenditure for the emergency response:** Publish complete and detailed information about supplementary budgets, including the emergency response and fiscal stimulus measures in machine-readable formats. Government should clearly show both increases and reductions in public spending. They should also publish the guidelines and policies that will direct spending, such as beneficiary criteria for relief packages.
- **Publish data on the revenue sources**, including debt contracted or other financial instruments and donor assistance, whether international, national or private, as well as implications on the deficit, in machine-readable formats. This should include reporting on total debt projections for upcoming budget years, including whether the debt is domestic and external. Governments should also disclose new contingent liabilities or debt guarantees extended to the private sector and public corporations.
- **Ensure that supreme audit institutions have oversight** over any emergency or donor funds, including any newly created resources. Reports and findings from these audits should be released to the public and to legislatures as rapidly as possible, to strengthen oversight and address government implementation issues during the response.
- **Where possible, link relevant budget information to data on expenditure** (including procurement transactions) to ensure the identification of leakages and gaps. This should be done either through existing websites or portals, or when these do not yet exist, using available tools and resources to publish data, such as the GIFT Open Fiscal Data Package. Spending channeled through extra-budgetary funds must also be reported alongside budgetary measures.

- **Ensure that vulnerable communities are included in spending priorities**, particularly in sectors such as health and access to water for hygiene.
- **Develop participation opportunities and feedback mechanisms** through which the public can provide input to improve the efficiency and effectiveness of the service delivery and emergency response and stimulus plans design. Civil society can conduct spot-checks to ensure that funding and services are reaching intended beneficiaries. Governments should actively solicit public feedback on challenges in accessing emergency and economic support programs.

Open Recovery and Reform:

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

- Publish information on tax incentives and specific objectives and timeframe, including rules for obtaining the benefits and publish the list of beneficiaries in machine-readable formats.
- Publish data of budget subsidies, beneficiaries and type of benefits implemented to support the reactivation of the economy, including those directed to natural persons legal entities.
- Publish the eight key budget documents (the Pre-Budget Statement, the Executive's Budget Proposal, the Citizens Budget, the Enacted Budget, In-Year Reports, the Mid-Year Review, the Year-End Report, and the Audit Report) as identified under the Open Budget Survey. Ensure budget documents contain comprehensive and useful budget information that is guided by public demand. Budget information should be fully accessible to the public, including online access to real-time, open data that is easy to understand, transform, and use.
- Offer at least one opportunity for public participation in the budget process for all three government branches: executive, legislature, and Supreme Audit Institutions (SAIs), and apply the Global Initiative for Fiscal Transparency's (GIFT) [Principles of Public Participation in Fiscal Policies](#).

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **Brazil:** Created a page on its Transparency Portal to track planned and actual federal spending on coronavirus relief efforts with open data.
- **The Philippines:** Released a document that relates [projects related to Covid-19](#), sources of revenue and agency in charge.
- **Mexico City:** As part of their open data portal has included a specific section related to [emergency related expenditures](#) and social benefits.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- [Georgia](#) (2016-2018): Created a website with information, data, and visualizations on the budget and audit findings, and allowed citizens to suggest audits based on this information.
- [South Africa](#) (2016-2018): Partnered with civil society organizations to launch a platform with user-friendly budget and institutional data.
- [Madrid, Spain](#) (2017-2018): Allowed citizens to determine the use of 100 million euros of the city budget.
- [North Macedonia](#) (2018-2020): Conducting a budget assessment for the 2021 Ministry of Health budget, led by the Association for Emancipation, Solidarity, and Equality of Women.
- [Mexico](#) (2011-2013): Published budgets assigned to federal agencies for purchasing medical supplies.

Resources

- The Global Initiative for Fiscal Transparency launched the [-Fiscal Data for Emergency Response: Guide for COVID-19-](#). This guide helps to identify datasets and data fields that should be gathered and disclosed to ensure transparency is embedded in policy responses. Consult the 15 datasets, time series, and more [here](#).
- The International Budget Partnership [highlights key challenges and examples](#) in their 2019 Open Budget Survey on policy measures that promote fiscal openness in emergency response.
- OGP, Open Contracting Partnership, and International Budget Partnership hosted a [virtual conversation](#) on how to strengthen the transparency and accountability processes in emergency budgeting and public procurement while enabling a fast, efficient and transparent response.

Partners who can provide further support and information

[Global Initiative for Fiscal Transparency \(GIFT\)](#)

[International Budget Partnership](#)

[Oxfam International](#)

[Participatory Budgeting Project](#)

Our thanks to the International Budget Partnership and the Global Initiative for Fiscal Transparency for sharing recommendations and reviewing this module.

INCLUSION AND GENDER

In times of emergency, it can be all too easy for inclusion efforts to fall to the wayside. However, bringing an inclusion lens to COVID-19 open government reforms is vital to ensure effective government response and recovery efforts. This is especially important as women, LGBTQIA+ persons, disability and minority communities are disproportionately impacted by many of the health and economic hardships. Applying an inclusion lens involves recognizing, measuring, and planning around the policy impacts on specific communities, looking at markers such as gender, sex, race, ethnicity, disability, and age. Moreover, gender-neutral government response efforts that do not recognize the unique needs of women, men, transgender, non-binary and gender non-conforming people will fail to deliver equitable results for citizens. Applying an inclusion lens tells us who is most impacted by the pandemic and what kinds of policies and programs can help them cope and rebuild in these extraordinary times.

Additionally, this epidemic continues to reveal a host of longstanding inequities in social services, government programs, access to digital resources, along with specific data collection and transparency needs. More inclusive recovery efforts have the opportunity to help governments rebuild better institutions and address ongoing systemic barriers to equality through improved open policies and practices.

As of January 2020, OGP governments made 127 [commitments that include gender and inclusion perspectives](#). Commitments range from interventions to reduce gender-based violence by working across government to collect and analyze data holistically, to specific initiatives to increase women-owned businesses' access to public procurement bids, to increasing citizen knowledge of health care clinics and soliciting feedback on the quality of care they received.

Recommendations

Governments, civil society, and the academic and scientific communities need to understand the complexity of COVID-19's impact from a gender and inclusion perspective to ensure appropriate policy responses and resources.

Open Response:

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

- **Conduct gender analysis of COVID-19 policy responses:** “Gender inequities exacerbate outbreaks, and responses that do not incorporate gender analysis exacerbate inequities,” states [CARE International](#). Ongoing gender analysis should inform budget provisions, government benefits and supplements, procurement decision-making, information sharing, and emergency payments and services.

- **Collect and publish intersectional demographic data** at national and state levels to inform recovery policy responses, keeping privacy and security in mind for person-level data. [COVID-specific data should be consistently intersectional and gender-disaggregated](#) for categories such as people tested, and those who tested positive, recovered, and are deceased. [Where such data is currently collected](#), governments are seeing significant gender, age, ability, race, and ethnicity differences in health care access and treatment. For example, data from the US and the UK show that certain racial, ethnic, indigenous and disability communities have higher infection and mortality rates due to increased likelihoods of underlying conditions and historic social inequities that reduce their access to care. Beyond health, robust investment in disaggregated data is needed to guide economic, education, and social policy response and recovery efforts. With this data, governments and civil society can better work together to address specific community needs and fill gaps in service.
- **Include women and vulnerable populations in COVID leadership, policy creation, and implementation:** Globally, women make up [70% of health care workers](#) but only [30% of health care leadership](#), [25% of parliamentarians](#), and [20% of ministerial posts](#). Additionally, first responders, front line workers like grocery store clerks and cleaners, and caregivers are disproportionately women and those who identify with a minority population. These communities, along with persons with disabilities and the elderly, are also most likely to experience disruptions in services and care support during the pandemic. Collectively, their leadership and participation is vital in shaping effective and accountable response strategies.
- **Preserve equal rights legislation, transparency, and accountability:** The pandemic and related economic crisis have created opportunities for governments to roll back civic protections and regulations. For example, the U.K. suspended required reporting of corporate gender pay gaps, citing an unfair burden during these extraordinary times. However, a government's inability to understand and close the gender wage gap will only exacerbate the crisis's economic effect on women and their families. Separately, in Hungary, the government proposed reducing transgender persons' right to self-determined gender markers as part of the emergency omnibus legislation.
- **Increase protections and resources for gender-based violence:** Home isn't always a safe space for people to shelter in place, and rates of family and intimate partner violence are rising during coronavirus. [UNFPA estimates](#) that 31 million additional cases of gender-based violence can be expected to occur if lockdowns continue for at least 6 months, growing by 15 million extra cases every three 3 additional months.
 - Vulnerable communities need increased access to a full range of services that assist with safety, including community-based organizations, mental and physical health services, accessibility, and criminal justice services like law enforcement and judicial advocacy.
 - In partnership with women's and LGBTQIA+ organizations, governments should increase funding and access to crisis services such as phone and text lines and innovative community resources that provide ongoing support to survivors both during and after the pandemic.

- Governments may also consider revising legal frameworks and laws preventing violence and discrimination to address and prevent gendered justice gaps exposed by coronavirus.

- **Target resources and information to address social and gender-specific impacts:**

During this time, many women are experiencing disproportionate burdens of child-care and homeschooling, elder care, and home care. Additionally, they are more likely to be impacted by job losses, hourly reductions, or informal economy closures. Women are also navigating a reduction in access to maternal and reproductive health services, which [UNFPA projections](#) say may result in 47 million women losing access to contraception, leading to 7 million unintended pregnancies in the coming months. As response policies are created, these specific economic, health and social needs should be taken into account with consultation, transparency and accountability measures built in to monitor implementation and impact.

- **Increase accessible services and resources in collaboration with impacted communities:** Those receiving specific government services and funding can provide critical insight into needs and effectiveness of response strategies. This is particularly the case for persons with disabilities, who are facing reductions in critical home and health care services, transportation and educational access, and are disproportionately impacted by inaccessible information on prevention and government assistance. Governments should support the “[continuity of inclusive health and social services](#) used by persons with disabilities, including rehabilitation, assistive technology, and personal assistance,” and design and deliver response strategies in partnership with impacted communities. Information on COVID-19 should be shared through a variety of accessible, machine-readable formats and use accessible technologies. Read the [open data](#) section of this guide for more information.

Open Recovery and Reform:

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

Open recovery will require continuing the reforms above: gender analysis, inclusive data, representative decision-making, and specific services for those impacted by gender-based violence. Additional considerations include:

- **Design recovery responses for those most impacted** through consultation and analysis of inclusive and gender-disaggregated data. For example, inequities may prevent people without bank accounts or formal economy sector jobs from [receiving social protection services, recovery funds, uninsurance, or social security support](#). Governments should ensure small business loans and procurement criteria take historic inequities into account and earmark certain funds for women and minority-owned businesses, who were disproportionately impacted by the pandemic’s economic crisis. Ongoing consultation and monitoring is also needed to ensure effective reforms and accountable oversight from diverse stakeholders during recovery.

- **Make digital citizen engagement inclusive:** Government and civil society use of digital platforms for civic engagement, feedback, and co-creation is a natural solution in this time of social-distancing. However, the digital gap can prevent certain communities from participating online, especially women, indigenous, rural and low-income communities, as well as persons with disabilities with visual or auditory restrictions. Understand the limitations of online deliberation in your community and consider specific outreach to key stakeholders, academia, and civil society groups where access is limited.
- **Address gender-based harassment and violence online:** Virtual harassment, intimidation and threats of violence can prevent women, LGBTQIA+ communities and persons , and otherwise marginalized or vulnerable communities from participating in online fora. These threats also have potential to translate into offline violence. Government and civil society partners should work together to assess potential threats, create codes of conduct and procedures for violation, designate escalation policies, and implement justice reforms as needed.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **Mexico:** The National Autonomous University of Mexico created an [online portal](#) to house data, information, and recommendations related to gender and the global health crisis.
- **Croatia:** The Croatian Ministry of Interior is working with civil society on the “[Behind Closed Doors](#)” campaign, which aims to increase reporting of domestic violence cases during social distancing.
- **France:** A civic tech organization created a [website](#) to connect healthcare workers assistance with childcare and groceries while working.
- The **French** government will [pay for 20,000 hotel nights](#) for victims of domestic abuse and will create pop-up counselling centers at stores in order for women to seek help while they run errands.
- **Argentina:** Several legal organizations and universities have created a [website](#) that provides legal resources in the context of the pandemic to vulnerable groups, including information on reproductive legal rights.
- **United Kingdom:** Global Health 5050 has compiled a [COVID-19 sex-disaggregated data tracker](#) that includes country-level data related to cases, deaths, hospitalizations, and cases among healthcare workers disaggregated by age and sex.
- **Hawaii, United States:** The state’s Commission on the Status of Women created a [Feminist Economic Recovery Plan for COVID-19](#) in collaboration with stakeholder communities to rebuild post-crisis with policies that address longstanding gender inequities.
- **Nepal:** NGO [Humanity & Inclusion](#) is making COVID-19 prevention messages accessible for people with disabilities.

- **International:** The [International Disability Alliance](#) launched a COVID-19 Disability Rights Monitor, through which governments, organizations, and persons with disabilities are invited to complete a survey to highlight the issues people with disabilities face during the pandemic. The new website also displays survey results.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- [Afghanistan](#) (2017-2019): Committed to creating a protection policy for women under conflict and emergency situations.
- [Buenos Aires](#) (2016-2017): Created the online platform [#DÓNDE](#) that lists health clinics' locations and services to close the gap in access to reproductive health services.
- [Canada](#) (2018-2020): Committed to applying a Gender Based Analysis Plus to all government public engagements and consultations and increase access to gender-disaggregated and inclusion data.
- [Colombia](#) (2015-2017): Created an interactive web platform and call center to ensure access to information for blind and deaf citizens.
- [Denmark](#) (2012-2014): Provided guidance to public authorities to ensure digital content and services are accessible to persons with disabilities.
- [Ecuador](#) (2019-2021): Committed to co-creating a national plan to eradicate gender-based violence.
- [Georgia](#) (2018-2020): Committed to increasing persons with disabilities' political and social participation in Akhaltsikhe and Kutaisi municipalities.
- [Jordan](#) (2016-2018): Strengthened the resources available for persons with disabilities in the justice system.
- [Kenya](#) (2018-2020): Committed to implementing open contracting with a requirement that 30% of all contracts are awarded to businesses led by women, youth, and marginalized communities.
- [Nigeria](#) (2019-2021): Committed to increasing the participation of women, young people, older persons, persons with disabilities, and marginalized groups across government.
- [North Macedonia](#) (2018-2020): Committed to conducting a budget assessment for the 2021 Ministry of Health budget, led by the Association for Emancipation, Solidarity, and Equality of Women.
- [Sri Lanka](#) (2019-2021): Committed to implementing a Disability Rights Bill in line with the UN Convention on the Rights of Persons with Disabilities.
- [Uruguay](#) (2018-2020): Committed to engaging persons with disabilities in the monitoring and evaluation of the National Plan for Access to Justice and Legal Protection of Persons with Disabilities.

Resources

Gender analysis: [Women Deliver](#) provides an overview on the need to apply a gender lens to policy during the pandemic. [CARE created a coronavirus rapid gender analysis tool](#) to guide policymakers through needs such as identifying populations most affected by COVID-19, tailoring resources to support the disproportionate amount of women in the healthcare field, outsized home and caregiving burdens, and an increase in gender-based violence. [Canada's GBA+ tool is also a valuable resource](#).

Disaggregated data: [UN Women's data hub](#) and [Data2X's resource center](#) include explainers on gender-disaggregated coronavirus data collection. Global Health 5050 is publishing updated COVID [gender-disaggregated country-level data here](#). For data across relevant thematic areas like health, gender-based violence, and economy, see the [Equal Measures 2030 SDG Gender Index](#). Forthcoming data on persons with disabilities will be provided via [COVID-19 Disability Rights Monitor](#).

Gender-based violence: Helpful recommendations on measures to tackle and protect against [gender-based violence are available here from a collection of global authors](#), [UN Women here](#) and [here](#), the [Center for Global Development](#), and [UNFPA](#).

Social protection and economic response: [The Center for Global Development](#) offers strategies to strengthen gender-sensitive social protections. [The World Bank](#) offers gender-responsive recommendations on economic response and recovery.

Inclusive services and accessibility: [UNICEF](#) recommends key response and recovery interventions for both adults and children with disabilities. [Humanity & Inclusion's](#) recommendations include country examples and global guidance. Finally, the [International Disability Alliance's](#) comprehensive inclusive guidance is available in 8 languages.

Partners who can provide further support and information

[Equal Measures 2030](#)

[Hivos](#)

[Open Data Charter](#)

[The B Team](#)

[The Center for Global Development](#)

[Women Deliver](#)

Thank you to our partners at Open Data Charter, the B Team, the Center for Global Development, Equal Measures 2030, and Open Heroines for sharing recommendations and reviewing this module.



People can encounter justice problems in nearly every aspect of life, including health, employment, education, housing and public safety. Even before COVID-19, [1.5 billion people](#) worldwide had unresolved justice problems. Current justice systems, with their opaque processes, unequal access, and discrimination, only provide justice for the few, leaving the majority of the marginalized and poor excluded from meaningful access to justice.

COVID-19 is increasing this justice gap, which will further exacerbate existing inequalities. The number of people's justice problems is increasing rapidly as they lose jobs, run into difficulties paying bills, try to access healthcare, deal with inheritance issues, and come across other direct and indirect consequences of the pandemic and emergency measures. The crisis underscores the need to protect vulnerable populations' fundamental rights such as health, adequate housing, water and sanitation, and social security. This increases the need for people-centered justice services that focus on resolving people's justice problems and empowering people and communities. The crisis also demands that justice systems adapt to ensure essential and urgent needs are met. For instance, the demand for justice assistance by victims of [domestic violence](#) has increased during the pandemic. Additional and alternative modes of remediation must be accessible to protect women, children and the elderly from violence. In this vein, the financing and protection of grassroots justice defenders has become even more pressing during the crisis, as their role as direct liaison to communities makes them integral to pandemic response and recovery efforts.

Additionally, COVID-19 has demonstrated that citizens' compliance with emergency measures is closely related to trust that these policies are fair and comply with international human rights standards. Governments should proactively incorporate transparency and accountability mechanisms into decision-making related to the pandemic. Importantly, establishing the conditions and practices of a more open justice system will help build the necessary trust between citizens and government in the long term.

Recommendations

The recommendations below are drawn primarily from the publication [Justice in a Pandemic](#) by the Pathfinders for Peaceful, Just and Inclusive Societies and 50 partners from around the world, as well as from the Justice for All campaign's policy paper [Grassroots Justice in a Pandemic](#), and resources from Namati, Access-Info, Amnesty International, CIVICUS, Penal Reform International, the International Legal Foundation, the National Legal Aid and Defender Association in the United States, etc.

Open Response:

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Data collection

- **Gather and act on information from the justice frontline:** Specifically, examine interactions between police and people, people's experiences in accessing social benefits and coping with new COVID-19 containment measures, conditions in prisons and other high-risk environments, and challenges faced by grassroots justice defenders. Conflicts and attacks must be recorded and reported by human rights commissions or ombudsman offices.
- **Survey public experiences and perceptions,** watching for early signals of a decline in the legitimacy of the justice system, worsening perceptions of social or economic injustice or inequitable provision of services, or weakening trust in public health information.
- **Mine existing data sources,** especially legal needs surveys, to understand pre-existing justice problems and to identify those that are likely to be exacerbated by COVID-19.

Access to justice

- **Fund innovations that provide remote justice services,** including in courts and detention centers.
- **Expand helplines and other specialized justice and protection services** aimed at women and children, as well as members of the LGBTQIA+ communities and persons, and create more safe spaces for adults and children who need to escape their homes.
- **Create more channels for accessing justice** by challenging monopolies that block the entry of paralegals, low-cost mediators, and digital legal services, and by suspending regulations that limit smart working, flexible responses and non-lawyer legal assistance.
- **Draw on the experience of the private sector** and of alternative and community-based dispute resolution mechanisms.

Open and accountable justice

- **Publish laws and regulations in publicly accessible places and online,** making them available rapidly.
- **Ensure transparency on implementation** of emergency measures, including on police action, sanctions imposed, and court processes. Transparency should also apply to quarantine measures, travel restrictions, and border controls.
- **Ensure technology use, particularly for surveillance, respects the privacy and rights of grassroots justice defenders and their clients.** Any such emergency measures must be non-intrusive, limited in time and purpose, and abide by international human rights standards.
- **Publish updated statistics about crime and people's justice problems,** particularly on domestic violence. Proactively share information on resolution and resources on assistance.
- **Make courts' deliberations and decisions available,** online or through radio or television, with plain language explanations of court decisions and motivations.

- **Empower accountability institutions**, such as ombuds-institutes, national human rights institutions, and parliamentary committees to scrutinize new policies and hold political leaders to account.
- **Support grassroots justice actors to monitor and report** on the delivery of public services, to help ensure those most in need receive treatment, and to identify and respond to abuses by security services.
- **Create new forms of institutional oversight**, such as community score cards that verify whether allocated funds have reached their targets to monitor health and stimulus spending.
- **Ensure that attacks on justice defenders are investigated** and those responsible are prosecuted under due process.

Capacity and funding

- **Continue to pay frontline justice workers**, with international financing and support where necessary.
- **Rapidly redirect funding towards online service delivery**, such as public information campaigns, helplines, and online mediation of disputes.
- **Fund justice** - include people-centered justice in stimulus packages, protect the justice system when indebted countries seek an international bailout, and maintain or expand justice's share of overseas development assistance.
- **Enlist law firms' pro bono capacity** and provide legal empowerment and voluntary networks the funding they need to be effective.

Collaboration and partnerships

- **Establish a cross-sectoral pandemic task force** under the Ministry of Justice, with representation from all levels of government, to assess justice system needs and prioritize responses.
- **Convene a multi-stakeholder group** to provide input and coordinate effective responses to the crisis.

Open Recovery and Reform:

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

Access to justice

- **Expand direct legal services**, particularly in the areas of evictions, property disputes, debt and bankruptcy, family law, wills, benefits, and elder law.
- **Maintain funding and services of online justice courts and other helplines**, as the additional capacity will help reduce the backlog.
- **Use technology to create materials to explain legal information** to individuals and families.

Open and accountable justice

- **Publish documents related to decision-making** about emergency measures and how they will be ratcheted down to reassure the public that there is a clear pathway towards normalization.
- **Proactively encourage the use of complaint mechanisms** as a place for people to turn if they experience problems with local authorities and misuse of measures during the recovery phase.

Capacity and funding

- **Educate new categories of paraprofessionals to respond to civil legal issues** through online learning or certificate programs, or through retooling employees towards legal service provision.
- **Promote policy change to create more options for legal service provision**, including new business models and additional actors in the legal services ecosystem.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

Support to victims of domestic violence

- **Croatia** launched the campaign “[Behind the doors](#)” – a joint initiative of the Ministry of the Interior and the Zagreb Child and Youth Protection Center - which aims to facilitate reporting of domestic violence cases that are on the rise during the pandemic.
- The **French** government will pay for 20,000 hotel nights for victims of domestic abuse and will create pop-up counselling centers at stores in order for women to seek help while they run errands.
- **Morocco** established a [toll-free number](#), “8350,” for protection of domestic violence victims, alongside a campaign launched by the National Union of Women of Morocco (UNFM).
- In **Ontario**, \$4 million CAD was dedicated to support services for victims of domestic violence and other violent crimes. This one-time emergency payment will help more than 50 community agencies, including victim crisis assistance organizations, indigenous organizations, and those based in rural areas, to stay operational and accessible to victims during the public health crisis.

Expanding legal aid

- The **United States** has included \$50 million in the \$2 trillion COVID-19 stimulus package to the Legal Services Corporation, which will support 132 legal aid organizations with assisting low-income clients facing job losses, evictions, and other problems stemming from the pandemic. An additional \$2 million was included for justice information-sharing technology to promote video conferencing abilities for prison health care and court proceedings.

Access to information about services

- **Portugal** created a [webpage](#) that compiles resources for citizens needing a variety of services, including information about the functions of courts and justice institutions during the lockdown.

Remote and rapid legal advice

- In **South Africa**, a new Legal Hotline has been set up for those who need legal help and advice during the country's lockdown.
- In the **United States**, Pro Bono Net and its legal aid partners now conduct remote, rapid-response legal rights outreach to educate people about frequent changes to the policy environment around workers' rights and evictions.
- In the **Philippines**, [Ateneo Human Rights Center](#) offers online legal counseling for questions about arrests related to curfew, discrimination to health care workers, and more.

Expanding access through technology

- In **India**, in cooperation with governments, civil society, and corporate partners, empowerment organisation [Haqdarshak](#) developed a mobile app and web portal that helps citizens understand and access COVID-19 relief programs offering basic rations, food, and loans.
- In **Buenos Aires**, Argentina [the city's judicial branch](#) is modeling flexible and accountable ways of administering effective justice through the use of technology.

Advocacy

- In **Argentina**, Asociación Civil por la Igualdad y Justicia (ACIJ) and other grassroots organizations lobbied local government to secure adequate housing for the homeless while a lockdown was in effect. ACIJ also distributed short materials and videos throughout poor neighborhoods with information about their rights.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- **Afghanistan** (2017-2019): Committed to establishing special courts to address violence against women in 15 additional provinces.
- **Albania** (2012-2014): Committed to providing audio and video recordings of judicial hearings in 14 regional courts.
- **Colombia** (2015-2017): Committed to implementing a web portal and mobile application called LegalApp to facilitate public access to information on justice services.
- **Indonesia** (2018-2020): Committed to increasing the availability and quality of legal aid.
- **South Africa** (2016-2018): Committed to integrating Community Advice Offices as a grassroots and permanent part of the wider justice system.
- **United States** (2015-2016): Committed to diversifying funding for legal aid.
- **United States** (2015-2017): Committed to providing police open data across jurisdictions in a national database.

Resources

- **The Pathfinders for Peaceful, Just and Inclusive Societies** and 50 global partners published a first [briefing](#) focusing on what people-centred justice approaches are needed during the public health emergency. It will soon be followed by a briefing focusing on the longer-term justice approaches needed to address the economic, political, social and cultural dislocation resulting from COVID-19.
- **Pathfinders** has also published a short review of [how courts globally are embracing innovations](#) to perform their functions, with concrete examples that can be replicated.
- The number of justice problems that women face is increasing during COVID-19, due to lockdowns and economic hardship, while the capacity to resolve these problems is decreasing. A joint [report](#) from **UN Women, IDLO, UNDP, UNODC, the World and Pathfinders, supported by the Elders**, gathers available data and puts forth recommendations to accelerate action and increase justice for women.
- **Namati's** [online space](#) dedicated to COVID-19 includes a [living document](#) collecting useful resources on protecting vulnerable communities affected by containment measures, such as prisoners and pretrial detainees, migrants, domestic violence survivors, and residents of informal settlements. It also includes the recording of a recent [webinar](#) on how legal empowerment work can address the justice challenges brought about or aggravated by the pandemic.
- The **Justice for All campaign's** paper - [Grassroots Justice in a Pandemic: Ensuring a Just Response and Recovery](#) - offers recommendations for policymakers, donors, and multilateral institutions on how to finance and protect grassroots justice defenders during and after the pandemic.
- The **Open Society Justice Initiative** and **The Engine Room** published a [review](#) of how legal empowerment actors worldwide are using technology to give people information about the law, connect them with legal advice, and provide them with legal services. It includes examples that can be taken up as models by other countries.
- OGP and Open Society Justice Initiative hosted a [virtual conversation](#) with experts from Canada's Department of Justice, AdvocAid (Sierra Leone), the ILF (Afghanistan), and Article 19 South America. The discussion highlighted promising practices in protecting access to justice during a crisis from across the globe.

Partners who can provide further support and information

[Pathfinders for Peaceful, Just and Inclusive Societies](#)

[Namati](#)

[Open Society Justice Initiative](#)

[The International Legal Foundation](#)

[Penal Reform International](#)

[National Legal Aid and Defender Association](#) (US)

Our thanks to the Pathfinders and Namati for sharing recommendations and reviewing this module.

MISINFORMATION AND PROTECTING FREEDOM OF EXPRESSION

The timely and proactive dissemination of information across social media and other channels is critical to saving lives and protecting livelihoods during COVID-19. However, the rapid spread of misinformation and disinformation presents a key challenge. While these trends are not particular to the COVID-19 crisis, they could significantly harm the global pandemic response. Both the UN Secretary General and WHO Director-General have drawn attention to the “infodemic” of misinformation, which adversely affects the crisis response. Some governments have censored independent media and online content to tackle the spread of fake news and misinformation. Trackers, like the [one developed by Reporters Without Borders \(RSF\)](#), show growing trends of state censorship of independent media and deliberate disinformation campaigns fueled by both state and non state actors.

Recommendations

This section highlights policy responses with an open government lens for immediate response, ongoing recovery, and long-term reform efforts. We draw on recommendations from partner organizations including Access Now, Article 19, Web Foundation, among others. For more information, refer to related sections on [whistleblower protection](#), [civic space](#), and [right to information](#) in this guide.

Definitions:

Disinformation: Information that is false and deliberately created to harm a person, social group, organization or country. *Misinformation:* Information that is false but not created with the intention of causing harm.

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Publish information proactively

- Governments should proactively share relevant information in a timely manner, updated on a regular basis.
- Publish information across mainstream media, social media channels, and through mediums and languages accessible to segments of the population across the digital divide.
- Governments should designate official spokespersons and data sources in relevant government departments to minimize the likelihood of conflicting messages.

Due process, scope and limitations

- Ensure that emergency powers that temporarily restrict these constitutional rights are subject to limitations within the framework of relevant international legal frameworks, such as the International Covenant on Civil and Political Rights.
- Ensure that emergency powers' scope and limitations are clearly defined, including procedural and legal requirements as well as the right to recourse under the domestic constitution.
- Strengthen legal frameworks on the role of national human rights institutions, and create mechanisms for them to partner with civil society to carry out their role.

Countering misinformation, disinformation, and hate speech

- Designate specific units within governments that can immediately identify and counter misinformation trends, while avoiding punitive measures that could lead to censorship.
- State agencies should refrain from conducting propaganda campaigns. Media and civil society have an important role to play in monitoring and flagging state-led disinformation campaigns.
- Ensure that any new executive orders or legislation that target hate speech meet the limits of proportionality, necessity, and legality as outlined in international human rights law.
- Ensure that accountability and redress for curbing hate speech on social media platforms lies with the government rather than the online platforms themselves.

Expanding digital access

- Open, secure, and accessible internet is particularly key for essential workers and the public to access critical information in a timely fashion and also gain access to economic markets and resources. Governments should refrain from blocking access to the internet or placing restrictions on data speeds.

Open Recovery and Reform

Open recovery and reform measures place transparency, accountability, and participation at the center of ongoing efforts extending to the medium and longer-term rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

The [2019 OGP Global Report](#) identified a few recommendations on the protection of freedom of expression, including some of those highlighted below.

Due process, scope and limitations

- Ensure that limits to freedom of expression for the purpose of pursuing legitimate aims, such as tackling corruption and cybersecurity, are legal and proportionate.
- Institute stronger recourse measures to end impunity related to attacks on journalists and media personnel.

Raising awareness and training

- Establish training programs on respecting and protecting expression. All state authorities responsible for protecting journalists and freedom of expression should participate.
- Engage organizations representing women and minorities in crafting solutions to disinformation, harassment, and violence on online platforms.

Regulating the media environment

- Increase international pressure on state-led harassment, detention, or killing; establish rules and protections for press freedom in digital and print media; establish guidance on safety of journalists (that consider gender-related threats); and create conditions for greater media pluralism.
- Guarantee effective protection of women, and LGBTQIA+ media and civil society actors who may face workplace dangers.

Countering misinformation, disinformation, and hate speech

- Assess, reform, and revise rules on content and defamation as needed in consultation with media, tech platforms and civil society.

Sanctions and accountability

- Remove the statute of limitations to investigate crimes against the freedom of expression.
- Set out strong protections for investigations and prosecutions for violence against journalists and other civil society actors, to ensure access to justice. These should include gender-sensitive/responsive protocols.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- The [United Kingdom](#) has designated a specialized unit to combat misinformation about the coronavirus.
- [Mexico](#) created a portal to verify information circulating on social networks and digital media.
- [Canada](#) created a video game app to combat disinformation by teaching citizens to identify false information.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- [Croatia](#) (2018-2020): Reforming framework for media regulation to improve transparency, protect journalists and prevent publication of fake news.
- [Nigeria](#) (2018-2020): Protecting freedoms of expression and assembly by training police and other security agencies to respect citizens' rights.
- [Italy](#) (2016-2018): Implemented its Declaration on Digital Rights by raising citizens' awareness of their digital rights.

Resources

- Access Now's [recommendations for states on fighting misinformation and defending free expression during COVID 19](#)
- Article 19's [policy brief on misinformation and the coronavirus](#)
- CIVICUS Monitor's [snapshot of restriction and attacks during the COVID19 pandemic](#)
- IFEX members share [resources on managing challenges related to the COVID19 crisis](#)
- UN Special Rapporteur on Freedom of Expression [has issued a recent report on disease pandemics and the freedom of opinion and expression](#)
- Web Foundation's [policy briefing on misinformation and free expression](#)

Partners who can provide further support and information

[Access Now](#)

[Article 19](#)

[Committee for Protection of Journalists](#)

[IFEX](#)

[International Centre for Not for Profit Law](#)

[Reporters Sans Frontières](#)

[UNESCO](#)

[Web Foundation](#)

Thank you to our partners at Access Now, CIMA, CIVICUS, IFEX, ICNL and Web Foundation for sharing recommendations and reviewing this module.

INTERNATIONAL AID

The COVID-19 pandemic has strained healthcare systems, weakened economies, and deepened inequalities. In response, development partners are mobilizing assistance through grants, loans, debt relief, and other forms of official development assistance (ODA). Since the crisis began, multilateral and bilateral donors, development financial institutions, and private foundations have announced pledges and commitments amounting to billions of dollars to help countries respond to the pandemic.

Aid transparency is critical to improving donor coordination, which allows donors to avoid duplication of efforts and identify critical gaps. Moreover, it enables recipients to observe the amount and allocation of aid coming into their countries, allowing them to better allocate their own resources. While important, it is critical that donors and recipients also go beyond transparency to create mechanisms for accountability and participation within aid processes.

Government use of accountability mechanisms, such as legislative and public oversight and whistleblower protections can help detect mismanagement, misuse, and leakages of donor resources. Donors should involve both governments and civil society in allocation decisions to ensure that assistance is mobilized for the most critical and vulnerable sectors and populations, and in monitoring, evaluation and audit (including social audits) to ensure that assistance reaches the intended beneficiaries.

Twenty-one OGP members have made 55 commitments related to international aid in OGP since 2011.

Recommendations

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

The following recommendations specifically highlight open government measures related to international aid.

Donor Agencies and Governments

- **Open data:** Publish timely (at least monthly) open data on pledges, commitments, planned disbursements and disbursements in line with aid information standards, in machine-readable formats and under an open license. Distinguish between new pledges and commitments and redeployment of existing pledges and commitments.
- **Comprehensive information:** Publish information on terms and conditions, when, where and how the resources will be spent (direct budget support, grants, loans, debt relief, blended finance, humanitarian assistance, direct procurement), information on recipients, implementing partners, contractors and subcontractors. Publish a clear timeline by which data currently not available will be published online.

- **International Aid Transparency Initiative (IATI) publication:** Register all aid information on the [international registry](#) and follow [guidance on publishing COVID-19-related data](#).
- **Ex-ante open government provisions:** Establish clear standards for recipients for tracking and reporting on allocation and use of aid, requiring all information to be made publicly available on a timely basis, using machine-readable open data where possible. Additionally, set clear provisions requiring recipients to follow recommended best practices on [public procurement](#), [fiscal openness](#), anti-corruption measures, [whistleblower protections](#), and [protecting civic space](#). Establish similar standards for implementing partners, contractors and subcontractors.
- **Stakeholder engagement and safeguards:** Engage civil society and other relevant stakeholders in recipient countries in decision-making on where and how to allocate assistance and on ensuring that appropriate social safeguards are in place, and subsequently in monitoring, evaluation and audits processes to ensure assistance reaches the intended beneficiaries.

Recipient Governments

- **Open data:** Publish timely (at least monthly) information on all aid commitments, receipts, and expenditures.
- **Comprehensive information:** Publish comprehensive information that includes on-budget and off-budget, humanitarian aid, aid from donors who are not in the Organisation for Economic Co-operation and Development's Development Assistance Committee, and other financing streams. Publish a clear timeline by which data not available will be published online.
- **Open procurement and budgets, whistleblower protections and anti-corruption measures:** Follow recommendations for [public procurement](#), [fiscal openness](#), [whistleblower protections](#) and best practices on anti-corruption for response measures enabled by aid.
- **Multi-stakeholder coordination mechanisms:** Establish coordination mechanisms with different line ministries, civil society groups and other relevant stakeholders for quick decision-making for allocation of aid, streamlining aid information from different sources, ensuring that the appropriate social safeguards are in place, and subsequently in monitoring, evaluation and audit processes to ensure assistance reaches the intended beneficiaries.

Open Recovery and Reform

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure the public is at the heart of government in the post-pandemic world.

Donor Agencies and Governments

- **Risk assessments and safeguards:** Conduct environmental and social risk assessments and ensure safeguards are in place. Make this information publicly available.

- **Open audits and evaluation:** Conduct and publish ex-post independent audits of spending and results, evaluation of impacts, and progress towards fulfillment of conditions for all COVID-19 assistance
- **Proactive publication:** Build systems to collect and publish aid information that is not available.
- **Harmonized categorization:** Ensure aid information is aligned with recipient country budget classifications (including for off-budget aid) to enable better tracking of flows.
- **Uniform requirements:** Extend implementation of best practice on aid transparency to contractors, grantees, implementing partners (including multilaterals, private companies, and NGO grantees and contractors).
- **Setting transparency and accountability standards for aid spent through private sector instruments or blended finance, building on existing standards:** Work with donors and recipients to establish and implement standards on transparency (where aid goes, what aid is spent on, and results accomplished), accountability, and grievance redressal mechanisms for aid spent through private sector or blended finance instruments (i.e. blending concessional official development assistance funding with commercial funds).
- **Data use:** Foster use of aid information at donor and recipient country level, within both government and civil society.
- **Ex-post analysis:** Coordinate with donors and recipients to conduct ex-post analysis of lessons learned from the COVID-19 crisis and share recommendations on mobilizing assistance for future crises.

Recipient Governments

- **Link aid information with country systems:** Build systems to link aid information systems to budget, accounting and audit, and procurement systems and ensure transparency of information. Establish financial management systems for tracking expenditures if these do not exist. Integrate data published by donors in IATI into aid information management systems and provide feedback on data quality and comprehensiveness.
- **Public monitoring and social audits:** Make use of public monitoring systems, social audits, and beneficiary reporting to facilitate better information and course correction on aid utilization.
- **Open audits:** Conduct and publish ex-post independent audits of spending and results, evaluation of impacts, and progress towards fulfillment of conditions for all COVID-19 assistance received.
- **Parliamentary oversight:** Publish aid information in a budget annex or equivalent to ensure parliamentary oversight.
- **Data Use:** Promote public participation and engagement on allocation of aid and use of aid data.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **The International Monetary Fund (IMF) is working on [measures to promote transparency and accountability](#)**, and ensure its resources are used for their intended purpose, including: 1) Asking member authorities to commit in their letters of intent to ensure that emergency assistance is used for the very urgent purpose of resolving the current crisis and not diverted for other purposes. Letters of intent are published by the member country and are also available on the IMF website. 2) Assessing which public financial management, anti-corruption, and anti-money laundering measures we can ask members to put in place without unduly delaying urgently-needed disbursements. For example, the IMF has asked member countries requesting emergency assistance to commit to (i) enhanced reporting of crisis-related spending; (ii) undertaking and publishing independent ex-post audits of crisis-related spending; (iii) ensuring procurement transparency by, for example, publishing procurement contracts; and/or (iv) preventing conflicts of interest and corruption by publishing the beneficial ownership information of firms awarded procurement contracts.
- **In the Philippines**, The Department of National Defense (DND) through the Office of Civil Defense - National Risk Reduction and Management Council (NDRRMC), has [started publishing](#) the status of donations received for COVID-19 response.
- **The [IATI Humanitarian Data Portal](#)** contains summary information about the publication of data on humanitarian projects by different organizations.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

Donor agencies and governments

- [United Kingdom](#) (2013-2015): Committed to providing open, comprehensive, comparable and re-usable aid data.
- [Germany](#) (2017-2019): Committed to engaging civil society and government ministries to identify how to improve aid transparency.
- [Canada](#) (2012-2014): Partnered with the International Aid Transparency Initiative to publish aid data.
- [France](#) (2018-2020): Committed to improving the scope and clarity of published aid data.
- [Spain](#) (2012-2014): Created a process to publish official development assistance.

Recipient governments

- [Slovak Republic](#) (2017-2019): Committed to publishing funds received by the central government from donors.
- [Italy](#) (2016-2018): Expanded the Opencoesione open data portal to include information on programming and funding decisions.

- [North Macedonia](#) (2016-2018): Committed to publishing funds received by the central government from donors.
- [Mongolia](#) (2014-2016): Committed to publishing information about foreign loans assistance, including specific programs, contracts, and terms of the loan.

Resources

- The International Aid Transparency Initiative (IATI) has released [guidance on publishing data on COVID-19 assistance](#) using the IATI Standard as well as [guidance on accessing and using data on COVID-19](#).
- They also hosted a webinar to discuss the guidance and clarify questions which can be viewed [here](#).
- Resources from the Global Initiative for Fiscal Transparency for Covid-19 emergency responses.

Partners who can provide further support and information

[Publish What You Fund](#)

[International Aid Transparency Initiative](#)

Thank you to our partners at the International Aid Transparency Initiative, Publish What You Fund, International Budget Partnership, and to Mark Brough for sharing recommendations and reviewing this module.

OPEN DATA

The collection and analysis of population-wide epidemiological data, as well as the population's access to water for hygiene, is a critical element of the COVID-19 response. From publishing disease spread statistics to location-tracking apps, governments around the world have engaged in sweeping data collection efforts to inform public health policies. In particular, open data has become key to facilitating a collective and informed pandemic response. However, it is crucial to ensure that data initiatives strike the balance between opening sufficient data to inform and increase trust in public health policies, while also protecting individual data privacy and rights. Accountability, transparency and participation are therefore critical to ensure this balance is met when determining open data measures.

Recommendations

Open Response:

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Scope of open data

Particular [categories of open data](#) can contribute to a collective and informed pandemic response. The following categories offer a starting point for government prioritization of open data in the context of COVID-19:

- Medical resources:
 - Hospital facilities, staffing, and equipment
 - Personal protective equipment (PPE)
 - Testing sites and processing laboratories
- Epidemiological data:
 - Patient data (location, demographic, outcomes, and treatments)
 - Do not release personally identified information.
 - Data on essential services, closures, etc.
- Economic data:
 - Recipients of emergency funding
 - Register of PPE suppliers
 - Supply chain data and price gouging
 - Travel related data
 - See our guides on [fiscal openness](#) and [public procurement](#)
- Food security:
 - Food systems and supply chain
 - Levels of nutrition and hunger

- Access to water for hygiene:
- Equity of service (rural vs urban, gender, economic status)
- Service quality and reliability
- Crime data:
 - Domestic abuse
 - Cybercrime
- Open science:
 - Drug research, treatment approaches, etc.
 - Publication of virus genetic strands
 - Establish requirements for the release of government-funded research's underlying and anonymised data sets

Data Qualities:

- **Disaggregated data:** Where possible, collect detailed data disaggregated by gender and geography as well as across time and levels of governments.
 - View more information about health data in our 2019 Global Report on Health [here](#). For water data, see [here](#).
- **Interoperable data:** Aim to produce data that is interoperable between levels of government, across government agencies, and with international open data repositories.

Institutional approaches

Data advisory councils

Establish multi-disciplinary councils or teams to help prioritize data collection, standardization and release.

- **Mandate:** Councils must operate within the boundaries of the law, in accordance with emergency laws and advisory committee rules.
 - Potential activity areas can, at a minimum, cover the same range of activities as data categories listed in the “response” section above.
- **Membership and selection:** At a minimum, leaders of such committees should strive to widen participation.
 - Include experts, civil society, representatives from across government, and representatives from vulnerable communities.
- **Agenda and ways of working:**
 - Practice maximal disclosure by documenting and publishing records of deliberation and supporting documentation.
 - Prioritize the release of data based on multi-stakeholder input.

- Some OGP countries, such as the United Kingdom, have had success with interagency or single-agency working groups that focus on small and high priority datasets.

Decentralized processes

Identify a process for [data standardization](#) to allow comparability across subnational units.

- Open research datasets and publications - see US example [CORD-19](#)
- Document and share any information needed to contextualize and describe the data to enable proper use
- Maintain strong channels of communication to facilitate clarifications and updates surrounding the data
- Provide contests for publication of major treatment research

International interoperability

Move towards international standardization of core data sets to include key sectors such as:

- Medical resources
- Epidemiological data
- PPE procurement
- Access to water for hygiene
- Open science and research

Integrate safeguards

- Only necessary and proportionate data should be gathered and shared with those who need it to address the pandemic, see our upcoming Privacy Protections Guide for more information.

Open Recovery and Reform

Open recovery and reform measures place transparency, accountability, and participation at the center of ongoing efforts extending to the medium and long-term rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

Data scope and use: As government priorities shift in the post-crisis context, the scope and use of data collection will need to be reconsidered accordingly.

- Collect and provide open data on allocations covering grants and subsidized lending.
- Establish regulations on the storage and use of data collected during the response phase going forward, especially regarding how data can be repurposed to inform future pandemic response plans.
- Establish procedures and policies for sharing data internationally to inform global recovery.

Institutional approaches

- Provide resources for an ombudsman or investigator to identify major cases of data processing abuse. This may be part of an existing data protection, parliamentary, administrative body or all of the above. Such investigative bodies should have the power to recommend prosecution (in cases of criminal violation), administrative remedies (in cases of civil or administrative violations), and legislation.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **Global:** Examples of COVID-19 open data include open research datasets from the [United States](#), and [European Union](#), open epidemiological data in [Switzerland](#) and [Basque Country](#), as well as open data on medical supplies and testing in [Korea](#).
- **Aragon, Spain:** The Government of Aragon's Open Government Laboratory in partnership with civil society organizations, social enterprises, and volunteers created [Frena La Curva](#). This network provides technical and organizational assistance for citizens around the world to establish a website featuring citizen efforts and innovations in response to the pandemic. The website is currently operational in 12 countries.
- **Slovak Republic:** The Institute of Health Policies of the Slovak Republic (IHPSR) provides inputs for policymakers and responders handling the COVID-19 crisis. Their epidemiological research reports are updated and [available online](#) under a gold standard open license. The source code for the mathematical models are published on GitHub under a permissive license. The IHPSR representatives welcome feedback, collaborate with outside experts and communicate on Facebook.
- **Johns Hopkins University, United States:** Johns Hopkins University has created an epidemiological [map](#) to help researchers and public health authorities track the pandemic through a user-friendly tool. All data collected and displayed is freely available on [GitHub](#) and the dashboard's feature layers are included in the ESRI Living Atlas.
- **Spain:** The [COVID-19 Monitoring Project](#) provides graphs and narrative analysis which are automatically generated every hour through Application Program Interface (API) technology. All materials produced are free for use.
- **Africa:** The COVID-19 [Data Repository](#) for the continent summarizes epidemiological data for each country in Africa. The data is disaggregated by demographic, location, and symptom information when possible. Data is obtained from official sources (e.g., WHO, departments of health, CDC etc.) and unofficial sources (e.g., news).
- **United Kingdom:** Global Health 5050 has compiled a [COVID-19 data tracker](#) that includes country-level data related to cases, deaths, hospitalizations, and cases among healthcare workers disaggregated by age and sex.
- **Brazil:** Open knowledge Brazil maintains a [COVID-19 Transparency Index](#) that ranks states according to their transparency and commitment to open data.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- [Sweden](#) (2016-2018): The Government of Sweden convened multi-stakeholder panels to determine an open data approach to food supply chains, in addition to other sectors.
- [Finland](#) (2017-2019): In 2017, Finland began publishing all procurement data as open data in real time including, what was purchased, by which agency, from whom, and which financial source was used to make the purchase.
- [France](#) (2018-2020): The Government of France formed an Open Science Committee to evaluate and advocate around open science as well as provide a national dataset on all government funded research projects.
- [Canada](#) (2018-2020): The Government of Canada created a platform for citizens to access federal research publications and contact federal scientists as well as actively promote federal research findings.
- [Paraguay](#) (2016-2018): The government published open data on the quality of health services to grant citizens the information needed to participate in shaping health resource allocation and policy.
- [Mexico](#) (2019-2021): Mexico held regular forums for citizens to participate in the creation of policy on government use of personal data.
- [Uruguay](#) (2016-2018): The Municipality of Montevideo created a common database of citizen monitoring of air quality, food processing, and spending on public works published in an open data format.

Resources

- OECD and GovLab have created a [repository of open data responses](#) to aggregate open data collection and analysis initiatives across the globe.
- Open Data Charter, OECD and others are creating a collaborative [taxonomy and guidance to open up essential data during a pandemic](#).
- Paris 21's [policy brief](#) outlines guidance for governments and statistical offices in response to the pandemic.
- Access Now offers [a report](#) with recommendations on privacy and data protection.
- OGP, the Open Data Charter, and Access Info held a [virtual conversation](#) to address some of the challenges that governments have faced when trying to promote data transparency during crisis response, and draw attention to the current data needs from citizens and civil society.
- Experts from the World Wide Web Foundation, the Governments of France and Taiwan, Luminate, and Article 19 led a [cross-sector conversation](#) to unpack the policy measures related to use of digital platforms in times of crisis response and policy considerations important for longer term reform.

**Partners who can
provide further support
and information**

[Access Now](#)

[OECD](#)

[Transparency International](#)

[Web Foundation](#)

[Open Data Charter](#)

Our thanks to our partners at the Open Data Charter and Iniciativa Latinoamericana por los Datos Abiertos for sharing recommendations and reviewing this module.

PROTECTING PARTICIPATION AND DELIBERATION

COVID-19 has upended policy agendas across the globe. Governments have paused nonessential legislation and regulation and fast-tracked measures to respond to the pandemic.

Governments are entitled to effectively and efficiently make decisions and policies using emergency powers. Unfortunately, governments often abuse this power, intentionally or unintentionally. Secret laws, extralegal procedures, and public participation and oversight rollbacks are major concerns. While some governments were already rolling back participation prior to the crisis, others are leveraging the current situation to curb public participation.

Continued public participation at all levels of decision-making - policy, programs, and practice - in the context of COVID-19 is vital. It ensures governments uphold the rule of law and that exceptions to standard procedure are just that - exceptions, with a basis in law. It builds [trust and legitimacy](#) in the process and its outcomes and reduces conflict.

Ongoing public access to the legislative process is also [crucial](#). Many, if not most, legislatures are not meeting, limiting oversight and the passage of new laws. Law-makers have less ability to meet with constituents, vote, and deliberate. These obstacles inhibit legislatures' important role in the system of government checks and balances. To compensate, opportunities to participate must be built into digital tools as governing bodies go virtual. Fortunately, there is an [increasing number](#) of digital deliberation tools.

The following section provides recommendations for maintaining robust public participation in administrative and legislative processes in the context of COVID-19.

Recommendations

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Participation in administration

Administrative decision-making is happening quickly through abbreviated or non-standard processes in the context of responding to COVID-19. In many countries, channels established in the law are not followed or the laws lack clear rules for open government.

Best practices for participation in administration under the conditions of COVID-19 (and beyond) include:

- **No secret laws:** Publish all laws, rules, and legal opinions on emergency powers.
- **Notification:** Continue or improve publication of ex-ante evaluations such as regulatory or environmental impact assessments in advance of consultations to allow public deliberation.
- **Public comment:** Carry out enhanced online deliberations and maintain timelines except in exceptional, reasonable, and legal fashion on a policy-by-policy basis, presuming continuity in best practice. Public comment periods should be extended for non-emergency decision-making.
- **Public review:** Extend and allow for challenges to regulations and decisions within adjusted timelines, given closures in courts and other tribunals with review powers.

Participation in legislation

As legislative bodies that adapt their procedures to address social distancing measures, public participation must remain a central element of decision-making processes.

Online legislative continuity: Public observation and participation must be incorporated into video conferencing applications as legislatures convene, deliberate, and vote.

- [Postpone](#) nonessential proceedings and widely publicize and livestream proceedings that do take place.
- Publish information on changes made to the legislature's proceedings, including who was involved in decision making and how changes will be implemented.
- Require all participating lawmakers to be clearly audible and visible at all times, including to the public.
- Ensure identity and vote verification mechanisms for legislators within digital legislative platforms.
- Record, transcribe, and archive all sessions and make recordings available for later access online
- Publish the agenda, attendance, votes, bills, and documents discussed in plenary and committee sessions online in a timely manner and in an open format when possible.
- Provide translation services for all virtual public participation channels, consider using an online platform that allows for multilingual remote interpretation.
- Permit the public to provide comments through email or the chat function.

Offline legislative continuity: Ensure continued public participation in instances where technological barriers require legislatures to continue meeting in person but the public cannot be present.

- Postpone nonessential proceedings.

- Ensure opportunities for the public to submit written questions and comments in advance.
- Broadcast proceedings and ensure any documentation, such as meeting minutes or recordings, are promptly published.
- **Parliamentary budget transparency:** Publish parliamentary budgets, particularly any new expenses or procurement processes in response to the crisis. See the sections on [fiscal openness](#) and [public procurement](#) for more information.

Digital transformation in deliberation

The COVID-19 crisis has required the consolidation of online decision-making processes across all parts of government. The following are several best practices for virtual deliberation:

- **Multistakeholder advisory councils:** Involve an inclusive council of stakeholders from across government, civil society, and special interest groups to review and design measures related to virtual public participation.
- **Broad digital tools:** Use an array of digital tools, such as surveys and virtual ‘office hours’ to create multiple spaces for public engagement.
 - Provide mechanisms for citizens to virtually comment or provide votes of opinion on issues being debated in the legislature.
 - Ensure a variety of communication channels to reach public officials, such as working phone numbers and social media accounts.
- **Digital engagement platforms:** Consider using digital deliberation platforms such as [Consul](#), [DemocraciaOS](#) and [Bang the Table](#), online participatory budgeting like [Balancing Act](#), or moderated discussion forums such as the [National Issues Forum](#).
 - Include a learning phase to ensure citizens can use the digital tools and provide tech support throughout the process.
- **Traditional broadcast tools:** Continue leveraging traditional communication channels - such as radio, television, local government and social organizations - to reach all segments of the population and actively engage individuals not represented online.
- **Technological inequalities:** Increase internet and computer access to ensure inclusive participation in virtual governance, through service provision or fee waivers. Actively seek to include groups that face barriers to virtual participation, such as senior citizens, women, and rural communities.

Open Recovery and Reform

Open recovery and reform measures place transparency, accountability, and participation at the center of ongoing efforts extending to the medium and long-term rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

- **Clear end date:** Restrictions to public participation and deliberation in response to the pandemic must have a clear and predetermined end point.

- **Virtual civic participation:** Governments' technological adaptations in response to COVID-19, such as holding virtual public forums, should be evaluated and implemented to the extent that they [increase](#) public participation in lawmaking going forward.
- **Technical and legal frameworks:** Governments should partner with civil society, technologists, and other special interest groups to construct the legal and technical infrastructure necessary to implement innovative public participation tools.
- **Digital education:** Invest in digital literacy and ensure public officials are equipped with the tools and knowledge to leverage virtual public participation tools.
- **Inclusive participation:** Expand citizen access to the internet and computers to improve the inclusivity of virtual public participation.
 - [Continue](#) to take advantage of the benefits of virtual civic engagement to engage groups such as people under 18, women, non-citizens, and recently incarcerated people.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **France:** The French Parliament [hosted](#) a virtual [public forum](#) to collect citizen opinions on the direction of France's policy priorities post-COVID-19. Deliberations took place over the open-source and GDPR-compliant application [Decidim](#), where 15,000 French citizens made accounts and discussed topics such as health, labor, consumerism, education, solidarity, and democracy.
- **Finland:** The Finnish Ministry of Finance in partnership with the Dialogue Academy and Timeout Foundation have organized a series of [Lockdown Dialogues](#) on how the crisis has affected citizens' lives and is reshaping their country.
- **Ecuador:** Civic and private organizations coordinated a 2 day [Post-Crisis Hackathon](#) that gave citizens the opportunity to discuss their vision for Ecuador after the crisis in a number of policy areas, from health to the environment.
- **Madrid, Spain:** The City of Madrid is using the platform [Decide Madrid](#) to enable citizens to submit ideas for solidarity, connect with businesses in their neighborhood, and ask municipal experts questions about the crisis directly.
- **Brazil:** The Brazilian Senate is currently deliberating legislative responses to the COVID-19 crisis proposed by citizens through the [e-Citizenship Portal](#).
- **Scotland, United Kingdom:** The government held an online [consultation](#) to enable the public to submit and rate comments on the government's COVID-19 response.
- **France and the United Kingdom:** Both countries have pivoted to hold their climate change [citizen assemblies](#) online. In France, 150 representative citizens are [participating](#) in seven weekend sessions. In the UK, 100 participants [will meet](#) over four weekend sessions.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

Public participation in administration

- [Croatia](#) (2014-2016): Prioritized public participation throughout the drafting process for the national Anti-Corruption Strategy.
- [United Kingdom](#) (2013-2015): Involved civil society in designing the Cross-Government Anti-Corruption Plan.
- [Latvia](#) (2017-2019): Committed to raising awareness and strengthening processes for public participation in decision making.

Public participation in the lawmaking process

- [Latvia](#) (2015-2017): Enabled the collection of signatures online to initiate a referendum.
- [Uruguay](#) (2016-2018): Involved civil society in creating a participatory water management system under the National Water Plan.
- [Ireland](#) (2014-2016): Held three referenda that arose from Constitutional Convention recommendations.
- [Chile](#) (2014-2016): Implemented and monitored the Lobbying Law, which regulates lobbying activities.

Digital public participation

- [Jalisco, Mexico](#) (2019-2021): Committed to providing a digital platform for citizen participation in the creation and approval of laws.
- [Colombia](#) (2015-2017): Created automated services to process citizen comments and input.
- [Georgia](#) (2016-2018): Enhanced citizen participation in the supervision process of public finances.

Resources

For more information, see the Open Government Partnership Practice Group on Dialogue and Deliberation's guides on [Deliberation](#) and [Informed Participation](#).

Participation in legislation

- The Inter-Parliamentary Union is [tracking](#) how parliaments around the world are adjusting procedures in response to the pandemic.
- OpeN hosted a [Webinar](#) on "Parliaments and Pandemics: Going virtual and staying open in the COVID-19 age."
- Directorio Legislativo and ParlAmericas' [paper](#) discusses adapting and strengthening the role of parliaments in the Americas and Caribbean in the COVID-19 context.
- The International Institute for Democracy and Electoral Assistance released [Parliaments and Crisis: Challenges and Innovations. Parliamentary Primer No. 1.](#)

**Partners who can
provide further support
and information**

Digital public participation

- The National Civic League's [COVID-19: Resources for Individuals and Governments](#) aggregates resources, including a number of digital tools for virtual deliberation and participation.
- Participio has a [series of articles](#) about bringing deliberation and civic participation online.
- The Local Government Resource [Bank](#) from What Works Cities compiles a number of resources and examples of local level initiatives in the United States in response to the pandemic.

[Directorio Legislativo](#)

[Open Parliament e Network \(OpenN\)](#)

[National Endowment for Democracy](#)

[ParlAmericas](#)

Our thanks to partners at Directorio Legislativo and the OECD's Innovative Citizen Participation project for sharing recommendations and reviewing this module.

PUBLIC PROCUREMENT

Procurement has become a life or death issue in many countries' responses to the coronavirus pandemic. In the short-term, emergency procurement is a critical component of any government's response measures. Shortages of personal protective equipment for frontline workers, ventilators, and testing capacity have hampered responses. Many governments have enacted emergency procurement procedures in an attempt to speed up purchases. Open government principles can help make this process more effective and get equipment to those that need it, while guarding against corruption and waste.

These principles also help level the playing field for suppliers by enabling them to access procurement systems in a faster, streamlined manner and provide goods and services with greater efficiency. As countries move from immediate response to long term recovery and reform, it is critical to ensure that procurement systems remain fit for purpose and that production capacity and supply chains are reinforced. Going forward, it is key to support small businesses and suppliers as well as invest in better public procurement data and healthcare policies and infrastructure to withstand future shocks.

Public Procurement is one of government's greatest corruption risk because of the size of spending. Health procurement is an especially high risk area because it is complex and opaque. Emergency health procurement is even higher risk as it may involve sole sourcing, accelerated timeframes, prepayment and a general scramble to secure supplies that may minimise due diligence and supplier scrutiny.

Seventy-six OGP members have made 227 commitments related to open contracting since 2011, meaning there is a wealth of relevant experience and learning within the partnership to draw on.

Recommendations

Open Response:

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Our friends at the [Open Contracting Partnership](#) make the following recommendations:

- **Policy:** Make emergency procedures public and open. This includes coordinating and centralizing procurement, setting a clear test and a written justification for emergency procedures, publishing open data, targeting price gouging, and requiring timely reporting.
- **Coordination:** Set clear goals & priorities and consolidate emergency committees for quick decision-making.

- **Data:** Use and share open procurement data to analyze and share information to predict and manage critical supply chains. Collect and tag all contracting processes and budget lines with “COVID-19” to ensure high-quality, open and complete data, disclose technical comments from suppliers, and publish all contract awards under the emergency framework.
- **Innovative partnerships:** Build innovative partnerships with business and civil society. Issue a list of essential medicines and devices so markets can react accordingly and encourage startups and data-driven civil tech projects.
- **Civic monitoring:** Trust and support civil society to play an important role in monitoring efficient spending and delivery of goods and services. Governments should create digital portals that are easy to access and use, which can allow citizens to track all Coronavirus-related purchases.

Open Recovery and Reform:

Open recovery and reform measures place transparency, accountability, and participation at the center of ongoing efforts extending to the medium and long-term rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

According to findings from the 2019 OGP Global Report, most OGP members do not have fully open and competitive bidding processes in health. Health procurement is seen as less transparent than infrastructure procurement in most countries. Countries should consider the following recommendations for medium and long-term reform. Where possible these new measures and reforms should be time-sensitive, build upon existing legislations and tools, to minimize slowing down the response to the health crisis.

- Strengthen systems of e-procurement to ensure that tender processes are accessible, including for smaller suppliers.
- Collect and publish higher quality and machine-readable data, including at municipality and local levels. Use the [Open Contracting Data Standard](#) to guide decisions on disclosing data and documents throughout the procurement process.
- Collect and share data on procurement bids by small and medium enterprises, as well as women and minority-owned businesses. Identify targeted policies to better connect these groups to the procurement market.
- Develop systems of public monitoring to enable real-time alerts of leakages, irregularities, and breaks in the supply chain.
- Expedite and publish public audits of all expenditures on emergency procurement.
- Strengthen local and municipality level procurement systems, including publishing geo-coded data to track deployment of services to underserved communities.

- Engage with and support civil monitoring to improve planning, reporting and implementing government contracts.
- Improve processes that map and link procurement to budget data to ensure better use and value for money as well as to identify gaps in allocation of essential services.
- Governments should require company ownership information from companies that bid for emergency contracts, to ensure that those supplying emergency goods and services are legitimate and well-equipped for delivery.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **Global:** Examples of transparent government responses to COVID-19 emergency procurements can be found in [Colombia](#), [Paraguay](#) and [Ukraine](#).
- **Ukraine:** The Open Contracting Partnership is monitoring government data, focusing on price gouging for facemasks.
- **Mexico:** The Commission of Transparency and Access to Information for the state of Nuevo León publishes information about the local procurement process for use by relevant agencies.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- **Elgeyo Marakwet, Kenya** (2017; 2018-20): Involve the public in tracking medical drug supply chains.
- **Burkina-Faso** (2017-19): Establish citizen committees to monitor racketeering in health provision.
- **Mongolia** (2019-2021): Involve CSOs in procurement and tender evaluation processes.
- **Argentina** (2017-2019): Open up information on purchases of medical supplies and contracts entered into by the National Institute of Social Services for Pensioners and Retirees.
- **United Kingdom** (2019-2021): Clear commitments to improving quality, timeliness and relevance of its public procurement data and publishing it in the Open Contracting Data Standard.

Resources

- The Open Contracting Partnership has a [dedicated resource page](#) on emergency procurement for COVID-19, including policy recommendations, a tip sheet and a data use guide for tracking emergency procurement. You can also [listen to a webinar recording](#) they recently hosted that shares experiences on emergency procurement (and [summary here](#))
- [Thirteen Transparency International](#) chapters in Latin America highlight measures that need to be taken to prevent corruption in emergency procurement.
- Access Info Europe, Civio, ePaństwo Foundation, Funky Citizens and K-Monitor, in collaboration with Open Contracting Partnership developed [Ten Recommendations on Transparency in Covid-19 Emergency Procurement](#).
- Transparency International Health Initiative and OCP also have a joint [report on open contracting in health procurement](#) with recommendations and case studies.
- OGP, Open Contracting Partnership, and the International Budget Partnership hosted a [virtual conversation](#) on how to strengthen the transparency and accountability processes in budgeting and public procurement under the emergency while enabling a fast, efficient and transparent response.
- The Institute for Development of Freedom of Information has developed a [Transparent Public Procurement Rating](#) portal of procurement systems across the world.

Partners who can provide further support and information

[Open Contracting Partnership](#)

[Hivos](#)

[Transparency International](#), including the [Transparency International Health Initiative](#) and its country chapters.

Our thanks to partners at Open Contracting Partnership, The B Team and Transparency International for sharing recommendations and reviewing this module.

PRIVACY PROTECTIONS

Governments are collecting unprecedented amounts of personal data to support vital public health efforts, such as tracking COVID-19 transmission and enforcing quarantine. In particular, governments and corporations are collecting and processing citizens' health and geolocation data on a massive scale. Given this context, it is more important than ever that governments place transparency and accountability at the center of privacy protection efforts to ensure that citizens' right to privacy is not eroded under these exceptional measures.

Recommendations

Recommendations below are drawn from [Access Now](#), [Freedom House](#), and [Paris 21](#).

Open Response:

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Data Collection, Use, and Privacy

- **Legality:** Data collected should be grounded in existing law. Laws should cover a broad range of actions (processing, collecting, selling, sharing); actors (public and private); and explicitly state excluded categories of data.
- **Transparent terms of service:** The policies, intention and public-private contracts surrounding data collection, processing, and disposal as well as data subjects' legal rights should be publically available.
- **Scope of data collection and processing:** Only collect and store data necessary to respond to the crisis and only share it through secure means with those who are integral to the response.
- **Anonymized and secure data:** Do not reveal patients' personal information when reporting virus infections and statistics on person-level data such as age, gender, and race and ethnicity. Under no circumstance should health data be sold or transferred to third parties who are not working in the public interest.
- **Public processing register:** Create a publicly available register of algorithmic processing, covering private and state actors, that can be read in an open data format.
- **Transparent algorithms:** Ensure algorithms' source code, mandate, testing means (e.g. audits, black box testing, white box testing), and training data are transparent and open.

Governance and Oversight

- **Multi-stakeholder advisory council:** Involve experts and civil society in developing and implementing safeguards on data use. Communities that are the most impacted, such as women and racial and ethnic minorities, should be consulted to create specific and effective safeguards.

- **Parliamentary oversight:** The legislature should use its authority and be adequately resourced to oversee and provide regular, public monitoring of data protection efforts related to COVID-19.
- **Strategic partnerships:** Collaborations should follow open data and procurement standards with reporting requirements for transparency. Data-sharing agreements between states and companies must be based on existing laws.
- **Strong supervision and compliance capacity:** Expand data protection officers' mandate, especially around their knowledge and resources of systems that protect privacy and fairness.
- **Impact assessments and evaluations:** Require impact assessments for all COVID-19 related data collection efforts. Ensure assessments, as well as their mandate and enforcement mechanisms, related to the ethics, human rights, and fairness of data processing systems are public.

Open Recovery and Reform

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

- **Clear endpoint:** Data collection efforts should have clear and predetermined sunset clauses. Data collected under exceptional circumstances should be deleted or anonymized after the crisis.
- **Supervisory body:** Identify a supervisory body with investigatory and enforcement powers regarding privacy abuses. This body should have clearly defined abilities to impose sanctions and remedies, and adequate resources to carry out its duties.
 - Human rights institutions should exercise their authority, and partner with civil society, to monitor and investigate COVID-19 privacy protection efforts.
- **Access to justice:** Ensure data subjects' access to justice is protected in law and that data subjects have access to legal remedies for breaches of privacy.
- **Data quality and governance:** Involve government statistical offices in the production, quality management, governance and coordination of data.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **Ghana:** Ghana Statistical Services, Vodafone Ghana, and the Flowminder Foundation are using anonymised mobile phone data to [determine](#) whether citizens are complying with quarantine measures on an aggregate level.
- **Mexico:** The National Institute for Transparency created a [microsite on privacy protection in the context of COVID-19](#) with information for both data subjects and processors.

- **Norway:** The Norwegian government and nonprofit research institute have released a [contact tracing app](#) that only tracks an individuals' contacts after they're diagnosed with COVID-19. Data is encrypted, stored on a secure server, and deleted after 30 days. Researchers only have access to anonymized and aggregate data.
- **United States:** Researchers [shared](#) the genetic information of early US COVID-19 cases on open science platforms [Gisaid](#) and [Nextstrain](#), which helped to estimate how long the virus had been in the US.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- **Australia** (2016-2018): Updated government-wide guidance on de-identification processes and publishing sensitive data. Additionally, they amended the Privacy Act to comply with international best practices.
- **Chile** (2018-2020): Seeks to harmonize data protection with open data policy through a Draft Law on the Protection of Personal Data and the Open Data Policy of the Government of Chile.
- **Mexico** (2019-2021): Convened a multi-stakeholder forum to determine policies for government collection and use of private data.

Resources

- Privacy International maintains a [database](#) of government responses related to privacy and surveillance.
- Access Now has written a [report](#) on recommendations for privacy and data protection in the pandemic as well as recommendations specific to [contact tracing apps](#).
- Specific to the EU, GDPRhub offers [advice](#) on how to comply with data protection under the GDPR in the context of a COVID-19 response.
- The Center for Global Development also has a useful [article](#) with further recommendations and resources.

Partners who can provide further support and information

[Access Now](#)

[CIVICUS](#)

[World Wide Web Foundation](#)

[AI Now Institute](#)

[Centre for Internet and Society](#)

[Digital Defenders Partnership](#)

[Privacy International](#)

[Reset](#)

[International Center for Not-for-Profit Law](#)

Thank you to our partners at the Web Foundation, Access Now, and CIVICUS for sharing recommendations and reviewing this module.

RIGHT TO INFORMATION

The right to information is a fundamental right and an inherent part of the right to freedom of opinion and expression. It is essential to modern governance and a core part of the OGP mission. RTI permits the public to follow government decision-making, participate in ensuring better decisions, and hold the government accountable.

During the pandemic, the public has a heightened need for complete, timely information. At the same time, governments' ability to respond to information requests faces pressure: many officials are working from home, some have been reassigned, and records may be hard to access physically or digitally. Unclear guidance can lead to uneven responses.

Further, extraordinary measures by many governments have resulted in suspension of administrative procedures, affecting processing of information requests. Appeals to courts are also limited. Similarly, rules about preparing and publishing information proactively, a feature of most national transparency regimes, are also suspended.

Populations including women, the elderly, linguistic minorities, and rural communities may face difficulty getting digital records due to lack of internet access.

This section makes recommendations to respect RTI to the greatest extent possible during response and recovery. Further information on proactive information disclosure can be found elsewhere in the OpenGov Guide.

Recommendations

Colleagues from the Centre for Law and Democracy, Access Info Europe and the Institute for Development of Freedom of Information have developed a number of guidelines.

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

- **Access to Information laws:** Governments should aim to maintain the processing of requests for information and, to the greatest extent possible, requirements to provide information “as soon as possible” should remain in place.
 - **Legality:** Any suspension or extension to time frames should have a basis in law, such as being part of declared states of emergency, which are time bound and subject to parliamentary approval for renewal. All changes must be made public.
 - **Electronic requests:** Electronic requests should be honoured as usual when relevant documents and remote workers are accessible. Eliminate any barriers, such as digital identification requirements, to simplify electronic information requests.

- **Information commissioners:** Work with information commissioners to establish systems for responding to requests during the pandemic, to brief public officials, and to monitor implementation. Ensure that resources are in place for appeals to information commissioners and/or courts.

- **Prioritization**

- **Prioritize COVID-19 related requests:** Where possible, give particular priority to requests related to the pandemic response and its impacts (health, economic, education, employment and social measures).
- **Staffing:** Identify under-utilized workers and reassign them to high priority requests for information.
- **Specialized transfer:** Create channels and protocols for identification, transfer, and referral of right to information requests between an RTI compliance unit and the main COVID-19 coordination unit.
- **Use proactive publication:** If responding to all requests is a challenge, monitor requests and ensure proactive publication of most sought-after information. Dedicate resources to this priority.

- **Proactive Publication:** COVID-19-related information and data should be gathered in a single, easy-to-find website at the appropriate level of government. This should include responses to relevant information requests. The proactive publication should include data on the situation, resources, public procurement, budgets and funds, as set out elsewhere in the Open Government Guide.

- **Decision-Making:** There should be proactive publication of pandemic response decisions taken, along with transparency of who is making decisions along with justifications of basis for decisions, such as legal or scientific basis.
- **Legal measures:** Publication of all laws should take place not only in official journals, but also in accessible places, ensuring clarity of communication about the rules to the public and businesses. There should be transparency on the implementation of the laws, including on police action, sanctions imposed, and court processes. This transparency should apply, inter alia, to quarantine measures, travel restrictions, and border controls.
- **Media briefings:** When information is provided to the media in press conferences or in response to requests from journalists, this should also be directly uploaded online.
- **Disseminate to reach all sectors of the population:** Ensure that information is comprehensible to the public, and that it is disseminated proactively through other media (television, radio, print, social media, local community notice boards and so forth) so that it reaches all sectors of the population.
- **Keep it open:** Ensure that all proactive publication is done in open formats, and that documents and data are licence-free for reuse.

Open Recovery and Reform

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

- **Strengthen capacity to respond to requests:** There should be investment in robust information collection and provision capabilities. This should be done by:
 - **Digitalization:** Prioritize a shift to digitalization of all information, documents, and data so that access can be assured in a rapid and streamlined way in the future. This should include ensuring secure records and archives storage, protection, and retrieval.
 - **Data Collection:** Evaluate the national systems for collecting statistical and other data and reporting it to regional and central authorities; work with statistics offices to improve systems for rapid collection of data.
 - **Record Keeping:** Work with archivists to ensure that best practices for record keeping, including easily accessible digital archives, are implemented so as to facilitate rapid location and compilation of information in the future.
 - **Resources & Training:** In light of increased demand for information, ensure that adequate resources are allocated to reactive and proactive transparency, and that there are sufficient trained public officials to meet demand.
 - **Plan Ahead for Increased Proactive Publication:** Plan ahead for greater proactive publication, and improve systems that permit rapid updating of proactively published documents and data.
 - **Openness about the Pandemic:** Commit to the publication of unclassified materials and maximal declassification of appropriate materials related to any post-crisis fact-finding ventures, such as parliamentary committees or truth commissions. Improve systems that permit rapid updating of proactively published documents and data.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

- **Argentina:** The national Access to Public Information Agency has [rescinded blanket suspension of deadlines](#) in processing right to information requests, but has allowed for some flexibility in timing depending on reasons.
- **New Zealand:** The Ombudsman's Office [has stressed normalcy](#) and the important role that the right to information about the pandemic plays in ensuring a strong crisis response.
- **United Kingdom:** The Information Commissioner's Office published [guidance](#) on delays, record-keeping, data breaches, and post-crisis restoration.

- **United States:** The Congressional Research Service (a department of the US Library of Congress) compiled a [survey of agency responses](#) to Covid-19 with regard to freedom of information. This hints at a potential oversight role that parliaments can play in ensuring prioritization of rights.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

- **Uruguay** (2016-2018): The government consulted with civil society and the public to determine the scope and mechanism through which information on past human rights violations would be released and memorialized.
- **Sri Lanka** (2016-2018): The Government of Sri Lanka enacted their right to information law, which allocated resources and developed systems for record management, reporting, proactive disclosure and responding to requests. The commitment also provided for training designated officers and a public awareness campaign.
- **Paraguay** (2014-2016): Law on Access to Public Information defined standards and mechanisms for access to public information, response times, and sanctions for non-compliance.
- **United States** (2015-2017): The US government improved the efficiency and effectiveness of the Freedom of Information Act.
- **Bulgaria** (2014-2016): The government of Bulgaria amended their existing right to information act to increase openness and efficacy. It also strengthened coordination and enforcement.

Resources

A number of organizations have released statements related to the right to information in the context of the pandemic including:

- [The Inter-American Commission on Human Rights](#), 10 April 2020
- [The African Commission and Peoples' Rights](#), 24 March 2020
- [The International Conference of Information Commissioners](#), 14 April 2020
- [The Office of the United Nations High Commissioner for Human Rights](#), 19 March 2020
- View OGP's [fact sheet](#) on the right to information.
- Additionally, RTI-Rating.org has [tracked and catalogued](#) all public modifications to RTI laws, whether through legislation or by decree.
- The [National Freedom of Information Coalition](#) in the United States has centralized best practices for right to information and press freedom from journalists and non-profits during the Covid-19 crisis.
- Article 19 offers a [report](#) with recommendations on Tackling Gender Inequality Through Access to Information.

**Partners who can
provide further support
and information**

[Centre for Law and Democracy](#)

[Access Info Europe](#)

[African Freedom of Information Centre](#)

Thank you to our partners at Access Info Europe, the Centre for Law and Democracy, and International School for Transparency for sharing recommendations and reviewing this module.

SOCIAL SAFETY NETS

Transparency, participation, and accountability are essential to ensuring that social spending and services reach their intended populations and provide the outcomes that are needed.

Dramatic public health efforts to combat COVID-19 have resulted in harsh economic consequences. Livelihoods across the globe have suffered as governments instruct workplaces to close and families to shelter in place. As a result, governments are instituting massive social protection measures to address issues of poverty, hunger, and displacement. By late April 2020, nearly 700 social protection measures have been [planned, introduced or adapted](#) by 151 countries in response to the pandemic.

Governments are [distributing](#) emergency assistance to individuals, communities, and businesses.

- Assistance to **individuals** may include direct cash transfers, in-kind assistance such as food or fuel, and unemployment insurance or income replacement.
- Emergency assistance to **communities** seeks to reinforce essential public services, such as healthcare provisions and access to water for hygiene, that are often provided at the provincial or municipal level.
- Support to **businesses** to provide a stopgap for the economy and mitigate unemployment.

How governments choose to distribute assistance depends on many factors, including a country's unique needs and existing social safety net infrastructure. Taking an open government approach to implementing emergency social protections is essential regardless of a country's particular strategy. In some places, open government approaches are seen as secondary to a quick response, but they allow for those responses to be more effective and efficient.

The recommendations below highlight opportunities to ensure transparency, participation, and accountability are incorporated in emergency assistance measures. It is vital to place open government values at the center of COVID-19 social protection programs to ensure these life-saving efforts are implemented fairly and effectively.

Recommendations

The recommendations below are relevant to ensure an open response, recovery, and reform in the context of COVID-19. Such approaches can empower ordinary citizens, reporters, and organizations to give feedback about program effectiveness and help to identify potential cases of waste, fraud and abuse. In addition, individuals and communities need access to information and access to justice to ensure that they can get the assistance they deserve. See the [Justice section](#) of this guide for detailed reforms in this area.

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Core open government tools in emergency assistance distribution:

Data transparency: Governments should provide timely, accurate, and widely accessible data in a machine-readable format related to:

- **Criteria and prioritization:** What criteria and data is used to identify and prioritize households for assistance programs, such as census data, employment records, surveys.
- **Distribution:** Data on who receives assistance as well as what type and how much assistance, disaggregated by sex, age, geography and formal or informal work status to ensure fairness.
- **Contribution:** Agencies responsible for distribution or oversight of social safety nets can publish data on government and nongovernmental organizations distributing assistance and any contracts.
- **Accountability and audits:** Information on accountability processes to address corruption and leakages as well as the outcome of audits.
 - Where possible, link relevant budget data to data on procurement expenditure through the enhancement of program-based budgeting and measures to facilitate cross referencing to help facilitate identification and investigation of unspent funds, waste, fraud, or abuse.

Decision-making transparency:

- Provide transparency on:
 - which government entities and levels of government are responsible for designing and implementing social safety net measures.
 - the content of the deliberation process
- decision outcomes regarding assistance measures at the policy, program, and project levels.

Open Recovery and Reform

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

Core open government tools for including underserved communities in assistance programming:

Decision-making participation:

- **Multi-stakeholder advisory council:** Involve experts and civil society as well as levels of government responsible for developing and implementing social safety nets or specific programs. Communities that are the most impacted, such as women and racial and ethnic minorities, should be consulted to ensure appropriate measures are taken to address vulnerabilities as well problems that have been worsened by the COVID-19 pandemic.
- **Inclusive budgeting:** Ensure that vulnerable communities are included in spending priorities by incorporating approaches like gender-based budgeting or participatory budgeting exercises (virtually if need be), including potential prioritization exercises such as those undertaken online in Madrid or other locations. In cases where there is weak access to internet or processes, such exercises can involve representatives of vulnerable populations.

Core open government tools to strengthen accountability

The following are critical elements of an “accountability system” for such spending. Research shows that the more of such actions that can be taken, the better the outcomes.

- **Parliamentary oversight:** The legislature should use its authority to oversee and provide regular, public monitoring of social safety net measures related to COVID-19.
- **Supervisory bodies:** Empower the supreme audit institution to oversee disbursement and allocations. In some cases, this may mean enhancing the ability of audit institutions to move from after-the-fact audits to real time monitoring. Additionally, ensure there is a supervisory body with investigatory and enforcement powers as well as the ability to impose sanctions.
- **Social audits and oversight:** Enable beneficiary audits and oversight that facilitate strong communication between the government and target communities.
- **Complaint mechanism and whistleblower protections:** Provide a formal complaint mechanism and strong safeguards for whistleblowers to reduce leakages and corruption. (See our [guide](#) for more information.)
 - Allow for beneficiary reporting, such as a hotline for households to report any discrepancies in targeting or delivery.
 - Individuals who submit complaints should be entitled to a response and have the ability to track the progress of their complaint.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

Transparent emergency assistance provision

- **The Philippines:** The Department of Social Welfare and Development provides regularly [updated data](#) on financial assistance provided to the municipal level as well as a heat map of food assistance distribution.
- **Togo:** The government of Togo has instituted a cash transfer system to provide funds through mobile transfer, with higher amounts for vulnerable households and women. Information regarding disbursed funds and beneficiaries is available [online](#).

Participatory & accountable emergency assistance provision

- **South Africa:** [The Treasury](#) has provided an online portal for citizens to suggest how to allocate funds in response to the pandemic.
- **Rwanda:** The Government Rwanda is distributing food security packages to the most vulnerable households, who were identified by local level government. The government has provided a toll free [hotline](#) for households to call if they were wrongly excluded from the program.

OGP members have substantially completed the following commitments prior to the COVID-19 crisis. They demonstrate the feasibility of the above recommendations.

- **Guatemala** (2016-2018): Committed to providing public information and opportunities for social audits and participation within the Integrated Management for Disaster Risk Reduction plan.
- **Peru** (2015-2016): Increased civil society monitoring of the National School Nutrition Program.
- **Armenia** (2018-2020): Created a website that lists free medical care services (In process).
- **Philippines** (2011-2013): Employed participatory budgeting to determine local poverty action plans in 595 municipalities.
- **Paraguay** (2014-2016; 2016-2018): Committed to citizen participation and monitoring of the National Program for Poverty Reduction, including through social audits and citizen feedback mechanisms.

Resources

- A team of World Bank and UN economists are keeping a list of [social protection measures](#) across the globe in response to COVID-19.
- [Economics for Inclusive Prosperity](#) offers a comprehensive guide for social protection responses in developing countries.
- The International Food Policy Research Institute also provides an [issue brief](#) on gender sensitive social protection during COVID-19.

**Partners who can
provide further support
and information**

[Global Partnership for Social Accountability](#)

[Open Data Institute](#)

[OXFAM](#)

[Transparency International](#)

[World Vision](#)

Thank you to our colleagues at the Accountability Research Center for sharing recommendations and reviewing this module.

WHISTLEBLOWER PROTECTIONS AND SCIENTIFIC INTEGRITY

Governments around the world are circumventing standards of sound public management and scientific processes in the rush to respond to the COVID-19 pandemic. In the context of a rapidly unfolding crisis, governments are making swift changes to regulations and institutions that may inadvertently create openings for corruption and mismanagement.

Corruption threatens to decrease the efficacy of vital response measures such as national stimulus packages and emergency medical supply procurement. Governments are also bypassing hard-won transparency measures in their urgency to attain essential supplies.

Resultantly, protecting whistleblowers is more important than ever to ensure efficient and ethical use of government funds in response to the crisis. Similarly, maintaining the integrity of the scientific process is critical to ensure accurate health policy and strong public trust in government research efforts. Taking an open government approach to whistleblower protection and scientific integrity is therefore essential to effectively strike the balance between swift and effective pandemic response measures.

Recommendations

The following recommendations related to whistleblower protections are drawn from [Transparency International](#) and the [Government Accountability Project](#).

Recommendations on scientific integrity are drawn from the US' [Center for Disease Control](#), [National Institute of Health](#), and the [European Code of Conduct for Research Integrity](#).

Open Response

Open response measures place transparency, accountability, and participation at the center of immediate government efforts to curb contagion and provide emergency assistance.

Whistleblower Protections:

- **Anonymous reporting channels:** Provide a variety of anonymous reporting channels, such as internal and external hotlines, online portals or compliance officers to increase access from a diversity of whistleblowers. In particular, ensure reporting channels for high-risk areas in the pandemic response, such as medical supply procurement.
- **Transparent regulations and mechanisms:** Whistleblower mechanisms should be highly visible, transparent, enforceable, and timely.
- **Access to justice:** Ensure whistleblowers' access to counsel is protected in law and that whistleblowers have access to legal remedies and representation.

- **Ongoing participation:** Provide whistleblowers the choice to participate in subsequent investigations and to be informed of the progress and outcome of investigations.
- **Parliamentary oversight:** The legislature should use its authority to oversee and provide regular monitoring of whistleblower protections and scientific integrity issues specifically related to COVID-19.
- Scope of whistleblower protections:
 - **Broad individual protections:** Protect anyone who witnesses wrongdoing. Protections should extend beyond public employees to include private sector workers, citizens, contractors, medical workers, and members of the media.
 - **Broad definition of wrongdoing:** The scope of disclosures that fall under whistleblower protections should be broad, extending beyond criminal behavior to include harm to the public interest.
 - **Broad retaliation protections:** Protect against all forms of retaliation, not just workplace harassment. Whistleblowers should be protected from direct, indirect, and future consequences as well as civil suits and criminal prosecutions. Women may be more likely to experience retaliation, so additional gender-based protections should be considered.

Scientific Integrity

- **Apolitical scientific processes:** Isolate scientific processes, such as vaccine research and testing, from political issues as much as possible.
- **Open communication with the public:** Cultivate channels of communication between government researchers and experts with the media and general public to disseminate vital COVID-19 information.
- **Free speech:** Permit scientists to speak to the media and public in their area expertise without censorship.
- **Independent oversight:** The legislature and courts should retain the ability to exercise close oversight and review over allegations of research misconduct, including cases of fabrication, falsification, and plagiarism.
- **Whistleblower protections:** The rights of whistleblowers in the scientific community are particularly important during a public health crisis. Ensure that investigatory processes are fair, comprehensive, and expedient.

Open Recovery and Reform

Open recovery measures place transparency, accountability, and participation at the center of medium-term government efforts to rebuild in the wake of COVID-19. Similarly, open reform initiatives ensure that the public is at the heart of government in the post-pandemic world.

Whistleblower Protections:

- **Open data:** Publish data and information related to whistleblower disclosure regularly, such as the number of disclosures, outcome, and prevalence of wrongdoing.
- **Independent complaints authority:** Establish an independent body with the authority to investigate retaliation and improper investigations, administer sanctions, as well as provide guidance for reporting mechanisms.

Scientific Integrity

- **Universal training:** Train scientists in robust scientific methods, appropriate experimental design and statistics, responsible research practices, and communication skills that reflect scientific integrity.
- **Open science:** Establish open science as the standard operating procedure and promote reproducibility of research through transparency.
- **Peer review processes:** Create transparent processes for peer review and the correction and/or retraction of published materials.
- **Rigorous and comprehensive evaluation criteria:** Design criteria that recognizes and rewards the highest standards of integrity in scientific research.

Examples

The following examples are recent initiatives in response to the COVID-19 pandemic and are drawn from our crowdsourced list as well as partner materials.

Whistleblower Protections:

- **United States:** On 21 April 2020, Dr. Rick Bright was [removed](#) as Director of Biomedical Advanced Research and Development Authority after resisting “misguided directives” to promote unproven treatments for COVID-19. He and his lawyers filed a whistleblower complaint with the Health and Human Services (HSS) Inspector General. Additionally, members of the House of Representatives [intend](#) to hold a hearing on Dr. Bright’s dismissal and requested the HSS Inspector General look into the matter.

Scientific Integrity:

- **United States:** The National Science Policy Network and the Federation of American Scientists have created an [online platform](#) for the public to read answers and ask scientists questions regarding COVID-19.
- **Brazil:** The Brazilian Institute of Information in Science and Technology has created a [directory](#) of scientific reports, data, articles, and manuscripts related to COVID-19.

The following examples are commitments previously made by OGP members that demonstrate elements of the recommendations made above.

Whistleblower Protections:

- [Ireland](#): (2014-2016) Encourage, protect and raise awareness of whistleblower duties and protections.
- [France](#): (2015-2017) Introduce legal provisions to protect against conflicts of interest.
- [Denmark](#): (2019-2021) Anonymous Whistleblower Portals for Justice System Employees.
- [Czech Republic](#): (2018-2020) Raising Awareness About Whistle-Blowers.

Scientific Integrity:

- [United States](#): (2015-2017) Opened information and data from government-funded scientific agencies to enable citizen innovation.
- [United Kingdom](#): (2013-2015) Allowed citizens to contribute to policy-making on issues involving scientific innovation and analysis through the Sciencewise Programme.

Resources

Whistleblower Protections

- View this [open letter](#) from several civil society partners including Access Info, Transparency International and others calling for increased whistleblower protections and transparency within governments' COVID-19 responses.
- The Government Accountability Project offers a comprehensive [guide](#) to whistleblowing as well as a [guide](#) specifically for federal scientists, with a primary focus on the US context.
- The [RECORD Project](#) and [Transparency International](#) have published recommendations for the EU Directive on Whistleblower Protection. Transparency International also offers a Best Practice [Guide](#) for Whistleblowing Legislation.

Scientific Integrity

- The Organisation for Economic Co-operation and Development (OECD) also has a [guide](#) that focuses on scientific integrity and preventing misconduct.
- All European Academies (ALLEA) created the [European Code of Conduct for Research Integrity](#), which is recognized by the EU Commission.

Partners who can provide further support and information

[Organized Crime and Corruption Reporting Project](#)

[Transparency International](#)

[Access-Info](#)

[Government Accountability Project](#)

Thank you to our partners at Transparency International and the Organized Crime and Corruption Reporting Project for sharing recommendations and reviewing this module.