

# Independent Reporting Mechanism

The Philippines Co-Creation Brief  
2022

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the sixth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country’s context and presents recommendations. This brief does not constitute an evaluation of a particular action plan and its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings.

The co-creation brief draws on the results of the research in prior [IRM reports for the Philippines](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [online OGP repositories](#) and [the minimum threshold for “involve”](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in April 2022.

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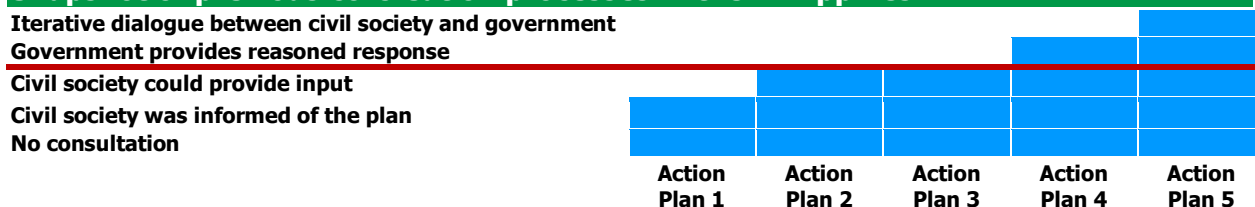
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## Section I: Action Plan Co-Creation Process

### Snapshot of previous co-creation processes in the Philippines



As a founding member of the OGP, the Philippines has consistently demonstrated leadership on open government initiatives. In past action plans, more than half of the commitments have been ambitious and three-quarters have been fully or substantially completed. One-third of commitments have produced early results in opening government, particularly regarding fiscal openness and the right to information. During the previous cycle, the Philippines introduced a bottom-up approach that reflected broad stakeholder input in the co-creation process. Different agencies have begun to work together on commitments, a process that was previously siloed. As the Philippines co-creates its sixth action plan, it could improve the consultation process to develop ambitious commitments building on previous open budgeting and freedom of information initiatives, as well as introducing a new focus on civic space.

To strengthen the co-creation process, the IRM recommends the following:

1. Improve planning and time allocation for the consultation process.
2. Design commitments that align solutions with public problems.
3. Incorporate gender and social inclusion into co-creation.
4. Institutionalize civic participation across government beyond the OGP process.

## RECOMMENDATIONS

### Recommendation 1: Improve planning and time allocation for the consultation process

To build on progress under the previous action plan, the co-creation process could take [further steps](#) to improve the impact of consultation. In terms of scheduling, planning townhall sessions on separate days from OGP commitment consultations can provide more time to fully engage in the consultations and allow for iterative dialogue. Preceding all consultations, draft commitments could be consistently circulated, with sufficient lead time. More complete versions of draft commitments, rather than versions that lack detail, would be more easily understood by participants. Group facilitators and government representatives can also be offered a full orientation on their roles ahead of consultations. To improve participants' understanding of the process, all consultations could begin with a simple, visual introduction to the OGP. Compared to the previous process, it could also be valuable to allocate more time for introducing commitments, questions during plenary sessions, and break-out sessions.

### Recommendation 2: Design commitments that align solutions with public problems

To achieve more meaningful results for opening government, the design process can ensure that all commitments have strong alignment between the policy problem, activities, and intended change. Ambitious commitments also seek binding and institutionalized changes across government. In order to strengthen the action plan's ambition, the final technical review could include experts in relevant policy areas. Following the technical review, the approval process could benefit from moving beyond perfunctory ministerial approval to facilitate substantive discussion between government and nongovernment Steering

Committee members on the outputs of the co-creation process and deliberation on the responses of government agencies toward proposals collected from the public. Additionally, the OGP Support Unit is available to provide comments on draft action plans and the IRM can provide workshops on designing ambitious commitments.

For commitments on online tools, PH-OGP could consider several factors in aligning solutions to the public problem identified: First, are online tools accessible to the main beneficiaries of the commitment? Who will be excluded through the use of online tools? Second, are there offline methods that can address these gaps instead of, or in addition to, online channels? Third, are the online tools sustainable beyond the implementation period? Are there the financial, technical, and human resources sufficient to maintain an online platform?

For initiatives that offer channels for citizen feedback on government services, commitments could focus on activities that explicitly incentivize or require government response to public input. Implementing agencies can share how this input informs project planning and provide transparency around how feedback is processed, and on what timeline, to build trust and accountability. Commitments can also provide for grievance mechanisms for citizens' complaints or improvements. Government responsiveness is the key to ensure that participatory mechanisms result in tangible changes to government policies and programs, and therefore citizens' lives.

### **Recommendation 3: Incorporate gender and social inclusion into co-creation**

During the previous co-creation process, a [participatory action research process](#) facilitated the inclusion of women's rights organizations' input on adding gender components to two commitments. This co-creation process offers the opportunity to explicitly incorporate roles and accountabilities related to gender and inclusion into the terms of reference for the OGP Steering Committee, the nongovernment Steering Committee, and the government and non-government Secretariats. To continue to diversify civil society participation in the co-creation process, a wider set of actors working on the rights of women and marginalized groups, beyond traditional NGOs and governance actors, could be included. These stakeholders' participation could be particularly valuable at the agenda-setting phase of the co-creation process (including the first round of suggested commitments and the shortlist). Gender and social inclusion could also be incorporated into guiding questions for consultations. It may be useful to consult [Argentina's](#) efforts to incorporate gender and diversity into its co-creation process, as well as the OGP [toolkit](#) for more gender-responsive action plans

### **Recommendation 4: Institutionalize civic participation across government beyond the OGP process**

The Philippines' co-creation process for the previous action plan took a bottom-up approach that resulted in OGP commitments based on broad stakeholder input. The current co-creation process is an important opportunity to deepen civil society's collaboration with government across various agencies beyond OGP. The government could prioritize formalizing the communication channels, resources, and relationships built through the OGP process into standard government practice.

Government agencies with a strong track record of OGP CSO collaboration could provide guidelines and recommendations for agencies who are just embarking on participatory approaches. Success stories can be captured and shared widely to encourage public officials to see the value of a collaborative relationship with civil society. Additionally, PH-OGP can conduct outreach and capacity building to strengthen participatory practices of government institutions. It may be useful to draw on [Spain's](#) example of engaging participation across government.

### Section II: Action Plan Design

#### AREAS OF OPPORTUNITY FOR COMMITMENTS

Some areas of opportunity for the sixth action plan include freedom of information, civic space, and open budgeting.

##### AREA 1. Freedom of Information Bill

Passing a Freedom of Information Bill has been a long-standing aim in the Philippines, appearing in the last three national action plans. The FOI Bill's passage would be transformative, as it would improve transparency across the entire government. Specifically, it would establish an independent agency and an appeals process. Across OGP, seven of the world's [ten top-rated countries](#) for right to information legislation improved their legislation or its implementation through the open government process.

The Philippines can draw on examples of existing FOI laws that balance the right to information with the right to privacy. Both [Indonesia](#) and [Australia](#) had to specifically confront a preexisting culture of government secrecy to successfully implement their FOI laws. In Australia, the Office of the Australian Information Commissioner brings together Information, Freedom of Information, and Privacy Commissioners who work together to balance disclosure and privacy. The Philippines should consider these institutional and legal arrangements to assuage legislators' concerns and gain the necessary political support to pass the bill.

Useful resources:

- OGP: [Right to Information Fact Sheet](#)
- OGP: [A Guide to Open Government and the Coronavirus: Right to Information](#)
- Related Commitments: Sri Lanka ([2016–2018](#)), Kenya ([2016–2018](#)) and Ghana ([2017–2019](#))
- Partners that can provide technical support: [Article 19](#), [Centre for Law and Democracy](#), and [The Carter Center](#)

##### AREA 2. Improve operating environment for civil society and media

As of June 2021, the Philippines fell short of the [OGP values check](#), given insufficient freedom for civil society organizations to organize, associate, strike, express themselves, and to criticize. At present, CIVICUS defines the Philippines' civic space as [repressed](#). Protecting civic space is an important policy area for the Philippines' open government process.

This action plan is an opportunity to introduce commitments that address violations of civic freedoms and extrajudicial killings, in collaboration with CSOs, by developing an independent investigation mechanism with enforcement authority and a system for compiling and publishing disaggregated data on reports of violations. The action plan could also take confidence-building measures to foster trust with CSOs and media organizations, minimize online and offline targeting of these organizations, and facilitate their engagement with state institutions mandated to respond to human rights concerns without reprisal. If passage of the [Human Rights Defenders Protection Act](#) by the Senate does not take place before this action plan is finalized, a commitment on this bill could be leveraged by champions in the Senate and civil society.

Useful resources:

- OGP Democratic Freedoms Learning Network
- OGP: [Actions to Protect and Enhance Civic Space](#)

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- OGP: [Civic Space Fact Sheet](#)
- Related Commitments: Nigeria ([2019–2022](#)), Mongolia ([2021–2023](#)), and Luxembourg ([2019–2021](#))
- Partners that can provide technical support: [International Center for Not-for-Profit Law](#) (ICNL), [CIVICUS](#), and [Organisation for Economic Co-operation and Development](#) (OECD)

### AREA 3. Public participation in the budget process

The Philippines is ranked among the top ten countries for budget transparency by the [Open Budget Index](#), but scores 31/100 for public participation. Existing opportunities for participation in the budget process include a mechanism for the Department of Budget and Management to receive input from a council during budget formation and implementation, and the Congress' public hearings on approval of the annual budget. Across OGP, nearly 40% of participatory budgeting commitments show strong early results (double the global average for all commitments).

This action plan offers an opportunity to widen participation opportunities, building on related efforts in previous Philippines' action plans. For example, beyond the existing council, the Department of Budget and Management can open opportunities for any CSO or member of the public to engage during budget formation and implementation, focusing on active engagement with vulnerable and underrepresented communities. In addition, the Congress could open opportunities for members of the public or CSOs to testify during hearings on the budget proposal and the audit report.

Useful resources:

- OGP: [Fiscal Openness Fact Sheet](#)
- OGP: [Fiscal Openness](#)
- Related Commitments: Sekondi-Takoradi, Ghana ([2018–2020](#)), Georgia ([2016–2018](#)), Guatemala ([2016–2018](#))
- Partners that can provide technical support: [International Budget Partnership](#), [Global Initiative for Fiscal Transparency](#), [Public Expenditure and Financial Accountability Program](#)