

Independent Reporting Mechanism

Croatia Co-Creation Brief
2023

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 Croatia's fifth 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. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Croatia](#) 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 [the assessment of OGP's minimum requirements](#) 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. This 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 December 2023.

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Section I: Action Plan Co-Creation Process

Croatia has been a member of the Open Government Partnership (OGP) since 2011 and has produced four OGP action plans. The upcoming co-creation process will be the first process to be conducted fully under OGP's updated Participation and Co-Creation Standards (updated in January 2022), and the first since the height of the COVID-19 pandemic.

This offers an opportunity for the Croatian government, the OGP Council (Croatia's multistakeholder forum), and broader civil society to meet the minimum requirements of the updated standards as well as go beyond and develop an ambitious process for co-creating the next action plan.

The IRM assessed that during the co-creation process of the 2022–2024 (Jun) action plan, Croatia had a functioning OGP website and repository, a successful feedback mechanism to gather input, and a reasoned response provided by the OGP Council. The three minimum requirements that would need to be addressed are around the regularity of OGP Council meetings, publishing advance notice of the co-creation process, and conducting outreach activities. The IRM notes that one of the key reasons behind not meeting these minimum requirements in the previous cycle was due to COVID-19 restrictions, which means that they should be feasible to achieve during this upcoming co-creation process. While Croatia provides various opportunities to engage in the development of the action plan, it could step up its co-creation process to be more ambitious and include some deliberative elements as well.

The IRM recommends the OGP Council to consider the following actions to improve co-creation:

- Ensure the multistakeholder forum meets at least once every six months during action plan co-creation and implementation.
- Provide clear and accessible information on planned/upcoming activities and ongoing progress of action plan co-creation.
- Explore the use of deliberative methods to engage underrepresented groups and citizens who are less likely to engage.

RECOMMENDATIONS

Recommendation 1: Ensure the multistakeholder forum meets at least once every six months during action plan co-creation and implementation.

Established in 2012, Croatia's Council of the Open Government Partnership Initiative (OGP Council) is one of the longest running multistakeholder forums (MSF) in OGP. Information about the OGP Council, including its current mandate, membership, rules of procedure, and minutes of meetings, is available online.

During the COVID-19 pandemic and related restrictions, the OGP Council held all its meetings online, which demonstrates its ability to adapt its procedures rapidly to changing contexts.

The council held initial meetings for the co-creation of the 2022–2024 action plan on 15 December 2020, 26 May 2021, and 11 February 2022.

According to information available online, the council has not met again since February 2022. This is a challenge for the council and Croatia's OGP process in meeting the minimum requirements outlined in OGP Participation and Co-Creation Standards for the MSF to meet at least every six months.

The MSF therefore needs to call a meeting as soon as possible to begin its action plan co-creation process and ensure that it establishes regular meetings—at least once every six months—during both the co-creation and implementation periods.

Recommendation 2: Provide clear and accessible information on planned/upcoming activities and ongoing progress of action plan co-creation.

Croatia's OGP website and repository provide a summary of the co-creation process for its current (2022–2024) and previous action plans. The Office for Cooperation with NGOs launched a public consultation on priority activities for inclusion in the action plan and published a report on the input received. Input received from this consultation and the MSF were used to draft the action plan. The government then conducted an internal consultation for MSF members on the draft action plan, followed by another public consultation for citizens to comment. Reports on these consultations have been published.

The minimum requirements of the OGP Participation and Co-Creation Standards state that information about the co-creation process must be made available at least two weeks before commencing action plan development. While the MSF was informed in advance last time, it would be good practice to also ensure that the same information is published online for the public to easily understand the process. This would also require publishing information on the opportunities that would be available for providing input to the process. For reference, [Romania](#) published a timeline in advance of the start of its last OGP co-creation process.

While it makes sense to centralize the information and relevant links to consultations and reports in one place on Croatia's OGP website, it would also be good practice to proactively provide clear and accessible information about the start of the co-creation process on social media and/or other locations to help attract broader audience to participate.

Recommendation 3: Explore the use deliberative methods to engage underrepresented groups and citizens who are less likely to engage.

The development of Croatia's action plan provides multiple opportunities at different stages for input from the public and MSF members. However, these public consultations have had limited input—only [12 comments](#) were received during the consultation on action plan priorities during the 2022–2024 co-creation process.

As this mechanism is well established in Croatia's OGP co-creation process, the MSF could decide to adopt a strategy of broader and targeted engagement in the early stages to establish action plan priorities. This could include more proactive methods of engaging the public via both in-person as well as online meetings. To reach beyond the usual suspect stakeholders, some of these meetings could take place outside of the capital city.

Meetings with the public to identify action plan priorities could also deliberately engage underrepresented groups such as women, youth, ethnic minorities, and persons with disabilities. It would be good practice to examine which groups in Croatian society are not represented or underrepresented in OGP and design the co-creation process to reach those people. This may help in designing commitments to address issues directly affecting specific groups of citizens.

Croatia could also explore a similar approach to [Finland's](#) "national dialogues" (formerly "lockdown dialogues"), providing an opportunity for citizens to share experiences, enhance understanding, and identify priorities. Rather than a general invitation to the public, the Finnish government took a targeted approach by sending out personalized invitations to

prospective participants through a wide network of groups and contacts to engage “ordinary” citizens who would otherwise not be involved in such exercises.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Croatia's fifth action plan could seek to implement recommendations from international assessments as well as pursue new policy areas that have not been addressed before by previous action plans. This could include ensuring an effective and efficient Public Prosecutions Office to combat corruption, adopting and implementing a lobby register, as well as improving media freedom and transparency. A commitment on climate and environmental openness could be a new area of opportunity for commitments in the next action plan.

AREA 1. Ensure an effective and efficient Public Prosecutions Office to combat corruption.

Commitments introducing or improving anti-corruption measures have appeared in previous Croatia's action plans. However, the European Commission's [2023 Rule of Law Report](#) and OECD's [2023 Economic Survey for Croatia](#) pointed out that high-level and petty corruption are still perceived as widespread. The next action plan presents Croatia with the opportunity to address the issues outlined in these assessments. Such activities could contribute towards Croatia's efforts to become an OECD member.

Many citizens perceive corruption and clientelism to be high, while the [government has stated](#) that it is combatting corruption. As the government carries out its Anti-Corruption Strategy, it could ensure that the monitoring of the implementation of related action plans follows a model similar or in line with the OGP process. Ensuring civil society and citizen oversight of implementation, along with the opportunity to hold institutions to account in meetings, may help to ensure deeper institutionalization of the objectives in the anti-corruption strategy. Having recently signed the OECD's [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), the Croatian government could specifically commit to working with civil society to monitor its implementation.

Additionally, [Freedom House](#) has stated that corruption issues—involving high-level government officials, state enterprises, EU funds reimbursement institutions, and local authorities—continued to overwhelm the Prosecutor's Office. One key recommendation for improvements in this area came from increasing the efficiency of corruption investigation and prosecution, which may simply require greater resourcing financially and personnel capacity. There might also be policy or legislative changes, such as revising the Criminal Procedure Code, required to strengthen or speed up the processing of investigation. Such policy or legislative discussions could engage civil society organisations with relevant expertise. Other activities may involve increasing the transparency of the Prosecutor's Office's investigation in a way that would help ensure efficient processing and greater transparency of criminal charges and prosecution outcomes.

Useful resources:

- Transparency International: [Recommendations on asset and interest declarations for OGP Action Plans](#).
- OECD: [Standards on anti-corruption and integrity](#).
- The World Bank: [Using asset disclosure for identifying politically exposed persons](#).
- Ukraine ([2014–2016](#)) and Spain ([2020–2024](#)) are working in this policy area.
- Partners that can provide support: [Gong](#), [OECD](#).

AREA 2. Continue the adoption of a lobby register and take an ambitious approach to its implementation.

The European Commission and OECD have highlighted the need for improving transparency and accountability through improving code of ethics, creating a lobby register, setting positive examples, and conducting information and awareness campaigns. Such activities to introduce or improve anti-corruption mechanisms and strategies is an [Open Gov Challenge](#).

While the 2022–2024 action plan has sought to ensure the adoption of a lobbying transparency law, it is likely that the ongoing delays mean that any adopted law is unlikely to be implemented before the end of the action plan period. Therefore, it would make sense for the upcoming action plan to carry the commitment forward to the next action plan, such as by finishing the adoption of the law through the parliament and taking actions related to its implementation. This could mean ensuring that any implemented lobby register makes information available in an open data format so that they are easily accessible, searchable, and linked to relevant databases pertaining to public procurement as well as company and beneficial owner registers. Civil society participation in the development of these databases could add value to the process and its outcomes.

Useful resources:

- OGP: [Common challenges in lobbying transparency](#).
- Access Info, Sunlight Foundation, Transparency International, and Open Knowledge Foundation: [International Standards for Lobbying Regulation](#).
- OECD: [Principles for Transparency and Integrity in Lobbying](#).
- Estonia ([2020–2022](#)), Finland ([2019–2023](#)), and Latvia ([2019–2021](#)) have worked on this policy area.
- Partners that can provide technical support: [Gong](#), [OECD](#).

AREA 3. Improve media freedom and transparency.

Croatia has previously included reforms to media ownership transparency in previous action plans. The European Commission's [2023 Rule of Law Report](#) states that media ownership information is publicly available, but points to areas of improvement on media freedom and transparency which could be developed into potential commitments. The law on public tender procedures for state advertising in local and regional media requires funds to be distributed after a public call listing relevant criteria and the majority of relevant authorities have organized such calls as required by the Electronic Media Act. Developing or reinforcing actions to support independent media or to protect journalists is an [Open Gov Challenge](#).

Broadly speaking, Croatia needs to address the concerns which continue to impact the professional environment for journalists outlined in the report. This would relate to ensuring that there are no restrictions placed on the updates to the Law on Media, as well as to address the abusive use of strategic lawsuits against public participation (SLAPPs) targeting journalists.

In other areas, Croatia has committed to publish information on ownership of all types of media in a single register by June 2026. However, stakeholders have raised concerns that the underlying ownership structures of electronic media may remain hidden. The 2023 Media Pluralism Monitor continues to indicate a medium risk for the transparency of media ownership. This points to a potential commitment on verifying the ownership structures for (electronic) media to plug any gaps in providing meaningful beneficial ownership information.

Action could be taken to strengthen the framework and implementation of public tender procedures for state advertising in local and regional media. To ensure fair and independent public tender procedures, the government could develop guidance on effective oversight measures and promote good practice. This may mean creating model criteria for tender procedures for local and regional governments to follow, and outline guidance on developing structures for monitoring and oversight. Such models and guidance could be conducted in collaboration with civil society. Already, civil society organisations such as the Croatian Journalists Association have [developed potential criteria and identified areas for improvement](#).

Useful resources:

- OGP: [Open Gov Guide: Freedom of Expression and Media Freedom](#).
- Canada ([2022–2024](#)) and Spain ([2020–2024](#)) are working on this policy area.
- Partners that can provide technical support: [Gong](#), [Croatian Journalists Association](#).

AREA 4. Climate and environmental openness

[According to its European Commission country report](#), Croatia's vulnerability to climate risks means the country is ever more exposed to floods but also more frequent heatwaves and droughts. Even with 40% of Croatia's €6.3bn European Union recovery and resilience funds allocated towards climate objectives, these vulnerabilities put Croatia's green transition—such as through reductions in hydropower production—at risk. On the other hand, the Croatian government [has stated more ambitious aims](#) than before to phase out coal, reduce the impact of tourism, protect natural habitats, and increase its use of renewables.

Croatia could fulfil these objectives and enhance the implementation of its recovery and resilience plan by introducing measures that increase transparency, enable citizen participation, and guarantee public accountability. Using open government approaches to strengthen the implementation of climate and environment related strategies or agreements is an [Open Gov Challenge](#).

A commitment could ensure public oversight and transparency for climate finance and greening existing fiscal and planning processes, such as those committed to in the Paris Agreement as part of Croatia's EU Member State's Nationally Determined Contribution (NDC). Furthermore, with a large percentage of EU investment going into green transition, it would be good to ensure that there is sufficient transparency and opportunities for citizen oversight. Actions could ensure funds for energy efficiency and post-earthquake reconstruction, low-carbon energy transition, and allocation of support for businesses to ensure that the green transition is effective and transparently distributed. In some cases, this may be effective via new formalized mechanisms, whereas others may benefit from existing practices (such as Integrity Pacts) as a way to engage civil society. Budget allocation and spending information could be made more accessible as open data with explanations and visualization with citizen-friendly resources and plain language.

Croatia could commit to more ambitious activities that center public participation early in the decision-making processes by allowing the public to shape priorities and contribute to monitoring efforts related to the green transition. An increasing number of OGP members, both at the national and local levels, are incorporating participation into climate and environment commitments. For example, a commitment could ensure that there are procedures to proactively find and address the concerns of communities that face environmental pressures. In Croatia, this may be effective when addressing issues related to the provision of water, allocation of renewable energy projects or linked with the

development of sustainable tourism (which also may need to tackle the provision of resources).

Useful resources:

- OGP:
 - [Implementing the Paris Climate Agreement through Transparency, Participation, and Accountability.](#)
 - [Open Gov Guide: Climate and Environment.](#)
- United Nations Economic Commission for Europe: [The Aarhus Convention An Implementation Guide.](#)
- Germany ([2017–2019](#)), Indonesia ([2022–2024](#)), Romania ([2022–2024](#)), and Uruguay ([2021–2024](#)) are working on this policy area.
- Partners that can provide technical support: [Access Initiative](#), [Zelena Akcija](#).