5 Open Government in Honduras: Towards Effective Implementation

This chapter analyses the open government agenda in Honduras within the broader context of ongoing public sector reforms, placing special emphasis on the government's ambition to increase public sector transparency. The chapter finds that Honduras has made important progress in establishing rules, governance and implementation frameworks. Notably, the country has been implementing Open Government Partnership (OGP) action plans for many years and its ambition to build an open state has been expressed through the adoption of an Open State Declaration. However, Honduras faces several challenges with regard to open government delivering its promise of a more transparent, accountable and participatory government, in particular relating to a lack of proper implementation and evaluation.

Introduction

Open government is a culture of governance that, if implemented correctly, has profound implications for the way citizens and the state interact. Open government touches upon every single aspect of public governance, and is based on the idea that citizens should be enabled to understand, influence, monitor and evaluate public decisions and actions. The OECD stresses that open government is critical to building citizen trust and is a key contributor to achieving policy outcomes in diverse domains, including transparency, accountability, integrity and public sector modernisation in general, as well as all major socio-economic targets within the framework of the 2030 Global Agenda for Sustainable Development Goals (OECD, 2017[1]).

The Latin America and Caribbean (LAC) region has championed many initiatives to make the transition to an open state a reality. In particular, the OECD has gathered evidence showing that 70% of LAC countries were implementing initiatives to promote openness in the legislature, and 60% were doing so at the subnational level of government (OECD, 2016[2]). Honduras is part of this trend, with a clear ambition to expand the open government agenda to the subnational level as well as to other branches of the state, such as the legislative and the judiciary. This ambition is reflected in the adoption of an Open State Declaration in 2018 and with an Open Government Partnership (OGP) Action Plan integrating other actors beyond the executive, such as the National Congress and independent institutions.

The purpose of this chapter is to analyse the open government agenda in Honduras within the broader context of the ongoing public sector reforms. It acknowledges that the country has made important progress in establishing governance and implementation frameworks for open government. Most notably, Honduras has been implementing OGP action plans for many years[1] and developed concrete steps to build an open state. In order to move towards an open government culture of governance, more efforts are needed to foster effective implementation of open government policies and practices at all levels of government. Acknowledging recent changes of government following the November 2021 elections, this chapter aims to provide Honduras with short-, medium- and long-term policy orientations and actions to strengthen the country's open government agenda.

This chapter assesses Honduras against key provisions of the *OECD Recommendation of the Council on Open Government* (OECD, 2017[1]). It benchmarks the country's efforts in the field against those of OECD members and partners, based on the data collected through the 2020 OECD Survey on Open Government to which Honduras contributed.

Developing a coherent and ambitious understanding of open government in Honduras

Establishing a definition – meaning an official or common understanding of what open government implies – is a fundamental first step towards building a coherent open government agenda, as it can help raise awareness in and outside government about the concept, its benefits and expected results.

According to preliminary results of the *2020 OECD Survey on Open Government*, 21 out of 27 OECD member countries that provided answers and Honduras have adopted either an official or a working definition of open government (Figure 5.1). Most of these definitions are inspired by the OECD definition (13) or the OGP definition (13) and they most commonly link open government with the concepts of transparency, accountability, citizen participation and collaboration (OECD, forthcoming).

Figure 5.1. Usage of open government definitions across OECD countries and Honduras
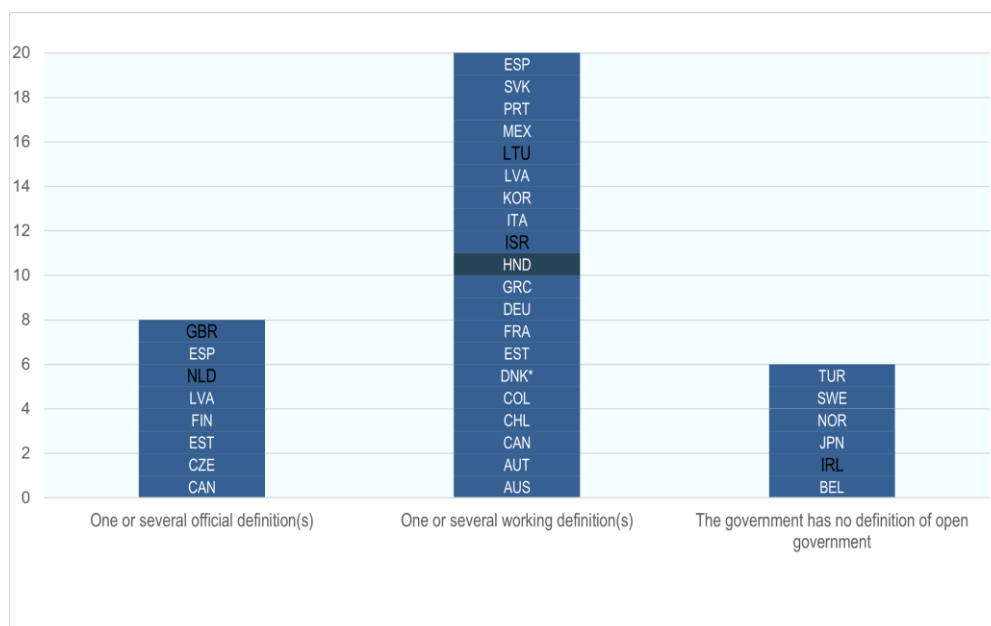
Note: Left axis represents the number of countries. N=33. Multiple selection possible. *Data for Denmark are preliminary.
Source: OECD ((2021[3]), *2020 OECD Survey on Open Government.*

Honduras could benefit from a coherent and streamlined understanding of open government and its principles

Honduras has in fact established two definitions for open government (see Box 5.1). The most recent definition coined by the former Secretariat of Transparency (*Secretaría de Estado en el Despacho de Transparencia*, hereinafter SDT)[2] is in line with the *OECD Recommendation of the Council on Open Government*. It includes references to the principles of transparency, accountability and citizen participation, with the aim of making open government a culture of governance. According to the definition, citizens shall be at the centre of public decision making with the ultimate goal of improving democracy and collective welfare.

Nevertheless, this definition has not yet been mainstreamed across all relevant stakeholders involved in the open government agenda. Most interviewed stakeholders associated open government primarily with the fight against corruption, the release of open government data and/or with the concept of transparency, which is – at the same time – understood as a synonym for the fight against corruption. Policies and practices relating to citizen and stakeholder participation and accountability were less commonly seen as an integral part of the open government agenda.

> ### Box 5.1. Definitions of open government in Honduras
>
> The main documents describing the open government agenda in Honduras, such as the OGP Action Plans, the Open State Declaration and the Country Vision, among others, refer to open government as a means of fighting corruption, improving probity and integrity, and supporting the country's development agenda.
>
> **Open State Declaration (2018)**
>
> The Declaration for an Open State in Honduras describes open government as "the efforts based on the pillars of transparency, participation and accountability, with the goal of fighting corruption, **build** trust in public institutions and promote the efficient use of public resources".
>
> **Secretariat of Transparency (Secretaría de Transparencia) (2020)**
>
> The SDT, the co-ordinating entity of the open government agenda in Honduras, defines open government as: "the set of mechanisms and strategies that contribute to public governance and good governance, based on the pillars of transparency, citizen participation, accountability, collaboration and innovation, focusing and including citizens in the decision-making process, as well as in the formulation and implementation of public policies, to strengthen democracy, the legitimacy of public action and collective welfare."
>
> *Source:* Author's own elaboration.

Furthermore, there seems to be a lack of harmonised understanding of the principles of open government and an overlap between the concepts of transparency and open government. Honduras has several definitions of transparency, ranging from access to information to citizen participation and good governance (see Table 5.1). The existence of different definitions or understandings can constitute an obstacle to the harmonious implementation of open government reforms (OECD, 2016[2]). The main policy documents related to open government (such as the Public Policy on Transparency and Access to Public Information) use transparency as the overarching concept that takes in participation, accountability and the fight against corruption (IAIP, 2015[4]). However, the framework for this set of practices would ideally be "open government" (or an open state) and not a "transparent government", as transparency itself does not cover the interactive and responsive side of open government (i.e. participation and social accountability).

Table 5.1. Definitions of the concept of Transparency in Honduras

Public institution	Transparency definition / description	Source
State of Honduras	The set of provisions and measures that guarantee the publicity of information on the acts of the competent Institutions and the public's access to this information.	Article 3(1) of Law of Transparency and Access to Public Information
Institute for Access to Public Information (*Instituto de Acceso a la Información Pública* - IAIP)	Transparency in itself is a public policy. Public transparency is and should be a public policy in any state, as it is associated with the deepening of democracy, good governance and the prevention and fight against corruption. *(Not a definition per se, rather a*	Public Policy on Transparency and Access to Public Information.

Public institution	Transparency definition / description	Source
	description of the IAIP understanding).	
Supreme Court of Accounts (*Tribunal Superior de Cuentas* - TSC)	Clear, truthful and objective public management through the implementation and development of systems of control, oversight, probity, ethics, and the promotion of citizen participation.	Article 2 of Law on the Supreme Court of Accounts

Source: Author's own elaboration.

Honduras could consider co-creating (i.e. by designing a new definition) or adopting (i.e. by selecting one of the existing definitions) a single definition of open government that is accepted by the whole public sector and external stakeholders alike. This definition should aim to differentiate the concepts of open government and transparency by establishing open government as the umbrella for the different principles of transparency, accountability, integrity and participation. It could also link the open government agenda to broader policy objectives such as the fight against corruption and modernisation of the public sector. To support compliance and uptake of the new definition, Honduras could consider launching a participatory process to develop the official definition of open government with all relevant stakeholders from government, academia and civil society.

The new definition of open government could be communicated widely to ensure that all public officials and non-public stakeholders are aware of it. The institution leading the open government agenda in Honduras could consider organising a dedicated communications campaign to promote a revised definition. For example, in Colombia, the open government definition is anchored in high-level public policies such as the National Development Plan, and is regularly included in speeches from high-level authorities such as the vice president.

Box 5.2. Milestones of the open government agenda in Honduras (2011-21)

The inception of open government agenda in Honduras can be traced back to its adhesion to the Open Government Partnership (OGP) in 2011, even if some practices linked to an open government where already in place. The list below summarises some of the key milestones of the agenda:

- 2006: Law on Access to Public Information (as part of the country's engagement in the Stockholm Pact in 1998)
- 2006: Law on Citizen Participation
- 2011: Honduras joins the Open Government Partnership
- 2012: First OGP Action Plan
- 2013: Unified Transparency Portal (Portal Único de Transparencia) (as part of the implementation of the Law on Access to Public Information)
- 2014: Second OGP Action Plan
- 2016: Third OGP Action Plan
- 2018: Open State Declaration
- 2018: Fourth OGP Action Plan
- 2018: Adoption of National Policy of Transparency, Integrity and Prevention of Corruption (*Política Nacional de Transparencia, Integridad y Prevención de la Corrupción*)

Source: Author's own elaboration based on information provided by the Secretariat of Transparency.

Honduras could integrate protection of the civic space as part of its understanding of open government

The OECD understands a healthy civic space as an essential precondition for and facilitator of open government initiatives. The OECD defines civic space as "the set of legal, policy, institutional and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise and participate in public life" (OECD, 2021[5]). The approach to assessing civic space is based on a framework that looks at four key thematic areas (OECD, 2021[5]):

- civic rights and freedoms (i.e. freedom of expression, freedom of assembly and freedom of association, access to information, and protection for activists and human rights defenders)
- media and digital rights and freedoms (i.e. the right to a free press, an open Internet, privacy and data protection, and issues related to emerging technologies)
- the enabling operational environment created by the government for civil society organisations (CSOs) to operate in and flourish
- civic and CSO participation in policy making and decision making.

This chapter does not aim to provide an exhaustive analysis Honduran civic space. Rather, it aims to point out certain challenges that can hinder overall implementation of the open government agenda and that the government of Honduras could take into consideration.

Information gathered by non-governmental and human rights organisations, and by the OECD Secretariat during the fact-finding mission, point to a restricted environment for civil society organisations to operate. CIVCUS (2021[6]), Amnesty International (2020[7]) and interviewed stakeholders highlight that civil society organisations, human right activists and environmental defenders face financial, legal and political challenges to operating in Honduras, with effects on their personal safety. Interviewees also stressed the lack of resources for CSOs, the dependence on development agencies and international funds, and a complex relationship *vis-à-vis* certain public authorities as their main barriers. For example, changes to the Special Law against Asset Laundering adopted in 2021 *(Ley Especial contra el Lavado de Activos)* include civil society organisations and its members as "politically exposed persons" (*Personas Expuestas Políticamente,* PEP[3]). This juridical change puts CSOs and their members at the same level as politically responsible individuals, which in turn allows for scrutiny and certain legal obligations that can be used to pressure activists and hinder the work of CSOs (Swissinfo, 2021[8]). This goes against international recommendations, such as those of the United Nations Convention against Corruption, and makes CSOs and the individuals working in those organisations vulnerable to harassment, oppression and unjustified legal and judicial actions.

In addition to a challenging operational environment for CSOs, the Inter-American Commission of Human Rights (2019[9]) highlighted alarming levels of violence as one of the main challenges for civic space in Honduras. Despite a recent downward trend, Human Rights Watch (2020[10]) observed that the murder rate in Honduras remains among the highest in the world and reported "unjustified lethal force and other excessive use of force by security forces during a police and military crackdown on public protests between March and July 2019". Furthermore, several international organisations and human rights organisations – including the Inter-American Commission of Human Rights (2019[9]), the United Nations Special Rapporteur on Human Rights and CIVICUS[4] – noted that certain groups and minorities are under threat in Honduras. Particularly affected groups include women, sexual minorities, children, human rights defenders, indigenous communities and migrants. This is illustrated by the levels of violence based on gender identity or sexual orientation, with 299 women killed in 2019 and at least 26 LGBTI individuals killed between January and August of the same year (CEPAL, 2020[11]). Honduras has the highest rate of femicides in Latin America, with 6.2 women killed per 100 000 inhabitants. The United Nations, through its Special Rapporteur on Human Rights (2019[12]), and the Universal Periodic Review (2020[13]) adopted by the Human Rights Council, have highlighted that corruption, lack of access to justice and high levels of

impunity in Honduras are contributing factors to serious human rights abuses in the country. The newly elected government has already taken steps in the right direction by working with women's rights groups to draft a law to address impunity in cases of violence against women (The Guardian, 2022[14]).

Box 5.3. Participatory practices to foster inclusion of minorities

Canada - Aboriginal consultations

The government of Canada consults with Aboriginal Canadians on matters of interest and concern to them as an important part of good governance, sound policy development and decision making. The government seeks to strengthen relationships and partnerships with Aboriginal peoples and thereby achieve reconciliation objectives. Specific guidance supports departments and agencies in the fulfilment of consultation and accommodation obligations with Aboriginals to support departmental and overarching government policy objectives. Regional Consultation Co-ordinators act as liaison between federal departments, provincial and territorial governments and Aboriginal organisations and communities, to facilitate relationships on key consultation files and to ensure that the interests of Canada are addressed. Initiatives to better integrate Aboriginal consultation with environmental assessments and regulatory processes have also been undertaken, particularly in relation to major natural resources and infrastructure projects.

Brazil – Youth councils and conferences

In Brazil, young people and youth organisations and associations can participate in the National Youth Council (CONJUVE) and the National Youth Conference (CNJ). The CONJUVE is a youth advisory council established by Law 11.129 of 2005 and Decree 10.069 of 2019, and is composed of one-third government representatives and two-thirds representatives from civil society. The Council's mandate is to formulate and propose guidelines for governmental action and policies targeting young people as well as to articulate and promote exchange between governmental and non-public stakeholders working with and for young people. The Youth Conferences aim at gathering governmental and non-public stakeholders to deliberate and co-produce guidelines for public policies addressing young people in Brazil. The first National Youth Conference was organised in 2008, bringing together more than 400 000 individuals – a number that reached almost 550 000 participants in the second Conference of 2011.

Source: OECD (2022[15]), *Open Government Review of Brazil*; OECD (2021[16]), *Handbook on Open Government for Peruvian Public Servants*, https://www.oecd.org/gov/open-government/guia-de-la-ocde-sobre-gobierno-abierto-para-funcionarios-publicos-peruanos.htm (accessed 31 October 2022).

The above-mentioned challenges could undermine the outcomes of open government reforms in Honduras. This is particularly the case with the violence suffered by certain groups of society, especially underrepresented groups, as it prevents inclusive, safe and representative participation in public life. In addition, the environment in which CSOs operate needs to be protected to ensure a constructive relationship with government, and to create spaces for participation and accountability. Civil society can be an ally to increase the impact of open government initiatives and the fight against corruption, by making use of public information published by the government or by ensuring that public authorities are accountable and open (see Box 5.4). Lastly, impunity and lack of access to justice can decrease the overall trust in public institutions and democracy.

Honduras could consider prioritising the protection and promotion of civic space as a core objective of open government and as a precondition for an open state. For example, when developing a new definition

of open government, Honduras could include a healthy civic space as a prerequisite; the Open State Declaration could be updated to include civic space commitments; and future OGP action plans could include commitments to support the workings of CSOs, and improve the overall health of the civic space. In addition, Honduras could increase the representation of minorities and ensure equality and inclusion in policy making, in particular in the design and implementation of its open government agenda, by putting in place dedicated mechanisms for underrepresented communities such as youth, indigenous communities and LGBTI. In this regard, Honduras could follow the example of Costa Rica and Canada and implement dedicated instances for indigenous communities to participate in policy making or draw inspiration from initiatives in Brazil that aim at providing communities such as Youth and LGBTI a voice in the decision-making process.

Box 5.4. Good practices of open government initiatives led by civil society in Honduras

Laboratory of Citizen Innovation

NuupLab is a citizen innovation laboratory established in 2018 by citizens and non-governmental stakeholders. Its objective is to provide an open, inclusive, collaborative and experimental space for civil society to influence public policy in Honduras. Among its projects, NuupLab has developed a collaborative map to support the government answer to COVID 19, social innovations to promote the Sustainable Development Goals, and training for youth organisations on collaborative methodologies.

Building transparency during COVID-19

The Honduras Chapter of Transparency International (Asociación para una Sociedad más Justa - ASJ) promotes fight against corruption by evaluating human resources, procurement and performance of key government institutions, and is a key player in the open government movement. In 2021, ASJ implemented the project Building transparency during COVID19 aimed at fighting corruption in emergency procurement during the pandemic, using an innovative methodology to audit USD 80 million in emergency state procurement for COVID-19 tests, ventilators, biosafety equipment and mobile hospitals. This project was awarded the 2021 World Justice Project Award.

Legislative transparency

Observatorio del Poder is a transparency initiative based on a web and mobile platform that supports monitoring of the National Congress with information, data, visualisations and analysis of the elected representatives and their legislative activity. In addition, it provides an interaction channel to give citizens the opportunity to communicate, question and provide input to the MPs. This civil society-led initiative aims at supporting an Open Parliament in Honduras.

Source: NuupLab, https://www.nuuplab.org/; Asociación para una Sociedad más Justa, https://asjhonduras.com/webhn/asj-gana-world-justice-challenge-2021-en-categoria-anticorrupcion-y-gobierno-abierto/; Observatorio del Poder, http://elobservatoriodelpoder.com/ (links accessed 31 October 2022).

Honduras could consider issuing a decree on open state to provide a legal basis for its open state and open government agendas

The Honduran legal framework already includes several elements relating to the implementation of open government policies and practices, including in the Law on Transparency and Access to Public Information and in the Law on Citizen Participation. However, the legal framework setting the governance of the open government agenda could be more detailed.

Following the example of OECD members and non-members such as Canada and Brazil, Honduras could adopt a decree on open state, as an integrated legal basis for its open government agenda. This Decree could also be a tool to implement the suggested recommendations of this chapter and support the country's move towards an integrated open government and open state agenda. The suggested decree is detailed in the recommendations section of this chapter.

Strengthening the frameworks for transparency and participation to increase the impact of open government

In most countries, the enabling environment for open government is the result of a combination of different layers of laws, policies and institutions. The legal and regulatory framework sets the preconditions for governments to put the open government principles into practice (OECD, forthcoming). It defines the rules and determines rights and obligations for citizens, stakeholders and the government. Traditionally, the legal framework for open government is composed of laws that contain provisions on different open government policies (e.g. citizen participation, open data, accountability, etc.), as well as references to fundamental democratic rights (e.g. freedom of expression, association and assembly) (OECD, 2020[17])

Honduras does not have a law on open government and could enshrine the right to information in the Constitution

Like most OECD countries, Honduras does not have any dedicated legislation on open government. Instead, its legal framework for open government is composed of a variety of laws and regulations, each addressing elements of transparency, participation, accountability and the protection of civic space. When the legal framework is coherent and implemented in a consistent and integrated manner, this patchwork of legislations is not per se a problem.

The Political Constitution of the Republic of Honduras (*Constitución Política de la República de Honduras*) was adopted in January 1982. Like the constitutions of most OECD member countries, the Constitution of Honduras does not include any specific references to the concept of open government. However, it contains a number of provisions concerning the principles of participation, integrity and accountability, as well as numerous provisions relating to the protection and promotion of civic space (see Table 5.2 for a detailed overview).

Unlike many OECD members, such as Greece and Portugal (Box 5.5), Honduras does not have the right to access information enshrined in the Constitution. While the Constitution recognises *habeas data* (the right to access personal data) in Article 182, access to information (ATI) is not explicitly mentioned (Government of Honduras, 1982[18]). Notwithstanding, Honduras has adhered to relevant international treaties and regional conventions that recognise the right to information, such as the International Covenant on Civil and Political Rights and the Inter-American Convention on Human Rights. In the long-term, Honduras could consider enshrining the right to information in the Constitution to provide the necessary high-level recognition of ATI as a fundamental human right and to preserve and protect it throughout changing political cycles. The new government has taken steps in the right direction by introducing a draft bill to that end.

Box 5.5. Constitutions recognising the right to access information

Greek Constitution

Article 5(A): "1. All persons have the right to information, as specified by law. Restrictions to this right may be imposed by law only insofar as they are absolutely necessary and justified for reasons of national security, of combating crime or of protecting rights and interests of third parties. 2. All persons have the right to participate in the Information Society. Facilitation of access to electronically transmitted information, as well as of the production, exchange and diffusion thereof, constitutes an obligation of the State, always in observance of the guarantees of articles 9, 9A and 19."

Portuguese Constitution

Article 268: "1. Citizens have the right to be informed by the Administration, whenever they so request, as to the progress of the procedures and cases in which they are directly interested, together with the right to be made aware of the definitive decisions that are taken in relation to them. 2. Without prejudice to the law governing matters concerning internal and external security, criminal investigation and personal privacy, citizens also have the right of access to administrative files and records."

Source: Constitution of Greece, https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf; Constitution of Portugal, https://www.wipo.int/edocs/lexdocs/laws/en/pt/pt045en.pdf.

Table 5.2. Laws and regulations regarding open government principles in Honduras

Year	Name	Description	Relevant OG principle(s)
1982	Political Constitution of the Republic of Honduras (*Constitución Política de la República de Honduras*)	The Constitution creates a framework of rights, obligations and principles that enable an open government. Article 5 details mechanisms for citizen and stakeholder participation, such as the referendum, the plebiscite, citizen consultations and the citizen legislative initiative. Article 45 ensures that the participation of citizens in public life is protected by the Constitution. Article 80 establishes the right for any individual to send petitions to any public authority and receive a response under a limit time specified by law. This right ensures a responsive government and promotes citizen participation in public life. Several articles refer to the protection of individual and collective rights, which are essential for a healthy civic space (Article 72 on Freedom of expression, Article 75 on Freedom of press, Article 78 and 79 on Freedom of assembly and association) Article 222 establishes the Superior Tribunal of Accounts (*Tribunal Superior de Cuentas*) as the main entity in charge of accountability of the State, especially in terms of fiscal audits and oversight of budget execution.	Participation Accountability Civic Space
1990	Law on Municipalities (*Ley de Municipalidades*)	The law mandates municipal authorities to organise participatory processes such as town hall meetings (*cabildos abiertos*) and plebiscites, and creates the Citizen Commissions on Transparency (*Comisiones Ciudadanas de Transparencia*) as participatory bodies to act as social accountability mechanisms to oversee and monitor the use of public resources.	Participation
2003	Law establishing the Superior Tribunal of Accounts (*Ley Orgánica del Tribunal Superior de Cuentas*)	This law creates the Superior Tribunal of Accounts as an independent institution in charge of the accountability of the State and public officials. It mandates this institution to oversee and monitor the use of public resources, ensure integrity in the public sector, and promote result-based monitoring.	Accountability Integrity

Year	Name	Description	Relevant OG principle(s)
2006	Law on Transparency and Access to Public Information (*Ley de Transparencia y Acceso a la Informacion Publica*)	The law recognises the right to access information and provides provisions for proactive and reactive disclosure, the exemptions and denials to grant information to the public, the possibility to file appeals, and the institutional responsibilities for oversight and implementation.	Transparency Integrity Participation
2006	Law on Citizen Participation (*Ley de Particiapcion Ciudadana*)	The law defines citizen participation in Honduras and establishes a list of mechanisms for its practical implementation, including plebiscite; referendum; local town hall meetings (*cabildos abiertos*); citizen initiative (which in this context is understood as public consultations and the inclusion of citizens and/or stakeholders in the implementation and management of public services or infrastructure).	Participation
2016	Law on Decentralisation (*Ley de Descentralización del Estado*)	The law aims at "making public management more democratic, efficient, transparent and participatory" and puts a strong emphasis on the importance of citizen participation throughout the decision-making process at the local level including planning, monitoring and evaluation. In particular, this law mandates the Secretariat of Governance, Justice and Decentralisation to oversee participation at the local level.	Participation

Source: Author's own elaboration.

The ATI law is aligned with OECD standards but further efforts are needed to improve its implementation

The right to access public information is at the core of an open government. It is understood as the ability for an individual to seek, receive, impart, and use information (UNESCO, n.d.[19]). At a country level, enforcement of the access to information (ATI) right is mostly made operational through ATI laws, which are present in 134 countries, including 37 OECD members (RTI Rating, n.d.[20]). Honduras approved in 2006 the Transparency and Access to Information Law (*Ley de Transparencia y Acceso a la Información Pública,* hereinafter ATI Law). The law defines the ATI right as "the right that every citizen has to access information generated, managed or held by obliged institutions provided for in this law" (Government of Honduras, 2006[21]). According to the Global Right to Information Rating (RTI), which measures the quality of the legal provisions of ATI laws, as of February 2022, the Honduran ATI law score (84) ranks slightly above OECD average (81) but lower than the LAC region (93) (RTI Rating, n.d.[22]).

The Honduran ATI law has a wide scope of application, covering all branches and levels of government, as well as any legal or natural person that receives or manages public funds, including non-governmental organisations (NGOs) and political parties (article 3 of the Honduran ATI law). This accounts for 428 public institutions in Honduras (IAIP, 2021[23]). Furthermore, article 13 defines the information that needs to be proactively published,[5] including: the organigram, functions and services of the public bodies; audit reports of the institutions; annual activity reports; salaries of public officials; legislations (e.g. constitution, organic laws, decrees, regulations); budgeting documents (e.g. approved budget); calls for tenders (public procurement); mechanisms allowing stakeholder participation; as well as the name and information of public officials in charge of ATI requests. Most of this information is published in the Central Transparency Portal (*Portal Único de Transparencia).*[6] In addition to the Transparency Portal, an Open Data Portal was also developed, which centralises open data sets relative to public procurement and contracting[7] (IAIP, n.d.[24]). This voluntary disclosure of information favours transparency and reduces costs and administrative burdens associated with filling requests for information.

According to the 2021 report of the Institute for Access to Public Information (*Instituto de Accesso a la Información Pública,* hereinafter IAIP) that assesses the compliance of proactive obligations, 63% of public institutions published all the required information for the 1st semester 2021. According to the same report, the 37% that did not fully comply with the disclosure provisions mostly failed to publicly disclose information

regarding budget, planning and audit (IAIP, 2021[23]). Despite progress in the quantity of information and data published, results from the fact-finding mission showed that the quality of the information was not always up to OECD standards. This is partly due to the lack of capacities and resources from public officials and the limited awareness of the benefits of a culture of transparency (see section below). As a result, proactive disclosure often ends up being a tick-the-box exercise. The fact-finding mission revealed that another factor hindering the quality of information is related to inadequate technology and management systems in the public sector.

At the subnational level, the IAIP has also developed, in collaboration with international partners and the Municipal Association of Honduras, a Municipal Transparency Index (*Índice de Transparencia Municipal*) and a Municipal Transparency Management Model (EUROsociAL+, 2020[25]). According to stakeholders interviewed during the fact-finding mission, both initiatives have facilitated access and monitoring of proactive disclosure obligations in municipalities. However, further efforts are needed to increase the usability and interoperability of these mechanisms. To that end, the government could consider conducting consultations with stakeholders to prioritise the information that is most useful, and where and how it could be proactively disclosed. This can help ensure the relevance and usability of the information published proactively as well as the user-friendliness of the mechanisms for providing it.

A request for information in Honduras can be submitted by written or electronic means, clearly indicating the information requested, without the need to explain the motivation or any other reason to justify the request (article 34 of the ATI law bylaws in relation to article 20). However, anonymity is not provided: when submitting a request, nationals, legal residents of the country, residents without legal status, CSOs, and national and foreign businesses must present a document proving their identity (article 36 of the ATI law bylaws). The possibility of being identified may discourage stakeholders from requesting information, as they may fear reprisals. For this reason, the OECD and partner countries are increasingly allowing for anonymous requests – either *de jure*, with legislation explicitly protecting the integrity and privacy of individuals and parties that file a request for information, such as Mexico, Estonia and Norway; or *de facto,* where countries do not require proof of identity and only ask for an email or contact address to send the requested information, as in Chile and Brazil (at the federal level).

To ease the process of requesting information, Honduras put in place the Electronic Information System of Honduras *(Sistema de Información Electrónico de Honduras* - SIELHO).[8] The SIELHO is an online platform where stakeholders can make requests for information and file appeals. The system redirects requests of information to the relevant public information officers (*Oficiales de Información Pública* – OIP) of each institution and provides information regarding the status of a request. It also gathers statistics on the type of information requested, the status of the requests or the reason for not providing the information.

ATI laws usually also specify the waiting period for a response. Article 21of the Honduran ATI Law and article 39 of its bylaws provide for a maximum of 10 days to respond the request, compared to an average of 20 working days in OECD countries (OECD, 2016[2]). Public institutions subject to the ATI law may deny access to information that falls under a list of exceptions, including national security, international relations, personal data and public health and safety, among others (article 25 of the ATI law bylaws). An important step forward in this regard is the repeal of the Law of Secrets in March 2022. Approved in 2013, the law was often used to classify information and justify the denial of information requests (France24, 2022[26]). If a request for information is denied, a justification must be provided to the requester. Once the requester has been notified of the denial of the request, an appeal can be lodged to the IAIP. Then, the IAIP has 10 days to review the appeal. As a last resort**,** requesters may appeal the IAIP decision through an *amparo*, which will be resolved by the Supreme Court of Justice.

While the overall legal process for reactive disclosure is aligned with OECD standards, the implementation is lagging behind. The Institutional Strategic Plan of the IAIP identified an overall lack of accessibility and credibility of information due, among other reasons, to an ineffective communication strategy of the existing mechanisms to request information, the limited methods for accessing information and the lack of

responses to certain requests for information (IAIP, 2018[27]). This challenge was confirmed during the fact-finding mission, where stakeholders mentioned a general lack of trust in the information provided by the government. Although the requester can also file a request in person, stakeholders pointed to the limitations of the SIELHO for electronic requests, in particular in rural areas where there are limited digital skills and ICT literacy. In fact, the World Bank suggests that only 32% of individuals use the Internet in Honduras (World Bank, n.d.[28]). This implies that the effectiveness of the existing ATI mechanisms remains limited. Similar to the initiatives taken in Colombia and Mexico (see Box 5.6), Honduras could consider multichannel mechanisms to raise awareness of the right to ATI and to foster both proactive and reactive disclosure measures to counter the existing digital divide and ensure inclusive and equitable access to information.

Box 5.6. Increasing inclusiveness of access to information in Colombia and Mexico

Colombia

The *Procuraduría general de la Nación* developed a series of tools to guide public officials in providing public information access to people who are in situations of disability as well as members of the indigenous communities and other minorities in the country. That Office also created specific booklets for these members of society, to ensure that they are aware of their ATI right and how to use it. These materials, directed to public officials, were created following a number of criteria, among them: 1) their language had to be simple, avoiding legal technicalities; 2) the text had to be understood by people without knowledge of the subject; 3) they had to be short; and 4) theoretical and technical aspects were to be included only when strictly necessary. Colombia also developed an explanatory video in sign language for citizens with disabilities or hearing impairment in order to present the Transparency and Access to Public Information law. The Colombian ATI law was transformed into Braille and made available in large print for the use of visually impaired citizens. Finally, Colombia has an indigenous population of 2 million; the ATI law has been translated into six indigenous languages *Arhuaco, Chamí, Koreguaje, Katío, Nasa* and *Wayuu.*

Mexico

The National Institute of Transparency, Access to Information and Protection of Personal Data in Mexico (INAI) regularly hosts workshops and engages in outreach with vulnerable groups facing structural barriers that can impede access to information. One outcome of these workshops was the production of guides on digital literacy for senior citizens and women in rural areas. The INAI also uses communitarian radios in indigenous languages to promote the use of and access to information.

Sources: Handbook on Open Government for Peruvian Public Servants, https://www.oecd.org/gov/open-government/guia-de-la-ocde-sobre-gobierno-abierto-para-funcionarios-publicos-peruanos.htm (accessed 31 October 2022); https://home.inai.org.mx/ (accessed 1 November 2022.)

The institutional capacities to conduct oversight of the ATI law could be strengthened

An important factor for effective implementation of ATI laws is the existence of robust institutional arrangements to ensure their application. The role of these bodies vary widely among OECD member and partner countries, but can be grouped into: 1) enforcement, such as consolidating proactively disclosed information, handling complaints, and sanctioning non-compliance; 2) monitoring, such as the internal appeals process and compliance with the law itself; and 3) promotion of the law, such as advising public

institutions and providing training, among other measures. The Honduran ATI law provides three bodies with different obligations: the Institute for Access to Public Information (IAIP); the ATI officers (OIPs); and the National Council for Anticorruption (CNA).

The IAIP is responsible for promoting and facilitating access to public information for stakeholders, as well as regulating and supervising the procedures of the institutions subject to the law concerning the protection, classification and custody of public information. The IAIP is an autonomous, with operational, decision-making and budgetary independence. It is composed of three commissioners, elected by the National Congress for a period of five years (IAIP, n.d.[29]). The IAIP has, among others, the following functions and powers:

- track and resolve appeals
- establish the manuals and instructions for classifying, archiving, safekeeping and protecting public information, which public institutions must apply
- establish the criteria and recommendations for the operation of the National Public Information System (Sistema Nacional de Información Pública)
- apply sanctions for non-compliance with the ATI law and verification guidelines
- carry out the administrative procedures necessary to guarantee the right to ATI by citizens
- present a biannual activity report to the Presidency of the Republic and the National Congress
- carry out promotional and outreach activities regarding exercise of the right to ATI
- guarantee the disclosure of proactive information according to article 13 of the ATI law.

According to the IAIP 2019-23 Institutional Strategic Plan, a relevant challenge is the lack of a transparency culture in the public sector (IAIP, 2018[27]). This is caused by a variety of factors including politicised public institutions, limited civic values, a weak fight against corruption, and a lack of interest from civil society. During the fact-finding mission, stakeholders recognised the mandate and the efforts of the IAIP in promoting the right to ATI and in ensuring legal implementation. However, concerns were raised about the Institute's limited human and financial resources, which hinder its capacity to effectively deliver on its mandate. There is thus a need to further strengthen the capacities of the IAIP to increase its enforcement capabilities, including the promotion and oversight obligations of the ATI law, by ensuring an adequate level of human and financial resources. In terms of enforcement, this would allow the IAIP to increase the oversight to the 428 public institutions subject to the ATI law.

In addition to the IAIP, the CNA plays a crucial role in ensuring the correct implementation of the ATI Law by receiving from the IAIP updated figures on appeals and sanctions, and the biannual activity report to monitor application of the ATI law. The CNA is an independent organism with legal personality composed of civil society stakeholders, created by Legislative Decree No. 07-2005 with the aim of supporting the policies and actions undertaken in the fight against corruption by the government of the Republic of Honduras (CNA, n.d.[30]).

Finally, the ATI Officers or OIPs are the person(s) designated by each of the 428 institutions subject to the law as responsible for effective management of the proactive and reactive disclosure obligations, a role existing in 50% of OECD countries. Designating ATI officers in all public institutions with adequate resources is essential to effectively implement an access to information law. However, according to the fact-finding mission, OIPs often lack capacities and resources, both human and financial, to adequately conduct their functions. This hinders the quality of information provided to requesters, both proactively and reactively. The IAIP does provide training for the OIPs to build their capacities, for instance with a certification programme, and has built an informal network of officials in each department. However, the lack of continuity of the officers, in particular at the local level due to the changes during political transitions, is another relevant challenge. In terms of capacities, the IAIP could build on the existing certification programme and the informal network to expand the training and establish a formal network among OIP public officials to conduct capacity building and promote co-operation and exchange of knowledge and

experience. In Brazil, the Citizen Information Service (*Serviço de Informação ao Cidadão* – SIC) Network (RedeSIC) is a relevant example of a formal network that provides training for ATI officers at all levels and branches of government, including members of the media and academic experts.

Honduras adopted a legal framework on citizen and stakeholder participation, the ambition of which could be increased

Honduras adopted its Citizen Participation Law in 2006 (*Ley de Participación Ciudadana*) as a "mean to modernise the way citizens can participate in public life as part of the participatory democracy principle that enshrines the national unity". The law defines citizen participation as "the inclusion of citizens in the formulation, execution and evaluation of all policies and actions of the State", and introduces four mechanisms (Government of Honduras, 2006[31]):

- plebiscite
- referendum
- local town hall meetings (*cabildos abiertos*)
- citizen initiative.

In addition, the country's legal framework for citizen participation (see Table 5.2.) includes the 1990 Municipal Law (*Ley de Municipalidades*) which created the Citizen Commissions on Transparency (*Comisiones Ciudadanas de Transparencia*) as participatory bodies to act as a social accountability mechanism to oversee and monitor the use of public resources and ensure the efficient delivery of public services at the municipal level (Government of Honduras, 1990[32]). The 2016 Law on Decentralisation (*Ley de Descentralización del Estado*) mandated the Secretariat of Governance, Justice and Decentralisation (*Secretaría de Estado en los Despachos de Gobernación, Justicia y Descentralización*) to "promote local governance through strengthening citizen participation and social accountability in order to achieve a sustainable and transparent decentralization process" (Government of Honduras, 2016[33]).

The adoption of a legal framework on citizen and stakeholder participation helps clarify the responsibilities of public authorities, and supports the institutionalisation of participation. Honduras has adopted three major pieces of legislation on participation. Nevertheless, certain challenges remain to ensure this framework is effectively contributing to the development of a culture of participation in Honduras. Evidence collected by the OECD suggests that the existing legal framework on participation is not properly implemented and lacks monitoring mechanisms. For example, the National Forum on Citizen Participation was never actually established, and the different mechanisms listed in the legislation are rarely organised or have minimum impact on decision making (LATINNO, 2017[34]).

The country's legal framework could be enriched with additional and more ambitious forms of citizen and stakeholder participation. The Law on Citizen Participation (2006) could be revised to include more engaging and impactful mechanisms such as participatory budgets, citizen consultations[9] or deliberative processes[10]. Honduras could get inspiration from OECD member and partner countries, such as Mexico, Colombia or Brazil that have included a diverse set of participatory mechanisms in their legislation (See Box 5.7).

Given the context of Honduras, certain practices from other Latin American countries could provide inspiration. For example, participatory budgets in Brazil have proved to be an effective tool to involve citizens and stakeholders in public decisions, with concrete and tangible impacts on inclusion, democratic quality and reduction of corruption.

> **Box 5.7. Legislation on citizen and stakeholder participation in OECD member and partner countries**
>
> **Law 1757 from 2015 on the Promotion and Protection of the Right to Democratic Participation in Colombia**
>
> The purpose of Law 1757 of 2015 on the promotion and protection of the right to democratic participation is to promote, protect and guarantee the right to participate in political, administrative, economic, social and cultural life, and also to control political power. Article 2 stipulates that any development plan must include specific measures to involve people in decisions that affect them and to support different ways of organising society. Similarly, the management plans of public institutions should explicitly state how they will facilitate and promote the participation of citizens in their areas of responsibility. Law 1757 of 2015 created the National Council of Citizen Participation, which advises the National Government on the definition, development, design, monitoring and evaluation of public policy on citizen participation in Colombia.
>
> **Law on Citizen Participation of 2019 in Mexico City (Mexico)**
>
> This law establishes the different mechanisms that citizens and stakeholders have to participate in public decisions. The law frames citizen participation and establishes twenty mechanisms and instruments for its implementation, organised by type of democracy: six mechanisms of direct democracy, six mechanisms for participatory democracy and eight mechanisms for representative democracy. The instruments established by the law are diverse, involving public consultations, participatory budgeting, citizen assemblies and citizen initiatives. The law also establishes governance and institutional mechanisms to ensure the effective participation of citizens with an open state approach, by involving representatives from the executive, legislative, the judicial and independent institutions.
>
> **Law 10.257 of 2001 on the Statute of the City (Estatuto da Cidade) in Brazil**
>
> This legislation mandates that all urban policies in Brazil should ensure a "democratic management through the participation of citizens and associations representing diverse segments of the community, in the formulation, implementation and monitoring of plans, programmes and projects". This law includes a chapter on the "democratic governance of the city", with provisions establishing the mechanisms for citizens and stakeholders to influence and monitor urban policies and management, including participatory budgeting, collegial bodies, public consultations and mechanisms of direct democracy. It establishes that it is mandatory to involve citizens and stakeholders in the preparation of the multiannual plans, fiscal guidelines and budget proposals. Article 44 details the mechanisms for a participatory budget, including public debates, hearings and consultations.
>
> *Source:* OECD (2021), *Guía OCDE para diseñar e implementar estrategias territoriales de Gobierno Abierto en Colombia*, https://www.oecd.org/colombia/Guia-ocde-para-disenar-e-implementar-estrategias-territoriales-de-gobierno-abierto-en-colombia.pdf (accessed 1 November 2022); Instituto Electoral de la Ciudad de México (2019), "Nueva Ley de Participación Ciudadana", https://www.iecm.mx/wp-content/uploads/2019/09/InfografiaLPCCM.pdf (accessed 1 November 2022); OECD (2022), *Open Government Review of Brazil*.

The institutional architecture for citizen and stakeholder participation in Honduras could be improved to support implementation

The legal framework in Honduras mandates two public authorities to oversee the citizen participation agenda. On the one hand, the Secretariat of Transparency (*Secretaría de Estado en el Despacho de Transparencia – SDT*)[11] is in charge of promoting citizen participation in the areas of transparency,

accountability and the fight against corruption. On the other hand, the Secretariat of Governance, Justice and Decentralisation (*Secretaría de Estado en los Despachos de Gobernación, Justicia y Descentralización – SGJD*) is in charge of designing and implementing national policy on citizen participation at the subnational level, and ensuring the involvement of civil society. In addition to these bodies, the legislation creates different mechanisms for co-ordination within government and with non-governmental stakeholders, namely the National Forum on Citizen Participation[12] (*Foro Nacional de Participacion Ciudadana*)*,* the Municipal and Regional Development Councils (*Consejos de Desarrollo Municipal y Departamental*) and the Community Roundtables for Citizen Participation (*Mesas Comunitarias de la Participacion Ciudadana*).

Evidence collected by the OECD during the fact-finding mission suggests that this institutional architecture at the central level of government could be strengthened. First, Honduras could clarify the institutional leadership for the participation agenda at the national level by establishing this mandate in a dedicated office – whether in the institution in charge of the open government agenda, or the SGJD. A dedicated Unit on Citizen Participation (*Unidad de Participación Ciudadana*) could follow the examples of OECD countries (see Box 5.8) and be charged with the implementation of participatory processes and co-ordination with other national authorities, and could work as a centre of expertise providing technical support on citizen participation to all public institutions. This support function could be strengthened in conjunction with the relevant institution in charge of training civil servants.[13] Sufficient resources should support this mandate, as interviews revealed that the SDT did not have dedicated human resources or mechanisms in place to steer the participation agenda. Alternatively, adding to its subnational and civic space responsibilities, the Secretariat of Governance, Justice and Decentralisation could broaden its role and cover the national citizen participation agenda.

Second, the proposed National Forum on Citizen Participation (*Foro Nacional de Participacion Ciudadana*) was never created, and there is no clear understanding of the role/responsibilities of the Municipal and Regional Development Councils (*Consejos de Desarrollo Municipal y Departamental*) or the Community Roundtables for Citizen Participation (*Mesas Comunitarias de la Participacion Ciudadana*). These collegial and deliberative bodies could support the mandated institution in its role to steer and promote citizen participation across the country. The National Forum on Citizen Participation (NFCP) could be implemented as a space for collaboration among public and non-public stakeholders on participatory practices at both the local and national levels. Honduras could implement this Forum as a space for dialogue, co-ordination, monitoring and exchange of good practices**.** The Forum could take inspiration from the Brazilian National Policy Councils, where public authorities and representatives from civil society collectively shape the policies and services in specific policy areas. As part of these bodies, Honduras should encourage collaboration with key actors from civil society, such as the FONAC (*Foro Nacional de Convergencia*).

Box 5.8. Institutional settings for citizen participation in OECD countries

Colombia

In Colombia, the citizen participation agenda is co-ordinated at the national level by the department in charge of public management (Department of Public Service). This Department oversees implementation of the National Citizen Participation Policy and has the mandate to promote participatory approaches to public service and public management. Line ministries (e.g. health or education) have are responsible for implementing an institutional citizen participation roadmap and co-ordinating with the Department of Public Service to ensure coherence and harmonisation.

France

The citizen participation agenda has a political lead, administrative co-ordination and an independent evaluation. The agenda is led by a dedicated minister (Minister of Relations with Parliament and Citizen Participation), co-ordinated by the Inter-Ministerial Direction for Public Transformation (DITP) and overseen by an independent body (National Commission for Public Debate – CNDP). The DITP is also in charge of the open government agenda and the OGP process in France, and works as a centre of expertise providing technical support on citizen participation to all public institutions.

Mexico

Mexico has two offices co-ordinating and leading implementation of the participation agenda, one located in the centre of government in charge of the coordination between the government and non-public stakeholders such as the Under-Secretariat for Democratic Development, Social Participation and Religious Matters). The other office is the open government lead in charge of guidance and support to other federal entities (Secretariat for Public Management).

Source: Author's own elaboration based on OECD (2021), *Survey on Open Government*.

Figure 5.2. Suggested enabling environment for citizen participation in Honduras
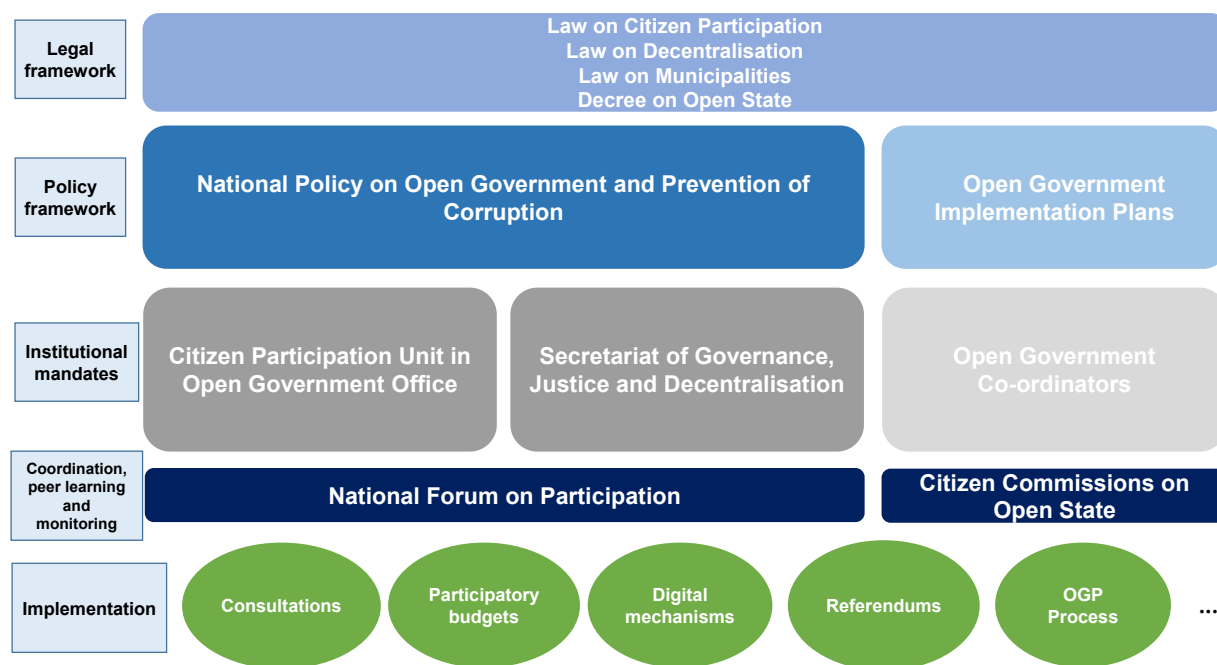
Source: Author's own elaboration.

Translating high-level objectives into concrete and measurable actions in Honduras' first National Open Government Policy

The enabling environment for open government includes policies that provide guidance to the government for the medium and/or long term. The policy framework sets the roadmap for open government reforms defining the "what" and the "how" (OECD, 2016[2]). The policy framework usually consists of policy documents (e.g. strategies, action plans) that detail initiatives, commitments and projects that aim to foster open government principles.

In Honduras, the most important policy document in the area of open government is the Open Government Partnership (OGP) Action Plan. However, references to the promotion of open government principles are also included in other policy documents such as the Country Vision 2010-38 (*Visión de País*) and the National Policy of Transparency, Integrity and Prevention of Corruption (*Política Nacional de Transparencia, Integridad y Prevención de la Corrupción*) published in 2018. The most relevant policy documents for open government in Honduras are presented in Table 5.3.

Table 5.3. Overview of the main existing policy documents relating to open government in Honduras

Name	Main objective	Open Government Principles	Validity	Leading institution (as of Nov 2021)
4th Action Plan for Open State Honduras 2018-2020	Includes commitments from public authorities in the executive, legislative and judicial branches as well as independent institutions to promote the principles of transparency, participation and accountability.	All	2018-2020	Secretariat of Transparency
National Policy of Transparency, Integrity and Prevention of Corruption	Consolidate an open, transparent, agile, accountable and efficient State that promotes the development of Honduras in a participatory and deliberative democracy, while promoting greater co-responsibility among all social forces in the country in the cultural and ethical transformation of society; in the development of greater harmonious collaboration between all State entities; in the greater commitment to a frontal, total and radical fight against corruption, impunity and abuse of public office in all its forms.	All	2018 - 2030	Secretariat of Transparency
National Policy and Action Plan on Transparency and Access to Public Information	Provide a strategic framework that guides actions and encourages co-operation between State entities, society and the private sector, in view of generalising the exercise of the right of access to public information in public institutions and consolidating a culture of transparency in public and private institutions.	Transparency	2015 - 2030	IAIP
National Policy on Open Data	Promote the use of open data as a tool for transparency.	Transparency		Secretariat of Transparency
Open State Declaration	Establishes high-level objectives from all branches of the State and independent institutions to consolidate an open state focusing on the principles of an open government.	All		Presidency of the Republic
The Country Vision 2010-38	Provides a long-term vision for the development of the country, including key policy areas such as economic development, social policies and regional decentralisation. This document establishes guidelines inspired by the principles of an open government.	Transparency Participation	2010 - 2038	Presidency of the Republic

Note: This table only includes policy documents currently being implemented.
*Source:* Author's own elaboration.

The OGP action plan constitutes the platform to operationalise the open government agenda in Honduras

Honduras joined the Open Government Partnership (OGP) in 2011. In line with OGP rules, members have to develop biannual action plans. These plans have to be the product of a co-creation process in which government institutions and civil society work together to design commitments that aim to foster open government principles (OECD, 2020[17]). Across the OECD area, OGP action plans have become the most common form of action-oriented policy frameworks for the promotion of openness. At the time of writing, 29 out of 38 OECD countries were members of the OGP (OGP, 2021[35]).

The Honduran 2011-13 OGP action plan marked the country's first attempt to group a series of open government initiatives under one policy document. Between 2011 and 2021, Honduras elaborated four action plans, including 67 commitments in different areas of open government. The OGP action plans have constituted the cornerstone of the open government agenda in Honduras and the OGP process has served as a point of departure for the development of policy agendas in a range of open government areas. For example, the second action plan served as a platform to create the country's Policy on Transparency, and the National Policy on Open Data resulted from the third OGP action plan. The OGP process was also the foundation on which the Open State Declaration was adopted.

An analysis of the four OGP Action Plans of Honduras reveals that these plans have had a strong focus on the informational side of openness,[14] i.e. actions regarding access to information, transparency and open data (Figure 5.3.). As in many OECD countries, commitments that relate to a more engaged citizenry have been less frequent. More precisely, access to information has been the most prominent category throughout all four action plans. More than 90% of commitments of the second and third plans are related to access to information. While citizen participation features in approximately half (52.2%) of commitments on average, public accountability does so for only one in five commitments (19.2%). The latest action plan does not include any commitment related to accountability. Moreover, technology has become increasingly important over time. While slightly more than one-quarter of the first action plan (28.1%) related to technology, this value has more than doubled for the latest two action plans. Now accounting for 65% of commitments, it has been as prominent as Access to Information in the 2018 version. Honduras could consider including more commitments on the other areas of openness beyond access to information, especially citizen participation and accountability, to ensure the Action Plans that follow contribute to a more ambitious understanding of open government.

**Figure 5.3. OGP Action Plans in Honduras have a strong focus on Access to Information**
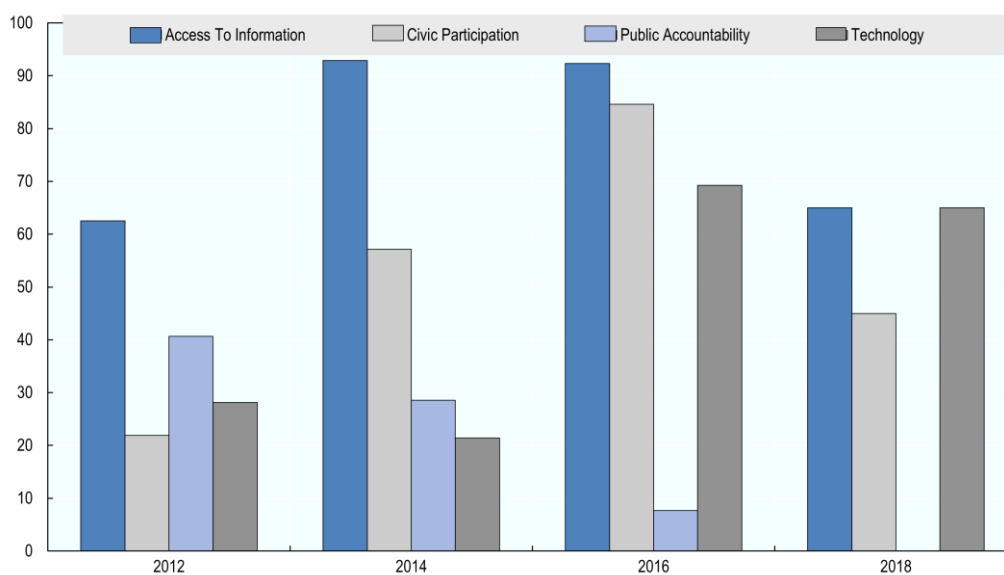
Note: In percentage of total OGP commitments. Multiple categories per commitment possible. The OGP database subdivides some of the commitments of the first Action Plan into multiple commitments, leading to 32 initiatives for that document.
Source: Author's illustration based on Open Government Partnership (n.d.), OGP Commitment Database,
https://www.opengovpartnership.org/open-data/ (accessed 1 November 2022).

The ambition to move towards an open state is reflected in the gradual increase in different actors beyond the executive branch involved in designing and implementing OGP commitments. Honduras could continue its efforts to increase the diversity of the actors involved in the OGP process. Recognising their autonomy, the central level could reach out to more subnational governments to integrate the OGP process. In this sense, Honduras could align the commitments taken by the different stakeholders in the Open State Declaration with the OGP commitments, to use this action plans as a tool to operationalise high-level commitments, increase evaluation, and support a coherent move towards an open state.

Figure 5.4. The OGP Action Plans in Honduras are becoming more diverse but remain dominated by central government institutions
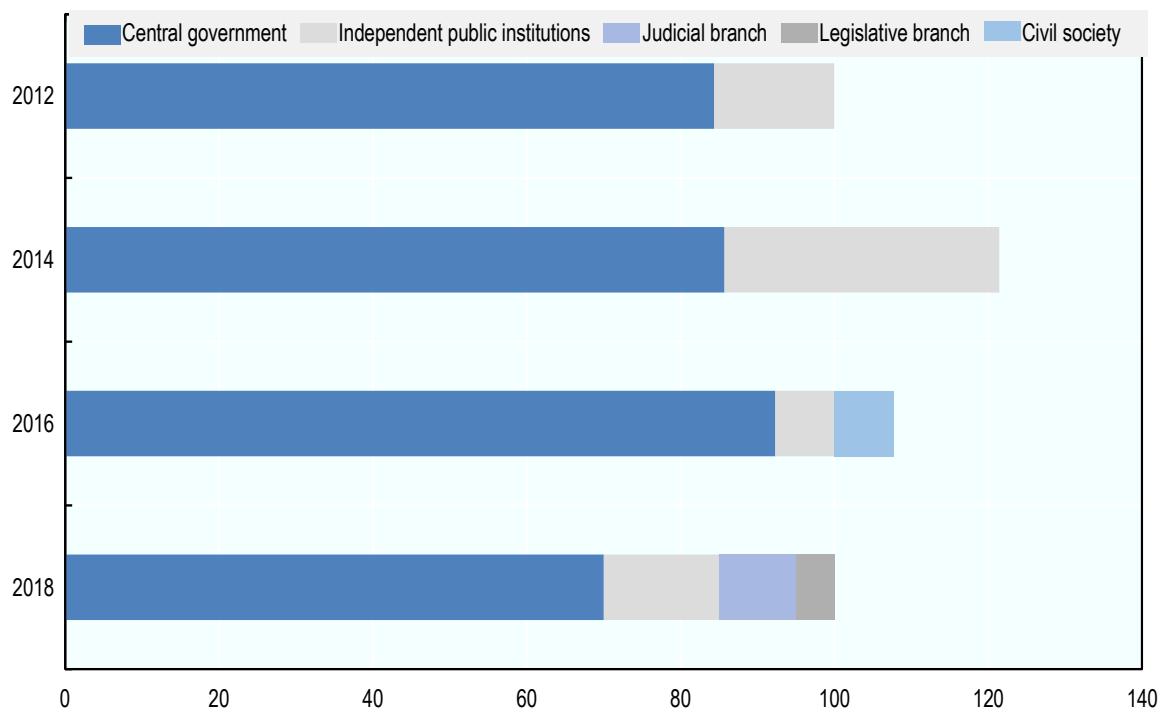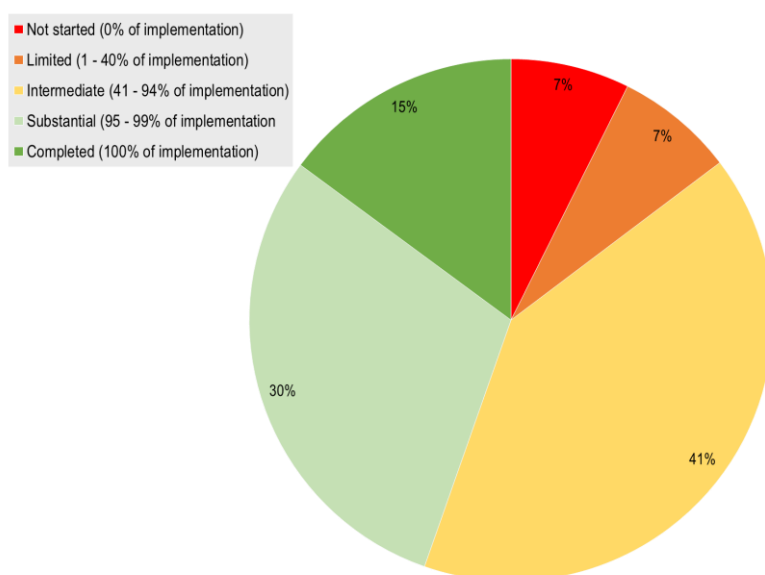

Note: Percentage of OGP commitments. Considers only the lead institution per commitment. Multiple categories per commitment possible, if more than one institution designated as lead institution.
Source: Author's illustration based on Open Government Partnership (n.d.), OGP Commitment Database, https://www.opengovpartnership.org/open-data/ (accessed 1 November 2022).

Evidence collected points to the fact that the implementation of Honduras OGP Action Plans should be improved. Data from the Monitoring System for the Open Government Partnership (*Sistema de Monitoreo y Seguimiento de la Alianza Gobierno Abierto Honduras* - SIMAGAH) show that for the third OGP Action Plan, not a single commitment was completed and 61.54% were partially implemented (less than 40% of completion). As for the fourth OGP Action Plan (2018-21), only 14.51% of commitments have been completed (see Figure **5.5**), although it should be noted that COVID-19-related restrictions impacted the implementation of this and other policies. Insufficient implementation is not solely a problem of OGP Action Plans in Honduras, as it echoes the main challenge for open government in the country overall.

Figure 5.5. Rate of implementation of the Honduras 4th OGP Action Plan

Legend:
- Not started (0% of implementation)
- Limited (1 - 40% of implementation)
- Intermediate (41 - 94% of implementation)
- Substantial (95 - 99% of implementation
- Completed (100% of implementation)

Pie chart values: 7%, 7%, 41%, 30%, 15%

Source: Author's own elaboration based on Sistema Presidencial de Gestion de Resultados (SGPR), Sistema de Monitoreo y Seguimiento de la Alianza Gobierno Abierto Honduras (SIMAGAH).

Including open government and open state in high-level strategic policy documents

As discussed in Chapter 3, Honduras has adopted high-level strategic policy documents to define a long-term vision for the country and aspirations in the social, economic and political areas such as the Country Vision (*Visión de País*) and the Nation Plan (*Plan de Nación*). Experience from OECD countries shows that the inclusion of open government elements in the main strategic policy documents is beneficial as it gives a long-term vision to the open government agenda.

Honduras could consider including high-level objectives of its open government and open state agendas in such documents, opening an opportunity to align the open government agenda with other policy objectives such as the fight against corruption, a stronger democracy, a healthy civic space and a more efficient public administration. For example, Honduras could include the objective of an open state, or tangible actions such as the design of a whole-of-government Open Government Policy, as well as a set of indicators to measure its implementation as an objective. Honduras could also include concrete open government initiatives to support broader objectives, such as participatory processes to enhance citizen control of public spending, or open data to combat corruption through public procurement. OECD members, such as Colombia, could provide inspiration in this regard (Box 5.9).[15]

Box 5.9. Open State Policy and Guidelines in Colombia (CONPES)

In December 2021, Colombia approved its Policy and Guidelines for the Implementation of an Open State (*Lineamientos de Política para la Implementación de un Modelo de Estado Abierto*). The objective of this document is to promote trust in public institutions and to improve the relationship between the State and the public. It establishes a model for an open state, meaning a more transparent, participatory and collaborative public action. This document was established through a participatory methodology and is part of an objective of the Colombia National Development Plan 2018-22.

The Open State Policy has five strategic objectives that will be implemented from 2022 to 2025:

- Transparency:
  - promote the right to access public information
  - promote initiatives of targeted transparency
- Public integrity:
  - foster the culture of integrity in the management of human resources
  - articulate and diffuse tools to manage and prevent conflict of interest
- Legality:
  - promote an integrated approach to risk management
  - improve management of reports and complaints of corruption and the protection of whistle-blowers
  - develop tools and useful information for the investigation and sanction of corruption practices
- Co-responsibility (citizen participation):
  - foster social accountability mechanisms in the formulation and evaluation of public policies
  - promote co-responsibility to generate trust among citizens
- Innovation:
  - promote public innovation initiatives as a transversal tool to support the consolidation of an Open State.

Source: Government of Colombia (2018), *National Development Plan 2018-2022 – Pact for Colombia, Pact for Equity*, https://colaboracion.dnp.gov.co/CDT/Prensa/Resumen-PND2018-2022-final.pdf (accessed 1 November 2022); Government of Colombia (2021), *Documento CONPES 4070 Lineamientos de política para la implementación de un modelo de Estado abierto*, https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/4070.pdf (accessed 1 November 2022)

The Open State Declaration tries to spread the benefits of open government to all branches and all levels of government but is lagging behind on implementation

Following the steps of OECD members such as Costa Rica in 2015 and Colombia in 2017 (see Box 5.10), Honduras adopted the Declaration to Consolidate Honduras as an Open State (*Declaración para Consolidar a Honduras como un Estado Abierto*, hereinafter The Declaration) in 2018 as a high-level statement signed by all branches of power and the subnational level of government (see Box 5.11 for more details).

Box 5.10. Open State initiatives in Latin America and the Caribbean

- *Costa Rica* was the open state pioneer in the region. The 2015 *Declaration for the Creation of an Open State*, signed by the President of the Republic, the President of the Legislative Assembly, the President of the Supreme Court of Justice and the President of the Supreme Court of Elections, formed the basis of the 2017 Framework Agreement to promote an Open State in the Republic of Costa Rica between the Executive Branch, the Legislative Branch, the Judiciary and the Supreme Court of Elections. The Framework establishes policies for building an open state through joint commitments to ensuring transparency, access to information, citizen participation and the fight against corruption in the four branches of the state. It was the first agreement in the world on Open State, and it was developed using a multi-sector process with substantial technical support from the OECD.

- *Colombia* – The country's Commitment Declaration for an Open State was signed by representatives of every branch of the State in 2017. Guided by this Declaration, institutions, including national electoral and supervisory bodies, are developing approaches to their work and structure based on the pillars of transparency and accountability, in order to prevent corruption and guarantee rights. At the same time, systematic efforts have been made to include subnational levels of government in this process.

Source: OECD (2016), *Open Government in Costa Rica*, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/9789264265424-en; OECD (2019), "Public Governance Scan Colombia", OECD Public Governance Reviews, OECD Publishing, Paris, https://www.oecd.org/gov/Colombia-Scan-Final-Spanish.pdf (accessed 1 November 2022).

Box 5.11. The Honduran Declaration on Open State

Honduras adopted in 2018 a whole-of-state high-level document to establish a vision and guidelines to build an open state. The Declaration is signed by all branches of the state:

- the President of the Republic, representing the executive branch

- the President of the National Congress, representing the legislative branch

- the President of the Supreme Court of Justice, representing the judicial branch

- the General Attorney of the Republic, the President of the Supreme Court of Accounts and the President of the Access to Public Information Institute, representing independent public institutions

- the President of the National Association of Municipalities, representing the subnational level of government.

This high-level document aims at supporting implementation of the 2018 National Policy of Transparency, Integrity and Prevention of Corruption across the State as a way to build an open state in Honduras. Its main objective is to "consolidate an open, transparent, agile, responsible and efficient state to strengthen Honduras participatory and deliberative democracy". To do so, it includes 11 commitments that are common to all branches and levels of government, as well as 11 commitments for the executive branch, 5 for the legislative, 7 for the judiciary, 5 for the independent institutions, 3 for the IAIP and 3 for the Association of Municipalities.

Source: Government of Honduras (2018), Declaration to Consolidate Honduras as an Open State *(Declaración para Consolidar a Honduras como un Estado Abierto).*

In addition to establishing a vision and objectives for each branch, such as increasing the transparency and participation of central government and developing a policy on open parliament by the legislative power, the Declaration creates the Inter-agency Roundtable for Transparency and Anti-corruption (*Mesa Interagencial de Transparencia y Anticorrupción – MITA*) to co-ordinate implementation of the commitments and to ensure collaboration among the different branches and levels of government. This Roundtable is also responsible for the co-ordination and implementation of the National Policy of Transparency, Integrity and Prevention of Corruption.

The OECD acknowledges the level of ambition of the Declaration. However, evidence collected during the OECD fact-finding mission shows there is a good understanding of the concept of an open state across branches of power, but the level of practical implementation is still uneven. This is partially due to the fact that many of the commitments included in the Declaration are not measurable and lack of metrics for their evaluation. For example, Honduras has taken positive steps towards an Open Justice with commitments in its latest OGP Action Plan and initiatives to increase transparency (open data, communication and plain language), foster open government literacy (courses and use of traditional media) and citizen participation (community leaders, participatory processes to select judges). While the judiciary seems to have advanced, evidence shows that the legislative power is lagging behind in terms of transparency and participation. For example, the 2020 Latin-American Index on Legislative Transparency gave Honduras the lowest ranking score in the region and highlighted the absence of information on budget and citizen participation (Red Latinoamericana por la Transparencia Legislativa, 2020[36]).

For Honduras to effectively move towards an open state, the Declaration needs to be operationalised. Honduras could consider integrating the commitments included in the Declaration within the suggested Open Government Policy and its subsequent action plans. As part of this whole-of-state ambition, all the branches and levels of government could develop their own action plan to implement the objectives of the Declaration though concrete actions and milestones. The recently adopted Open State Policy in Colombia could be an inspiration to operationalise the high-level Declaration (see Box 5.9).

Figure 5.6. Suggested operationalisation of the Open State Declaration
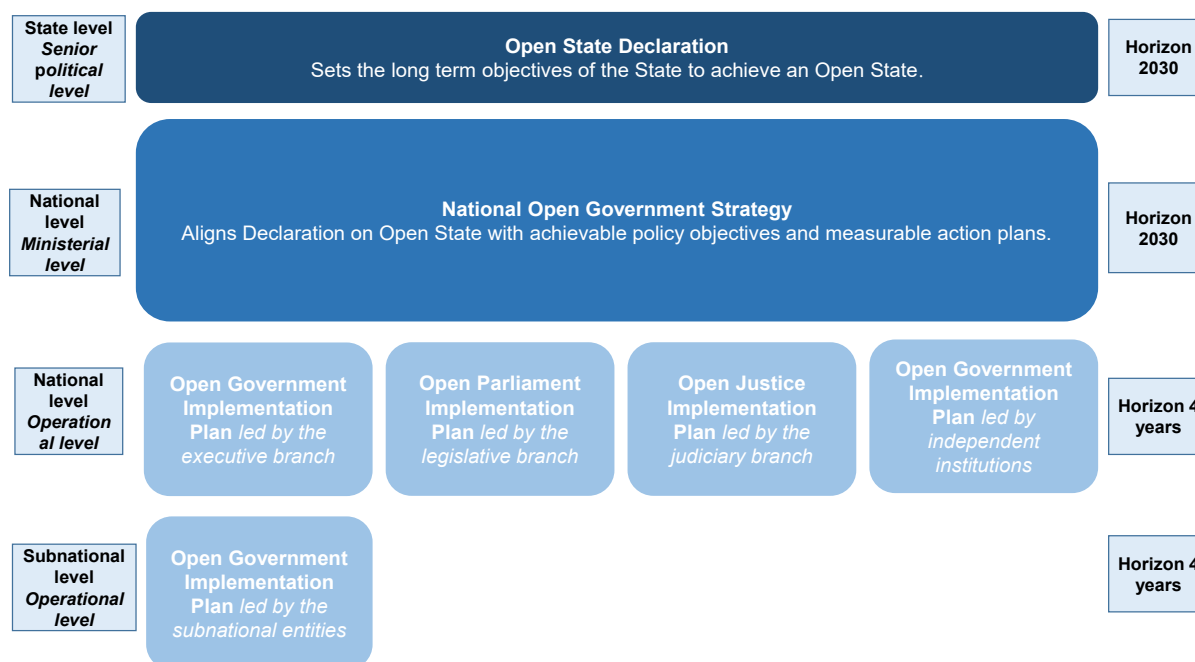
Source: Author's own elaboration.

Moving from scattered initiatives towards an integrated open government agenda through an Open Government Strategy

While the OGP action plan constitutes the cornerstone of the Honduran open government agenda, different stakeholders acknowledged during the OECD fact-finding mission that the OGP action plan does not allow for an integrated vision of how all public institutions, in all branches of power, can contribute to transforming Honduras to become more transparent, participatory and accountable.

With regard to the nature of the OGP action plan (short term and commitment-based), it is a tool to build a community of open government champions and set the environment for broader reforms, but it does not promote a culture change or provide a long-term vision for the country. In order to pursue a truly holistic approach to the promotion of openness, the OECD invites countries to consider adopting an integrated Open Government Strategy. The OECD Recommendation of the Council on Open Government (2017[1]) defines an Open Government Policy/Strategy as:

> *"A document that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives, together with short, medium and long-term goals and indicators".*

An Open Government Strategy provides an umbrella to align all policy documents that are linked to openness (e.g. the OGP Action Plan, the Open Data Policy, Access to Information Plans, etc.) and bring them together under a coherent medium- to long-term narrative. Recognising the benefits of having an umbrella policy framework for open government, an increasing number of OECD members and non-members, including Canada, Colombia, Italy and Argentina, have started designing and implementing Federal/Central Open Government Strategies/Policies (OECD, 2020[17]). Ultimately, each country's Open Government Policy/Strategy has to be adapted to its specific context and priorities.

To move towards a more integrated open government agenda, and as a mechanism to improve the implementation of high-level objectives, Honduras could consider adopting its first whole-of-government Open Government Strategy. The suggested document could focus on implementation of the open government principles (transparency, participation, accountability) across the state. It could be the opportunity to align the high-level objectives set in the Open State Declaration with actionable and measurable initiatives. The suggested Open Government Strategy could create synergies between open government and key priority areas of the government such as the fight against corruption.

In addition to the Open Government Policy, Honduras could also consider adopting a dedicated policy framework on public integrity, including all the elements that go beyond the realm of open government, such as probity, codes of conducts, ethics and electoral integrity. This Policy could follow the principles and guidance of the OECD Recommendation of the Council on Public Integrity (2017[37]), which defines public integrity as the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector. See Box 5.A1.2 in the Annex for more guidance on the OECD approach to public integrity.

Figure 5.7. Suggested alignment of policy documents to promote an open government in Honduras
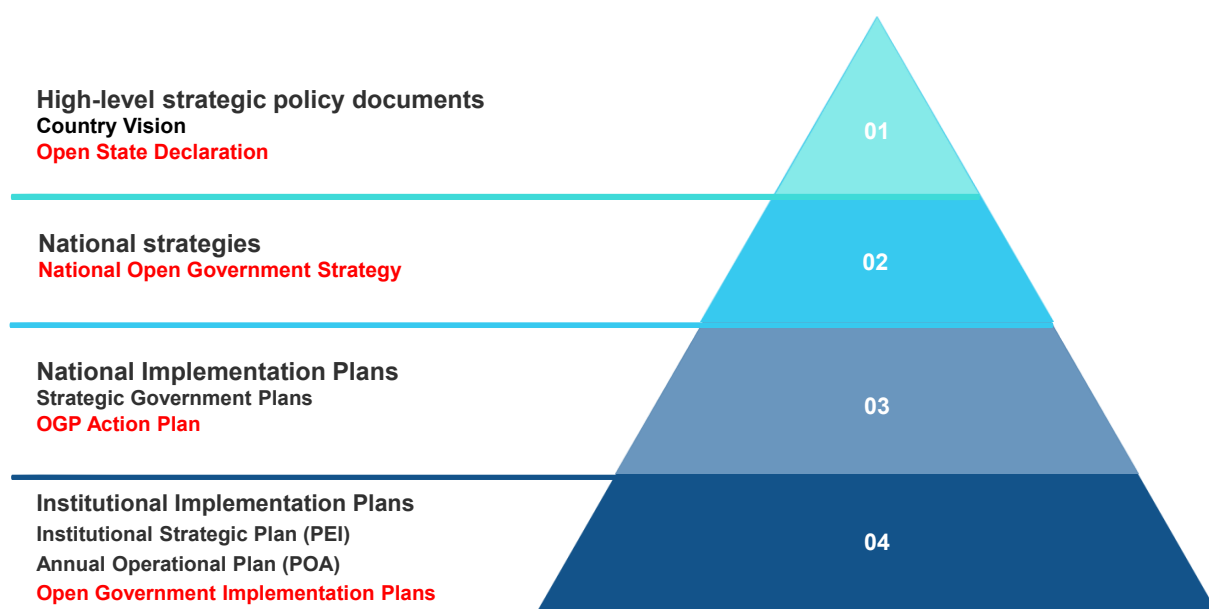
Source: Author's own elaboration

Streamlining the institutional architecture to reduce overlaps and increase co-ordination

The institutional framework for open government consists of all those public institutions that have responsibilities related to the co-ordination, promotion, oversight and implementation of different open government initiatives across government. In any country, various institutions and entities from all branches of the state and levels of government have mandates and functions contributing to open government (Table 5.4).

Table 5.4. Institutional responsibilities for open government in Honduras

Name	Mandate	Legal basis
Secretariat of Transparency (Secretaría de Estado en el Despacho de Transparencia - SDT)	Co-ordination of the OGP process and serves as point of contact for the OGP in Honduras. Implementation of the Open State Declaration for the Executive and co-ordination with other entities. Responsible for implementation of the National Policy on Transparency, Integrity and Prevention of Corruption.	Decree PCM-111-2020 Decree PCM-021-2021
Institute for Access to Public Information (Instituto de Acceso a la Información Pública)	Promotion and implementation of National Policy on Transparency, and to ensure the right to access public information as part of broader efforts to strengthen the rule of law and increase democratic standards through citizen participation. Regulate and supervise the procedures of the institutions subject to the access to information law concerning the protection, classification and custody of public information.	Law on Transparency and Access to Public Information
Supreme Court of Accounts (Tribunal Superior de Cuentas - TSC)	Ensure accountability of public institutions, regarding the use of public funds and the execution of programmes. Promote integrity and a culture of accountability across the public sector.	Law on Superior Tribunal of Accounts

Name	Mandate	Legal basis
Secretariat of Governance, Justice and Decentralisation (Secretaría de Estado en los Despachos de Gobernación, Justicia y Descentralización)	Design and implementation of the national policy on citizen and stakeholder participation at the national and subnational level. Coordination with civil society organisations to promote participation and social accountability.	Decree PCM-055-2017
Secretariat of Human Rights	Protect and promote human rights in Honduras. Implement international recommendations to improve civic space.	N/A
National Commisioner on Human Rights (Comisionado Nacional de los Derechos Humanos - CONADEH)	Protect civic space and human rights.	Law on National Commissioner on Human Rights and Decree PCM 153-95
National Anti-corruption Council (Consejo Nacional Anticorrupción - CNA)	Prevent and fight corruption practices (only civil society members).	Law of the National Anti-corruption Council (Decree 7-20)

Note: This table is based on the evidence gathered from July 2021 to November 2021. It does not take into account the changes undertaken by the administration elected in December 2021.
Source: Author's own elaboration.

Honduras could create a dedicated Open Government Office

As discussed, the open government agenda in Honduras is strongly linked to the Open Government Partnership (OGP). As of November 2021, the Secretariat of Transparency was Honduran OGP point of contact and was in charge of co-ordinating the OGP process. The SDT was first set in the Presidency of the Republic and gained a ministerial rank in November 2020. The SDT was divided into three Directorates and seven Units, with the main responsibilities for open government covered by the Presidential Directorate for Prevention and Transparency of the State (*Dirección Presidencial de Prevención y Transparencia del Estado*) and the Unit of Transparency and Accountability (*Transparencia y Rendición de Cuentas*). The current administration (2022-26) recently announced the organigram of the government, which as of June 2022 mandates the Secretariat of State in Charge of Transparency and the Fight against Corruption *(Secretaría de Estado en los Despachos de Transparencia y Lucha Contra la Corrupción*) as the open government lead.

Figure 5.8. Organigram of the Secretariat of Transparency as of November 2021
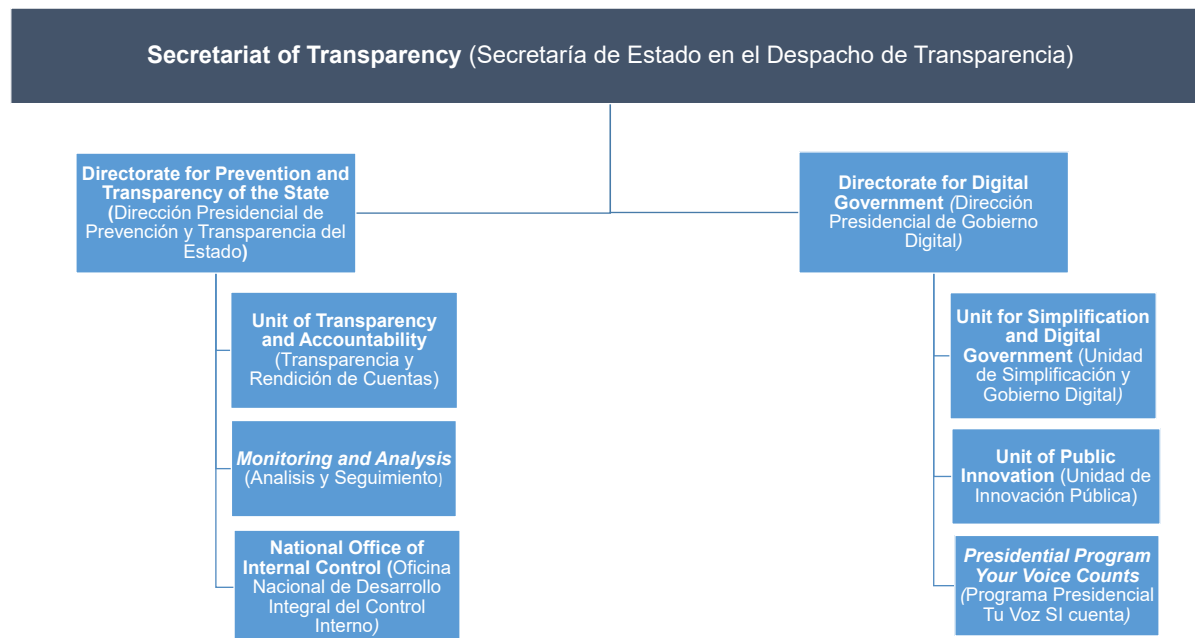
Source: Author's own elaboration based on Decree PCM–021–2021, https://www.tsc.gob.hn/web/leyes/PCM-021-2021.pdf (accessed 1 November 2022).

The legal mandate of the SDT, established through Decree PCM-111-2020 and amended by Decree PCM-021-2021, did not make explicit mention of the concept of open government, but it did enumerate a list of responsibilities regarding the pillars of transparency, participation, accountability and the move towards an Open State (Government of Honduras, 2020[38]), including:

- Advise and assist the President and their Cabinet in the formulation of policies of transparency, the fight against corruption, digital government and the modernisation of the State.
- Co-ordinate the entities involved in the implementation of the Open State Policy at the national and subnational level.
- Design, co-ordinate and implement guidelines and mechanisms to strengthen citizen participation, social accountability, access to information, integrity and transparency.
- Formulate indicators to measure the level of transparency of all public institutions.
- Implement the National Index on Transparency and facilitate co-ordination with academia for the establishment of the National Observatory of Transparency.
- Advise the President and their Cabinet in the implementation of mechanisms to foster accountability of public institutions and public officials.
- Advise the President and their Cabinet in the implementation of mechanisms to foster citizen participation.
- Promote the National Policy on Transparency, Integrity and Prevention of Corruption.
- Implement and oversee the National System of Transparency, as a mechanism for citizens to file complaints regarding corruption of public authorities.

The current Secretariat of State in charge of Transparency and the Fight against Corruption *(Secretaría de Estado en los Despachos de Transparencia y Lucha Contra la Corrupción)* is framed under Decree PCM 05-2022, which mandates this authority to oversee and implement the government's action
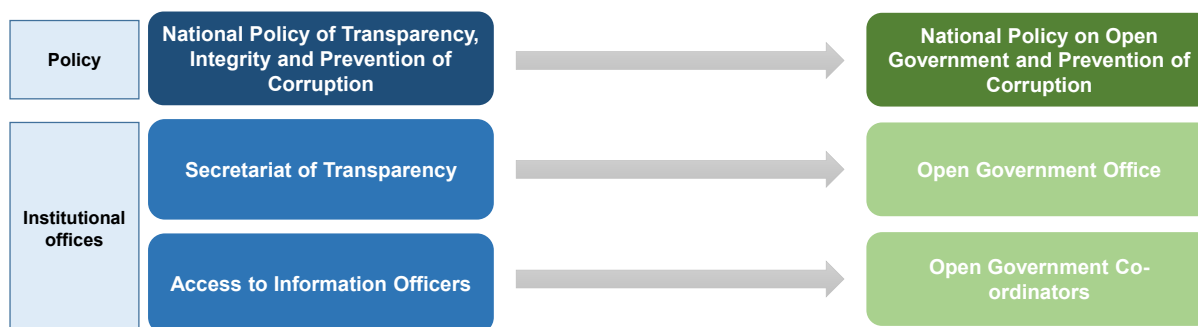
on transparency, anti-corruption and good government. However, Decree PCM 05-2022 does not mention open government or open state as part its responsibilities.

The creation of a dedicated entity in charge of the open government agenda is a good practice among OECD countries, and is in line with the OECD Recommendation of the Council on Open Government. If Honduras decides to pursue an integrated vision for its open government agenda, the country could consider establishing an Open Government Office in charge of overseeing the implementation of the National Policy on Open Government for the central government, and supporting the subnational level and other branches of the State – in co-ordination with other entities such as the Secretariat of Governance, Justice and Decentralisation. This office could take into account additional relevant responsibilities such as the digital transformation of the State, the promotion of a culture of integrity, and the fight against corruption. Honduras could integrate the Open Government Office in an existing institution such as the Secretariat of State in charge of Transparency and the Fight against Corruption *(Secretaría de Estado en los Despachos de Transparencia y Lucha Contra la Corrupción)*, or create a dedicated institution such as a Ministry for Public Management.

This change would require a revision of the legal framework. In this regard, Honduras could review existing Decrees PCM-111-2020, PCM-021-2021 and PCM-05-2022, to include the creation of the Open Government Office in the suggested Open State Decree or adopt a dedicated Decree. This can also be an opportunity to clarify this Office's mandate *vis-à-vis* other institutions of relevance to the open government agenda, to explicitly integrate the concept of open government and open state in its legal mandate and include the steering of the Honduras National Open Government Strategy as part of its core responsibilities.

In addition to establishing an Open Government Office, Honduras could consider creating dedicated Institutional Open Government Co-ordinators *(Coordinadores Institucionales de Gobierno/Estado Abierto)* in all public institutions, as a means of fostering co-ordination and translating high-level objectives into institutional realities. The Institutional Open Government Co-ordinators could ensure that the open government agenda is translated into institutional practice, and would co-ordinate with the Open Government Office and all the relevant offices (OIP, TSC, internal audit offices, etc.) to ensure the implementation of the National Policy on Open Government and Anti-Corruption *(Política Nacional de Gobierno Abierto y Anti-Corrupción)*. Honduras could consider building on the existing ATI Officers (OIPs) and integrate further responsibilities such as co-ordination of participation, social accountability and coordination with other branches and actors.

Figure 5.9. Suggested policy and institutional changes to move towards an integrated open government approach in Honduras

Source: Author's own elaboration.

The mandate of the Open Government Office should avoid overlaps with other entities in charge of the implementation of the transparency, accountability and anti-corruption agendas

The creation of a dedicated institution in the central government[16] to steer the transparency and anti-corruption agendas has showed the willingness of Honduras to put transparency and ATI at the forefront of the government's priorities. However, evidence collected by the OECD during the fact-finding mission suggests that the now-extinct Secretary of Transparency (SDT) created an initial misunderstanding, and duplication of functions with regard to other authorities such as the Institute for Access to Public Information (*Instituto de Acceso a la Información Pública* – IAIP), the Supreme Court of Accounts (*Tribunal Superior de Cuentas* – TSC) and the National Anti-corruption Council (*Consejo Nacional Anticorrupción* – CNA*)*. Interviewed stakeholders pointed out a lack of proper communication and co-ordination in avoiding duplication and overlap in terms of mandate and resources between the above-mentioned authorities. Decree PCM-021-2021, which modified the original mandate of the SDT, acknowledged the importance of co-operation and co-ordination across bodies in charge of the ATI and transparency agendas:

- Article 9 of Decree PCM-021-2021: "*The SDT will provide the support required by the IAIP, the TSC, or the Prosecutor's Office in order to ensure due compliance with current regulations on prevention of corruption and transparency. The provisions of this decree do not diminish, misrepresent, restrict or contradict existing laws, especially the Law on Transparency and Access to Public Information*."

With regard to transparency obligations, the SDT had the mandate to oversee and ensure compliance with the proactive disclosure of information, such as the elaboration of transparency indicators of the public administration (article 7, Decree PCM-111-2020). While the Decree highlights the need to co-ordinate with the public entities related to the topic, it failed to recognise the mandate of the IAIP to implement the National System for Access to Information and of guaranteeing the disclosure of proactive information. Moreover, the fact-finding mission revealed a lack of co-ordination between both bodies in terms of planning and implementation of the aforementioned transparency measures and responsibilities. A similar challenge exits with regard to the TSC and the CNA, where the mandate given to the SDT in the areas of accountability and anti-corruption created overlaps and reduces clarity on the actors involved. Besides a legal overlap, the creation of a new entity can undermine the budget and resources available for independent institutions such as the IAIP and the TSC. This challenge was highlighted by key actors in Honduras such as the Private Sector Council (*Consejo Hondureño de la Empresa Privada* – COHEP) (2020[39]), the CNA (2020[40]), and non-governmental organisations, which also regretted the lack of prior co-ordination and consultation. Honduras has the opportunity to address this as part of the new institutional arrangements, which will be detailed in forthcoming decrees.

The mandate of the suggested Open Government Office should avoid overlaps and duplications with existing public institutions having relevant responsibilities in the area of open government, such as the IAIP and the TSC. In terms of access to information, the Open Government Office could help ensure high-level support to transparency policies, while respecting the IAIP mandate for implementing the ATI law. This is also the case for the accountability and anti-corruption legal framework and the role played by civil society in the National Anti-corruption Council (*Consejo Nacional Anticorrupción* – CNA*)*, and the responsibilities of public authorities such as the TSC.

Honduras could consider taking a collaborative approach to design the mandate of the Open Government Office by consulting and ensuring dialogue with relevant authorities such as the CNA, the TSC, the IAIP and civil society. These efforts could foster a constructive relationship between the institutions, and increase communication and co-ordination between all the public institutions involved with the open government agenda.

Honduras could streamline its co-ordination mechanisms to support coherence and more efficient implementation

Open government is transversal by nature. The success of initiatives such as those focusing on increasing transparency or involving stakeholders in decision making therefore often depends on effective co-operation and co-ordination (see Chapter 2 for an analysis of co-ordination at the centre of government). Accordingly, Provision 4 of the OECD Recommendation (2017[1]) highlights the importance of effective horizontal co-ordination (among entities at the same level of government) and vertical co-ordination (among different levels of government) of open government policies "through the necessary institutional mechanisms (…) to ensure that they are aligned with and contribute to all relevant socioeconomic objectives".

Co-ordination among the different branches of the state and the different levels of government is needed to support an effective transition towards an open state. While it is clear that the different branches of the state are and must be independent of each other, in a country with an open state approach the whole of society works together to develop a common understanding and a commitment to greater openness (OECD, 2019[41]).

From 2018 to 2022, Honduras had established two mechanisms to co-ordinate its transparency agenda and the Open State Declaration. These mechanisms included governmental and non-governmental stakeholders:

- the Inter-agency Roundtable for Transparency and Anti-corruption *(Mesa Interagencial de Transparencia y Anticorrupción* – MITA) and
- the National Council for Transparency and Accountability (*Consejo Nacional de Transparencia y Rendición de Cuentas*).

However, evidence gathered during the OECD fact-finding mission reveals that there were overlaps between the objectives and the mandates of these bodies, and that their roles in the overall open government agenda were not always clear for all relevant stakeholders. For example, interviewed stakeholders raised concerns about the duplication between the MITA and the National Council for Transparency and Accountability created by Decree PCM-111-2020. In addition to these bodies, Honduras established a number of others to co-ordinate and implement the OGP process:

- the Inter-institutional Council for the Open Government Partnership (*Consejo Interinstitucional de la Alianza por un Gobierno Abierto de Honduras*)
- the OGP Technical Committee (*Comité Técnico de Seguimiento de la Alianza de Gobierno Abierto*)
- the Technical Liaison Tables (*Mesas de Enlace Técnicos*)
- the OGP Academic Roundtable (*Mesa Académica*)
- the OGP Youth Council (*Consejo Juvenil*).

As part of the restructuration of the institutional architecture, Honduras could establish a set of mechanisms to improve the co-ordination, implementation and monitoring of the open government agenda.

This new structure could include:

- The National Council on Open State and Prevention of Corruption: a high-level body to ensure co-ordination and implementation of the Open State Declaration and the suggested National Open Government Strategy. This body could be integrated by high-level representatives of the executive branch and the legislative and judicial powers, as well as independent institutions and the subnational level of government, and could be presided over by the President of the Republic, and its Secretariat co-ordinated by the suggested Open Government Office.
- Open Government Multi-stakeholder Forum: a technical body in charge of co-ordinating the OGP process.

- Citizen Commissions on Open State: building on the existing Citizen Commissions on Transparency, these bodies could expand the social accountability scope, and allow citizens and stakeholders to oversee and evaluate policies beyond transparency, including open government and open state.

Figure 5.10. Suggested approach to streamline Honduras open government co-ordination mechanisms
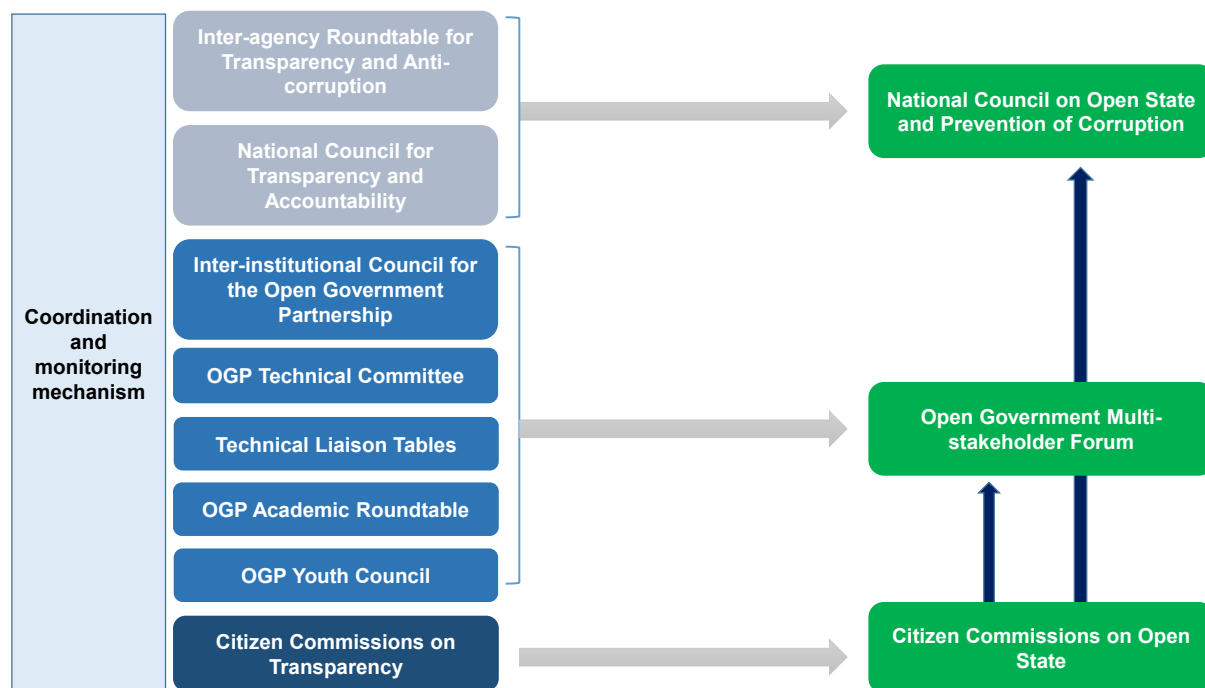
Source: Author's own elaboration.

Improving implementation of the open government agenda in Honduras through open government literacy, monitoring and evaluation

Over the past years Honduras has begun creating different mechanisms to facilitate effective implementation of its open government agenda. These include the design of training, toolkits and communication activities. As discussed throughout this chapter, one of the weaknesses of the open government agenda in Honduras is the level of implementation of its policy documents (i.e. as the OGP Action Plan), of the legal framework (i.e. ATI Law), institutional mechanisms (i.e. the National Forum on Citizen Participation) and of practices such as participation mechanisms (i.e. citizen innovation labs).

To improve implementation and increase the impact of open government reforms, OECD Recommendation (2017) invites adherents to promote open government literacy (Provision 3) and foster monitoring and evaluation (Provision 5).

> ### *Honduras could increase open government literacy across the public sector and society at large to facilitate the implementation of open government initiatives*

The OECD defines open government literacy as "the combination of awareness, knowledge, and skills that public officials and stakeholders require to engage successfully in open government strategies and

initiatives" (OECD, 2017[11]). Developing and implementing successful open government initiatives, at any level, requires capable public officials. Public officials need resources and training to work in partnership with civil society stakeholders and be able to respond to their needs.

Honduras has implemented some initiatives that go in this direction, such as the Virtual Course on Open Government (*Diplomado Virtual de Gobierno Abierto*), which aims at empowering the relevant actors in the field, including public servants and civil society. This course has provided certification and awareness of open government to more than 50 individuals, and – coupled with the Open Government Events (*Ferias de Gobierno Abierto*), organised at the subnational level – the government has taken steps towards increasing open government literacy across the public sector. Honduras could consider expanding this course to become mandatory for all public servants as part of the curriculum of the National School of High Management (*Escuela de Alta Gerencia Pública* – EAGP). This could be accompanied by the organisation of regular Open Government Events across the country.

The vast majority of OECD countries include specific skills relating to open government in public officials' competency frameworks. Competency frameworks are essential to ensure that public officials have the skills required to put open government principles into practice. As data from the 2020 OECD Survey on Open Government show (OECD, 2021[3]), 20 out of 23 OECD countries (87%) allude to central themes of open government in these frameworks. In the law regulating the public administration, Honduras has included elements regarding transparency as part of the general principles of the public administration (1986[42]) and in the guiding principles for all public officials, the general statute of the civil service (1999[43]), and the ethics code of conduct (2007[44]). However, the competency framework is lacking elements that relate to the interaction with citizens or to the broader open government concept. Honduras could consider updating these frameworks to include open government, or citizen participation.

In addition, public servants need practical support to implement open government initiatives. Most governments across the OECD membership have elaborated guidelines, toolkits and manuals on open government policies and practices (OECD, forthcoming). The IAIP published a comprehensive manual to support the uptake and implementation of the ATI law but Honduras could consider developing a toolkit for public officials with concrete guidance on other areas of open government, such as participation or social accountability. The OECD Toolkit and Case Navigator for Open Government, the OECD Guide on Open Government for Peruvian Public Officials, or the forthcoming OECD Citizen Participation Guidelines could be inspiring for the Honduran Government.

In addition to strengthening literacy among civil servants, the OECD Recommendation on Open Government suggests communicating and raising awareness about open government among citizens and civil society to increase the impact of the different initiatives. Honduras communicates on social media about the OGP process but the reach of these efforts are limited and the official website for the open government agenda has been inaccessible since October 2021.[17] To increase that literacy among society, the government could collaborate with civil society organisations, or launch dedicated public communication campaigns. For example, Brazil has established a civic education programme directed to young audiences in partnership with CSOs and the Ministry of Education. The "Communicating Open Government: A How-to Guide"[18] developed jointly by the OECD and OGP provides a step-by-step process to developing a communications plan for an open government strategy or initiative, and could be a reference for the Honduran Government.

The open government literacy of non-governmental stakeholders such as civil society organisations and journalists is strongly linked to the promotion and protection of civic space. Honduras could consider investing in capacity building and awareness campaigns directed to civil society organisations, journalists, community organisations, etc., to ensure that the practices of open government are spread throughout society.

Fostering monitoring and evaluation of the open government agenda

Given their multidimensional and crosscutting nature, open government initiatives are difficult to monitor and evaluate. Evidence collected by the OECD suggests that – for the time being – few countries have integrated monitoring and evaluation systems for their open government agendas. Most countries also currently lack a maturity model for open government that establishes clear indicators, targets and benchmarks for public institutions, allowing them to assess their openness, and identify where they are situated in relation to national good practice.

Honduras has put in place monitoring mechanisms for its OGP Action Plans through the Integrated System to Monitor the Open Government Partnership (*Sistema Integrado de Monitoreo Alianza Gobierno Abierto Honduras* – SIMAGAH). In addition, the Declaration of Open State mandates the creation of the Open State Index and the National Policy on Transparency, Integrity and Prevention of Corruption cites as milestone the creation of a Citizen Participation Index. However, as of November 2021, none of these sets of indicators has been developed.

If Honduras decides to adopt the recommendation to design a National Open Government Policy and subsequent Institutional Open Government Plans, their implementation needs to be systematically monitored and, eventually, evaluated. This could be an opportunity for Honduras to develop a unique set of indicators to measure the implementation of the open government agenda throughout the state by integrating the Citizen Participation Index and the Transparency Index into one Open State Index.

Conclusion

In Honduras, the open government agenda is anchored in the OGP process and the four consecutive action plans adopted by the government. The principles of open government have been included in other policy documents and legislations as well as in the Open State Declaration adopted in 2018 as a sign of a high-level commitment to this agenda. However, Honduras faces several challenges for open government to deliver its full potential.

Honduras could benefit from strengthening its transparency agenda; increasing the ambition of its participatory elements; and translating the objective of the Open State Declaration into action. Moreover, Honduras should address the health of its civic space to ensure that citizens and CSOs can build a relationship with public authorities based on trust. In particular, Honduras should aim at reducing violence against women and minorities, protecting journalists and activists, and improving the enabling environment for CSOs to operate. In addition, Honduras faces an insufficient level of implementation of its legal obligations, policy objectives and high-level commitments. The institutional architecture to support the open government agenda has been put in place; however, evidence suggests that the overlaps between institutions and co-ordination mechanisms are creating confusion and preventing effective implementation. Honduras could increase the ambition and strengthen the implementation of its open government agenda, to ensure it delivers the promise of a more transparent, accountable and participatory government, and contributes to high-level objectives such as the fight against corruption.

Recommendations

- Develop a common and streamlined understanding of open government and its principles
    - Adopt an official definition of open government to establish a common understanding of the term open government, that goes beyond the OGP process, and that is accepted by the whole public sector and external stakeholders alike. This definition, which could be co-created with

all relevant stakeholders inside and outside of government, could work as the umbrella for transparency, accountability, integrity and participation.

- o Include the protection and promotion of the civic space in the definition's conceptual understanding of open government and as a precondition for an open state.
- o Use the new definition to create synergies between the open government agenda and other government priorities such as the fight against corruption and the strengthening of democracy. This could be done by developing a theory of change, where the implementation of open government principles (i.e. transparency in public spending and citizen-oriented public services) contribute to achieving broader policy objectives and foster participatory democracy.

- Strengthen the legal framework for open government and its principles
  - o Provide a legal basis to the open state and open government agendas, for instance through issuing a Decree on Open State. The Decree could include the following elements based on the recommendations of this chapter:
    - – introduction of a new definition of open government
    - – translation of high-level commitments included in the Declaration on Open State into legal obligations
    - – adoption of the National Open Government Strategy and the Institutional Open Government Plans
    - – creation of the country's Open Government Office, and coordination with existing bodies such as the IAIP
    - – creation of Open Government Co-ordinators as institutional points of contact and co-ordinators of the Institutional Open Government Plans
    - – list of all institutions with relevant mandates for the open government agenda, such as the Secretariat of Governance, Justice and Decentralisation (*Secretaría de Estado en los Despachos de Gobernación, Justicia y Descentralización* – SGJD) in terms of citizen participation and civic space
    - – creation of the National Council on Open State and Prevention of Corruption: a high-level body to ensure co-ordination and implementation of the Open State Declaration and the suggested National Open Government Strategy
    - – adoption of the National Open Government Multi-stakeholder Forum, including the necessary changes to articulate the bodies co-ordinating the OGP process
    - – creation of the National Forum on Citizen Participation, as the entity in charge of overseeing the citizen participation agenda
    - – creation of the Citizen Commissions on Open State, building on the existing Citizen Commissions on Transparency, as a citizen mechanism to monitor implementation of the open government agenda
  - o In the long term, consider enshrining the right to information in the Constitution to provide the necessary high-level recognition of ATI as a fundamental human right.
  - o Enrich the legal framework for citizen and stakeholder participation with more engaging and impactful opportunities for citizens to influence, shape and monitor public policies and services such as participatory budgets, citizen consultations or civic monitoring.

- Improve the implementation of the OGP process
  - o Work on increasing implementation of the commitments included in the Open Government Partnership Action Plans by providing the adequate resources, both human and financial.

- o Pursue the diversification of actors involved in the design of these action plans, by broadening beyond the executive branch and increasing the number of civil society stakeholders throughout the design process.

- Increase the impact of the open government agenda and its principles

    - o Increase the IAIP enforcement capabilities by ensuring an adequate level of human and financial resources, including the promotion and oversight obligations of the ATI law.

    - o Increase the quality of information published by all public authorities, ensuring that it is complete, timely, reliable, relevant, and easy to find, comprehend, use and reuse by stakeholders. To this end, the government could consider conducting consultations with stakeholders to prioritise which information is most useful and where and how it could be proactively disclosed.

    - o Make use of multi-channel mechanisms that are digital and non-digital, such as community radios, television, social media, government websites and newspapers, to raise awareness of the right to ATI and to foster both proactive and reactive disclosure measures to counter the existing digital divide and ensure inclusive and equitable access to information.

    - o Ensure effective   implementation of the legal framework for citizen participation at the national and subnational levels – through for example the National Forum on Citizen Participation.

- Move towards an integrated open government agenda and a coherent policy environment to transform high-level objectives into measurable initiatives

    - o Adopt the first National Open Government Strategy in Honduras.

    - o Make use of this policy to promote open government principles (i.e. transparency, accountability, integrity and participation) as a way to operationalise another major policy objective in Honduras, which is to reduce and prevent corruption in the public sector.

    - o Take advantage of the upcoming update of Honduras' main strategic policy documents (i.e. the Nation Plan and Strategic Government Plan) to include more ambitious links to the open government and open state agendas.

    - o Include open government milestones in upcoming planning instruments, such as the Institutional Strategic Plans (PEI) and the Annual Operations Plan (POA).

- Build an institutional architecture that ensures implementation, co-ordination and collaboration of open government policies and practices

    - o Clarify the institutional responsibilities and leadership in the areas of transparency, integrity, accountability and participation. To this end, consider establishing a dedicated Open Government Office in charge of co-ordinating the OGP process, implementing the National Open Government Strategy for the central government, and co-ordinating the Open State Declaration. This Office could be part of an existing institution such as the Secretariat of State in charge of Transparency and the Fight against Corruption (*Secretaría de Estado en los Despachos de Transparencia y Lucha Contra la Corrupción*), or part of a dedicated institution such as a Ministry for Public Management.

    - o Consider creating the National Council on Open State, as a high-level body to ensure co-ordination and implementation of the Open State Declaration and to lead the government's efforts on open government and its principles.

    - o Clarify the mandate of the different bodies co-ordinating the OGP process and merge them into one Open Government Multi-stakeholder Forum with a technical Secretariat hosted by the suggested Open Government Office and with sectoral working groups including a Working Group on Youth and a Working Group on Academia.

- o Create dedicated Institutional Open Government Co-ordinators (*Coordinadores Institucionales de Gobierno/Estado Abierto*) in all public institutions, to foster co-ordination and translate high-level objectives into institutional realities. Consider building on the existing ATI Officers (OIPs) and Technical Liaison Tables, and integrate further responsibilities such as co-ordination of participation, accountability and articulation with other branches and actors.

- Increase open government literacy across the public sector to facilitate implementation and a cultural change
  - o Create a mandatory course on open government for all public servants as part of the curriculum of the National School of High Management, building on the existing Virtual Course on Open Government. This course should reflect the definition of open government coined by Honduras.
  - o Develop a toolkit for public officials with concrete guidance and support to implement open government initiatives. The OECD Toolkit and Case Navigator for Open Government, the OECD Guide on Open Government for Peruvian Public Officials or the OECD Guidelines for Citizen Participation Processes could serve as models for the Honduran Government.
  - o Organise training and publish guidance such as toolkits or manuals on open government directed to civil society organisations, journalists, community organisations, etc. to build capacity and awareness, and ensure that the practices of open government are spread throughout society.

- Fostering monitoring and evaluation of the open government agenda
  - o Support the monitoring and evaluation of the suggested National Open Government Policy and Institutional Open Government Plans, by including measurable milestones and metrics to track progress.
  - o Continue developing metrics and indicators by combining the Open State Index, the Citizen Participation Index and the Transparency Index.
  - o Foster citizen monitoring of the open government agenda by working with the subnational authorities to empower the suggested Citizen Commissions on Open State with a mandate and resources to oversee implementation of the Open State Declaration, the National Open Government Policy, and Institutional Open Government Plans.

References

Amnesty International (2020), *Honduras 2020*, https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/honduras/report-honduras/ (accessed on 21 February 2022). [7]

CEPAL (2020), *Feminicidio | Observatorio de Igualdad de Género*, https://oig.cepal.org/es/indicadores/feminicidio (accessed on 21 February 2022). [11]

CIVICUS (2021), *Hondruas*, https://monitor.civicus.org/country/honduras/ (accessed on 21 February 2022). [6]

CNA (n.d.), *Quiénes Somos - CNA | Consejo Nacional Anticorrupción*, https://www.cna.hn/quienes-somos (accessed on 21 February 2022). [30]

Consejo Hondureño de la Empresa Privada (2020), *Comunicado del COHEP sobre nueva Secretaría de Estado en los Despachos de la Transparencia*, https://twitter.com/cohephonduras/status/1325878229010354177?lang=en (accessed on 21 February 2022).

[39]

Consejo Nacional Anticorrupción (2020), *Nueva Secretaría de Transparencia nace con los antecedentes del gobierno actual": CNA » Criterio.hn*, https://criterio.hn/nueva-secretaria-de-transparencia-nace-con-los-antecedentes-del-gobierno-actual-cna/ (accessed on 21 February 2022).

[40]

EUROsociAL+ (2020), *Modelo de Gestión de Transparencia Municipal*.

[25]

France24 (2022), "Honduras deroga la ley de secretos para combatir la corrupción", https://www.france24.com/es/minuto-a-minuto/20220302-honduras-deroga-la-ley-de-secretos-para-combatir-la-corrupci%C3%B3n (accessed on 21 July 2022).

[26]

Government of Honduras (2020), *Decreto ejecutivo PCM-111-2020*.

[38]

Government of Honduras (2016), *Ley de Descentralización del Estado de Honduras*.

[33]

Government of Honduras (2007), *CÓDIGO DE CONDUCTA ÉTICA DEL SERVIDOR PÚBLICO*.

[44]

Government of Honduras (2006), *Ley de Participación Ciudadana*, https://observatoriop10.cepal.org/es/instrumentos/ley-participacion-ciudadana-decreto-no-3-2006 (accessed on 21 February 2022).

[31]

Government of Honduras (2006), *Ley de Transparencia y Acceso a la Información Pública*.

[21]

Government of Honduras (1999), *Estatuto del Funcionario Público*.

[43]

Government of Honduras (1990), *Ley de Municipalidades*.

[32]

Government of Honduras (1986), *LEY GENERAL DE LA ADMINISTRACIÓN PÚBLICA.*

[42]

Government of Honduras (1982), "The Constitution of Honduras".

[18]

Human Rights Watch (2020), *World Report 2020: Honduras | Human Rights Watch*, https://www.hrw.org/world-report/2020/country-chapters/honduras (accessed on 21 February 2022).

[10]

IAIP (2021), "Informe de verificación de la Información de Oficio en Portales de Transparencia de las Instituciones Obligadas".

[23]

IAIP (2018), *Plan Estratégico Institucional 2019-2023*.

[27]

IAIP (2015), *Política Publica De Transparencia Y Acceso A La Información*.

[4]

IAIP (n.d.), *IAIP - Datos Abiertos*, https://portalunico.iaip.gob.hn/datosabierto/ (accessed on 21 February 2022).

[24]

IAIP (n.d.), *IAIP - Instituto de Acceso a la Información Publica (IAIP)*, https://portalunico.iaip.gob.hn/portal/index.php?portal=1 (accessed on 21 February 2022).

[29]

Inter-American Commission on Human Rights (2019), *Human Rights Situation in Honduras*.

[9]

LATINNO (2017), *Foro Nacional de Participación Ciudadana*, [34]
https://www.latinno.net/es/case/12002/ (accessed on 21 February 2022).

OECD (2022), *Open Government Review of Brazil: Towards and Integrated Open Government* [15]
Agenda, OECD Publishing, https://doi.org/10.1787/3f9009d4-en.

OECD (2021), *Civic Space Scan of Finland*, OECD Public Governance Reviews, OECD [5]
Publishing, Paris, https://doi.org/10.1787/f9e971bd-en.

OECD (2021), *Guía de la OCDE sobre Gobierno Abierto para Funcionarios Públicos Peruanos*, [16]
https://www.oecd.org/gov/open-government/guia-de-la-ocde-sobre-gobierno-abierto-para-
funcionarios-publicos-peruanos-2021.pdf.

OECD (2021), *Survey on Open Government*. [3]

OECD (2020), "Taking an integrated approach to the promotion of transparency, integrity, [17]
accountability and stakeholders' participation: Towards an Open Government Strategy",
https://one.oecd.org/official-document/GOV/PGC/OG(2020)4/REV1/en (accessed on
21 February 2022).

OECD (2019), *Open Government in Argentina*, OECD Public Governance Reviews, OECD [41]
Publishing, Paris, https://doi.org/10.1787/1988ccef-en.

OECD (2017), *Recommendation of the Council on Open Government*, [1]
http://acts.oecd.orgRECOMMENDATIONPUBLICGOVERNANCE (accessed on
18 February 2022).

OECD (2017), *Recommendation on Public Integrity*, [37]
https://www.oecd.org/gov/ethics/recommendation-public-integrity/ (accessed on
21 February 2022).

OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, [2]
Paris, https://doi.org/10.1787/9789264268104-en.

OECD (n.d.), "Moving transparency and accountability forward". [45]

OGP (2021), *Members*, https://www.opengovpartnership.org/our-members/ (accessed on [35]
28 February 2022).

Red Latinoamericana por la Transparencia Legislativa (2020), *Índice Latinoamericano de* [36]
Transparencia Legislativa – ILTL+ 2020 « Red Latinoamericana por la Transparencia
Legislativa, https://www.transparencialegislativa.org/indice-2020/ (accessed on
21 February 2022).

RTI Rating (n.d.), *Country Detail - Honduras*, https://www.rti-rating.org/country-data/Honduras/ [22]
(accessed on 21 February 2022).

RTI Rating (n.d.), *Data by Country*, https://www.rti-rating.org/country-data (accessed on [20]
21 February 2022).

Swissinfo (2021), *Reformas aprobadas por Parlamento de Honduras limitan lucha contra* [8]
corrupción, https://www.swissinfo.ch/spa/honduras-corrupci%C3%B3n_reformas-aprobadas-
por-parlamento-de-honduras-limitan-lucha-contra-corrupci%C3%B3n/47014440 (accessed on
21 February 2022).

The Guardian (2022), *Honduras: can first female president usher in a new era for women? | Women's rights and gender equality | The Guardian*, https://www.theguardian.com/global-development/2022/jan/26/honduras-first-female-president-xiomara-castro-women (accessed on 18 February 2022). [14]

UNESCO (n.d.), *Access to Information Laws*, https://en.unesco.org/themes/access-information-laws (accessed on 21 February 2022). [19]

United Nations Human Rights Council (2020), *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 : Honduras*, https://digitallibrary.un.org/record/3863347?ln=en (accessed on 21 February 2022). [13]

United Nations Human Rights Council (2019), *Report of the Special Rapporteur on the situation of human rights in Honduras (A/HRC/46/75)*, https://reliefweb.int/report/honduras/report-special-rapporteur-situation-human-rights-honduras-ahrc4675-advance-unedited (accessed on 21 February 2022). [12]

World Bank (n.d.), *Individuals using the Internet (% of population) - Honduras*, https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=HN (accessed on 21 February 2022). [28]

Notes

1 The institutional website of the open government agenda and OGP Process in Honduras was not accessible during the drafting process (November 2021 - January 2022).

2 The Secretariat of Transparency (Secretaría de Estado en el Despacho de Transparencia) is no longer part of the government's organigram as of February 2022.

3 Article 3(9) of European Union Directive 2015/849 defines a PEP as: "an individual exposed to particular risks on account of the political, jurisdictional or administrative functions he/she performs or has performed or of those that immediate family members or individuals known to be closely associated with him/her or who become closely associated during the business relationship perform or have performed". In Honduras, this legal category is defined in the Law as individuals that perform a public function, or that through business or personal connections can influence public decisions.

4 CIVICUS, a leading analyst on the status of civic space globally, considers civic space to be "Repressed" in Honduras as of 2021, https://monitor.civicus.org/country/honduras/ (accessed 31 October 2022).

5 Proactively published information refers to information that needs to be disclosed publicly without a prior request from the publi

6 https://portalunico.iaip.gob.hn/(accessed 1 November 2022)

7 https://portalunico.iaip.gob.hn/datosabierto/ (accessed 1 November 2022).

8 https://sielho.iaip.gob.hn/inicio/ (accessed 1 November 2022).

9 The OECD understands consultation as a more advanced level of participation that entails a two-way relationship in which the public provide feedback to the government and vice versa (comments, perceptions, information, advice, experiences and ideas). It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process. In most cases, there is no obligation to take the views of the audience into consideration when amending plans, making decisions or setting directions. In most consultation meetings, decision makers commit only to receiving the testimony of participants and considering their views in their own deliberations.

10 The OECD defines a representative deliberative process as "when randomly selected citizens, making up a microcosm of a community, spend significant time learning and collaborating through facilitated deliberation to develop informed collective recommendations for public authorities."

11 As of February 2022, the newly appointed government has replaced the Secretariat of Transparency (Secretaría de Estado en el Despacho de Transparencia - SDT) for a special Ministerial Advisor on Transparency and the Fight against Corruption (Ministro asesor en materia de Transparencia y Combate a la Corrupción).

12 This Forum is not active as of November 2021.

13 The government recently published Decree PCM-05-2022, creating the School of Good Government (Escuela de Buen Gobierno)

14 The priorities reflected in the OGP Action Plans have been co-constructed with non-governmental stakeholders including citizens and civil society organisations.

15 For more information on the Colombia National Development Plan as a vehicle to foster an open government, see OECD (2021), OECD Guide to Design and Implement Territorial Open Government Strategies in Colombia, https://www.oecd.org/gov/open-government/guia-ocde-para-disenar-e-implementar-estrategias-territoriales-de-gobierno-abierto-en-colombia.htm (accessed 1 November 2022).

16 This institution was the Secretary of Transparency (2018-22) and currently the Secretariat of State in Charge of Transparency and the Fight against Corruption (Secretaría de Estado en los Despachos de Transparencia y Lucha Contra la Corrupción).

17 gobiernoabiertohonduras.org

18 https://www.oecd.org/gov/Open-Government-Guide.pdf (accessed 2 November 2022).

Annex 5.A. The OECD Approach to Open Government

What is open government? The OECD approach to open government

The OECD and its members have been at the forefront of the global open government movement for more than 20 years. The OECD Recommendation of the Council on Open Government adopted in 2017 (henceforth "the Recommendation") is the first and only international legal instrument in this area. It is the outcome of years of international collaboration and the exchange of experiences, research and data collection, and analysis of national policies. The Recommendation defines open government as: "a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth" (OECD, 2017[1]).

Annex Box 5.A.1. The ten provisions of the OECD Recommendation of the Council on Open Government (2017)

1. Take measures, in all branches and at all levels of government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and civil servants, to ensure successful implementation and prevent or overcome obstacles related to resistance to change.

2. Ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance.

3. Ensure the successful operationalisation and take-up of open government strategies and initiatives by:

4. providing civil servants with the mandate to design and implement successful open government strategies and initiatives, as well as with the adequate human, financial, and technical resources, while promoting a supportive organisational culture

5. promoting open government literacy in the administration, at all levels of government, and among stakeholders.

6. Co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives – horizontally and vertically – across all levels of government, to ensure that they are aligned with and contribute to all relevant socio-economic objectives.

7. Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by:

    -   identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format

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- developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders

- fostering a culture of monitoring, evaluation and learning among civil servants by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.

8. Actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in.

9. Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, and easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders.

10. Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented or marginalised groups in society, while avoiding undue influence and policy capture.

11. Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives.

12. While recognising the roles, prerogatives, and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

Source: OECD (2017), Recommendation of the Council on Open Government, OECD Publishing, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 2 November 2022).

The OECD definition refers to the four principles of open government, which can be defined as follows:

- Transparency refers to stakeholder access to public information and data, which can be both proactively and reactively disclosed, as well as openness throughout the entire public decision-making process (OECD, n.d.[45]).

- Public integrity refers to the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests (OECD, 2017[37]).

- Accountability is a relationship referring to the responsibility and duty of government, public entities, public officials and decision makers to provide transparent information on, and be responsible for, their actions, activities and performance. It also includes the right and responsibility of citizens and stakeholders to have access to this information and have the ability to question the government and to reward/sanction performance through electoral, institutional, administrative and social channels (OECD, n.d.[45]).

- Citizen and stakeholder participation includes all the ways in which stakeholders[1] can be involved in the public policy cycle, or in the design and provision of services. Participation can be implemented through information, consultation and engagement mechanisms (OECD, 2017[1]).

In practice, the four principles are closely intertwined (OECD, 2020[17]). They all contribute to making governments more open and ensuring that citizens are at the centre of public decision and action. To achieve this, the principles of an open government need to be implemented in an interconnected manner.

Annex Figure 5.A.1. The interconnection of the open government principles
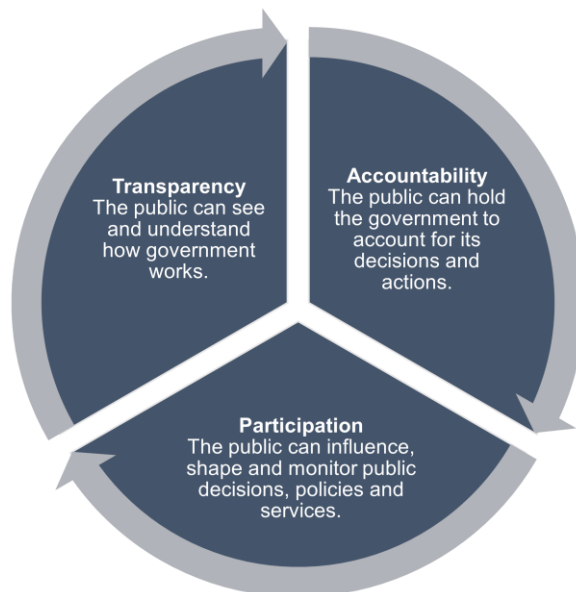
Source: Author's own elaboration based on OECD (2017), Recommendation of the Council on Open Government, OECD Publishing, Paris, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438 (accessed 2 November 2022).

Moving towards an open state

The global open government movement has centred for many years on reforms developed and executed by central/federal governments. However, a growing number of countries are starting to recognise that open government reforms should not be implemented by the central/federal level of government in isolation. Citizens expect the same level of transparency, accountability and participation from all branches of the state and all levels of government (OECD, 2020[17]).

Accordingly, more and more countries are taking steps to move from the concept of open government towards that of open state. The Recommendation also includes the first international definition of an open state:

> *When the executive, legislature, judiciary, independent public institutions, and all levels of government – recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks – collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth. (OECD, 2017[1])*

Annex Box 5.A.2. The OECD approach to public integrity

The concepts of open government and of public sector integrity are strongly linked. Consequently, integrity is one of the core principles that are included in the OECD definition of open government. The OECD Recommendation on Public Integrity emphasises that "enhancing public integrity is a shared mission and responsibility for all levels of government through their different mandates and levels of autonomy in line with national legal and institutional frameworks…for fostering public trust" and promotes a whole-of-government approach towards public integrity, which includes the national and subnational level. It provides national and subnational governments with a vision for a public integrity strategy, based on a context-dependent, behavioural, risk-based approach with an emphasis on cultivating a culture of integrity.

The thirteen principles of the OECD Recommendation on Public Integrity are organised according to three pillars:

1. *A coherent and comprehensive integrity system* – To establish a comprehensive integrity system, it is crucial to promote political and senior management commitment to integrity; clear institutional responsibilities across the public sector, including mechanisms for horizontal and vertical co-operation; an evidence-based, strategic approach to mitigate public integrity risks, most notably corruption; and high standards of conduct that prioritise the public interest and adherence to public sector values.

2. *A culture of public integrity* –Governments could aim to engage the private sector, civil society and individuals to promote a whole-of-society culture of integrity. This could involve investing in integrity leadership; promoting a merit-based, professional, public sector dedicated to public service values and good governance; and supporting an open organisational culture responsive to integrity concerns, where employees feel confident to speak up and an effective whistle-blower protection system is in place, with a particular focus on ensuring that clear rules, procedures and channels are in place to report suspected integrity violations.

3. *Effective accountability* – To enable effective accountability, it is key to apply an internal control and risk management framework; ensure that there are enforcement mechanisms to provide appropriate response to suspected violations of integrity standards; reinforce the role of external oversight and control, for example through independent oversight bodies, regulatory enforcement agencies and/or administrative courts; and encourage transparency and stakeholder engagement at all stages of the political process and political cycle, including by averting policy capture through managing conflict-of-interest situations, and instilling transparency in lobbying activities and financing of political parties and election campaigns.

Clarifying what the Recommendation's thirteen principles mean in practice and identifying the challenges in implementing them, the OECD has published the OECD Public Integrity Handbook for further information.

Source: OECD (2017), OECD Recommendation of the Council on Public Integrity, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0435 (accessed 2 November 2022); OECD (2020), *OECD Public Integrity Handbook*, OECD Publishing, Paris, https://doi.org/10.1787/ac8ed8e8-en.

Annex Table 5.A.1. Overview of the main existing co-ordination and collaboration mechanisms in the area of open government in Honduras

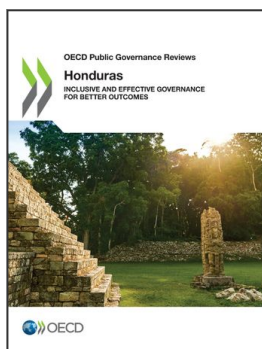| Co-ordination mechanism	Mandate	Members
Inter-institutional Council for the Open Government Partnership (OGP) in Honduras (*Consejo Interinstitucional de la Alianza por un Gobierno Abierto de Honduras*) (Honduras Multi-stakeholder Forum)	Permanent body for dialogue between the public sector, civil society, the private sector and academia, for the effective management of the process of formulation, implementation, and monitoring of the OGP Action Plans and commitments in relation to the principles of transparency, citizen participation, accountability, and innovation and technology.	**Public sector** • Secretariat of Transparency • Instituto de Acceso a la Información Pública • Procuraduría General de la República • Comisionado Nacional de los Derechos Humanos • Instituto Hondureño de Geología y Minas • Iniciativa de Transparencia en el Sector Construcción • Iniciativa de Transparencia de Industrias Extractivas • Instituto de Desarrollo Comunitario, Agua y Saneamiento • Banco Central de Honduras • Instituto de Conservación Forestal • Secretaria de Estado en los Despachos de Recursos Naturales y Ambiente. • Secretaría de Estado en los Despachos de Finanzas • Secretaría de Estado en los Despachos de Salud • Secretaria de Estado en los Despachos de Educación • Secretaría de Estado de Desarrollo Económico • Secretaria Coordinación General de Gobierno • Secretaria de Estado de Gobernación, Justicia y Descentralización • Secretaría de Infraestructura y Servicios Públicos • Secretaria de la Presidencia • Secretaria de Estado en los Despachos Energía • Secretaria de Derechos Humanos • Secretaria de Desarrollo e Inclusión Social • Comisión Permanente de Contingencia • Representatives from the Legislative and Judicial branches **Civil society** • Consejo Nacional Anticorrupción • Foro Social de la Deuda Externa y Desarrollo de Honduras • Asociación por una Sociedad más Justa • Asociación de Municipios de Honduras • Foro Nacional de Convergencia • Pastoral Social Caritas Honduras • Fundación Democracias sin Fronteras • Red de Comisiones Ciudadanas de Transparencia • Asociación Libertad y Democracia • Asociación de Organismos no Gubernamentales • Federación de Organizaciones No Gubernamentales para el Desarrollo de Honduras • C-Libre • Alianza por la Paz y la Justicia • Espacio Regional Occidente • Servicios técnicos, legales y económicos • National Democratic Institute (NDI) • Netherlands Institute for Multiparty Democracy (NIMD) • Centro de Investigación Promoción de los Derechos Humanos • Coordinadora de Instituciones Privadas, en pro-niñas, niños, adolescentes, jóvenes y sus derechos • Red de Desarrollo Sostenible • Centro de Desarrollo Humano • El Pulso • El Taller

Co-ordination mechanism	Mandate	Members
		Academia • Universidad Tecnológica Centroamericana • Universidad José Cecilio del Valle • Universidad Pedagógica Nacional de Francisco Morazán • Universidad Nacional Autónoma de Honduras • Universidad Católica de Honduras • Universidad Politécnica de Ingeniería de Honduras • Escuela Agrícola Panamericana "Zamorano" • Centro de Diseño y Arquitectura y Construcción • Universidad Metropolitana de Honduras • Universidad de Defensa de Honduras **Private sector** • Consejo Hondureño de la Empresa Privada • Federación de Cámaras de Comercio e Industrias de Honduras • Cámara de Comercio e Industrias de Cortes • Cámara de Comercio e Industrias de Tegucigalpa • Asociación Nacional de Industriales • Cámara Hondureña de Empresas de Consultoría • Cámara Hondureña de la Industria de la Construcción • Federación Nacional de Agricultores y Ganaderos de Honduras • Cámara de Comercio Hondureño Americana • Asociación de Honduras de Instituciones Bancarias
OGP Technical Committee (*Comité Técnico de Seguimiento de la Alianza de Gobierno Abierto*)	Technical body that works as the Secretariat of the Inter-institutional Council for the Open Government Partnership (OGP).	**Public sector** • Secretaría de Estado en los Despachos de Gobernación, Justicia y Descentralización (SGJD) • Poder Legislativo (Congreso Nacional de la República) • Poder Judicial (Corte Suprema de Justicia) • (without vote) Tribunal Superior de Cuentas (TSC) • (without vote) Instituto de Acceso a la Información Pública (IAIP) • (without vote) Procuraduría General de la República (PGR) **Civil Society** • Centro de Estudios y Promoci´pón de los Derechos Humanos (CIPRODEH) • Observatorio del Poder • C-libre • Fundación Democracia sin Fronteras **Academia** • Universidad Tecnologica Centroamericana (UNITEC) • Universidad Nacional Autonoma de Honduras (UNAH) • Universidad Nacional Pedagogica Francisco Morazan (UNPFM) • Universidad Politecnica de Ingeniería (UPI) **Private sector** • Consejo Hondureño de la Empresa Privada (COHEP) • Federación de Camaras de Comercio e Industrias de Honduras (FEDECAMARA) • Camara de Comercio e Industrias de La Paz (CCIP) • Camara de Comercio e Industrias de Tegucigalpa (CCIT)
OGP Technical Secretariat	Secretariat of the OGP process.	**Public sector** • Secretariat of Transparency
Technical Liaison Tables (*Mesas de Enlaces Técnicos*)	Co-ordinate and monitor the implementation of the OGP commitments per institution.	• Representative of the Secretaria de Estado de Gobernación, Justicia y Descentralización • Representative of the OGP Technical Committee • Representative of the institution in charge of the commitment in question

Co-ordination mechanism	Mandate	Members
National Council for Transparency and Accountability (*Consejo Nacional de Transparencia y Rendicion de Cuentas*).	Co-ordinate national authorities, as well as subnational entities and non-governmental stakeholders to implement the National Policy of Transparency, Integrity and Prevention of Corruption.	N/A
Inter-agency Roundtable for Transparency and Anti-corruption (*Mesa Interagencial de Transparencia y Anticorrupcion - MITA*)	Implementation of the National Policy of Transparency, Integrity and Prevention of Corruption and of the Open State Declaration.	• President of the Republic • President of the National Congress • President of the Judicial Branch • Secretariat General of the Government • Attorney General of the Republic • President of the National Commission of Banks and Insurances • Secretariat of Finance • President of the IAIP • National Commissioner for Human Rights • President of the Association of Municipalities • Secretariat of Transparency
OGP Academic Roundtable (*Mesa Académica del AGAH*)	Promote dialogue and representation of the academic sector.	12 Universities
OGP Youth Council (*Consejo Juvenil de la Alianza de Gobierno Abierto*)	Promote dialogue and representation of youth.	Youth representatives from academia and civil society
National Forum on Citizen Participation (*Foro Nacional de Participación Ciudadana*)	Promote and monitor citizen participation mechanisms at the National level (this instance is mandated by the 2006 Law on Citizen Participation but was never implemented).	N/A
Citizen Commissions on Transparency (*Comisiones Ciudadanas de Transparencia*)	Monitor public resources and actions at subnational level, through social accountability and participatory mechanisms.	Civil society organisations and citizens at the subnational level

Source: Author's own elaboration based on Honduras answers to OECD Questionnaire on Open Government Practices.

Note

1 The Open Government Recommendation defines "stakeholders" as "any interested and/or affected party, including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector".

From: