

Independent Reporting Mechanism

Action Plan Review:
Romania 2022–2024

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Mechanism

Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the Open Government Partnership (OGP) community. The IRM seeks to put forth simple, timely, fit-for-purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Bringing in lessons from previous action plans, the brief serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Romania 2022–2024 action plan. The action plan comprises 10 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

¹ “IRM Refresh,” Open Government Partnership, accessed 9 November 2022, <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

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Section I: Overview of the 2022–2024 Action Plan

Romania's sixth action plan contains three promising commitments, including, for the first time, access to justice for victims of gender-based violence. The two other promising commitments continue ongoing OGP reforms, while the action plan also addresses new areas including extractives sector transparency and participatory budgeting. Implementation could benefit from targeted civil society engagement, as well as collaboration between commitments, such as for publishing high-value data sets.

Romania's sixth action plan consists of ten commitments, half of which build upon commitments from previous plans.² It covers areas in which Romania has shown a longtime interest, such as de-bureaucratization, transparency of national investment funds, and open data. New areas include participatory budgeting, environmental protection, access to justice for victims of gender-based violence, gender equality in decision-making, and joining the Extractives Industries Transparency Initiative (EITI). Many commitments align with national policy strategies, European Union (EU) programs, and international funding, which will help implementing agencies to carry them out.³ The sixth action plan is similar in its level of ambition to the fifth plan, with most commitments constituting positive but modest steps forward.

The co-creation process, organized by the OGP technical secretariat of the General Secretariat of the Government (SGG), took place online between February and May 2022.⁴ It provided an opportunity for public institutions and civil society organizations (CSOs) to submit proposals and work through them together. After a call for proposals from public institutions and stakeholders of the Multi-Stakeholder Forum (MSF) (the National Coordination Committee (CNC)), the OGP technical secretariat centralized the proposals (74 in total) for further deliberation.⁵ Joint meetings were organized to discuss the proposals in more detail. The OGP technical secretariat drafted the action plan following these meetings, and the draft was made available for public consultation.⁶

Several CSO proposals are featured in the action plan. Expert Forum Association (EFOR) proposed Commitment 6 on transparency of national investment funds, now featured in the third consecutive Romanian action plan (due to slow implementation). Meanwhile, the Center for Public Innovation proposed joining EITI (Commitment 10) and

AT A GLANCE

Participating since: 2011
Action plan under review: 2022–2024
IRM product: Action plan review
Number of commitments: 10

Overview of commitments:

Commitments with an open government lens: 10 (100%)
Commitments with substantial potential for results: 2 (20%)
Promising commitments: 3

Policy areas:

Carried over from previous action plans:

- De-bureaucratization
- Seized assets
- National investment funds
- Public participation in decision-making
- Open data

Emerging in this action plan:

- Gender equality
- Environmental protection
- Participatory budgeting
- Access to justice
- Extractive industries

Compliance with OGP minimum requirements for co-creation:

Acted according to OGP process: Yes

implementing Romania's new open data legislation (included in Commitment 7). Moreover, compared to the previous action plan, the sixth plan saw proposals from CSOs and government institutions that had not been involved in the OGP process before. However, many CSO proposals were not taken forward, including long-standing priorities such as increasing transparency of political parties' financing, public procurement, and activities of state-owned enterprises.⁷ As a result, the action plan largely reflected ongoing government reforms. Although the SGG published the reasoning behind the rejection of proposals, interviewed government and CSO stakeholders noted a degree of difficulty in reaching agreements over which proposals to include in the action plan.⁸ Moving forward, future action plans better reflect CSO priorities, particularly by devoting more time in the co-creation process to discuss their proposals. This could increase the interest among Romanian CSOs to continue their involvement in the OGP process.

The IRM considers three commitments to be promising. Commitment 6 seeks to release data on the implementation of two major funding sources for local development. This commitment could help CSOs and journalists to better track the implementation of local development projects funded through these sources, and flag possible corruption in their use. Commitment 7 implements the recently passed law that regulates open data publication. It will institutionalize CSO involvement in determining high-value data sets for future publication, implement an "open by design and default" principle across the public administration, and provide training on data skills to the public. Commitment 9 will provide unified sources of information to assist women who are victims of gender-based violence, as well as a national barometer on domestic violence that could inform public policy and civic activism on the matter. Other commitments, though modest in their scope, could also see strong results beyond the action plan cycle. These include a pilot program on participatory budgeting (Commitment 2), a database on debt recovery (Commitment 4), and joining EITI (Commitment 10). It will be important to ensure that CSOs are directly involved in implementing these commitments, not just in monitoring their implementation. The IRM recommends that implementing agencies seek synergies between different commitments, particularly for commitments that foresee the release of open data.

² "Romania Action Plan 2022-2024", Open Government Partnership, last modified 25 July 2022, <https://www.opengovpartnership.org/documents/romania-action-plan-2022-2024/>.

³ Examples include Commitment 3 with the 2021–2025 National Anticorruption Strategy, and Commitments 8 and 9, with the 2022–2027 National Strategy on Promoting Equal Opportunities and Treatment Between Women and Men and Preventing and Combating Domestic Violence.

⁴ "Calendar elaborare PNA 2022–2024," Open Government Partnership, last modified 1 February 2022, <https://ogp.gov.ro/nou/calendar-2022/>.

⁵ For the full list of proposals from civil society and from government institutions, see: <https://ogp.gov.ro/nou/propuneri-primite-2022/>

⁶ "Dezbateri împreună Planul Național de Acțiune OGP 2022–2024," Parteneriatul Pentru Guvernare Deschisă, <https://ogp.gov.ro/nou/2022/05/16/lansarea-celei-de-a-doua-etape-de-consultare-privind-pna-2022-2024/>.

⁷ Other civil society priorities not taken up included developing the e-consultare.gov.ro platform and open government at the local level. See: <https://ogp.gov.ro/nou/propuneri-primite-2022/>

⁸ Cornel Calinescu and Anca-Luminita Stroe (National Agency for the Management of Seized Assets (ANABI)), interviewed by the IRM, 4 November 2022; Dan Bugariu (President of Smart City Association and Member of the National Committee 2020–2022), interviewed by the IRM, 14 September 2022; and Larisa Barac (Open Government Point of Contact (POC) of Romania), interviewed by the IRM, 13 September 2022.

Section II: Promising Commitments in Romania's 2022–2024 Action Plan

The following review looks at the three commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
6. Increase transparency on national investment allocations: This commitment will make relevant data on the implementation of Romania's two main national local infrastructure funds available to the public in open formats.
7. Publication of open data sets: This commitment will add to the implementation of the Romanian law on open data via civil society engagement to identify high-value data sets, implement an "open by design and by default" principle, and increase citizen data literacy.
9. Ensuring access to justice for victims of domestic and gender-based violence: This commitment will create and disseminate a unified methodology to assist victims of domestic and gender-based violence, and deliver a barometer that will measure and provide information regarding different dimensions of violence against women in Romania.

Commitment 6: Increase transparency on national investment allocations

Ministry of Development, Public Works and Administration, Expert Forum Association

For a complete description of the commitment, see Commitment 6 in Romania's 2022–2024 action plan [here](#).

Context and objectives

Proposed by EFOR, this commitment aims to improve transparency in the implementation of two local development programs managed by the Ministry of Development, Public Works and Administration (MDLPA): the National Local Development Plan⁹ (Programul Național de Dezvoltare Locală (PNDL)) and the Anghel Saligny Program.¹⁰ Since 2013,¹¹ the PNDL has been the Romanian government's main tool for allocating funds for local development.¹² The PNDL's main target for investment are rural areas, where about half of the national population lives.¹³ The MDLPA has implemented the program in two phases (which have been extended several times): PNDL I (2015–2023) and PNDL II (2017–2022). According to official figures, as of March 2022, the government has allocated a total of 34.68 billion RON (7 billion USD) for over 6,000 infrastructure projects.¹⁴ Meanwhile, in 2021, the government created the Anghel Saligny Program, with a budget of 50 billion RON (10 billion USD) for the period 2021–2028.¹⁵ The program's goal is to modernize local communities through investments in infrastructure, such as roads, sewerage, water treatment plants, and natural gas distribution networks.¹⁶

The implementation of the PNDL has been under scrutiny in Romania.¹⁷ In 2021, a report by the Court of Accounts showed a lack of discipline among local and national administrations regarding their management of PNDL projects.¹⁸ According to EFOR, there is persistent mismanagement regarding PNDL projects.¹⁹ EFOR reports that the public administration frequently prioritizes granting funds to local administrations belonging to the same party as the national government,²⁰ and that funds are often used to hire politically connected contractors.²¹ According to an EFOR report, in October 2021, indications of clientelism in the allocation of funds for local authorities reached a high of the last 15 years.²² In addition, the lack of data on projects' levels of completion or eligibility criteria for funding makes it difficult for CSOs to flag irregularities and possible fraud.²³ EFOR also argues that the design of the Anghel Saligny Program did not address flaws identified in the PNDL, particularly the lack of performance audits and mechanisms for avoiding fraud.²⁴

Currently, the MDLPA's database on investments (<https://investitii.mdlpa.ro>) is not public.²⁵ The MDLPA does, however, publish basic information on the PNDL—such as targeted localities, project descriptions, and allocated amounts—both on its website²⁶ and on the national open data portal.²⁷ As for the Anghel Saligny Program, EFOR considers that Emergency Order 95/2021, which created the program, does not fully address the need for publishing the criteria used by the central administration to allocate funds.²⁸ In contrast to data on the PNDL, available data on the Anghel Saligny Program includes more items, such as a full list of funding requests,²⁹ and a unique identifying number for each project to help track its implementation.³⁰

Romania has included commitments around the PNDL in its past two action plans. The 2018–2020 commitment aimed to open more data on the PNDL, and to organize a public consultation on the transparency, efficiency, and evaluation of the PNDL.³¹ However, it saw limited completion.³² The 2020–2022 commitment aimed to examine the PNDL's governance mechanisms, increase data availability, and enhance public dialogue on the program's implementation.³³ CSOs pointed out that these commitments have been somewhat effective to push for more transparency regarding the use of these funds, though the success has been limited. As expressed by EFOR, the difficulties reside in a lack of systematic publication of the data due to political reasons.³⁴ While CSOs have received requested data from the government, the data is not published in a consistent format as planned under the earlier commitments.³⁵

The present commitment follows previous efforts regarding the transparency of the PNDL, while also covering, for the first time, the Anghel Saligny Program. The MDLPA will regularly and systematically publish relevant data on key implementation of the two phases on the PNDL and on the Anghel Saligny Program to its website and to data.gov.ro. These data sets will cover lists of approved projects, applied criteria, procurement and supplier lists, settlement data, lists of completed projects, project information where criminal irregularities have been identified, and “any other information that can be made public and is relevant.”³⁶ It will also explore developing an open data export mechanism or application programming interface (API)-type system to extract data from the platform.³⁷ The commitment has a clear open government lens, as it seeks to improve public access to information on the implementation of major national investment funds. The MDLPA will also organize a public meeting on the implementation of the Anghel Saligny Program, making the commitment relevant to civic participation. According to EFOR, a discussion on technical aspects has already taken place on 16 November 2022 and, in this and other meetings, they will discuss what, how, and when the government will publish the relevant information.³⁸

Potential for results – Substantial

This commitment could greatly improve the transparency of major national investment funding that play a crucial impact on the lives of millions of Romanians (especially in rural areas).³⁹ The IRM considers the potential for results substantial, as it could fundamentally improve the operations of a key funding source for local development in Romania. It covers two major programs which, combined, represent about 80 billion RON (approximately 17 billion USD), spanning 13 years, and which have been under public suspicion. Greater transparency alone is often insufficient to address the corruption and mismanagement noted by Romanian CSOs and media. However, this commitment will make the projects more traceable and transparent from the very start (e.g., identify backlogs or unjustified delays, mitigate the risk of artificial price increases, or increase the capacity of CSOs and authorities to detect potential fraud). The new data will allow CSOs, journalists, and other interested parties to monitor these investments and flag potential misuses more closely. Notably, the publication of these new data sets could help EFOR to implement monitoring mechanisms regarding past and current development projects, such as calculating cost standards for works, or publishing analysis to identify reasons for the delays in their implementation.⁴⁰

Opportunities, challenges, and recommendations during implementation

This commitment can greatly improve the transparency of public investment funds in Romania and is supported by EFOR, which has consistently prioritized the area for inclusion in Romania's OGP action plans. Nonetheless, its success will ultimately depend on the MDLPA's level of interest in moving forward with the activities. There is a risk that the implementation will stall, as with the 2018–2020 commitment, which led to the publication of certain data sets but did not manage to open those considered most relevant by CSOs.⁴¹ For this commitment to achieve the expected results, the IRM recommends the following:

- **Seek a more robust role for CSOs and the media during implementation.** While EFOR possesses expertise in assisting with the implementation of this commitment, the involvement of a wider range of CSO stakeholders and the media could ensure more effective implementation. This could be achieved by involving a larger number of CSOs working in transparency and fighting against corruption throughout the whole implementation (e.g., in prioritizing which data fields to publish). Moreover, once the data are published, investigative journalists could be key to generating stories and insight by using the newly released data and disseminating the results. More broadly, participation by diverse civic actors in implementation of the commitment would give them opportunities to coordinate how to use the newly released data most effectively. The MDLPA and EFOR can offer trainings to local media on how to use the newly available data in their work. EFOR has also launched a publicly available interactive guide called "Public money detector" which integrates information on how budgets are formed, how investments are approved and how public money is spent.⁴² EFOR has already organized trainings all over the country with local activists and journalists, with dedicated sessions (in September 2022) on how to use the data from this guide, with a focus on the PNDL and Anghel Saligny Program.⁴³
- **Create synergies with the MDLPA's integrity plan.** In December 2021, the Romanian government adopted a new 2021–2025 anti-corruption strategy that foresees all central and local public institutions and authorities adopting an organizational integrity agenda.⁴⁴ The MDLPA is responsible for increasing integrity and reducing

corruption risks in local public administration,⁴⁵ which is also reflected in the ministry's integrity plan.⁴⁶ Moreover, the plan establishes a need to put in place transparency and data publication procedures regarding the allocation of funds from national investment programs. Merging this commitment's data publication efforts with these integrity procedures can contribute to making them binding to the ministry.

- **Add targeted data to the list of high-value data sets to be made mandatory for publication.** Commitment 7 of this action plan foresees the implementation of Law 179 on open data. One of its activities will be to identify potential high-value data sets to publish on data.gov.ro, which are currently not included in the provisions of Law 179. Data on local development funds falls on the list of high-value data sets included in paragraph 4 of Law 179's annex, in categories such as data on public procurement, public money allocation, or public expenditures made at the local level. However, data on topics such as the applied criteria for the projects' approvals, or projects in which criminal irregularities have been identified, can be added to the list.
- **Develop a mechanism for citizens to flag potential misuse of public funds (i.e., complaints portal or whistleblower mechanisms).** The MDLPA could further encourage public participation and accountability by developing mechanisms or guidance for users to report potential cases of corruption and misuse of public funds. This mechanism could be added directly to the national open data portal and the MDLPA's website, or it could be separate.
- **Expand the list of data sets to be published by the MDLPA for both programs.** In the IRM Design Report of Romania's 2018–2020 action plan, EFOR suggested certain information on the PNDL that the MDLPA can prioritize making public.⁴⁷ This consisted of the following: selection methodology for projects put forward by the local public administration (i.e., markers used to select among competing projects); list of local administrations that applied for funding under the PNDL but were not granted it; official justification note that local public administrations put forward to receive funding; and a list of public procurements made by local administrations for spending national investment funds. While the MDLPA has made the complete list of local administrations that submitted funding proposals public for the Anghel Saligny Program (but not for the PNDL), the ministry did not take the rest of the suggestions. These could be added to the list of targeted data for publication.

Commitment 7: Publication of open data sets

General Secretariat of the Government, Authority for the Digitalization of Romania

For a complete description of the commitment, see Commitment 7 in Romania's 2022–2024 action plan [here](#).

Context and objectives

Romania has consistently included commitments on open data in its OGP action plans.⁴⁸ The present commitment was proposed by the Center for Public Innovation, as well as the SGG and the Authority for the Digitalization of Romania (ADR). The SGG and ADR are the institutions in charge of implementing and monitoring Romania's recently enacted open data legal framework.⁴⁹

Romania's open data portal (data.gov.ro) currently has 3,044 data sets from 116 state institutions. The Open Data Barometer gave Romania a score of 43, above the global average

of 34.⁵⁰ The country ranks high in support for data reuse and in data accessibility, but low in the availability of key anti-corruption data such as beneficial ownership and land use. Meanwhile, the 2021 Open Data in Europe Report by the European Data Portal ranked Romania 22nd regarding open data practices in the EU-27, which kept the country in a “follower” status.⁵¹ This report noted an active role played by the national data portal team in facilitating assistance with national and local institutions, and data re-users. However, Romania underperformed regarding the policy framework and governance structures for open data.

Under this commitment, the SGG and ADR aim to involve CSOs while implementing the open data law, as well as to identify key high-value data sets for publication. In 2022, Romania transposed to national legislation the EU Directive 2019/1024 on open data and the reuse of public sector information,⁵² a commitment in the 2020–2022 action plan.⁵³ Meanwhile, Law 179 (enacted in June 2021) has provided Romania with a normative framework to carry out a comprehensive open data policy, which this commitment will implement. Chapter V of Law 179 provides a list of categories for high-value data sets, reflecting EU Directive 2019/1024, which can be expanded by the ADR.

The commitment foresees enhanced collaboration between the SGG and the ADR with actual and potential data publishers and users. The SGG and the ADR will organize working groups with CSOs to discuss the implementation of Law 179 and help the government identify new high-value data sets that were not included in the law’s annex. Importantly, the commitment entails ensuring the application of an “open by design and by default” principle for public agencies, as established in articles 8 and 13 of Law 179. The implementation of Law 179 will add to the publication of previously unreleased data sets, while new sources will be identified with CSOs through the working groups. The commitment also entails holding trainings for the public and CSOs regarding open data reuse. The commitment’s open government lens is focused on the values of transparency and civic participation.

Potential for results – Substantial

The IRM considers this commitment as having substantial potential for results. Although Romania has had open data commitments in past action plans, they have mostly focused on publishing data sets on an ad hoc basis. Under the current commitment, for the first time, Romania will implement a concrete legal framework on open data (Law 179/2022) that applies throughout the public administration. The commitment foresees an “open by design and by default” requirement throughout the Romanian public sector, which could potentially change business as usual in open data practices in the country. Unlike past commitments, working groups will now focus on implementing a concrete legal framework (Law 179/2022). They will also focus on developing the necessary inter-institutional approaches to ensure the application of an “open by design and by default” principle for the whole public administration.⁵⁴

The commitment also seeks to tackle the lack of digital skills and data reuse among the population, which is critical for further socioeconomic development. Working groups consisting of the open data community and public institutions will oversee implementation of the legal framework and the “open by design and by default” principle. The commitment also entails trainings on developing the data-use skills among the user community and the public sector, which is of major importance for the country, as shown by the latest Digital Economy and Society Index (DESI) by the European Commission.⁵⁵ The government considers the development of digital skills in the public sector to be crucial to advance the digitalization of the

country and for its accession to the Organisation for Economic Co-operation and Development (OECD).⁵⁶

In 2015, Romania approved a National Strategy for a Digital Agenda, which set priorities focused on the use of technology for social and economic development in key areas. This strategy included open data as a strategic line of work and focused on fostering data publication by establishing common standards and concentrating publication in a single data portal.⁵⁷ In 2021, building upon this strategy, a public policy in e-government was adopted by the Romanian government, which established a roadmap for the digitalization of public services. Among this policy's key measures, the development of critical information technology (IT) systems, as well as other IT systems associated with key sectors of public intervention, are foreseen. The policy considers open, standardized data, which should take into account citizens' and businesses' needs as crucial for these measures. This in turn will favor the governmental decision-making process and the development of artificial intelligence-based projects.⁵⁸

Opportunities, challenges, and recommendations during implementation

This commitment follows a line of over a decade during which the Romanian government has steadily advanced open data as a way for society and institutions to create value. However, as expressed by the point of contact (POC), one potential challenge in the implementation of this commitment could be the lack of financial and human resources of some government institutions. As written, the commitment might require the implementing agencies to focus on certain key aspects to ensure broader and longer-lasting effects regarding its foreseen milestones. These are as follows:

- **Advance toward a national open data strategy to ensure the allocation of resources and sustainability.** Implementing a comprehensive open data publication framework demands technical capacities that could be difficult to attain for some public agencies. For this commitment to be successful, all involved institutions must understand what the implementation of Law 179 will require of them in terms of ongoing data publication, common data standards, engaging re-users, and the technical and human resources to carry out these tasks. A national open data strategy could be a good way to involve all prospective publishing institutions in the implementation of the legal framework. It could also add to the open data ecosystem in Romania, as well as to higher adherence by state institutions to legal requirements in open data.
- **Take into account the need to advance social inclusion.** For open data to foster social inclusion, it is important that publication complies with specific standards, such as the disaggregation by categories such as gender, age, and disability. Both actual and prospective published data sets should include this disaggregation, which will be crucial for the published data to become a meaningful tool to address the realities and needs of, among others, cisgendered women, the LGBTQIA+ population, elderly population, ethnic and linguistic minorities (e.g., Roma), or people living with disabilities. The foreseen inclusion of CSOs during the commitment—in working groups or in trainings—should attempt to engage these same disadvantaged groups in data publication, and in the development of their digital capabilities. Finally, setting concrete rules for working groups, such as frequency of meetings and diversity of participants, could ensure their sustainability.
- **Propose an amendment of the Romanian Access to Information law.** Romania's 2001 Access to Information law (Law 544) allows for information of public interest to be

requested to the public authorities by interested parties.⁵⁹ The law now risks becoming outdated due to the advent of open data. While Law 544's application currently seems only relevant to the specialized public, such as journalists and nongovernmental organizations (NGOs),⁶⁰ adapting it to the new realities (e.g., requiring public institutions to proactively publish relevant data sets regarding their activities in open formats) could improve access to public information, not only for the specialized public but for society at large.

Commitment 9: Ensuring access to justice for victims of domestic and gender-based violence

National Agency for Gender Equality (ANES), consortium of NGOs

For a complete description of the commitment, see Commitment 9 in Romania's 2022–2024 action plan [here](#).

Context and objectives

This commitment seeks to improve access to justice for victims of domestic and gender-based violence. ANES proposed this commitment and will implement it together with a consortium of national NGOs active in the field of gender equality.⁶¹ Romania's sixth action plan is the country's first to include a commitment addressing gender-based violence. This commitment will be carried out within the international cooperation project "VERA - Positive change through integrated action in turbulent times."⁶²

According to the European Institute for Gender Equality (EIGE), Romania lacks a legal definition of femicide and has no institution providing official figures for femicides or gender-based violence in the country.⁶³ As specified by the Romanian Observatory on Homicide Studies and Prevention, between 2002 and 2013 intimate partner femicide-suicide represented on average 7 out of 10 of the total number of homicide-suicide cases in Romania.⁶⁴ Violence against women does receive attention by the media.⁶⁵ However, the media often fails to describe the context in which violence is perpetrated, as cases are presented as isolated and unconnected.⁶⁶

Public assistance for women victims of gender-based violence is spread across different sources. ANES has a toll-free helpline that helps victims identify appropriate solutions.⁶⁷ Victims can report to the police, who can issue a temporary restriction order for the aggressor, or apply for a judicial protection order, for which they need to obtain a medical-legal certificate at a forensic laboratory certifying the abuse, which can be costly and re-victimizing.⁶⁸ In addition, in 2021, Romania passed a National Strategy for Preventing and Combating Sexual Violence, which focuses on strengthening institutional capacities, offering education and information at all levels, and establishing a monitoring mechanism.⁶⁹ Also, in 2022, ANES launched the National Strategy for Promoting Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for 2022–2027.

This commitment seeks to develop a uniform methodology on information and legal guidance for victims of domestic and gender-based violence and any affected children. This methodology will contain information on relevant legal provisions, effective counseling, and guidance. The methodology will be co-created by representatives of relevant state institutions with responsibilities in the field (ANES, police, judicial actors, among others) and CSOs, and will be disseminated through training sessions, local workshops, and networking events. The

commitment also foresees the creation of a national barometer to measure domestic and gender-based violence. The barometer will contain specific indicators on the situation at the level of each county and will focus on violence between spouses and partners, children witnessing domestic violence, and violence against Roma women. The barometer will be built collaboratively with ANES and other institutions working in the field. Its results will be disseminated through press releases, social media, and specific events, and it aims to tailor public policies and local authorities' interventions as well as develop legislation.⁷⁰

This commitment will open government in two ways. First, the uniform methodology on information and legal guidance will facilitate access to information on currently available mechanisms to protect victims of gender-based and domestic violence. Likewise, the barometer can help improve access to information on violence against women and better inform public policies, helping to tailor interventions based on specific indicators. Second, in terms of civic participation, the commitment envisages co-creation of the methodology and the barometer with a consortium of NGOs.

Potential for results – Modest

The commitment seeks to fill critical gaps in addressing domestic and gender-based violence. It encourages government-CSO collaboration to deliver a unified methodology for access to information and legal guidance to protect women from violence and abuse. It also foresees the co-creation of a tool that will provide official figures, data, and analysis to set a clear picture of the current situation faced by women, inform public policies, and potentially mark a cultural change toward true gender equality. CSOs will play a major role in the elaboration of the deliverables, which could lead to long-term collaboration in this and other topics. Regarding the barometer itself, public institutions and CSOs currently lack accurate data on the relationship between domestic violence and gender, especially regarding the current situation of gender-based violence in Romania. The data could help provide evidence-based analysis of the magnitude and severity of this type of violence. However, as written in the action plan, the commitment's activities represent a modest but important change to Romania's practices and policies in regard to supporting victims of gender-based violence.

Moreover, the commitment will fundamentally add to the implementation of Romania's 2003 Law 217 for preventing and combating domestic violence,⁷¹ in particular to its amendment of 2018's Law 174,⁷² which typified domestic violence, introduced previously un-typified forms of abuse (e.g., psychological, social, spiritual), and laid out several state mechanisms aimed to assist women, in particular by regulating the temporary protection order.⁷³ Law 174 partially transposed to Romanian legislation the provisions of the Council of Europe Istanbul convention on preventing and combating violence against women and domestic violence,⁷⁴ which Romania ratified in 2016. The 2020 baseline report on the implementation of the convention by the Romanian government outlines the role of ANES in the elaboration and implementation of legislative and policy measures in domestic violence and gender equality. According to the report, Romania still needs to implement holistic measures, ensure effective implementation through inter-institutional coordination and cooperation, and create data collection mechanisms in order to be more effective in tackling all forms of violence covered by the convention.⁷⁵ These deficits are targeted by the commitment, since it foresees the creation of a unique inter-institutional mechanism for assisting victims, and developing the necessary data to inform further interventions in this field.

Opportunities, challenges, and recommendations during implementation

This commitment presents a promising scenario of state-CSO collaboration to promote access to justice services. However, broader open government mechanisms might be required for it to deliver longer-lasting results. In this sense, the IRM recommends the following:

- **Publish the barometer's results as open data.** Commitment 7 in this action plan foresees collaboratively targeting potential high-value data sets to publish in the portal data.gov.ro as a result of the implementation of Law 179 of 2022. Data on all aspects of gender-based violence, resulting from the implementation of the barometer, should be included individually or as high-value data sets to be published through the national data portal. This could foster the reuse of the data, create and maintain official statistics, raise awareness on the issue through data journalism, and inform civic activism.
- **Include indicators of institutional performance in the barometer.** The commitment as written states that the barometer indicators will focus on the situation of gender-based violence at the county level, reflecting different forms of violence against women, especially between spouses/partners and children witnessing these situations.⁷⁶ Participating stakeholders could further improve the barometer's efficacy to reflect gender-based violence and policies by incorporating indicators on institutional performance to assist victims, such as registered police interventions in cases of gender-based violence, quantity of issued protection orders, or number of cases involving perpetrators with past criminal records on this same issue. This could help citizens and institutions assess the responses given to victims by the state apparatus and over time lead to the necessary institutional reforms.
- **Include CSOs in the policy evaluation phase.** While CSOs are given a key role in this commitment, no specifications are provided regarding the post-evaluation of its main activities. Once the activities are performed and implemented, NGOs should be welcomed to evaluate the commitment's results, as well as monitor activities of the National Strategy for Promoting Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence.
- **Provide access to legal counseling mechanisms and help women take action to address their legal needs.** It will be important for the government and CSOs to leverage the barometer and the unified guidance to provide legal support for victims. The guidance could be accompanied by access to improved services and legal counseling. Technical platforms and telephone hotlines could also expand access to justice for vulnerable groups. Meanwhile, the barometer could be used to promote policies in areas with persistent challenges. CSOs can play an important role in leveraging these outputs, such as assisting in the collection of data for the barometer and gathering legal resources.

Other commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Under Commitment 1, the SGG will standardize the administrative procedures for the recognition of public utility status.⁷⁷ Specifically, the SGG will develop and implement tools to harmonize practices among local authorities regarding the recognition of public utility status and

to support the management of applications for public utility status. However, this commitment focuses mostly on the SGG's internal processes to regulate this matter and an interviewed CSO stakeholder believed it will have limited impact on reducing state bureaucracy.⁷⁸

Commitment 2 is a pilot program that aims to increase participatory budgeting practices among public authorities. It calls for conducting an analysis of the current participatory budgeting experiences in Romania, creating a catalog with standards, organizing a series of exchanges and training sessions for public authorities, and publishing a guide on the topic. The International Budget Partnership gave Romania a score of 7 out of 100 possible points in public participation in the 2021 Open Budget Survey, indicating room for improvement in this area.⁷⁹ It also responds to a recommendation from the IRM's 2018–2020 Design Report to address this topic in the OGP action plan.⁸⁰ While this commitment could lead to more participatory budgeting at the local level, it does not specify the targeted number of local governments that will participate or how the pilot program will lead to future institutionalization of this practice. Furthermore, civic participation is limited to answering a survey and taking part in workshops. The IRM recommends institutionalizing participatory budgeting in an initial set of localities, particularly larger urban governments, before embarking on a country-wide approach.

Through Commitment 3, the Ministry of Culture plans to develop an anti-corruption strategy by working with its decentralized services and with support from Transparency International Romania. It entails standardizing information on the websites of devolved services and publishing uniform procedures on the websites of the devolved services as well as on the website of the ministry. The activities primarily represent an internal process that the ministry intends to implement among its decentralized agencies. During implementation, the Ministry of Culture can develop feedback mechanisms for citizens to flag any potential instances of corruption in the field of culture.

Under Commitment 4, National Agency for the Management of Seized Assets (ANABI) and the Ministry of Justice will create an integrated IT system ("ROARMIS") on assets recovered from criminal activities and connect the database on seized assets with the European Criminal Records Information System.⁸¹ Other activities include making ROARMIS interconnected with Romania's Electronic Court Record Information System (ECRIS 5) and publishing data sets on records of criminal claims to the national open data portal. The POC at the SGG pointed out this commitment as important⁸² and CSO actors have requested ANABI and the Ministry of Justice to follow up on its implementation.⁸³ It could help generate more transparency in an area in which Romania has worked on in past action plans (2016–2018⁸⁴ and 2018–2020⁸⁵). According to ANABI, the ROARMIS system will cover the data sets of all stakeholders involved in the asset recovery process, including the prosecutors' offices, courts, fiscal authorities, police, and private sector entities (including all banks), with an envisaged number of 40,000 users.⁸⁶ This commitment's success will depend on if the new system will improve the efficiency of the recovery process for claims arising from crimes. As described in the action plan, the IRM considers it to have modest potential for results.

Under Commitment 5, the National Agency for Protected Natural Areas (ANANP) will develop a framework for assigning protected natural areas to ad hoc management structures. CSOs will also play an advisory role in awarding protected natural areas. Although the commitment aims to achieve a transparent process for assigning the administration of natural parks, the only provision to achieve this goal is publicizing the awarding sessions on ANANP's website.

Commitment 8 aims to address the gender imbalances in the public sphere (i.e., the central public administration, electoral processes, and labor market). According to the EIGE's Gender Equality Index, Romania has a score of 54.4 out of 100 (below the EU average of 68), with gender inequality especially acute in women's presence in decision-making positions across the political, economic, and social domains.⁸⁷ In the latest Global Gender Gap Report,⁸⁸ Romania underperforms compared to Europe (33 out of 35) and the globe (90 out of 146) in gender parity.⁸⁹ However, the commitment is limited to carrying out periodic analysis on the matter, with no other foreseen activities specified in its design.

Finally, Commitment 10 foresees the adoption of the EITI standard. The Ministry of Energy currently publishes relevant documents regarding government decisions on their website,⁹⁰ as well as data on shares held by the ministry in commercial companies, or concession contracts, in the national open data portal.⁹¹ Over time, joining EITI could improve the transparency of the extractives sector in Romania, as well as the involvement of CSOs through the required multi-stakeholder group. However, the commitment primarily focuses on the preliminary steps to join EITI, and it does not include publishing the country's first EITI report on the extractives sector. As such, this commitment is an important but modest step forward.⁹²

⁹ "National Local Development Program", Ministry of Development, Public Works and Administration, last modified 12 March 2021, <https://www.mdlpa.ro/pages/programulnationaldezvoltarelocala>.

¹⁰ "National Investment Program Anghel Saligny, Ministry of Development, Public Works and Administration, last modified 24 October 2022, <https://www.mdlpa.ro/pages/anghelsaligny>.

¹¹ "Ordonanță de Urgență Nr. 28/2013 din 10 aprilie 2013 pentru aprobarea Programului Național de Dezvoltare Locală", last modified 10 April 2013, <https://www.mdlpa.ro/userfiles/OUG%2028-2013.doc>.

¹² Ministry of Development, Public Works and Administration, "National Local Development Program."

¹³ "Rural population (% of total population) – Romania," World Bank, <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=RO>.

¹⁴ "Romania, National Reform Programme 2022" European Commission, last modified 1 April 2022, https://commission.europa.eu/system/files/2022-06/pnr_2022_romania_en.pdf.

¹⁵ "Ordonanță de Urgență Nr. 95/2021 pentru aprobarea Programului Național de Investiții "Anghel Saligny", "Monitorul Oficial Al României, <https://www.mdlpa.ro/uploads/articole/attachments/6151bbc554214183914086.pdf>.

¹⁶ "Uniunea Națională a Consiliilor Județene din România, Programul Național de Investiții "Anghel Saligny", "Monitorul Oficial Al României, <https://uncjr.ro/web/programul-national-de-investitii-anghel-saligny/#>.

¹⁷ "Efectul investigației Recorder: DNA s-a autosesizat și a deschis dosarul „Dumnezeul achizițiilor”, Recorder, last modified 27 February 2019, <https://recorder.ro/efectul-investigatiei-recorder-dna-s-a-autosesizat-si-a-deschis-dosarul-dumnezeul-achizițiilor/>.

¹⁸ "Raportul Public al Curții de Conturi pe Anul 2020," Curtea de Conturi, https://www.curteadeconturi.ro/uploads/5022f9a8/af848690/b985c3d2/fe541d/3f49607e/f9fbac54/f6fc8e02/aa896e34/Raportul_Public_al_Curtii_de_Conturi_pe_anul_2020.pdf.

¹⁹ "The National Local Development Program in 2022. Billions for delayed projects," Expert Forum, last modified 13 April 2022, <https://expertforum.ro/en/pndl-2022/>.

²⁰ "Harta Clientelismului: cine a primit bani în prima jumătate a anului 2018?," Expert Forum, last modified 12 October 2018, <https://expertforum.ro/harta-clientelismului-2018/>.

²¹ Septimus Parvu (Expert Forum), interview by the IRM, 9 September 2022.

²² Expert Forum, "Clientelism without reservations," <https://expertforum.ro/clientelism-fara-rezerve/>.

²³ "How do we fix PNDL?," Expert Forum, last modified 16 June 2021, <https://expertforum.ro/en/how-do-we-fix-pndl/>.

²⁴ "Programul Saligny este de facto PNDL 3," Expert Forum, last modified 25 August 2021, <https://expertforum.ro/saligny-e-pndl3/>.

²⁵ The website requires an authentication process through email and token. At a debate with MDLPA organized by EFOR in November 2022, the MDLPA announced that it is developing a public interface which should reflect some information mentioned in the emergency ordinance 95/2021. <https://expertforum.ro/concluzii-dezbateri-saligny/>.

²⁶ "Centralizatorul obiectivelor de investiții cuprinse în programele de infrastructură

preluate de Programul Național de Dezvoltare Locală,” Ministry of Development, Public Works and Administration, last modified 28 June 2021, <https://www.mdpla.ro/pages/obiectiveinvestitiipndl>.

²⁷ “MDLPA’s data sets in the Romanian open data portal, <https://data.gov.ro/organization/mdrap>.

²⁸ “Creșterea transparenței privind alocările din fonduri naționale pentru investiții,” Expert Forum, <https://expertforum.ro/wp-content/uploads/2022/03/Angajamente-OGP-EFOR-10martie.pdf>.

²⁹ “Lista cererilor de finanțare depuse de către UAT-uri, pentru Programul Național de Investiții Anghel Saligny,” Ministry of Development, Public Works and Administration, <https://www.mdpla.ro/uploads/articole/attachments/620ba8cb37aad298555728.xlsx>.

³⁰ “Lista obiective investiții finanțate prin Programul național de investiții „Anghel Saligny”, ”, <https://data.gov.ro/dataset/lista-obiective-investitii-finantate-prin-programul-national-de-investitii-anghel-saligny>.

³¹ “National Investment Fund Transparency, RO0057,” Romania 2018–2020 Action Plan, Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0057/>.

³² Romania Transitional Results Report 2018–2020, <https://www.opengovpartnership.org/documents/romania-transitional-results-report-2018-2020/>.

³³ RO0071, Analyze and increase availability of data on public allocations and procurements, Romania 2020–2022 Action Plan, <https://www.opengovpartnership.org/members/romania/commitments/RO0071/>.

³⁴ See “The conclusions of the debate on ensuring transparency in the Anghel Saligny Program”, EFOR, 18 November 2022, <https://expertforum.ro/concluzii-dezbatare-saligny/>.

³⁵ Septimus Parvu (Expert Forum), interview by the IRM, 9 September 2022.

³⁶ “Romania Action Plan 2022–2024”, Open Government Partnership, last modified 25 July 2022, pg. 28, <https://www.opengovpartnership.org/documents/romania-action-plan-2022-2024/>.

³⁷ According to EFOR, the MDPLA has told EFOR has been informed that API is not probable at this point. However, MDPLA committed to publishing data on a regular basis – probably monthly. Information provided to the IRM by EFOR during the pre-publication review of this report.

³⁸ Septimus Parvu (Expert Forum), correspondence with the IRM researcher, September–November 2022.

³⁹ Teșliuc, E., Grigoraș, V., Stănculescu, M. (2016) *The Atlas of Rural Marginalized Areas and of Local Human Development in Romania*. Bucharest: World Bank. <https://openknowledge.worldbank.org/handle/10986/24770>

⁴⁰ “How do we fix PNDL?”, Expert Forum.

⁴¹ “Romania Transitional Results Report 2018–2020,” Open Government Partnership, <https://www.opengovpartnership.org/documents/romania-transitional-results-report-2018-2020/>.

⁴² “Public money detector”, Expert Forum, accessed 4 January 2023, <https://expertforum.ro/detector-bani-publici/>.

⁴³ Online Launch + Live Demo Public Money Detector, EFOR, 25 August 2022, <https://expertforum.ro/demonstratie-detectorul-bani-publici/>.

⁴⁴ Hotărâre Nr. 1269 din 17 decembrie 2021 privind aprobarea Strategiei naționale anticorupție 2021–2025, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/249828>.

⁴⁵ The IRM researcher contacted Alexandru Marcel Stoica from the MPDL twice in September and October 2022 but received no response.

⁴⁶ “Planul de acțiune pentru implementarea obiectivelor anticorupție ale Ministerul Dezvoltării, Lucrărilor Publice și Administrației,” Ministry of Development, Public Works and Administration, <https://www.mdpla.ro/uploads/articole/attachments/62cff30a7afb0585762756.pdf>.

⁴⁷ “Independent Reporting Mechanism (IRM): Romania Design Report 2018–2020,” Open Government Partnership, https://www.opengovpartnership.org/wp-content/uploads/2020/05/Romania_Design_Report_2018-2020_EN.pdf.

⁴⁸ “Making an Inventory of Available (High-Value) Data-Sets (RO0003),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0003/>; “Increasing the Quality and Quantity of Published Open Data (RO00027),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0027/>; “Increasing the Quality and Quantity of Published Open Data (RO00047),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0047/>; “Open Data (RO00065),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0065/>; “Increase amount of open data (RO0077),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0077/>.

⁴⁹ “Lege nr. 179 din 9 iunie 2022 privind datele deschise și reutilizarea informațiilor din sectorul public,” Legislative Portal, last modified 9 June 2022, <https://legislatie.just.ro/Public/DetaliiDocument/256414>.

⁵⁰ Global Data Barometer, <https://globaldatabarometer.org/>.

⁵¹ “Open Data in Europe 2021,” European Commission, <https://data.europa.eu/en/dashboard/2021>.

⁵² “Romanian Government approved the Law on open data and reuse of public sector information, initiated by ADR and MCID”, The Diplomat Bucharest, last modified 27 January 2022,

<https://www.thediplomat.ro/2022/01/27/romanian-government-approved-the-law-on-open-data-and-reuse-of-public-sector-information-initiated-by-adr-and-mcid/>.

⁵³ "Increase amount of open data (RO0077)," Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0077/>.

⁵⁴ Larisa Barac (Open Government POC of Romania), interview by the IRM, 13 September 2022.

⁵⁵ The DESI Index tracks EU countries' progress in the fields of several dimensions that are key for the development of a digital society, such as the level of digitization of public services, the level of connectivity, or the presence of digital skills among the population. According to the 2022 DESI Index, while Romania is close to the EU average regarding open data policies (a score of 76% vs the EU average of 81%), it ranks very low in most assessed dimensions, especially in those regarding the existence of basic digital skills among the population, with 28% of the population possessing basic digital skills (vs the EU average of 54%) and only 9% with digital skills above basic (vs the EU average of 26%). More information can be found here: "DESI Index 2022: Romania in the Digital Economy and Society Index," European Commission, <https://digital-strategy.ec.europa.eu/en/policies/desi-romania>.

⁵⁶ Larisa Barac (Open Government POC of Romania), interview by the IRM, 13 September 2022.

⁵⁷ "Strategia Națională privind Agenda Digitală pentru România 2020," last modified February 2015, <https://epale.ec.europa.eu/sites/default/files/strategia-nationala-agenda-digitala-pentru-romania-2020c-20-feb.2015.pdf>.

⁵⁸ "Propunere de politică publică în domeniul e-guvernării," General Secretariat of the Government, last modified 3 June 2021, <https://sqq.gov.ro/1/03-06-2021-comunicat-de-presa-politica-publica-in-domeniul-e-quvernarii-pentru-perioada-2021-2030-a-fost-adoptata/>.

⁵⁹ "Lege nr. 544 din 12 octombrie 2001 privind liberul acces la informațiile de interes public," Legislative Portal, last modified 12 October 2001, <https://legislatie.just.ro/Public/DetaliiDocument/31413>.

⁶⁰ "7 pentru 544: La ce e bună legea accesului la informații de interes public?," Scena9, last modified 4 July 2017, <https://www.scena9.ro/article/544-legea-accesului-la-informatii-de-interes-public>.

⁶¹ This consortium includes the Centre for Training and Evaluation in Social Assistance (CFCECAS), the Sensiblu Foundation, the Necuvinte Association, the Foundation of the Center for Mediation and Community Security (CMSC) and the Association for Socio-Economical Development and Promotion (CATALACTICA). See "Romania Action Plan 2022–2024," Open Government Partnership, pg 35, https://www.opengovpartnership.org/wp-content/uploads/2022/07/Romania_Action-Plan_2022-2024_EN.pdf.

⁶² "Press release regarding the financing contract for the project "VERA – positive change through integrated action in turbulent times!," Romanian Ministry of Justice, <https://norwaygrants.just.ro/Portals/4/Documente/comunicat%20de%20presa%20lb%20EN.pdf>.

⁶³ "Measuring Femicide in Romania," European Institute for Gender Equality, last modified 22 November 2021, <https://eige.europa.eu/publications/measuring-femicide-romania>.

⁶⁴ "Romanian researches on Femicide," Observatorul Român pentru Analiza și Prevenirea Omorurilor, <https://homicideobservatory.wordpress.com/romanian-researches-on-femicide/>.

⁶⁵ "Drama femeilor abuzate și eșecul statului român în a le proteja pe timp de pandemie," Europa Liberă România, last modified 24 October 2021, <https://romania.europalibera.org/a/drama-femei-abuz-domestic/31521522.html>.

⁶⁶ Balica, E. (2021). Intimate Partner Femicide in Romania: An Analysis of the Online Media News. *Postmodernism Problems*, 11 (3), 305–318. <https://doi.org/10.46324/PMP2103305>.

⁶⁷ "Raport de Activitate Call-Center Pentru Anul 2021," Raportul Call Center, National Agency for Gender Equality, <https://anes.gov.ro/wp-content/uploads/2022/05/RAPORT-CC-2021-PT-SITE.pdf>.

⁶⁸ "Ce poți face dacă ești agresată?," Centrul FILIA, <https://centrulfilia.ro/ce-poti-face-daca-esi-agresata/>.

⁶⁹ "Strategie Națională din 27 mai 2021 pentru prevenirea și combaterea violenței sexuale "SINERGIE" 2021–2030," Legislative Portal, last modified 27 May 2021, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/243339>.

⁷⁰ Monalisa Cirstea (ANES), interview by the IRM, 15 November 2022.

⁷¹ "Lege nr. 217 din 22 mai 2003 pentru prevenirea și combaterea violenței în familia," Legislative Portal, last modified 22 May 2003, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/191896>.

⁷² "Lege nr. 174 din 13 iulie 2018 privind modificarea și completarea Legii nr. 217/2003 pentru prevenirea și combaterea violenței în familie," Legislative Portal, last modified 13 July 2018, <https://legislatie.just.ro/Public/DetaliiDocumentAfis/202718>.

⁷³ "Implementing the Istanbul Convention into Romanian Legislation," Women Against Violence Europe, last modified 18 January 2019, <https://wave-network.org/implementing-the-istanbul-convention-into-romanian-legislation/>.

⁷⁴ "Istanbul Convention on Action against violence against women and domestic violence," Council of Europe, <https://www.coe.int/en/web/istanbul-convention>.

⁷⁵ "GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

(Istanbul Convention): Romania”, Council of Europe, last modified on 16 June 2022, <https://rm.coe.int/final-report-on-romania/1680a6e439>.

⁷⁶ The IRM researcher contacted ANES in September and October but received no response.

⁷⁷ “Ordonanță nr. 26 din 30 ianuarie 2000 cu privire la asociații și fundații,” Legislative Portal, last modified 30 January 2000, <https://legislatie.just.ro/Public/DetaliiDocument/20740>.

⁷⁸ Dan Bugariu (Smart City Association), interview by the IRM, 14 September 2022.

⁷⁹ “Open Budget Survey 2021,” International Budget Partnership, <https://internationalbudget.org/open-budget-survey/country-results/2021/romania>.

⁸⁰ “Romania Design Report 2018–2020”, Open Government Partnership, last modified 28 May 2020, <https://www.opengovpartnership.org/documents/romania-design-report-2018-2020/>.

⁸¹ “European Criminal Records Information System (ECRIS),” European Commission, https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/tools-judicial-cooperation/european-criminal-records-information-system-ecris_en.

⁸² Larisa Barac (Open Government POC of Romania), interview by the IRM, 13 September 2022.

⁸³ Septimius Parvu (Representative of Asociația Expert Forum), correspondence with the IRM, 8-9 September 2022.

⁸⁴ “Improve Transparency in the Management of Seized Assets (RO0041),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0041/>.

⁸⁵ “Transparency of Seized Assets (RO0060),” Open Government Partnership, <https://www.opengovpartnership.org/members/romania/commitments/RO0060/>.

⁸⁶ Information provided to the IRM from ANABI during the pre-publication review of this Action Plan Review,

⁸⁷ “Gender Equality Index 2021: Romania,” European Institute for Gender Equality, <https://eige.europa.eu/gender-equality-index/2021/RO>.

⁸⁸ The Global Gender Gap Report is a study that, since 2006, assesses the current state and evolution of gender parity in the world across four key dimensions (i.e., economic participation and opportunity, educational attainment, health and survival, and political empowerment).

⁸⁹ “Global Gender Gap Report 2022,” World Economic Forum, <https://www.weforum.org/reports/global-gender-gap-report-2022/>.

⁹⁰ “Transparența Decizională,” Ministry of Energy, <https://energie.gov.ro/category/transparența-instituțională/transparența-decizională/>.

⁹¹ “Ministerului Energiei,” Portal of Open Data Sets, <https://data.gov.ro/organization/ministerul-energiei>.

⁹² According to recent OECD figures, the Romanian economy is characterized by relatively large agriculture and manufacturing sectors, and a fast-growing services industry, with the extractive sector still representing a small part of the country’s exports. See: <https://www.oecd-ilibrary.org/sites/f13f88df-en/index.html?itemId=/content/component/f13f88df-en>.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

Step 4: Assess the potential for results of the clustered or stand-alone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but stand-alone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Soledad Gattoni and was reviewed by external expert Brendan Halloran. The IRM methodology, quality of IRM products, and review process are overseen by IRM's IEP. For more information, see the IRM Overview section of the OGP website.⁹³

⁹³ "IRM Overview," Open Government Partnership, <https://www.opengovpartnership.org/irm-guidance-overview/>.

Annex 1. Commitment-by-Commitment Data⁹⁴

Commitment 1: Standardization of administrative procedures for the recognition of the public utility status

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 2: Pilot Program—participatory budgeting process

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3: Increasing the transparency, de-bureaucracy, and integrity of the deconcentrated services of the Ministry of Culture

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 4: Development of an integrated national IT system for recording criminal claims

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: Responsible management of protected natural areas

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 6: Increase transparency on national investment allocations

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 7: Publication of open data sets

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 8: Balanced participation of women and men in decision-making in public and political life

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 9: Ensuring access to justice for victims of domestic and gender-based violence

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 10: Preparation of Romania's accession to Extractive Industries Transparency Initiative

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

⁹⁴ **Editorial notes:**

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see "Romania Action Plan 2022–2024", Open Government Partnership, https://www.opengovpartnership.org/wp-content/uploads/2022/07/Romania_Action-Plan_2022-2024_EN.pdf.

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.⁹⁵ IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.⁹⁶ However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: The CNC is the MSF for OGP in Romania. It meets at least once every six months, ⁹⁷ and its basic rules are publicly available. ⁹⁸ The most recent CNC meeting, with new composition for the sixth action plan, took place on 10 November 2022. ⁹⁹	Yes	<i>To be assessed in the Results Report</i>
2.1 OGP website: The SGG maintains a publicly accessible website that contains all matters regarding OGP-related activities in Romania. ¹⁰⁰	Yes	<i>To be assessed in the Results Report</i>
2.2 Repository: There is an online repository available. ¹⁰¹ It is updated at least twice a year and contains information on both the co-creation and implementation phases.	Yes	<i>To be assessed in the Results Report</i>
3.1 Advanced notice: The SGG posted the co-creation timeline and the overview of opportunities for stakeholders to participate on the OGP and on the SGG's websites. ¹⁰² The SGG posted the calendar two weeks before the start of the co-creation process.	Yes	Not applicable
3.2 Outreach: Outreach activities—such as debates on the culture of open government, integrity, and transparency policies—were carried out through the OGP Club. ¹⁰³ In addition, the SGG and the CNC organized information sessions as well as activities linked to commitments in the previous action plan. ¹⁰⁴	Yes	Not applicable
3.3 Feedback mechanism: There was an online consultation platform for gathering input from a range of stakeholders. ¹⁰⁵ Meanwhile, other co-creation activities were also open to the general public. Other co-creation activities required registration but were open to the general public. The platform was open for collecting inputs for about two months.	Yes	Not applicable
4.1 Reasoned response: The SGG documented contributions from stakeholders and made them available for public consultation on the online repository. The SGG also published a synthesis table with the reasons for rejecting proposals from the co-creation process. ¹⁰⁶	Yes	Not applicable
5.1 Open implementation: The IRM will assess whether meetings were held with CSO stakeholders to present implementation results and enable CSOs to provide comments in the Results Report.	Not applicable	<i>To be assessed in the Results Report</i>

⁹⁵ “2021 OGP Participation and Co-Creation Standards”, Open Government Partnership, last modified 24 November 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

⁹⁶ “IRM Guidelines for the Assessment of Minimum Requirements”, Open Government Partnership, last modified 31 May 2022, <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>.

⁹⁷ “Composition of the National Steering Committee,” Parteneriatul Pentru Guvernare Deschisă, <https://ogp.gov.ro/nou/cnc-2021-2022/>.

⁹⁸ “A Comitetului Național De Coordonare A Parteneriatului Pentru Guvernare Deschisă În România,” Parteneriatul Pentru Guvernare Deschisă, http://ogp.gov.ro/nou/wp-content/uploads/2021/09/ROF-CNC_versiune-finala.pdf.

⁹⁹ “First NCC meeting 2022–2024”, Parteneriatul Pentru Guvernare Deschisă, <https://ogp.gov.ro/nou/2022/11/15/prima-reuniune-cnc-2022-2024/>.

¹⁰⁰ “News”, Parteneriatul Pentru Guvernare Deschisă, <http://ogp.gov.ro/nou/>.

¹⁰¹ “Elaborare PNA 2022–2024, Prupuneri angajamente primite,” https://drive.google.com/drive/folders/1SF53QRf_RKt7T_diWJMQbiJqbVJJ4CeM.

¹⁰² “Nap preparation calendar 2022–2024”, Parteneriatul Pentru Guvernare Deschisă, last modified 1 February 2022, <https://ogp.gov.ro/nou/calendar-2022/>.

¹⁰³ “OGP Club — Organizational culture of open government, January 27, 2022”, Parteneriatul Pentru Guvernare Deschisă, <https://ogp.gov.ro/nou/category/club-ogp/>.

¹⁰⁴ “15.11.2022 The first meeting of the National Coordination Committee of OGP Romania in the new composition,” General Secretariat of the Government, last modified 15 November 2022, <https://sgg.gov.ro/1/guvernare-deschisa-2/>.

¹⁰⁵ “Propunerii angajamente PNA 2022–2024”, <https://docs.google.com/forms/d/e/1FAIpQLScGQSB37D4pEc2cJcSiAj-rkJIBnR1-xHGxbhArxHBTyPINA/viewform>.

¹⁰⁶ The reasoned response for the proposals is available for download here: <https://ogp.gov.ro/nou/propunerii-primite-2022/>.