



Transparency and the right to access information is now a reality in many Latin American countries. So how has this been achieved?

# THE LATIN AMERICAN APPROACH TO TRANSPARENCY AND ACCESS TO INFORMATION



## SUMMARY

By providing greater access to public information and promoting transparency, Latin American countries seek to improve social oversight, inform citizens about government policies and programmes, advance other human rights, reduce corruption and enhance overall accountability. This ELLA Guide analyses various initiatives implemented in the region, as well as the key role played by civil society in the Latin American experience, while shedding light on the contextual factors that enabled the design and adoption of transparency policies and practices, and on their lessons learned. The Latin American journey in implementing these transparency initiatives could be useful for policymakers, academics, civil society organisations (CSOs) and donors from other regions that are promoting improved transparency and access to information in their own countries.

## THE COMMON CHALLENGE: PROMOTING TRANSPARENCY AND ACCESS TO INFORMATION

Corruption, government ineffectiveness, limited citizen participation and low accountability are pressing governance problems in developing countries. As Figure 1 shows, in 2010, Latin America, South Asia and Sub-Saharan Africa all scored low on key governance indicators compared to OECD countries.

Enhanced access to public information and government transparency have been seen as key elements for tackling these governance challenges, as they promote accountability, citizen participation in decision making and social equity. In the last fifteen years, developing regions have slowly moved towards adopting legal frameworks that make access to information a reality. As of 2010, 17% of countries in Sub-Saharan Africa, 57% in South Asia, and 65% in Latin America had adopted a Freedom of Information Act (FOIA) that guarantees citizens' right to information and transparency.<sup>1</sup>

## KEY LESSONS LEARNED

Court rulings at the regional and national level upholding the right to information can build the legal foundation for making this right a reality, even in the absence of a formal FOIA.

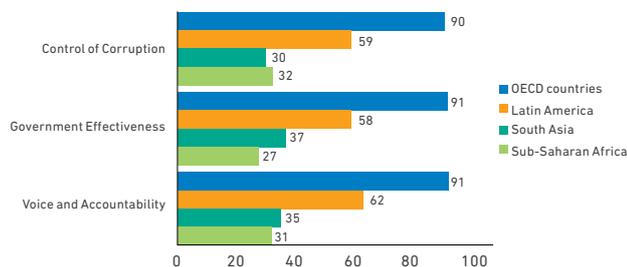
Latin American experience shows that enacting FOIAs is a first step in guaranteeing the right to information. Other elements, however, such as capacity building and adequate enforcement mechanisms, are also needed to ensure the effective realization of this right.

The right to information can be an effective tool for CSOs to undertake social audits of government performance, advocate for improvements in public policies and ensure the realization of other human rights.

<sup>1</sup> R. Vleugels. 2011. [Fringe Special: Overview of All FOI Laws](#). The Netherlands.



Figure 1: Selected Worldwide Governance Indicators (2010)



Note: These variables range from 0 (lowest) to 100 (highest). Higher values indicate better scores.  
 Source: D. Kaufmann, et. al. 2010. *Worldwide Governance Indicators 2010*. World Bank, Washington, DC.

Yet enacting a FOIA is just the first step. Countries still face challenges in implementing the laws and citizens need support to begin actively using a legal framework to demand better government performance, reduce corruption and promote more accountability overall. And what can citizens and civil society do if their country does not have an access to information law? Latin American experiences can offer some answers for how countries could consider tackling these challenges and what other initiatives can be implemented to enhance transparency and access to information.

This guide describes the access to information initiatives that Latin American countries have carried out, spurred on by vibrant civil society movements. Latin America's lessons learned could be useful for other developing regions that are pushing for greater transparency and access to information to tackle similar governance challenges.

## LATIN AMERICAN INITIATIVES FOR PROMOTING ACCESS TO INFORMATION AND TRANSPARENCY

The variety of Latin American experiences in transparency can be usefully categorised into four types. The first – and most extensively covered in this Guide – has to do with establishing a legal framework to support transparency and access to information, both regionally and at the country level. As it is analysed in this Guide, the legal framework provides the foundation for citizens to effectively make use of the right to information.

The second set of initiatives seeks to reduce corruption by promoting transparency and access to information. In the third, the government goes beyond the basic information typically provided under transparency laws, offering relevant information to citizens to improve their lives. Finally, the fourth type relates to citizens' use of the right to information to achieve greater accountability and social justice. The following table summarizes some of these initiatives:

Figure 2: Key Latin American Transparency and Access to Information Initiatives

GUIDING PRINCIPLE	EXAMPLES OF REFORMS AND INITIATIVES
Consolidating the legal and institutional framework	<ul style="list-style-type: none"> <li>Regional standard on transparency and access to information</li> <li>National FOIAs</li> <li>Government responses to information requests</li> <li>Court decisions at the regional and country level</li> <li>Regional and national networks monitoring implementation of laws</li> </ul>
Reducing corruption through transparency	<ul style="list-style-type: none"> <li>Electronic procurement platforms</li> <li>Platforms publicizing information about public officials' personal assets</li> </ul>
Providing relevant information to improve citizens' lives	<ul style="list-style-type: none"> <li>Targeted transparency policies</li> </ul>
Advancing social justice and promoting accountability	<ul style="list-style-type: none"> <li>Social auditing using the right to information</li> </ul>

Source: Own elaboration.

## BUILDING A LEGAL FRAMEWORK

Most would agree that the foundation for citizens gaining access to public information is a legal framework guaranteeing that access. In Latin America, legal frameworks have been pushed at both the regional and national levels, and governments have implemented important innovations to make providing information easier. Civil society has played a key role, collaborating with and monitoring governments as they design and implement their legal frameworks. At the same time, in Latin American countries without freedom of information laws, citizens have used the courts to successfully demand access to information. Each of these topics is covered in the sections below.

### A Regional Standard: the Model Inter-American Law

Over the past few years, the [Organization of American States](#) (OAS) has contributed extensively to promoting access to information at the regional level. In 2010, the OAS called on regional experts to draft the [Model Inter-American Law on Access to Information](#) and an [Implementation Guide](#). The Model Law sets the minimum standards for access to information that countries in the region should meet. It enforces and advances some relevant principles, such as maximum disclosure; proactive transparency measures;



access to information; promoting the right to information; compliance with the law, among others. The Model Law has its legal background in the [American Convention on Human Rights](#) and the [Declaration of Principles on Freedom of Expression](#), which acknowledge access to information as a fundamental human right and underline countries' obligations to protect and fulfil it.<sup>2</sup>

Although the Model Law was only enacted in 2010, it has already had a tangible effect on states whose parliaments and legislatures are discussing access to information legislation. In Mexico and the Dominican Republic, the OAS organised international seminars in 2011 to present the main aspects of the Model Law and to foster debate within those countries.

### National Freedom of Information Acts

The enactment of Freedom of Information Acts (FOIAs) by 65% of Latin American countries has been a first step to realize the right to information. It is worth noting that many of these FOIAs incorporate innovative elements in their design, such as requesting that public agencies proactively publish relevant and accessible information or creating independent oversight bodies to monitor compliance.

To learn more about the design of Latin America's FOIAs and their outcomes, read the [ELLA Brief: Building the Legal Framework to Support Transparency and Access to Information in Latin America](#). To access publications written about the topic, read the [ELLA Spotlight on Publications: Latin American Freedom of Information Acts' Design, Adoption and Implementation](#).

### Implementing FOIAs: Managing Access to Information Requests

Once a FOIA has been enacted, one of the most critical issues is building institutional mechanisms for managing access to information requests. The Mexican and Chilean electronic platforms are considered good practice in the region, although they differ in their design and functioning.

How do these platforms work?

The Mexican electronic platform, *Infomex*, allows citizens to make access to information requests to all federal, and most provincial, public agencies covered by the federal and local FOIAs through a single electronic platform. *Infomex* also keeps a registry of all the information requests made by citizens and the corresponding government replies, making the registry available for anyone interested in consulting them.

Unlike Mexico, Chile does not have one single entry platform for all public agencies covered by the law. Instead, an

information system for making requests electronically was created and implemented by each ministry. Chilean citizens can go into each public agency's website and make their requests through these information systems, which also allows them to check the status of their requests online.<sup>3</sup>

The vast majority of requests for information made to federal public agencies (489,739 in Mexico in 2003-2009 and 13,017 in Chile in 2009-2011) were made through these information systems.

Figure 3: Infomex - The Mexican Single Entry Platform for Making Access to Information Requests



Source: [Infomex website](#)

To learn more about other issues related to implementing FOIAs, see the publications highlighted in the [ELLA Spotlight on Publications: Latin American Freedom of Information Acts' Design, Adoption and Implementation](#).

### Civil Society's Role

Latin American civil society networks at the regional and national level have proven to be effective in pushing for the approval of legal frameworks governing access to information.

**Regional Level:** An important part of the civil society story in Latin America is the work of the [Regional Alliance for the Freedom of Expression and Information](#), a network of 23 CSOs from 19 different American countries. By combining the strengths of individual members, they have leveraged their position and coordinating power at the regional level to achieve important advancements in access to information at both the regional and national levels. To learn more about the Alliance's role and key successes, read the [ELLA Brief: Civil Society's Regional Network for Advancing Freedom of Expression and Access to Information](#).

<sup>2</sup> Organization of American States website, '[Access to Information](#)'.

<sup>3</sup> Chilean Commission on Probity and Transparency website, '[Management of Information Requests](#)'.



**National Level:** At the national level, civil society networks have pushed for the approval of FOIAs, then collaborated with governments in the drafting and designing of these laws. They have also monitored and supported implementation, for example, by assessing the level of compliance, providing capacity development to public officials and educating citizens about their newly acquired right.

### Civil Society Networks: Successfully Promoting the Right to Information

#### Mexico

**Grupo Oaxaca:** Formed in 2001 by Mexican journalists, CSO members and academics working on the right to information and democratic reform, *Grupo Oaxaca* drafted a FOIA and sparked public debate on the need to adopt it. The network’s advocacy activities were fundamental for getting the Mexican Federal FOIA enacted in 2002.

**Colectivo por la Transparencia** (Transparency Collective): Formed by 11 CSOs, this coalition promotes accountability, transparency and access to information by improving the legal framework supporting it and by monitoring its implementation. It successfully advocated for including the right to information in the Constitution in 2007. At the local level, it works with the Mexico City government to make public information accessible, useful and timely for citizens.

#### Ecuador

**Coalición Acceso** (Access Coalition): This coalition was formed to support FOIA adoption in Ecuador. Through workshops and events, the Coalition introduced the issue onto the public agenda, and analysed and made recommendations about the different FOIA proposals being discussed in the Congress. Since the FOIA was approved, the Coalition has monitored implementation in key public agencies, particularly those working on environmental issues.

#### Uruguay

**Grupo Archivos y Acceso a la Información Pública** (Archives and Access to Public Information Group – GAIP): Formed in 2005 by CSOs, the organisation wrote a FOIA draft that was presented to the Parliament by ten senators. Thanks in part to GAIP’s lobbying, in 2008, Parliament approved the country’s first FOIA, as well as a National Archives Law and Personal Data Protection Law.

#### El Salvador

**Grupo Promotor de la Ley de Transparencia y Acceso a la Información Pública** (Promoting Group for the Transparency and Access to Public Information Law): This network was key in supporting the approval of El Salvador’s FOIA. Since then, it has actively monitored compliance with the law.



Figure 4: The CSO [Promoting Group for the Transparency and Access to Public Information Law](#) (*Grupo Promotor de la Ley de Transparencia y Acceso a la Información Pública*) holding a conference to highlight the need for a FOIA in El Salvador  
Source: The Salvadoran Foundation for Economic and Social Development (*Fundación Salvadoreña para El Desarrollo Económico y Social* - FUSADES)

#### Use of the Courts

Regional and national courts in Latin America have played a major role in acknowledging and enforcing the right to information in their jurisdictions. Importantly, countries without a legal framework for transparency were able to use courts’ decisions to successfully petition their own governments for information. Emblematic cases of individuals denied access to public information had been brought before these courts, which ruled that access to information is a fundamental right that governments must recognize, protect and enforce.

**Regional-level Court Decisions:** The [Inter-American Court of Human Rights](#) (hereafter ‘the Inter-American Court’), the judicial institution of the [OAS](#) charged with interpreting and applying the American Convention on Human Rights and other treaties,<sup>4</sup> has played a preeminent role in acknowledging the right to access public information in Latin America. The Inter-American Court has regional equivalents, for example, the [European Court of Human Rights](#) or the [African Court on Human and Peoples’ Rights](#). Two of the Court’s decisions stand out because they represent a turning point in enforcing the right to access information in the region:

##### *Claude Reyes et al. vs. Chile*

In 2006, after requests and appeals to access information about government contracts were denied by the Chilean government and the Chilean Supreme Court, a CSO brought this case to the Inter-American Court. The Court ruled that the Chilean government must provide the requested information and adopt the necessary measures in terms of adopting or modifying domestic law to ensure the right to access state-held information.

<sup>4</sup> Inter-American Court of Human Rights website, ‘[History](#)’.

<sup>5</sup> Right2info. 2011. [Constitutional Protections of the Right to Information](#). Right2info; IACtHR. 2006. “[Order of the Inter-American Court of Human Rights Case of Claude-Reyes et al. vs. Chile](#)”, September 19<sup>th</sup>, 2006.



This decision inspired the adoption of FOIAs in a number of other countries under the jurisdiction of the Inter-American Court, such as Nicaragua (2007), Chile (2008), Guatemala (2008), Uruguay (2008), El Salvador (2011) and Brazil (2011). In countries without a FOIA, such as Colombia, Costa Rica and Argentina, civil society has used this ruling to successfully request public information from their governments.

#### *Gomes Lund et al. vs. Brazil*

For more than three decades, family members of students and workers that were tortured by the Brazilian army and who disappeared during the 1970s searched for answers about what happened during those years. An Amnesty Law, however, prevented them from accessing military files. The government continuously denied their requests, arguing that the archives were not available despite strong evidence that they existed. In 2010, the Inter-American Court ruled that the Brazilian Amnesty Law was incompatible with the American Convention on Human Rights and lacked legal effect. The court also issued a number of important guidelines on the question of access to information about past human rights violations.<sup>6</sup>

Thanks in part to this ruling, in October 2011, Brazil created a Truth Commission to investigate human rights violations and to ensure that the families of victims know what happened during the military dictatorship of 1964-1985.<sup>7</sup> The ruling had a ripple effect through the region, enabling citizens in other Latin American countries that had also experienced military or authoritarian dictatorships to successfully push for open investigations of human rights violations.

**Country-level Court Decisions:** National courts have also handed down some important rulings about transparency. Courts in Argentina, Paraguay and Uruguay have interpreted that their respective constitutions implicitly protect the right to information. Courts in Chile, Costa Rica, Paraguay and Uruguay have ruled that citizens can seek enforcement of the right to information through the courts, even in the absence of a FOIA. The Constitutional Court of Colombia – a country without a FOIA - interpreted the right to information to be a component of the right to freedom of expression, as citizens cannot express their ideas if they do not have enough information to do so.<sup>8</sup>

## REDUCING CORRUPTION THROUGH TRANSPARENCY

Latin American countries have used a variety of ways of promoting transparency as a strategy for fighting corruption. Some of these strategies include making the requirements

for accessing public services transparent and accessible, and publicizing annual budgets and costs of urban or development projects.

Two practices stand out because of their innovativeness and their potential to tackle corruption. The first targets procurements, a process long considered especially prone to corruption. The second focuses on public officials' personal assets as an indicator of illicit personal enrichment. By making use of information and communication technologies (ICTs), in the last ten years, Latin American countries have created innovative online platforms that make information on these management areas transparent and available, making it easier to identify and sanction corruption.

To learn more about Latin America's use of these two practices, read the [ELLA Brief: Fighting Corruption By Improving Transparency and Access to Information](#). To access publications about these experiences, read the [ELLA Spotlight on Publications: Procurement and Public Officials' Disclosure of Personal Assets](#).

## TARGETED TRANSPARENCY POLICIES: INFORMATION TO IMPROVE CITIZENS' LIVES

In the last five years, innovative governments around the world have adopted targeted transparency policies. By doing so, they have moved beyond merely making basic information about their performance public, to providing relevant information to enable citizens to make more informed decisions that will improve their lives.

### What are Targeted Transparency Policies?

First defined by Fung, Graham and Weil in 2007, the phrase refers to policies in which governments publish relevant, timely and accessible information to citizens, enabling them to participate in public decisions and processes, have greater access to social services, reduce information asymmetries and overall make better decisions regarding their lives.

Targeted transparency policies can cover public sector information, such as about the quality of public services or requirements for accessing public programs. But they also extend to information from non-governmental entities like companies or private organisations, such as ingredients on food labels, pollution levels or information about banking institutions.

Source: Fung, A., Graham, M., Weil, D. 2007. *Full Disclosure: The Perils and Promise of Transparency*. Cambridge University Press, Cambridge.

<sup>6</sup> Right2info. 2011. [Constitutional Protections of the Right to Information](#). Right2info; IACtHR, "Case of Gomes Lund et. al. vs. Brazil", November 24th, 2010.

<sup>7</sup> "Brazil approves Truth Commission on rights abuses", *Radio Netherlands Worldwide*, October 27, 2011 and C. Osberg, "Inter-American Court Invalidates Amnesty Law Enacted during Brazil's Military Dictatorship", April 23th, 2011. The Human Rights Brief, Center for Human Rights and Humanitarian Law.

<sup>8</sup> Right2info. 2011. [Constitutional Protections of the Right to Information](#). Right2info.



In Latin America, Argentina, Chile and Mexico have been particularly progressive in implementing targeted transparency policies and creating platforms to publish the information. Some interesting examples from these countries include:<sup>9</sup>

- Argentina - National Ministry of Tourism and Sport: [Website](#) containing information on safety for tourists and for tourism services providers

### Regional Good Practice: The Mexican Federal Government's Targeted Transparency Policy

The Mexican Federal Government is the most advanced in the region in terms of implementing a targeted transparency policy. The government makes three types of data public:

1. Information on the services that public agencies provide
2. Information on the quality and cost of the private goods and services that the state regulates, such as interest rates on bank loans, mortgages, and credit cards, telecommunication services, and gas station prices and service
3. Information that is useful for citizens in their daily lives, from roads that are under construction and traffic flow, to how to save electricity and spend less on utilities

The Mexican case is innovative because citizens' views and opinions are incorporated into the policies themselves, ensuring that the information provided meets the public's needs. For example, a customer satisfaction survey was undertaken in 2009, with the outcomes being integrated into the policy. Additionally, information is provided to citizens is through interactive, user-friendly and accessible websites.

This policy seems to have achieved a certain level of success so far, as citizens are increasingly accessing the information, showing its usefulness. For example, Mexico's website with interactive tools to determine interest rates on bank loans, credit cards and mortgages saw the number of visits increase from 9.4 million in 2006 to 14.4 million in 2010.

Currently, the Mexican Federal Government has more than 10 targeted transparency websites fully functioning. Now the government is enlarging the scope of this policy, mandating compliance from all of its ministries.

Sources (all in Spanish): Ministry of Public Management. 2011. "[Process 6.4: Socially Relevant or Targeted Information](#)"; Mexico and Mexican Ministry of Public Management. 2010. [Fourth Activities Report](#). Mexico City; National Commission for the Protection of Users of Financial Services. 2010. [Progress and New Developments 2006-2010](#). Mexico City.

- Chile - Superintendent of Health Insurance Funds: [Ranking](#) based on health indicators such as payment performance, quality of care, work subsidies, complaints, and share of the local market, designed to help citizens make an informed decision when choosing a health insurance fund<sup>10</sup>
- Mexico - National Commission for the Protection of Users of Financial Services: [Interactive tool](#) for citizens to calculate the different rates of bank loans, mortgages and credit cards, helping them to identify the bank that offers the best rate
- Mexico - Federal Attorney of Consumers: [Website](#) comparing the prices and services provided by gas stations all over the country
- Mexico City Government: [Website](#) containing relevant and accessible information for citizens on services, jobs, culture, public works, social programs, education, environment, health and equity, among others
- Mexico City Ministry of Public Security: [Website](#) for citizens to locate their closest police precinct

## USING PUBLIC INFORMATION TO ADVANCE SOCIAL JUSTICE AND PROMOTE ACCOUNTABILITY

Throughout Latin America, CSOs are demanding accountability and advancing social justice by carrying out *social audits*, meaning independent assessments of the implementation and outcomes of public policies and programmes. To get the information needed for these assessments, CSOs are using the right to information guaranteed by FOIAs, national constitutions or Court decisions. Through these exercises, civil society has highlighted mismanagement and inefficiencies in public policies and successfully pushed for reform, especially to ensure that policies benefit socially excluded groups.

To learn more about social auditing in Latin America, read the [ELLA Brief: Using Information for Accountability and Justice: Lessons from Latin American Civil Society](#), which uses case studies from Mexico, Ecuador and Costa Rica to show how Latin American CSOs are using the right to information to achieve concrete policy changes. To learn more about the CSOs who are leading the region's efforts to use transparency for social auditing, read the [ELLA Spotlight on Organisations: Key CSOs Using the Right to Information to Improve Accountability and Social Justice](#).

<sup>9</sup> For additional examples of targeted transparency policies in other Latin American countries, see: Cruz, J., Baena, P. 2011. [Access to Information and Targeted Transparency Policies](#). Inter-American Development Bank (IDB) Institutional Capacity and Financial Sector Technical Notes, No. IDB-TN-321. IDB, Washington, DC.

<sup>10</sup> Savedoff, W., Gottret, P. (eds). 2008. [Governing Mandatory Health Insurance](#). World Bank, Washington, DC.; Savedoff, W. [Transparency and Corruption in the Health Sector: A Conceptual Framework and Ideas for Action in Latin America and the Caribbean](#). Health Technical Note 03/2007. World Bank, Washington, DC.

## CONTEXTUAL FACTORS

## ENABLING THE SUCCESS OF THE LATIN AMERICAN APPROACH



The democratic transition that many Latin American countries underwent in the last two decades brought with it a renewed demand for governments to be accountable and transparent and to promote citizens' right to access information.

This transition to democracy also created an opportunity for victims' rights groups seeking information about the human rights abuses committed during armed civil conflicts or military dictatorships in countries like Argentina, Brazil, Chile, Guatemala and El Salvador. As the *Gomes Lund vs. Brazil* case shows, victims' groups saw the right to information as providing an effective tool to investigate and prosecute human rights violations.

A vibrant and organised civil society with expertise in transparency and access to information in countries like Brazil, Chile, Ecuador, Guatemala, El Salvador, Mexico, Peru and Uruguay, and working regionally through the [Regional Alliance for the Freedom of Expression and Information](#), had a fundamental role in pushing for the approval of legal reforms, supporting and monitoring their implementation, and even taking paradigmatic cases before national and international. Latin American civil society also had the necessary technical expertise and political capacity to effectively use the right to information, undertaking independent assessments of public policies and programmes.

Regional organisations, particularly the OAS and the Inter-American

Commission and Court of Human Rights, have pressed for states under their jurisdiction to enforce citizens' right to information. The Model Inter-American Law on Access to Information and the Inter-American Court rulings on access to information are proof of these organisations' commitment to transparency.

International organisations have also been influential. The [Access to Information, Transparency and Governance Program](#) of the World Bank, for example, played a role in documenting and sharing best practices on transparency and access to information, and in bringing the issue into the public agenda of the region. Funding from donors and foundations such as Open Society Institute, Hewlett Foundation, and National Endowment for Democracy, among others, provided financing for civil society's research and advocacy activities at the national and regional level.

Interregional binding mechanisms such as the Inter-American Convention Against Corruption (1996) and the United Nations Convention against Corruption (2000) have also been crucial for pushing governments to adopt practices to increase transparency and reduce corruption.

Finally, governments in the region have in many cases been willing to work collaboratively with civil society to improve transparency and access to information, and have shown political will to implement innovative transparency initiatives.

### LESSONS LEARNED

- 1 Court rulings at the national and regional level acknowledging governments' obligations to enforce the right to information can provide the legal support needed to make this right a reality, even in the absence of a formal FOIA. In Latin America, these rulings built the foundation for the adoption of FOIAs in many countries and for the drafting of the Model Inter-American Law on Access to Information.
- 2 Organised and committed civil society networks with expertise in transparency and access to information issues can help to introduce the issue into public discourse, push to get FOIAs approved, and monitor effective implementation once enacted. The Latin American experience shows that civil society's participation, support, and oversight are crucial for sustaining these reforms over time, and for ensuring their effective implementation.
- 3 Latin American experience shows that enacting FOIAs is a first step in fulfilling the right to information. Other elements such as capacity building for public officers and citizens, and adequate enforcement mechanisms are also needed to ensure an effective realization of this right.
- 4 Governments' initiatives for providing relevant, timely and easy-to-use information can enhance citizen participation in policy processes, access to social services, and overall accountability.
- 5 The right to information can be an effective tool for undertaking social audits, and most importantly, achieving concrete improvements in public policies, including to benefit socially excluded groups.
- 6 Providing greater access to information on procurement or public officers' personal assets can reduce corruption and enhance government accountability and legitimacy.



## CONCLUSION

In recent decades, Latin American regional organisations, national governments, and local and national CSOs implemented a variety of initiatives that ultimately made the right to access information and transparency a reality. These reforms have ensured greater accountability, citizen participation and the advancement of social justice. An active civil society with expertise in access to information issues, the commitment of regional organisations to transparency, and the desire and willingness of governments to be accountable and responsive to citizens' demands are some of the factors underpinning the success of these reforms.

## KNOWLEDGE PARTNERS

The following list highlights some of the key organisations working on issues related to transparency and access to information in Latin America.

### *Regional and International Organisations*

[Inter-American Commission](#) and [Court of Human Rights](#) are the two agencies of the [Organization of American States \(OAS\)](#) that promote and protect human rights in the region. Based on the cases brought before them, including some important cases related to the right to access information, they produce resolutions and rulings that are binding for countries under their jurisdiction.

The [Inter-American Development Bank's Transparency and Anti-Corruption Area](#) supports governments in the region in their efforts to promote transparency and control of corruption. It also produces research and systematizes regional experiences in these two areas.

Through its Right to Information Fund, the [Open Society Institute](#) provides support to CSOs in Latin America that are working to promote the full implementation of right to information laws. The Fund has also financed many publications on the state of access to information in the region.

The [Regional Alliance for the Freedom of Expression and Information](#), formed by 23 CSOs, is the most important network focused on freedom of expression and information in Latin America. It provides useful regional [publications](#) (in Spanish) on transparency, access to information and freedom of expression.

The OAS' [Special Rapporteur for the Freedom of Expression](#) aims to demonstrate the importance of upholding freedom of expression and information in the region. One of the ways in which it does this is by publishing [regional reports](#) on the state of access to information and freedom of expression in Latin America.

[Transparency International's Latin American Division](#) aims to fight corruption and promote transparency, working with 16 National Chapters in the Latin America region. Its website offers publications and news about anti-corruption and ethics in the region.

The [World Bank Institute's Governance Area](#) promotes best practices in the region on access to information, transparency, accountability and citizen participation. It has systematized many of the region's successful experiences.

### *National CSOs*

These are just a few of the national CSOs working to promote transparency and access to information in the region. For additional information about these and other groups, read the [ELLA Spotlight on Organisations: Key CSOs Using the Right to Information to Improve Accountability and Social Justice](#).

[CAinfo](#) (Archive and Access to Information Centre - *Centro de Archivo y Acceso a la Información Pública*) is a key Uruguayan CSO working on freedom of expression and the right to access information. The organization has also undertaken [regional research](#) (in Spanish) examining the obstacles to effectively implementing FOIAs in seven Latin American countries.

[Ciudadanos al Día](#) (CAD) is a Peruvian CSO that works to promote a more transparent, inclusive and efficient state, and a more informed and participatory citizenry. It conducts social audits, and performs direct outreach and training with the media to assure that its research results are publicised widely among citizens and public agencies.

[Grupo Faro](#) (Foundation for the Advancement of Reforms and Opportunities) is an Ecuadorian civil society organization, promoting transparency, access to information and citizen oversight of extractive industries activities.

[Pro Acceso](#) is a CSO promoting the full realization of the right to access information in Chile through advocacy, strategic litigation at the national and regional levels, and research.

## RECOMMENDED READING

This list highlights some key publications related to transparency and access to information in Latin America. To access additional publications, read the [ELLA Spotlight on Publications: Latin American Freedom of Information Acts](#) and [ELLA Spotlight on Publications: Public Procurement and Public Disclosure of Personal Assets](#).

Darbishire, H. 2011. *Proactive Transparency: The Future of the Right to Information? A Review of Standards, Challenges, and Opportunities*. World Bank Institute and the Communication for Governance and Accountability Program, Washington, DC.

Inter-American Court of Human Rights. "[Order of the Inter-American Court of Human Rights Case of Claude-Reyes et al. vs. Chile](#)", September 19th, 2006

Inter-American Court of Human Rights. "[Case of Gomes Lund et. al. vs. Brazil](#)", November 24th, 2010.

Mendel T. 2009. *The Right to Information in Latin America: A Comparative Legal Survey*, UNESCO, Quito, Ecuador.

Organization of American States (OAS). 2010. [Model Inter-American Law on Access to Information](#) and [Implementation Guide](#). OAS, Washington, DC.

Puddephatt, A. 2009. *Exploring the Role of Civil Society in the Formulation and Adoption of Access to Information Laws: The Cases of Bulgaria, India, Mexico, South Africa, and the United Kingdom*. World Bank Institute and the Communication for Governance and Accountability Program, Washington, DC.

Savedoff, W. *Transparency and Corruption in the Health Sector: A Conceptual Framework and Ideas for Action in Latin American and the Caribbean*. Health Technical Note 03/2007. World Bank, Washington, DC.

Yagel, L. (ed). 2007. *Disclosing Justice: A Study on Access to Judicial Information in Latin America*. Due Process of Law Foundation, Open Society Institute, Washington, DC.

## LEARN MORE FROM THE ELLA BRIEFS

These four ELLA briefs hone in on some of the most innovative elements of Latin America's approach to transparency and access to information. Focusing on the legal framework, the first brief assesses the innovative design elements of the region's FOIAs. The second brief showcases the use of the right to information to advance social justice. The third analyses two innovative practices that promote transparency to reduce corruption. Finally, the last brief presents a regional civil society initiative successfully promoting access to information.

[Building the Legal Framework to Support Transparency and Access to Information in Latin America](#)

Currently, 65% of Latin American countries have Freedom of Information Acts, some of which incorporate innovative elements that go beyond the minimum standard for transparency and access to information.

[Fighting Corruption by Improving Transparency and Access to Information](#)

Using transparency as a tool to fight corruption, Latin American countries have launched electronic platforms to prevent misconduct in procurements and to monitor public officials' personal assets; so far initial results point to success.

[Using Information for Accountability and Justice: Lessons from Latin American Civil Society](#)

Using the right to access public information, Latin American civil society groups are achieving concrete policy changes, as these case studies from Mexico, Ecuador and Costa Rica show.

[Civil Society's Regional Network for Advancing Freedom of Expression and Access to Information](#)

By organising regionally, an innovative network of Latin American CSOs is successfully expanding the right to freedom of expression and access to information in the region.

### CONTACT [FUNDAR](#)

To learn more about transparency and access to information in Latin America, contact Janet Oropeza, ELLA Project Coordinator, [janet@fundar.org.mx](mailto:janet@fundar.org.mx).



### FIND OUT MORE FROM [ELLA](#)

To learn more about Latin America's initiatives on transparency and access to information, read the rest of the ELLA knowledge materials on this theme. To learn more about other development Issues, browse other [ELLA Themes](#).

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