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PRESS RELEASE

Mexico: Launch of Mexico's Access to Information Index

ARTICLE 19 and its partner FUNDAR have today released an Access to Information Index for Mexico. Using a unique methodology, the Index tests the efficacy of Access to Information laws across 32 Mexican states.

In Mexico, the Right to Information (RTI) is entrenched in the Constitution and there is a Federal Transparency Law which gives effect to this right. However, because Mexico is a federal republic, each one of its 32 local state congresses must approve their own RTI legislation.

The ARTICLE 19 and FUNDAR Index measures the Federal Transparency Law and 32 local RTI laws against the country's Constitutional mandate and national legislative development, also establishing a baseline setting out the minimum criteria to protect RTI.

The Index also evaluates RTI legislation against international standards and best international practices. It sets international human rights law and standards for freedom of information as an ideal benchmark to protect and enhance Access to Information.

"It is absolutely crucial that there is sound legal recognition of the right to access information, although this is just one of many challenges in fully realising this right. At the same time, the exercise of the right to information is one of the best ways to ensure active participation in the democratic process," comments Darío Ramírez, Director for ARTICLE 19's Mexico. *"Therefore, this Access to Information Index for Mexico provides a methodology that we expect will potentially become a tool that could be used across the world to enhance access to information."*

For its construction, a list of the elements which make up the normative provisions of each of the transparency and access to information laws in the country was drawn up. The Index includes a chart for processing this information which is grouped in several categories. Therefore, it is an instrument of measurement which allows comparisons to be made among pieces of legislation, and which demonstrates, among other things, the level of protection of the right of access to information nationwide; the degree of individual development of each piece of legislation and its internal coherence, its trends and omissions, and which informs about legislative performance in areas such as the construction of institutional guarantees, the regulation of procedures or the incorporation of criteria to regulate the administration of access to public information.

Measured against the constitutional mandate, 19 of the 32 local legislations that were analysed failed on the Mexico's Access to Information Index. The state with the lowest rating is the state of Guerrero. This is also the state with the lowest human development in the country and the highest levels of poverty. The lack of guarantees for the exercise of the Right to Information is a condition that inhibits the possibility of overcoming these precarious situations.

The Index shows that, even though the Mexican Federal Transparency Law undoubtedly contributed to the definition of legal guarantees for the Right to Information in Mexico, it needs to be reformed in order to efficiently protect and enhance this right. For example, the federal law fails to incorporate political parties and unions as public authorities that must comply with the Transparency Law, therefore inhibiting public scrutiny of national economic resources; it also has serious deficiencies in the stipulated criteria for classifying information, which might impede access to public interest information; also it lacks of transparent criteria for the appointment of Information Commissioners, which eventually might compromise its decision making independence.

The results also showed that local RTI laws in Mexico are weak, especially in defining procedures to proactively disclose public information and establishing sanctions for public officials who undermine or contravene transparency processes. There are also few systems in place to effectively appoint transparency commissioners who would oversee compliance with the access to information laws.

The ARTICLE 19 / FUNDAR Index sets out legal benchmarks for the promotion of progressive legislation that will more effectively guarantee the realisation of the Right to Information.

NOTES TO EDITORS:

- To view the ARTICLE 19 / FUNDAR Access to Information Index (in Spanish only), go to www.checatuley.org. To view a summary in English, go to <http://www.article19.org/pdfs/press/mexico-access-to-information-index.pdf>.
- For more information please contact: Nicola Spurr, Senior Press Officer, nicola@article19.org, +44 20 7324 2500.
- For information in Spanish, please contact: Gabriela Morales, Access to Information Programme Officer for Mexico, gabriela@article19.org, +52 551 054 6500 ext. 103; or Miguel Pulido, Executive Director for FUNDAR, miguel@fundar.org.mx, +52 55 554 3001 ext. 128.
- FUNDAR is an independent, interdisciplinary and plural institution committed to making sense of and solving contemporary problems, both in Mexico and the world, by means of applied research. FUNDAR was created in January 1999 by a group of high profile leaders from different disciplines with the goal of developing schemes to strengthen citizen participation and deepen democracy.
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.