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Extract

Table: The next steps

What importance has been given to transparency in the region's justice systems in recent years?

The importance given in recent years to transparency of information in the judicial branch of government has not come by chance. It has been reached through a process that began early this century, when societies in different countries of the region demanded, as they do today, a tough and hard-fought battle against corruption. One of the most necessary tools to combat administrative corruption refers to transparency in actions by governments and public officials. And among those tools are laws on access to information.

It is worth mentioning that this movement, or wave, at the beginning of the century first occurred in Mexico, following a series of studies made by the Oaxaca Group, which permitted the federal administration that was taking power at that time to have a specific instrument that would provide citizens the possibility of access to information. That was how in 2002 the Federal Law on Transparency and Access to Public Information was enacted in Mexico and, from that moment on, progressed rapidly throughout the region in many countries where the need for increased transparency and effective tools to make it come about were already under study.

This movement, which initially focused on the executive branch, began to extend to the other branches of government and in recent years there has been a demand for transparency and access to information not only in the executive branch but also in the legislative and judicial branches.

A study that we did in the Foundation for Due Legal Process on 10 countries from the region concludes that the issue of transparency and access to information in the judiciaries demonstrated a greater trend in the countries that had adopted access to information laws. This was due to the fact that these laws brought with them principles that the judicial branch itself could take into account when it made regulations linked to transparency and access to information. But in those countries where laws on access to public information exist, there are at least three models of how the issue of access to information in the judicial branch of government has been dealt with.

The accelerated movement in the last three or four years towards raising standards of transparency, not only in the executive branch but also in the judiciary, is becoming well viewed by the judicial branches themselves.