

# Presentation

The Department of International Law (DDI) of the Secretariat for Legal Affairs is pleased to present the OAS Model Inter-American Law 2.0 on Access to Public Information, which represents the Organization's latest effort to advance in the establishment of standards that allow for greater guarantees to be provided to the citizens of the hemisphere.

The Model Law 2.0 has been created in compliance with the mandate conferred to the DDI by the OAS General Assembly in 2017\*. On that occasion, said body resolved to entrust the DDI, in its capacity as Technical Secretariat of the Inter-American Juridical Committee (CJI), to "in consultation with the Member States' focal points of the Inter-American Program of Access to Public Information, and taking into account the contributions of civil society, identify the thematic areas in which the updating or expansion of the Inter-American Model Law on Access to Public Information is deemed necessary, and submit the results to the Inter-American Juridical Committee for their development."

The starting point for this exercise were the challenges and good practices that have arisen in this field since the approval of the Model Inter-American Law on Access to Public Information of 2010, which, at the time, was promptly embraced in the region as a reference for the development of this right.

\*AG/RES. 2905 (XLVII-O/17)

In order to best comply with this mandate, the DDI undertook an intense process of consultations with guarantor bodies, legislators, academics, civil society and other social actors, with the support of the *Red de Transparencia y Acceso a la Información* (Transparency and Access to Information Network - RTA) and the European Union Cooperation Program with Latin America EUROsociAL +.

Said activities focused on the development of agreed upon texts on issues related to guarantor bodies, the exception regime, subject entities, active transparency, definitions and scope of the right of access to information. Said activities included, among others:

- a survey disseminated among more than 4,000 individuals and institutions, including the Inter-American Commission of Women (CIM) and the Inter-American Commission on Human Rights (IA-CHR), aimed at identifying the issues in the Model Law that should be subject to further development;
- four workshops held between April 2018 and May 2019, in which 152 specialists from authorities in 15 countries participated, including many of the focal points of the Inter-American Program on Access to Public Information, as well as civil society organizations (OSC); and
- meetings that made it possible to collect inputs and specific recommendations from 26 CSOs from 14 Member States: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, United States, Guatemala, Honduras, Mexico, Paraguay, Uruguay and Venezuela.

It is important to note that, throughout these works, the DDI ensured the incorporation of the gender perspective, recognizing the opportunity to propose texts that make Model Law 2.0 one of the first legal instruments of the Inter-American System to incorporate this perspective by design. In this regard, a workshop dedicated exclusively to the analysis of gender issues and access to public information was held, with the participation of specialists on the subject. These contributions enriched the texts that are now part of the Model Law 2.0.

Upon conclusion of the consultation process, in July 2019, the DDI submitted a document to the consideration of the CJI, which included all the agreed texts on the aforementioned topics, followed by a second document that

consolidated the full text of the draft Model Law 2.0. The CJI considered these proposals during its regular sessions held in August 2019 and March 2020.

Once the document was approved by the CJI, the DDI transmitted it to the political bodies of the Organization. The General Assembly approved the Model Inter-American Law 2.0 on Access to Public Information in October 2020, during its 50th regular session, thus marking the 10th anniversary of the Model Inter-American Law on Access to Public Information of 2010.

As an additional resource for the Member States, the Model Law 2.0 includes a Model Law on Document Management and its Implementation Guide. Although not part of Model Law 2.0 itself, these documents have been prepared not as a result of the consultation process, but by expert consultants. Due to their extension, they are not included in this publication, but QR codes for accessing them on the DDI website are provided herein.

With the publication of the Model Inter-American Law 2.0 on Access to Public Information, the OAS continues to promote this tool that allows for increased levels of transparency and a more effective fight against corruption; promotes open competition, investment and economic growth; fosters public trust in democratic institutions; and empowers citizens, particularly those who are in a situation of vulnerability, allowing them to obtain adequate knowledge of the means at their disposal to improve their living standards and have better opportunities to reap the benefits of economic growth.

The Department of International Law trusts that this publication will be a valuable instrument for the dissemination of the Inter-American Model Law 2.0 on Access to Public Information and ratifies its commitment to continue to support the efforts of the Member States for the adoption or reform of legislation that guarantees access to the public information, taking these new standards as a reference.

### **Dante Negro**

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