



## **CIVIL SOCIETY REPORT FOR THE FOURTH ROUND OF REVIEW OF THE FOLLOW-UP MECHANISM ON IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION (IACAC)**

Mechanisms to encourage participation by civil society and non-governmental organisations in efforts to prevent corruption

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## ***I. INTRODUCTION***

This document has been prepared based on the analysis, from a civil society perspective, of the degree of compliance with the Inter-American Convention against Corruption in Paraguay, in particular with regard to the MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANISATIONS IN EFFORTS TO PREVENT CORRUPTION. This time, civil society organisations have come together to prepare a joint report that will underline the progress that has been achieved so far and reflect on the challenges and shortcomings faced by the Republic of Paraguay in this respect. The group is made up of Semillas para la Democracia, Centro de Estudios Judiciales (CEJ), Centro de Políticas Públicas de la Universidad Católica Nuestra Señora de la Asunción and Gestión Ambiental (GEAM).

The analysis included a review of the legal framework and the initiatives of institutions from the three branches of Government regarding the focus of the research mentioned above.

For the NGOs in the working team responsible for the preparation of the report, corruption is a serious problem that undermines the institutions that are the backbone of democracy, and therefore should be curbed with the help of different social actors, including civil society organisations.

The decision to join forces at the international level to fight this scourge is a positive step that should be strengthened and supported by local efforts aimed at implementing effective measures to tackle corruption.

As part of the contextualisation of the framework for the enforcement of the IACAC and the national anti-corruption laws, we should note that clientelistic practices in public administration continue in Paraguay, as well as opacity in the management of public resources. In this sense, negative perceptions of corruption prevail in the country, and this calls for a closer look at the actual operation of the mechanisms which have been adopted as well as the challenges which remain.

## ***II. ORGANISATIONS WHICH COMPRISE THE WORKING GROUP. INSTITUTIONAL OVERVIEW.***

### ***A) SEMILLAS PARA LA DEMOCRACIA ([www.semillas.org.py](http://www.semillas.org.py))***

SEMILLAS is a non-profit civil organisation whose mission is to help enhance the quality of democracy by promoting citizen participation, social equity and responsible governance.

*To achieve this goal, Semillas seeks to:*

Work to eliminate all forms of discrimination in society

Promote an organised, responsible and critical citizen participation

Build knowledge

Cooperate with public bodies in the organisation's areas of expertise

Develop support, technical assistance and advice programmes

Work with national and international bodies, institutions or groups

All these objectives will be accomplished through seminars, workshops, research, publications, communication campaigns, draft legislation, audiovisual productions, etc.

### **Areas of work**

Citizen participation and political parties  
Communication and advocacy  
Justice, gender and human rights

**B) CENTRO DE ESTUDIOS JUDICIALES ([www.cej.org.py](http://www.cej.org.py))**

The Centre for Judicial Studies of Paraguay (Centro de Estudios Judiciales del Paraguay, CEJ) is a non-profit civil organisation dedicated to improving the institutions of the judicial system, citizen participation and the responsible exercise of judicial governance, fostering a meaningful and equal access to justice by all men and women in Paraguay.

**Areas of work**

Justice and democratic coexistence  
Justice and human rights  
Justice and politics  
Justice and judicial administration  
Anti-Corruption

**C) GEAM ([www.geam.org.py](http://www.geam.org.py))**

geAm Gestión Ambiental is a non-profit civil association that works towards ensuring a sustainable development that will incorporate economic, social and environmental dimensions and articulate public and private initiatives.

**Vision**

Being a trustworthy, creative organisation that positions itself as an authority on matters of sustainable development.

**Mission**

Managing sustainable development in a manner that incorporates economic, social and environmental dimensions and articulates both public and private initiatives.

**D) CENTRO DE POLÍTICAS PÚBLICAS - UNIVERSIDAD CATÓLICA DE ASUNCIÓN  
([www.cpp-uc.org](http://www.cpp-uc.org))**

The Centre for Public Policies (Centro de Políticas Públicas) is an entity of the Universidad Católica Ntra. Sra. de la Asunción. The Centre has links with other national and international organisations, and focuses on promoting research to build multi-disciplinary scientific knowledge and developing specialised human capital to support and participate in measures to strengthen and advance the rule of law in Paraguay.

**III. METHODOLOGY**

This report was accomplished in several stages. Initially, the field of research was outlined, and the focus of the analysis was described as: “*the mechanisms to encourage participation by civil society and non-governmental organisations in efforts to prevent corruption (article iii, paragraph 11 of the Convention)*”, which also include:

4.1. General mechanisms for participation

- 4.2. Mechanisms for access to information
- 4.3. Mechanisms for consultation
- 4.4. Mechanisms to encourage participation in public administration
- 4.5. Mechanisms to participate in the oversight of public administration

Secondly, information was collected with the help of students from the School of Law of the Universidad Catolica, coordinated by the working team of CSOs. The students visited public institutions and gathered information and input relevant to the report. This was a highly positive experience for the students, who expressed interest in pursuing research projects on these areas based on the experience. This work has also built a database which was used to prepare an objective and critical report assessing both the achievements and the challenges that remain.

Thirdly, progress has been made in terms of normative analysis, starting with the National Constitution and continuing with laws of a lesser status. Normative review was given special attention, as norms are essential for institutionalising the mechanisms.

Finally, there has been an attempt to identify initiatives of a non-legal nature to implement the relevant indicators and which are exempt from the express enforcement of internal rules, but which nevertheless help to consolidate express regulations or are aimed at greater goals coinciding with the mechanisms under review.

#### ***IV. CONSTITUTIONAL LEGAL FRAMEWORK FOR FIGHTING CORRUPTION***

The analysis takes the provisions of the National Constitution as a point of departure, addressing in particular the relevant provisions and noting the loopholes.

First of all, we wish to emphasize that the Constitution of the Republic of Paraguay does not explicitly mention corruption and transparency. However, democratic and republican principles are in line with the spirit of the Inter-American Convention against Corruption, as they underpin the fundamental goal of the State, namely, the quest for the common good.

The Constitution of Paraguay recognises the rule of law in its first articles, which means that authorities and citizens must abide by the laws of the State. The adoption of a representative, participatory and pluralistic democracy as the form of government facilitates the inclusion of citizens in the government and the management of public affairs.

The balance of powers under Article 3 constitutes a system of checks and balances limiting the State's power. This rule is essential for reducing the level of discretion and arbitrariness in State administration, and therefore constitutes a major obstacle to corruption.

With regard to access to information, there is one article that forms the basis for developing this right. Article 28 states: *“**About the Right to Information.** The people's right to receive true, responsible, and equitable information is hereby recognized. Everyone has free access to public sources of information. The laws will regulate the corresponding procedures, deadlines and sanctions, in order to make this right effective. Anyone affected by the dissemination of false, distorted, or ambiguous information has the right to demand that the offending media organisation rectify or clarify the report under the same conditions in which it was originally conveyed, without any other compensatory rights being affected.”*

As we have seen, the Constitution speaks clearly about “public sources of information.”

However, our laws have not yet regulated this right to receive true, responsible and equitable information. But this does not prevent authorities from restricting information. As explained below, although other rules have been adopted in line with the development of this right, the absence of an exhaustive regulation leads to the continued presence of certain barriers under the guise of formality.

With regard to consultation mechanisms, this right is legitimised throughout the State system under article 40 of the Constitution: *“About the Right to Petition Authorities. Everyone, either individually or within a group, and without having to meet any special requirement, has the right to make written petitions to government authorities, who will have to respond within the established legal deadline. If no response is received within this deadline, it will be assumed that the petition has been denied.”*

The recognition of this right paves the way for participatory consultation with the authorities. The possibility of consultation should not be a one-way street. Now that consultation is possible, private citizens may request information from the authorities on matters of public interest. However, the lack of regulation of this right may jeopardise the possibility of receiving a response. The plethora of rules at the administrative level creates confusion and lack of clarity in dealing with the authorities. A clear regulation of this right through a single law would improve its exercise in qualitative terms.

The main mechanism for public consultation is established in Article 121: *“Concerning referendum. A legislative referendum, approved by law, can be either binding or nonbinding. A law will regulate this institution.”* This provision allows private individuals to participate in legislative processes of concern to the general public. The possibility of a binding referendum makes this instrument immediately applicable at the time when the citizenship is consulted. This rule was developed in the Electoral Code, and therefore the constitutional provision is fully enforceable.

In addition, Article 123 of the Constitution grants citizens the possibility of introducing draft legislation: *“Concerning Popular Initiative. Voters are hereby given the right to propose draft laws to Congress through popular initiative. A law will establish the procedures as well as the number of voters who must sign such proposals.”* The exercise of this right is also established in the Electoral Code and is fully applicable.

Meanwhile, article 117 of the Constitution refers to political rights in general and provides that *“Citizens of either sex have the right to participate in public matters, directly or through their representatives, in accordance with the provisions of the Constitution and the laws.”* This article offers the possibility of holding public hearings on matters of public interest.

Finally, Article 45 opens up a window for the exercise of the rights enshrined in the Constitution: *“Concerning Undeclared Rights and Guarantees. The rights and guarantees contained in this Constitution must not be interpreted to preclude others that, despite being inherent to human personality, are not specified herein. The lack of a law of implementation is no excuse to either deny or curtail any right or guarantee.”*

The Constitution provides that the lack of normative development at the sub-constitutional level does not prevent the exercise of such rights. Authorities may not invoke the absence of legal regulations to deny basic rights or guarantees.

## V) LEGAL ASPECTS OF ACCESS TO INFORMATION

The recommendation made to Paraguay since the first round of review has been to adopt laws in support of access to public information.

This section of the report reviews the legislative innovations in the field of access to public information and the mechanisms for consultation during 2010 and 2011.

The review shows at first glance an absence of two fundamental laws: a law on access to information on the one hand, and a law on citizen participation on the other, and this creates substantial legal loopholes and confusion for the enjoyment of those rights. The current mechanisms are basically specific provisions regulating constitutional aspects or laws of a lesser status which are based on the provisions of the Inter-American Convention.

As previously noted, in terms of access to information there is no general law applicable to all State institutions. However, some progress has been achieved with regard to general laws which are also applicable at the municipal level.

The new **Municipal Organic Law (Ley Orgánica Municipal) 3966/2010** provides in Article 68: “Access to information. Duty to provide information. The Municipality shall provide any public information created or gathered by virtue of Article 28 ‘About the Right to Obtain Information’ of the National Constitution within a specified period, which may not exceed fifteen days.”

The new law is in line with the constitutional provision which recognises the right of individuals to be informed, and takes positive steps to guarantee the efficacy of this right by establishing a time limit for responding to requests. Despite the absence of clear criteria for distinguishing which information may be denied and which information should be disclosed, this time limit is a positive measure.

Article 70 is also an innovative provision stipulating that the plenary sessions of the municipal council are open to the public. Article 71 of the same law establishes the publicity of the order of business and states that: “The Presidencies of Municipal Councils should make their order of business publicly available 24 hours before the plenary session, except in special and urgent sessions, in which case it must be communicated 12 hours beforehand. The order of business will be displayed on signboards which should be located in the public areas of the Municipal Council. The order of business should also be available at the users support offices of the Municipality.”

In addition to general rules about participation, there are specific rules about citizen participation. This law provides in Article 66: “Promotion of citizen participation. The municipalities shall promote the participation of their citizens in municipal administration and the development of citizen associations to conduct activities of municipal interest, which shall be regulated by Ordinances, pursuant to the provisions of the National Constitution and the applicable laws.”

Articles 57 and 65 also refer to the possibility of establishing committees of community residents and neighbourhood committees, respectively, with numerous opportunities for cooperation with the municipal government.

Article 72 authorises the Participation of Citizen Organisations in the Sessions of the Advisory Committees of the Municipal Council. The same article stipulates that: “Citizen organisations may petition the Municipal Council to present an oral argument before the Advisory Committees of the

Municipal Council which is related to a specific item in the order of business or which is relevant to its organisation or the population in general. Participation in the Advisory Committees shall be regulated by the rules of procedure of the Municipal Council.”

As for consultation mechanisms, Article 69 stipulates that Public Hearings may be conducted. The purpose of such hearings is to collect citizens’ opinions, to assess the quality of services or to discuss matters of public interest which affect the community, and to enable participants to debate and express their opinions on the issue.

These hearings are consultative and non-binding. As a result, the opinions and proposals expressed during the hearings may not necessarily be implemented. The municipalities will be responsible for their regulation. Although public hearings take place in different spheres of the State, their regulation at the national level is quite innovative, as the law provides for an overarching application which institutionalises the mechanism.

An important precedent is a law adopted before the period under analysis, and which regulates two participatory institutions: the referendum and the popular initiative. This is the **Electoral Code of Paraguay, Law No. 834/96**.

About the Referendum, Article 259 provides that “it is a form of popular consultation held in accordance with the requirements and procedures established under this Code.” The initiative lies only with the Executive branch, 5 senators or 10 deputies. The referendum may be binding or nonbinding, and may only be authorized by Congress, under the same procedures established in the Constitution and the legislative rules of procedure of each Chamber.

The matter that will be subject to referendum and the nature of such referendum should be clearly stated when the proposal is submitted, and constitutional limitations should be respected. Measures will be approved by a simple majority of voters, and by universal, free, direct, and secret suffrage.

This institution not only enables citizens to participate in decisions concerning projects which have legal authority but also to promote constitutional amendments, as in the case of the referendum which backed the right of Paraguayans to vote abroad. Paraguayans living abroad now have a right to participate in general elections.

The Electoral Code also regulates popular initiatives in Article 266, which is constitutionally binding. Under this mechanism, citizens are empowered to propose legislation provided that certain requirements are met. Therefore, law drafting is now more or less available to citizens through referendum and popular initiative. But public hearings also enable citizens to discuss draft legislation under the mechanism established in the rules of procedure of both legislative chambers.

### *Draft bills on access to public information and citizen participation in the fight against corruption*

Two draft bills which are now under debate in Congress would directly influence the quality of citizen participation and their meaningful engagement in the oversight of public administration. These are bills dealing with access to public information and which seek to establish and regulate means for citizen participation in public affairs.

Civil society has campaigned for an Access to Information bill. Several organisations, professional associations and academics created the Access to Information Advocacy Group (Grupo Impulsor de Acceso a la Información) to promote a law which guarantees and regulates access to public

information.

In line with constitutional provisions and the international commitments of the State of Paraguay, this bill was introduced to remove obstacles resulting from a lack of clear regulations. The bill recognises exceptional cases in which information may be denied to protect other rights or interests, but as a general rule access to information should be free and unrestricted.

This bill is one of the fundamental pillars for the construction of a more reliable and transparent State. Transparent institutions have greater approval of their actions and operate with more transparency and efficiency, as they are subject to control by citizens. There is no such law in Paraguay and, as a result, many of the actions of State officials are shrouded in opacity and the democratic quality of institutions is undermined. To achieve greater transparency, this objective should continue to feature highly on the agenda.

The purpose of the bill on citizen participation is to regulate the ways whereby citizens can engage in public administration, incorporating participatory mechanisms within the government.

Although no special law has been enacted on the matter, several provisions regarding channels for citizen involvement have been included in various laws, such as the organic municipal law, which devotes a whole chapter to this issue.

In addition to this, many successful Public Hearings have been held throughout the country. These have facilitated the oversight of the management of public affairs by local authorities, as well as the adoption of good governance practices which confer legitimacy to the actions of public authorities by incorporating participatory practices.

The Committee on Constitutional Affairs of the Chamber of Deputies is finally considering the bill to regulate Article 40 of the National Constitution concerning the right to petition authorities.

With regard to laws promoting gender equality or positive discrimination in favour of women or other discriminated groups, efforts have been undertaken in this direction, such as the bill against all forms of discrimination, which regulates Article 46 of the National Constitution.

### **Other administrative measures**

The Standard Model of Internal Control (Modelo Estándar de Control Interno, MECIP) for public institutions in Paraguay (MECIP) introduced by the National Comptroller's Office (Contraloría General de la República) and adopted by the three branches of government,<sup>1</sup> includes the standard of Communication among the standards to be developed by public institutions. Such a standard would guarantee the necessary actions and mechanisms for disclosing public information to the different interest groups, both internal and external, associated with the institution. This is achieved by means of the following measures:

› The organisation of the flow of internal communication required to develop the role of the institution.

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<sup>1</sup> [1](#) Executive Order (Decreto del Poder Ejecutivo) 962/08, establishing and adopting the Standard Model of Internal Control for Public Institutions in Paraguay.

[2](#) Ministry of Finance (Ministerio de Hacienda), Ministry of Health and Social Welfare (Ministerio de Salud Pública y Bienestar Social), Auditor General of the Executive Branch (Auditoría General del Poder Ejecutivo), National Comptroller's Office (Contraloría General de la República), among others.

- › A transparent, timely and accurate disclosure of the goals, expected results, completed projects and the financial situation, with particular attention to accountability to oversight bodies and the society.
- › An adequate work with the media to ensure that information reaches the target audience.

Therefore, several standards are adopted concerning Institutional Communications, Public Communication and Public Accountability.

After the MECIP, several public institutions adopted Strategic Communications Manuals (*Manuales de Comunicación Estratégica*)<sup>2</sup> that set parameters for handling public information. Several manuals refer to the need to provide guidelines for handling confidential information, but there is no evidence that an agreement has been reached as to what kind of public information should be treated as confidential. We could mention in this respect the General Audit Manual of the Executive Branch (*Manual de Auditoría General del Poder Ejecutivo*), which provides that “The Auditor General of the Executive Branch shall provide guidelines for handling information that is considered lawfully confidential and which shall be treated in accordance with the law, prudence and common sense.”

Since there is no Law on Access to Information or specific regulations about what should be treated as confidential, the adoption of such manuals does not necessarily represent a positive step towards increasing access to public information.

## **VI) SPECIFIC ACTIONS IDENTIFIED IN GOVERNMENT INSTITUTIONS REGARDING MECHANISMS FOR ACCESS TO INFORMATION, MECHANISMS FOR CONSULTATION AND MECHANISMS TO ENCOURAGE CITIZEN PARTICIPATION AND OVERSEE THE PUBLIC ADMINISTRATION**

### **1. Mechanisms for access to information**

Executive

Institutions under review.

#### **a) Public Service Secretariat**

One of the main mechanisms for encouraging public participation are the social media such as Facebook (the profile is *Secretaría de la Función Pública - Paraguay*), where citizens can access the information contained in the profile and express their views on the content, as well as Twitter (the official account is @SFPParaguay, where citizens have access to information that is posted by them and can ask questions in the profile, which the secretariat will respond) and forums.

#### **b) Ministry of Justice and Labour**

One of the main mechanisms for encouraging public participation are the social media such as

Facebook (the profile is *Ministerio de Justicia y Trabajo*), where citizens can access the information contained in the profile and express their views on the content, as well as Twitter (where citizens can ask questions and the Ministry will respond) and forums.

c) Ministry of Education and Culture

One of the main mechanisms for encouraging public participation are social media such as Facebook (the profile is *MECDigital - Ministerio de Educación y Cultura – Paraguay*), where citizens can access the information contained in the profile and express their views on the content, as well as Twitter (the official account is @MECpy, where citizens have access to information that is posted by them and can ask questions in the profile, which the Ministry will respond) and forums.

Citizens can also visit [www.mec.gov.py/cms/principal/contactos](http://www.mec.gov.py/cms/principal/contactos) to ask questions or send messages to the relevant authorities.

On the same web page, [www.mec.gov.py/cms/principal/contactos](http://www.mec.gov.py/cms/principal/contactos), there is an icon named *Centro Virtual de Noticias* [Virtual News Centre] where citizens can choose and access the sections which are of interest to them.

d) National Customs Authority

One of the main mechanisms for encouraging public participation are social media such as Facebook (the profile is *Dirección Nacional de Aduanas*), where citizens can access the information contained in the profile and express their views on the content, as well as Twitter (where citizens can ask questions about the National Customs Authority and receive answers) and forums.

Another mechanism for participation offered by the National Customs Authority is its main website [www.aduana.gov.py/direccion-nacional-aduana.html](http://www.aduana.gov.py/direccion-nacional-aduana.html) where citizens can click on the icon *AYUDENOS A MEJORAR* [Help Us to Improve] and make suggestions.

## - *The Judiciary*

The Judiciary has made some progress in the enforcement of transparency and integrity policies. Since the National Integrity Plan (*Plan Nacional de Integridad*), which promoted transparency policies and the enforcement of anti-corruption conventions and was incorporated by the Supreme Court of Justice in 2008, this institution created the Office of Institutional Integrity through en banc decision (*acordada*) 472/2007, which was subsequently merged into the Directorate of International Affairs and Institutional Integrity (*Acordada* 616/2010).

This Directorate, jointly with the Integrity unit, has carried out a series of initiatives for promoting transparency within the judiciary. Several Citizen Discussion Groups (*Conversatorios Ciudadanos*) have been organised in the facilities of the Judiciary and in other law school premises regarding access to information and accountability, in order to provide further information on the administrative systems of the Judiciary.

A Map of Institutional Transparency was produced during 2011. This map will help identify the weaknesses in access to information, institutionalism, corruption risks, and sanction of any misconduct. The purpose of the map is to provide guidance for the preparation of plans and actions that will lead to improvements. The map was the result of a participatory process with various administrative offices

and the judicial system.

Several one-day seminars were organised as part of the judicial event *Expo FERIA Judicial*, at which different offices and departments present their statistics and information and have a chance to talk to citizens directly. This event has been held several times in the past both within and outside the Judiciary and enables participants to appreciate the level of information available at each of the participating departments.

A major advance for the consolidation of transparency processes is the Judiciary's Guide to Friendly Spaces (*Guía de los Espacios Amigables del Poder Judicial*). The document consolidates and systemises the good practices identified which are being implemented within the Judiciary.

The Directorate of International Affairs and Institutional Integrity is still responsible for disseminating and providing related training on these processes, which have been accomplished with the help of cooperating organisations. Establishing a culture of transparency and ensuring access to information is a difficult task that should be sustained over time and constantly encouraged to comply with its goals, namely, to improve services -in this case the administration of justice- and to raise its quality through greater citizen oversight and participation.

The website of the Judiciary has done well in the international ranking of judicial websites, a survey conducted annually by CEJA. Both administrative and judicial information can be found there. The search option in the website of the Centre for Access to Judicial Information (Centro de Acceso a la Información Judicial) (<http://www.pj.gov.py/centro/index.html>) provides access to en banc decisions (*acordadas*), orders, decrees, the records of public officers and even the presidential agenda. The site also includes a search function (<http://www.csj.gov.py>) to look for decisions of the Supreme Court of Justice, administration reports by the courts and sample forms for judicial procedures.

However, there is still room for improvement. The website offers a great volume of information but it is presented as a news portal. The accessibility of information on the website is limited as a result of data being scattered and unsystematic. There is actually an excess of information. The existence of two domains ([www.pj.gov.py](http://www.pj.gov.py) and [www.csj.gov.py](http://www.csj.gov.py)) also contributes to information being dispersed. It is important to note that this year the new website of the Judiciary will be launched: [www.pj.gov.py](http://www.pj.gov.py). It is to be hoped that the website will reduce the volume of information displayed in the main portal. A more efficient alternative would be to classify the information in the “windows” so that users can find what they are looking for and the data is presented as institutional, organisational, normative or administrative information. In this way, the most important or sought after information will be accessible from the main portal. Also the information related to the rulings of the superior courts should be made available. To do so, search engines should be improved and the information should be classified according to subject, date, court and other legal categories using tags).

Judicial information could be enhanced by improving the search functions and the classification of court decisions. The same holds true for en banc decisions (*acordadas*) and the internal rules of the Supreme Court of Justice.

Another significant weakness of the portal is that the majority of the information relates to the urban area of the capital. A challenge that remains is to create portals with basic and updated information on the judicial districts in the country's inland areas. At present, it is necessary to implement mechanisms that will facilitate users' access to information regarding judicial proceedings

as well as the implementation of electronic case files and the online administration of cases, a trend that has extended both at the regional and global level. This should be accompanied by a growing use of communication technologies, beginning with this institution. The electronic case file is a tool that makes processes more transparent and accessible to parties at all times, facilitates a more effective oversight by users, reduces costs and favours access to justice. The Judiciary does not currently have such a tool.

The Directorate of Statistics (*Dirección de Estadísticas*) has been only formally established, and is not yet operational. Although the information is available, it is not properly organized and the Directorate of Statistics will be responsible for completing this task. We believe it is crucial for the Directorate to begin operating as soon as possible, as the performance of judges can only be assessed using the objective data produced by this institution.

The biggest contributing mechanism to access to information within the Judiciary is “InfoJusticia”, a System of Judicial Information for Citizens (*Sistema de Informaciones Judiciales para la Ciudadanía*). There is an Information Desk in the Palace of Justice and several free helplines. The service does not provide information on the status of case files or judicial and administrative procedures, but rather focuses on giving advice to the public, especially vulnerable groups, about services, the location of court houses and offices, the costs, etc.

#### **Interesting experiences which could be identified as good practices**

Another interesting initiative related to access to information was launched by the Ministry of Agriculture and Husbandry, which created the “Window for Access to Public Information” (*Ventana de Acceso a la Información Pública*) through resolution 1216/2007. This internal regulation requires the Ministry to provide the requested information. The resolution includes an annex with rules of procedure, which establish what can be considered information and the minimum information that should be disseminated<sup>1</sup> and published through web portals.

It also provides that access to information will be free, speedy, equal and informal to facilitate the removal of bureaucratic obstacles.

Portal Ciudadano – Trámites Paraguay<sup>2</sup>. This portal contains a catalogue of administrative procedures relating to 10 ministries and 19 decentralised entities. The site provides information to expedite users’ contact with public services, such as the powers of each entity, their addresses, the procedures which may be admitted, the required documentation, etc. Procedures are dealt with through an Integrated System for Handling Public Administration Procedures (*Sistema Integrado de Gestión de Trámites de la Administración Pública*, SIGTAP).

*For research limitations we were unable to inquire about the implementation of both initiatives.<sup>2</sup>*

### *Executive Branch*

*In order to organise the information about the existing initiatives, these can be classified under two main categories: (1) Specialised Units; (2) General Information Units.*

1. Specialised Units: these are specifically created to implement measures aimed at fostering transparency and integrity, as well as the improvement of the services provided by public institutions. Also included are mechanisms for detecting, investigating, sanctioning and tracking acts of corruption.
2. General Information Units: these are specifically created to provide general information on the functioning of institutions and which seek to increase the visibility of institutional administration.

#### 1. Specialized Units:

A. Bodies responsible for developing and implementing measures to achieve transparency and probity within institutions and to ensure integrity in public administration. These units also promote citizen participation as a measure of social control. In general, they focus their efforts on enforcing the preventive measures of Anti-Corruption Conventions. Examples of these bodies are the Units for Transparency and Citizen Participation.

- Civil Cabinet of the Presidency – General Directorate of Integrity (Gabinete Civil de la Presidencia – Dirección General de Integridad DGI)
- Ministry of Interior - Directorate of Citizen Participation (Ministerio del Interior – Dirección de participación ciudadana)
- Social Security Institute - Unit of Institutional Transparency (Instituto de Previsión Social – Unidad de Transparencia institucional).
- Ministry of Public Works and Communications - Unit for Transparency and Citizen Participation (Ministerio de Obras Públicas y Comunicaciones – Unidad de Transparencia y Participación Ciudadana)
- Ministry of Health and Social Welfare - General Directorate of Health Decentralisation - Equity Funds (Ministerio de Salud Pública y Bienestar Social – Dirección General de Descentralización en Salud – Fondos de Equidad)

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<sup>2</sup> [1](#) Article 5 – Scope: ...The Ministry of Agriculture and Livestock, and any other decentralised entities related to the Executive through the Ministry of Agriculture and Livestock, shall publish on their websites at least the following information:

- a) Description of the organisational structure;
- b) Applicable laws and regulations;
- c) Updated list of staff;
- d) A general description of how the department operates and how decisions are made;
- e) Documents describing the department's policy-making and plans of action;
- f) An overview of the ongoing institutional programmes, including a description of the goals, the degree of compliance with such goals and the budget assigned to the programmes, with a regular publication of progress reports;
- g) Final consulting reports or research works which were financed or carried out as part of cooperation initiatives, and
- h) A system for classifying and indexing the existing documents.

[2](#) See Portal Trámites Paraguay ([www.tramitesparaguay.gov.py](http://www.tramitesparaguay.gov.py))

- Supreme Court of Justice - Office of Integrity (Corte Suprema de Justicia – Oficina de Integridad).

- Public Ministry - Transparency Unit (Ministerio Público – Unidad de Transparencia).

- National Comptroller's Office - Users Support Centre (Contraloría General de la República – Centro de Atención al cliente)

B. Bodies which seek to create spaces for receiving queries and suggestions from citizens that can help improve the overall quality of services. An example of these bodies are the Offices for complaints, grievances and suggestions which receive queries from users and refer them to the departments responsible for finding solutions within the relevant institution.

- Secretariat for Children and Adolescents - Department of Meaningful Participation (Secretaría de la Niñez y adolescencia – Dirección de Participación Protagónica)

- Ministry of Industry and Commerce - Citizens Support Service (Ministerio de Industria y Comercio – Centro Integral a la Atención de la Ciudadanía)

- Ministry of Agriculture and Livestock - Press Department (Ministerio de Agricultura y Ganadería – Departamento de Prensa)

- Ministry of Interior - Citizen Complaint Centre (Ministerio del Interior – Centro de Reclamo Ciudadano)

- Ministry of Public Health and Social Welfare - Paraguayan Human Resources Observatory for the Health Sector (Ministerio de Salud Pública y Bienestar Social – Observatorio Paraguayo de Recursos Humanos en Salud)

C. Bodies responsible for receiving complaints, investigating and tracking acts of corruption and irregularities within the institution. These help judicial bodies implement sanctions, as required by the Criminal Code of Paraguay and the Anti-Corruption Conventions.

- Ministry of Public Works and Communications - Internal Affairs Unit (Ministerio de Obras Públicas y Comunicaciones – Unidad de Asuntos Internos, UDAI).

- Ministry of Justice and Labour - General Directorate of Transparency and Anti-Corruption (Ministerio de Justicia y Trabajo – Dirección General de Transparencia y lucha contra la corrupción)

- Ministry of Education and Culture - Anti-Corruption Office (Ministerio de Educación y Cultura – Dirección de Anticorrupción)

D. Bodies set up for promoting integrity and facilitating the control of the State by receiving complaints about corruption and misconduct. In general, these units are part of government oversight bodies (National Comptroller's Office; the Auditor General of the Executive Branch; Attorney General's Office; Public Service Secretariat).

- Public Service Secretariat – Citizen Transparency Unit (Secretaría de la Función Pública – Unidad de Transparencia Ciudadana)

- Civil Cabinet of the Presidency – General Directorate of Integrity (Gabinete Civil de la Presidencia – Dirección General de Integridad)

- National Comptroller's Office – Citizen Oversight Branch (Contraloría General de la República – Departamento de Control Ciudadano)

E. Bodies set up for modernising the State which contribute to the overall improvement of institutions, in line with global trends, which may or may not have a direct effect on citizens.

- UTMAR – Portal de Trámites Paraguay

- Ministry of Finance - Unit for the Modernization of the Ministry of Finance (Ministerio de Hacienda – Unidad de Modernización del Ministerio de Hacienda)

- Civil Cabinet of the Presidency - Master Plan of Information and Communications Technology

(Plan Director Tics Gabinete Civil de la Presidencia – Proyecto Plan Director Tics)

2. General Information Units:

F. Bodies set up to provide general information about the functioning of the institution, in order to give greater visibility to institutional administration. This category includes all Communication and/or Press Directorates or Departments which do not have the specialised functions described above.

- Secretariat for Women's Affairs - Press Office (Secretaría de la Mujer – Departamento de Prensa)
- National Secretariat of Tourism - Information Agency (Secretaría Nacional de Turismo – Departamento de Informaciones)
- National Drug Enforcement Agency – Directorate of Social Communication (Secretaría Nacional Antidrogas – Dirección de Comunicación Social)
- Secretariat of Social Welfare - Communications Office (Secretaría de Acción Social – Dirección de Comunicación)
- Secretariat of Environment - Citizens Office (Secretaría del Ambiente – Oficina de Ciudadanía)
- Secretariat of Sports - Press Office (Secretaría de Deportes – Departamento de Prensa)
- National Secretariat of Culture - Communications Office (Secretaría Nacional de Cultura - Dirección de Comunicación)
- Secretariat of Information and Communication for Development - Communications Office (Secretaría de Información y Comunicación para el Desarrollo – Dirección de Comunicación)
- Secretariat of Housing and Habitat - Communications Office (Secretaría de Vivienda y Habitat SENAVITAT – Dirección de Comunicaciones)
- Secretariat of National Emergency - Communications Office (Secretaría de Emergencia Nacional – Dirección de Comunicación)
- Ministry of Foreign Affairs - Information and Press Department (Ministerio de Relaciones Exteriores – Departamento de Información y Prensa)
- Ministry of Finance - Citizens Support Office (Ministerio de Hacienda – Sección Atención al Público)
- Ministry of Public Health and Social Welfare - Users Support Centre (Ministerio de Salud Pública y Bienestar Social – Servicio de Atención al Usuario)
- Ministry of National Defense - Social Communication (Ministerio de Defensa Nacional – Comunicación Social)

These bodies should coordinate their activities with the Secretariat of Information and Communication for Development (Secretaría de Información y Comunicación para el Desarrollo, SICOM).

a) Public Service Secretariat

The main mechanism to access online information is through [www.sfp.gov.py](http://www.sfp.gov.py) where citizens can search for information of all kinds regarding the MEC.

Those interested in receiving information may visit <http://www.sfp.gov.py/sfp/?node=page,456> where a list of useful telephone numbers and addresses will be provided.

b) Ministry of Justice and Labour

Consultations may be made at the Ministry's Offices located at Avenue Dr. José Gaspar

Rodríguez de Francia, at the corner of Estados Unidos. The main mechanism to access online information is through [www.mjtgov.py](http://www.mjtgov.py) where citizens can search for information of all kinds regarding the MJT.

In the Ministry's website <http://www.mjt.gov.py/contacto.php> citizens will find all phone numbers and addresses of offices outside the Ministry's building.

c) Ministry of Education and Culture

Citizens may visit the Central Building of the MEC, located in Chile and Eduardo Víctor Haedo, where the receptionists will show them the right office to respond to their queries. The main mechanism to access online information is through [www.mec.gov.py](http://www.mec.gov.py) where citizens can search for information of all kinds regarding the MEC.

When citizens have a file at the MEC under their name they can access the file online through [www.mec.gov.py/cms/consultas/expedientes](http://www.mec.gov.py/cms/consultas/expedientes). They will be asked to indicate the year and number of the file, and the system will provide the requested information. The MEC has also created a web page for the Historic Educational Bank of the MEC (Baneduc: Banco Histórico Educativo del MEC) ([www.mec.gov.py/cms/baneduc](http://www.mec.gov.py/cms/baneduc)) so that citizens can learn about the history of education in Paraguay.

Citizens may also visit [www.leyes.com.py](http://www.leyes.com.py) to find all documents issued by the MEC.

d) National Customs Authority

Citizens may visit the Central Building of the National Customs Authority, located in Colon and El Paraguayo Independiente, where the receptionists will show them the right office to respond to their queries.

The main mechanism to access online information is through [www.aduana.gov.py](http://www.aduana.gov.py) where citizens can search for information of all kinds regarding the National Customs Authority.

Citizens can access [www.aduana.gov.py/descargas.html](http://www.aduana.gov.py/descargas.html) to download different forms and requirements. Also through <http://www.aduana.gov.py/Preguntas-Frecuentes.html> users will find access to the most frequently asked questions

Citizens may also visit [www.leyes.com.py](http://www.leyes.com.py) to find all documents issued by the National Customs Authority.

- *The Legislature*

Not only there is no law on free access to information, but a recent order now restricts mechanisms to request information. The presidency of the Senate has issued Order N° 519/2011 which provides in Art. 1 that *“the documents of the Honourable Senate shall be provided only with the express authorisation of the president of the Senate.”*

The measure was apparently adopted after the press published a list of the senators who refused to show up for quorum at the special session of the Senate and prevented treatment of the bill which sought to prohibit straight-party voting (*listas sábana*). This is a major setback which contradicts the

institution's tradition of giving wide publicity to bills on its website.

This measure should be reversed in Congress to prevent any backsliding and the violation of constitutional rights. The president is given full discretion to grant or deny access to information. The National Congress of Paraguay should enact a law on Access to Public Information to prevent laws of a lesser status from interfering with access to information. In the meantime, members of Congress are encouraged to repeal the above-mentioned order issued by the Presidency of the Senate.

#### - *National Comptroller's Office*

The National Comptroller's Office (Contraloría General de la República) has also developed mechanisms for access to information of public interest. As the body responsible for overseeing the economic and financial activities of the State, it should be at the forefront and set an example.

Substantial information on the work of the institution can be accessed through its website ([www.contraloria.gov.py](http://www.contraloria.gov.py)). A special section has been created to request information by electronic means, as well as sections dealing with the oversight of the State's financial, economic and human resources. The section ([www.contraloria.gov.py/controlciudadano](http://www.contraloria.gov.py/controlciudadano)) includes a specially designed portal for public access where citizens can file complaints, request information or enrol in citizen oversight bodies (*veedurías*), which are mechanisms for voluntary citizen oversight of State activities.

An accountability and access to information fair (“Tesaka”) was also organised. The organisational units presented their tools and services and exchanged information with citizens. They held discussion forums and created spaces for participation which facilitated direct dialogue with citizens. This mechanism is also useful for sharing oversight experiences and practices at the national and international level, and to encourage discussion and assess progresses and challenges.

#### - *Public Ministry*

The Public Ministry has had a Unit for Transparency for a long time now. Being the Central Authority for Legal Assistance for the Anti-Corruption Conventions of the OAS and the UN, this institution has a stronger commitment. The Unit for Transparency works to enhance the institution by identifying administrative areas and processes which are vulnerable to corruption, and it also works with other departments within the organisation. It is focused on creating a culture of integrity.

This institution has a website ([www.ministeriopublico.gov.py](http://www.ministeriopublico.gov.py)) featuring a significant amount of information at different levels. In the first place, it provides institutional information on the unit and its organisational structure. Second, it provides information relating to administrative management, indicators, human resources and budget.

On the other hand, it also provides information on citizen services: administrative procedures relating to complaints, institutional forms, phone number directory, queries, relevant regulations and laws. This portal also offers access to the institution's records, accounts, reports and other publications that citizens may find helpful, such as informative brochures and awareness campaigns.

Also in 2011, an exhibition was carried out under the name “Expo Fiscalía” ([www.ministeriopublico.gov.py/content/c3/pos5/afi\\_gra.jpg](http://www.ministeriopublico.gov.py/content/c3/pos5/afi_gra.jpg)). This is a mechanism to raise awareness and offer access to information that enables a clear, straightforward dialogue with citizens. In addition

to providing accountability and institutional awareness, it leads to a better understanding of the role of the Public Ministry within society.

*c) Mechanisms for consultation*

*- The Judiciary*

Despite the special characteristics of the duties of the Judiciary, there is room for participatory consultation within this institution. Examples of this kind of consultations were the thematic Public Hearings with vulnerable groups. Such hearings were aimed at creating an open channel for communication between the civil society and the Judiciary, so as to help strengthen the justice system and, in turn, establish mechanisms to administer justice bearing in mind citizens' concerns.

The records of those hearings were meant to be important consultation materials for judges, other justice officials and the affected groups, as well as a source of tools to strengthen those links and promote significant changes to achieve greater transparency and enhance judicial administration, besides improving the institutional image.

Another experience of citizen participation in 2011 was the Strategic Planning initiative of the Supreme Court of Justice. This strategic plan for the five-year term 2011-2015 was designed after a series of workshops that provided input for institutional diagnosis.

At those participatory workshops, different sectors of society were invited to join this effort, especially those sectors associated with the justice system, citizens, lawyers, judges, policemen, local authorities, the prosecutor's office, etc. Their purpose of the workshops was to design an institutional road map by identifying achievements, challenges and proposals. Every district of the country took part in these workshops, and their input was used by the Supreme Court of Justice to devise the plan, which is currently being implemented.

*- The Executive*

**Institutions under review**

a) Public Service Secretariat

Citizens will be able to make their consultations by calling the main office of the Public Service Secretariat at 451 925, where they will be provided with the number of the specific office they are trying to reach. Consultations may also be made via email at [sfp@sfp.gov.py](mailto:sfp@sfp.gov.py).

Citizens can also go to the main office of the Public Service Secretariat, located at Constitución and 25 de Mayo. Online consultations on procedures before the Public Service Secretariat may be made at <http://www.sfp.gov.py/sfp/?node=page,398>.

Ministry of Justice and Labour

Consultations may be made at the Ministry's Offices in Av. Dr. José Gaspar Rodríguez de Francia, at the corner of Estados Unidos. Online consultations may be made at <http://www.mjt.gov.py/consultas.html> by following the instructions.

Email queries may also be sent to [info@mjt.gov.py](mailto:info@mjt.gov.py). The staff will reply as soon as possible. Telephone consultations may be made by calling the main office of the Ministry of Justice and Labour at 021 493 209. The receptionist will forward citizens' calls to the specific area that they are trying to reach.

#### Ministry of Education and Culture

Citizens can make consultations on resolutions, circulars, decrees, laws, agreements and other documents at [www.mec.gov.py/cms/consultas/lista/2?page=3](http://www.mec.gov.py/cms/consultas/lista/2?page=3). This website contains a search function as well as a list of the above-cited documents.

Citizens will be able to make their consultations by calling the main office of the MEC at 494 027, where they will be provided with the number of the specific office they are trying to reach.

#### b) National Customs Authority

Citizens will be able to make their consultations by calling the main office of the National Customs Authority at 416.2100, where they will be provided with the number of the specific office they are trying to reach.

Consultations via email may also be made at [car@aduana.gov.py](mailto:car@aduana.gov.py). The staff will reply as soon as possible.

Queries may also be made at <http://www.aduana.gov.py/Contactenos.html> by writing the question in the space provided. Citizens will be asked to provide an email address and a telephone number, and the staff in charge will answer as soon as possible.

### - *The Legislature*

This branch has incorporated, in the internal rules of procedure of both chambers, provisions to enable citizen participation in the debates of some bills.

Article 78 of the Senate rules of procedure reads: *“In order to respond more effectively to the issues submitted for consideration, the Commissions may ask the Senate to request the other two branches of Government to submit the relevant reports. They shall also be entitled to request submission of reports or opinions from people or from public or private entities directly.”*

Likewise, Article 176 of the rules of procedure of the Chamber of Deputies, with a similar wording, stipulates the following: *“The Commissions of the Chamber shall be entitled to request such reports or opinions from persons or from public or private entities as may be necessary to issue their decisions or to cooperate with the exercise of the other powers of the Chamber.”*

This shows that in both the Senate and the Chamber of Deputies, commissions may create spaces for participation, by requesting reports or opinions from specialised individuals/entities and from private citizens. In this respect, a parliamentary guide has been developed to convene and carry out public hearings, with the support of cooperation agencies. However, such a mechanism has not

been specifically regulated as proposed by the cited guide.

- *National Comptroller's Office*

This is a controlling institution that offers citizens a space where they can get involved in the protection and surveillance of public affairs through citizen oversight bodies (*Veedurías*). This mechanism is not only for consultation; it also enables participation in various ways.

Its purpose is to gather a group of citizens who, for a certain period, will cooperate with the control and surveillance of the State property and who subsequently may communicate, recommend and publish the results obtained. This shows that this office is not only engaged in control and reporting activities, but it also includes a dimension in which citizens make a stronger commitment. There is a Council for Citizen Participation and Social Oversight (Consejo de Participación Ciudadana y Control Social) that accompanies oversight officers (*veedores*), gives them advice and carries out monitoring activities with them, besides receiving their recommendations. This creates a space for direct participation, in which citizens play a key role. <http://www.contraloria.gov.py/controlciudadano>

*d) Mechanisms to encourage participation in public administration*

Several initiatives have been identified in connection with mechanisms to prevent public corruption, such as the Units for Transparency and Citizen Participation (Unidades de Transparencia y Participación Ciudadana),<sup>1</sup> and the Communication Offices (Oficinas de Comunicación)<sup>2</sup>, responsible for distributing information on institutional management. Most of those mechanisms are supported by the resources provided by new communication and information technologies (web pages, social networks). However, we have noted that those initiatives are not the result of efforts launched by each of the State powers, but rather respond to the particular interests of the incumbent authorities, with the attendant risk that, if those authorities change, the initiatives could be abandoned.<sup>3</sup>

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<sup>3</sup> <sup>1</sup>Ministry of the Interior – Directorate of Citizen Participation; Ministry of Public Works and Communications – Unit for Transparency and Citizen Participation; Ministry of Public Health and Social Welfare – General Directorate of Health Decentralisation – Equity Funds; Social Security Institute - Unit of Institutional Transparency; Supreme Court of Justice - Office of Integrity; Public Ministry - Transparency Unit; National Comptroller's Office – Users Support Centre

<sup>2</sup>Ministry of Finance – Citizens Support Office; Ministry of Public Health and Social Welfare – Users Support Centre; Ministry of National Defense – Social Communication; Secretariat for Women's Affairs - Press Office; National Secretariat of Tourism – Information Department; National Drug Enforcement Agency – Directorate of Social Communication; Secretariat of Social Welfare - Communications Office; Secretariat of Environment - Citizens' Office; Secretariat of Sports – Press Office; National Secretariat of Culture - Communications Office; Secretariat of Information and Communication for Development - Communications Office; Secretariat of Housing and Habitat SENAVIDAT – Communications Office; Secretariat of National Emergency – Communications Office

### *e) Mechanisms to participate in the oversight of public administration*

In the period under review it has been observed that several public institutions have submitted accountability reports<sup>4</sup>; these reports help inform citizens about the work done. Now, due to the absence of a single government website that provides all the information, data is scattered in different places. Those looking for specific information must browse each of the relevant web pages..

We are not aware of the existence of a website where citizens may interact with public authorities online to communicate their concerns to them.

This is another mechanism that shows serious deficiencies. We have not found any programmes or systems relating to the State in the government institutions examined.<sup>4</sup>

## **VII. CONCLUSIONS**

Based on the above analysis, we can make a series of observations and recommendations about the possibility of enhancing the mechanisms to access information and foster participation of civil society and non-governmental organisations in public administration.

First, we must underscore that no progress has been made in the legislative arena. The bills on Access to Information and Citizen Participation have not been included as priority issues in the agenda of Congress and are still pending consideration.

Second, we should point out that, despite the difficulties caused by the lack of specific laws, several initiatives associated with mechanisms that contribute to the prevention of public corruption have been identified during the examination period. Among said initiatives are the Units for Transparency and Citizen Participation, and the Communications Offices that distribute information on institutional management.

However, we have noted that those initiatives are not the result of efforts launched by each of the State powers, but rather respond to the particular interests of the incumbent authorities, with the attendant risk that, if those authorities change, the initiatives could be abandoned.

This is further evidenced by the diverse approaches and objectives pursued by these units, the lack of common standards that leads to results of variable quality, and the weak focus on accountability based on management outcomes. On the other hand, while more institutions have set up their own web pages, there are no requirements regarding the mandatory fields that such sites should contain. This leads to inconsistencies in the quality and variety of information that is made available to citizens by each entity.

Regarding the use of new information and communication technologies, we must underscore that they have recently been incorporated as a tool for fostering citizen participation, so there is much to be done

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<sup>4</sup> 1 Third Presidential Report to the National Congress – Term 2010-2011; Accountability for Institutional Management, Public Service Secretariat (2008-2011). Ministry of Public Health and Social Welfare. Report 2011; Ministry of Finance, Management Report 2009-2010, among others.

in this regard. The fact that the Government has already devised an Electronic Governance Plan (*Plan de Gobierno Electrónico*) is an advantage. We expect to see this plan implemented as soon as possible.

Specifically in connection with public communication management, there is an aspect of public communication that raises great concern. The manuals used as guidance for communication management are not clear as to what sort of information should be considered confidential, and this aspect is left to future regulations. To date, we have not seen much progress towards such a definition, and this has not helped to achieve transparency in public administration.

It is worth mentioning that civil society organisations and cooperation agencies have given their support to a series of initiatives. This is certainly a positive step, as working in collaboration with non-state actors is a sign of openness, but at the same time increases vulnerability, as it creates dependency on external cooperation for human and financial resources.

For the above reasons we understand that, despite the progress made in terms of the number of initiatives for preventing corruption through active governmental transparency and recent efforts to establish a closer relationship between citizens and government administration, these initiatives are not yet oriented at a strategic, coordinated and systematic goal of fighting corruption, which prioritises citizen participation and promotes citizen involvement in public administration. That is why one of the core requirements for the enhancement of the majority of the mechanisms related to access to information and the promotion of citizen participation is that such mechanisms should be institutionalised and should have a comprehensive scope.

Such institutionalisation should be implemented by means of rules that establish mandatory institutional practices for active transparency and promotion of citizen participation, but also by developing new personal and institutional skills to meet those demands.

As a general rule, the existence of several initiatives to promote the adoption of mechanisms for participation and transparency, mainly within the Executive Branch and the Judiciary, is considered an advantage. The same holds true for bodies with extraordinary powers such as the National Comptroller's Office and the Public Ministry. The Legislature —par excellence, the main branch of the political State, responsible for implementing such legislative innovations as are necessary to establish more effective public management systems— is the institution that has made the least progress.

Citizens learn about parliamentary activities through the public media and then exert significant pressure. However, there are still no mechanisms in place by means of which citizens could have a meaningful influence to control and take part in the activities of this branch of government, especially to demand that the country complies with its obligation to adopt legislation to prevent and sanction public corruption.

In short, the fact that there are no laws on access to public information and citizen participation creates significant loopholes that undermine transparency and hinder the exercise of the right to be informed and participate in public affairs. No standardised procedures have been identified to receive and respond to citizens' requests and to facilitate collaboration between governmental and non governmental bodies.

In general, we could state that, compared to prior periods, there is broader access to information on the administration of public institutions. However, since there is not a single information website, data is scattered and hard to find. As for the use of new information and communication technologies in government administration, there is a promising sign: the Government has developed a comprehensive plan for electronic governance that comprises three spheres : (a) the relationship between government and citizens; (b) the relationship between government and companies; c) the relationship of government with its own structures.

## VIII. RECOMMENDATIONS REGARDING MECHANISMS TO ENCOURAGE PARTICIPATION OF CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANISATIONS IN EFFORTS TO PREVENT CORRUPTION.

As pointed out above, one of the core requirements for enhancing the mechanisms for access to information and the promotion of citizen participation is that said mechanisms should be institutionalised and should have a comprehensive scope. Such institutionalisation should be implemented by means of **rules that establish mandatory institutional practices for active transparency and promotion of citizen participation, together with sufficiently defined proceedings to materialise such practices**. New personal and institutional skills should also be developed to meet those demands. Specifically, the Government should take concrete and firm steps to implement the electronic governance plan, which will allow the Government to leverage the opportunities offered by new technologies to foster citizen participation in public administration. In addition to the above, the Government should promptly reinstate a space to interact with citizens, so as to encourage participation of various social actors in the initiatives to fight corruption. As members of the civil society, we are in a position to state that this is the right time to consolidate the spaces for participation and the mechanisms for access to public information by passing the relevant laws. It is also the right time for the three branches of Government to achieve more consistent and targeted administrative measures. As the last consideration and in addition to the above, it is essential to ensure continuous progress towards meeting the other provisions of the IACAC. The only way to go beyond formalities and deliver quality public services is to adopt a variety of measures which respond to comprehensive and systematic criteria. Therefore, in our view, it is essential to adopt a systemic and integral approach towards the issue of corruption as well as towards efforts to reduce this problem.