



Transparency and Anticorruption Structural Reforms of Mexico

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November, 2015

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1. Accountability

Evolution

- From being a formal system in the balance of powers, to a demand related to citizenship rights.
- To live in an institutional congruence with what happens in reality, in an increasingly interconnected society.

... in the world”



The **Global Corruption Barometer (2013)** pointed out that...

- People lack of confidence in the institutions tasked to fight corruption.
- Within the **17 countries of the G20** included in the survey, **59%** of people surveyed consider that their government does not act adequately to fight against corruption.
- There is a crisis of confidence in politics and in the capacity of institutions responsible for bringing, those who commit crimes, to justice.
- **55%** of people surveyed believe that the government responds to particular interests.
- The measures taken by their leaders to stop corruption are worse than those before 2008; of the 31% who considered them effective, it **decreased to 22%**.

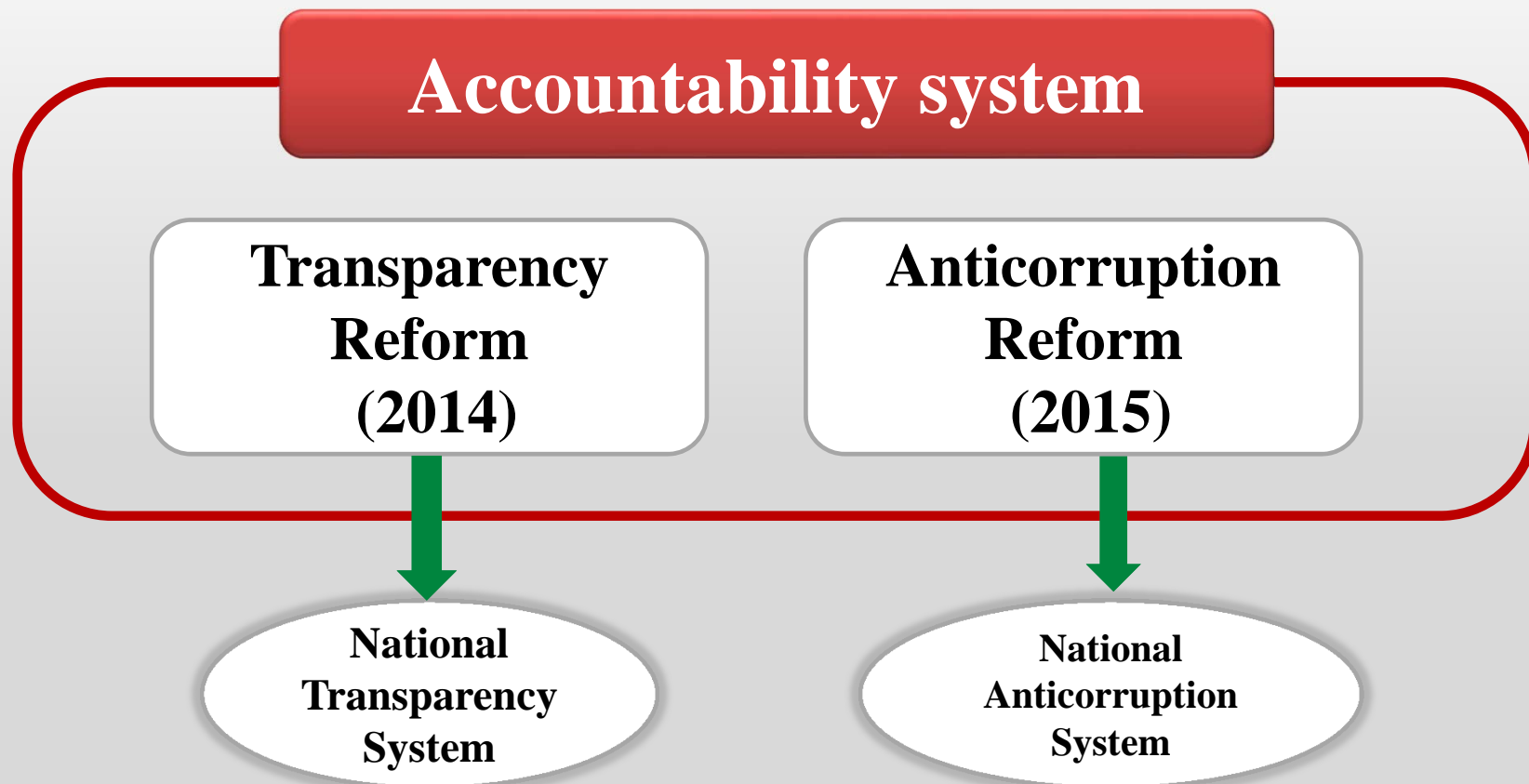
What do we need?

- **Increase transparency**
- **Reduce corruption**
- **Promote citizen participation (Open Government)**



2. Structural Reforms of Mexico

Structural Reforms of Mexico





2.1 Transparency Reform

Purposes of the Reform

1

Strengthening the right of access to public information.

2

Consolidation of a National Transparency System.

3

Establishment of a constitutional autonomous authority in transparency: **National Institute for Transparency, Access to Information and Data Protection (INAI. 7 members).**

General Law of Transparency

1

It requires State **branches, government levels, autonomous agencies, political parties**, trusts and **public funds**, as well as any individual, company, or union who receives and exercises **public resources**, or perform acts of **authority**, to **transparent public information** in their possession.

2

It sets the foundation for the **cooperation between the institutions** that compose the **National System of Transparency, Access to Public Information and Data Protection**.

3

It establishes the **general principles for the homologation** of local laws and procedures.

4

It **regulates sanctions** for public officers who hide, make public information unusable or deliberately deny public information..

5

It extends the **obligation to publish public information** and ensures accessibility, availability and timeliness.

6

It **increases the requirements to classify information**.

Relevant Aspects

1. Minimum catalog of **48 common precepts** to all the obligated subjects. Before the reform, the catalog used to include 17.
2. Obligation to implement **Proactive Transparency** and **Open Government** policies.
3. Period to restrict information is reduced **from 12 to 5 years**.
4. **Proof of damage** (criterion to establish the reserve of information).
5. The information cannot be reserved if related to cases of **serious violations of human rights, crimes against humanity** or information associated with **acts of corruption**.

National Transparency System

National Transparency System (NTS)

**National
Institute for
Transparency,
Access to
Information
and Data
Protection**



**Transparency
Local Agencies**



**Federal
Superior Audit
Office**



**General
Archive of the
Nation**



**National
Institute of
Statistics and
Geography**



Council of the NTS: Coordination Instance of the National System.

National Transparency System

Objetivos

To **strengthen the transparency**.

To ensure the **effective exercise** and **respect for the rights of access to information and data protection**, through the promotion and fostering of **education** and civic culture.

To coordinate and **evaluate actions** relating to cross-cutting public policy of **transparency, access to information and data protection**.

To contribute to the **generation of high-quality information**, to the management information and processing of the same, as a mean to facilitate the understanding and evaluation of public management.



2.2 Anticorruption Reform

Background

On May 27, 2015 the reform to the articles 22, 28, 41, 73, 74, 76, 79, 104, 108, 109, 113, 114, 116 and 122 of the Political Constitution of the United Mexican States, in the area of fighting against corruption, was published in the Federal Official Gazette. **(14 articles reformed)**

With this reform, Mexico has taken an important step in the fight against corruption.

Purposes of the Reform

1

The strengthening of the **anticorruption legal framework**.

2

The establishment of **new powers to the institutions** responsible of the **prevention, control, investigation** and punishment of corruption in Mexico.

3

The consolidation of a **National Anticorruption System**.

Benefits of the Reform

- The attributions of the **Ministry of Public Administration** are strengthened.
- Creation of a **Federal Court of Administrative Justice** to penalize public officers and privates who commit acts of corruption
- Creation of the **Special Anticorruption Prosecutor Office (Autonomous from government)**.
- The **Federal Superior Audit Office** is vested with the authority to monitor permanently the use of public resources of the State.

Relevant Aspects

1. The **Ministry of Public Administration** continues as the head of the **Internal Control Agencies of the Federal Executive Power** (300). The **Secretary shall be ratified by the Senate**.
2. The law will define the scope and limits of the situations regarding **conflicts of interest**.
3. The **extinction of domain** will be applicable for the cases of organized crime, crimes against health, kidnapping, vehicle theft, human trafficking and **illicit enrichment**.
4. **Subnational governments** must have Internal Control Agencies.

Relevant Aspects

5. **Individuals** shall be **also sanctioned for acts of corruption**, as well as public officers.
6. Information **from public servants** will be valid for the following **7 years** after job.
7. **Private firms maybe closed** by the Tribunal in cases of corruption.

National Anticorruption System

National Anticorruption System (NAS)

**Federal
Superior
Audit
Office**



**Federal
Court of
Administrati
ve Justice**



**National
Institute for
Transparen
cy, Access
to
Informatio
n and Data
Protection**



**Ministry of
Public
Administrati
on**



**Special
Anticorrupti
on
Prosecutor
Office**



**Council of
the Federal
Judiciary**



**Committee
for Citizen
Participatio
n**



Coordinating Committee of the NAS: Coordination Instance of the National System.

National Anticorruption System

Objetivo

To establish **mechanisms of coordination** with local systems.

To establish **mechanisms** to supply, exchange, systematize and **update information**.

To establish **bases and principles for an effective coordination of authorities** between levels of government, related to the inspection and control of public resources.

To **prepare annual reports and recommendations** to the authorities, aimed at strengthening the prevention and fight against corruption of the institutions.



3. Challenges


Transversal Challenges

Transparency and Anticorruption Structural Reforms of Mexico


1. An effective **unity and integration** between both systems and its institutions.
2. Analysis of institutional **capacities** for the adequate implementation of the policies and procedures.
3. Adoption and creation of **best practices**.

Specific challenge

Transparency Reform (2014)

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1. **Harmonization** of federal and local legislation.
 2. **Homologation** of procedures of access to information.
 3. Implementation of a **National Platform of Transparency**.
 4. Strengthening the **culture** of transparency in public officers and citizens.
 5. Generation of relevant **information** by local public authorities.
 6. **Empowerment** of citizens in public decision-making.

Anticorruption Reform (2015)

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1. Approval of secondary **legislation**.
 2. **Homologation** of sanctions and procedures in the fight against corruption at national level.
 3. Strengthening the **culture of ethics and integrity** in public officers and citizens.
 4. **Cooperative** Federalism that monitors the use of federal and local resources.
 5. Proper procurement of **justice** and dimension in categorizing conducts.

Citizen Participation

Open Government



Thank you!

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