



# Open Government Partnership Self-Assessment Report MEXICO 14 December 2012

## I. Introduction

In recent years, Mexico has carried out a series of fundamental reforms to advance in the construction of a State that is transparent and accountable for its work. It has also opened a space for dialogue and participation that has enabled solutions to public problems through collaboration between government and civil society. However, limitations prevail; bureaucratic inertia and resistance that make our way to the construction of a state policy in favor of open government can be sometimes slow and occasionally devious.

Recently, there have been different experiences and international projects aimed at deepening the role of transparency and the right of access to information on the social and institutional life. One of these is the Open Government Partnership (OGP), a multilateral initiative launched in September 2011 as a parallel event to the United Nations General Assembly which up to date has managed to include governments, organizations and developers from 58 countries. The main commitment assumed by nations that join this initiative is to get underway a plural and participatory process for the development of an Action Plan that includes specific and measurable commitments to advance in transparency, increase citizen participation in public affairs, fight corruption and harness new technologies to strengthen governance.

The open government is based on a new conception of democracy that involves the participatory management as the core of the government's action where information technology plays a crucial role to find better solutions to increasingly complex public problems, using the potential energies available in the different sectors of society<sup>1</sup>.

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<sup>1</sup> While there is no finished and shared agreement on the meaning of the term Open Government, the Mexican government and the eight civil society organizations (CSOs) that participate in the OGP view it as "one who engages in a constant conversation with citizens, to hear what they say and ask, which makes decisions based on their needs and preferences, facilitating collaboration of citizens and officers in the development of the services that renders, and communicates everything that is decided and made in an open and transparent manner" Calderón, Cesar and Sebastián Lorenzo (coords). (2010). *Open Government: Gobierno Abierto*, Alcalá la Real, Algón Editores, pp. 11. See also Ramírez-Alujas, Álvaro (2011a), "Gobierno abierto y modernización de la gestión pública: Tendencias actuales y el (inevitable) camino que viene. Reflexiones seminales". *Revista Enfoques*. VOL. IX, 2011, pp. 99-125.

In Mexico's case, since the initiative was subscribed, 21 agencies and government institutions<sup>2</sup> and a group of 8 civil society organizations (SCO)<sup>3</sup> carried out a process of dialogue and cooperation to implement the OGP and adjust it to our needs and context. First, we established a Tripartite Technical Secretariat (STT) consisting of a representative of the Ministry of Public Administration (SFP), other of the Federal Institute for Access to Information and Data Protection (IFAI) and another of the SCO where each member has one vote. The aim of the STT is to act as a permanent and institutionalized space for decision-making, consultation, monitoring compliance with the commitments of the OGP and to communicate between government and civil society actors. Subsequently, we carried out the development of an Expanded Action Plan on account that the first version presented by the Mexican Government, in September 2011, contained transversal policies and not specific commitments that reflected the proposals of the SCOs.

One of the virtues of the development of the Extended Action Plan is that it came up of proposals by SCOs that were accepted by the government, which turned a unilateral process into a multi sectorial exercise.

This document is part of the self-assessment report that participating nations must deliver to the Steering Committee of the Partnership.<sup>4</sup> Firstly, a quantitative analysis of the results obtained in the Extended Action Plan are included; subsequently the most significant cases are exposed in positive and negative terms; immediately, the conclusions and a group of proposals for the elaboration of the next Extended Action Plan are included. In order to provide in a more detailed manner the work carried out last year, documented support information elaborated by the SCO on each of the proposed compromises is included.

Finally the results of the commitments made in the original Action Plan, as well as those relevant efforts that the Federal Government has implemented around open government are incorporated.

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<sup>2</sup> The 21 agencies and institutions are: Federal Telecommunications Commission (COFETEL), Energy Regulatory Commission (CRE), National Commission for Social Protection in Health (CNPSS), National Council for the Evaluation of Social Development Policy (CONEVAL), Directorate General of Civil Aviation (DGCA), Federal Institute for Access to Information and Data Protection (IFAI), the National Immigration Institute (INAMI), National Institute of Statistics and Geography (INEGI), Attorney General's Office (PGR), Tax Administration Service (SAT), Ministry of Communications and Transportation (SCT), Ministry of Economy (SE), Ministry of Public Education (SEP), Ministry of Social Development (SEDESOL), Ministry of Energy (SENER), Ministry of Public Administration (SFP), Ministry of the Interior (SEGOB), Ministry of Finance (SHCP), Ministry of Environment and Natural Resources (SEMARNAT), Ministry of Foreign Affairs (SRE), Ministry of Labor and Social Welfare (STPS) and the Mexican Oil Company (PEMEX).

<sup>3</sup> The 8 participating organizations are: ARTICLE 19; Center for Development Research (CIDAC); Ecological Culture; Fundar, Center for Analysis and Research; Center for Social Management and Cooperation (GESOC); Mexican Institute for Competitiveness (IMCO); SocialTic (before CitiVox) and Mexican Transparency (TI Mexican Chapter).

<sup>4</sup> The self-assessment report that includes the evaluation of all the OGP proposals made can be consulted at [www.aga.org.mx](http://www.aga.org.mx).

## II. Evaluation of the results

Following the guidelines of the OGP Steering Committee, the results are presented in groups corresponding to each of the five grand challenges. As shown on Table 1, two of the 36 commitments made by the Mexican government in the Extended Action Plan correspond to the challenge “Improving public services”; 11 commitments to the challenge “Increasing public integrity”; 18 commitments to the challenge “More effectively Managing Public Resources”; four commitments to the challenge “Increasing corporate accountability”; and three to the challenge “Creating safer communities”.

Table 1. OGP Challenges and EAP Commitments

Challenges of the Open Government Partnership	Commitments of the Extended Action Plan (Mexico)
1.- Improving public services	<b>2</b>
2.- Increasing public integrity	<b>11</b>
3.- More effectively Managing Public Resources	<b>18</b>
4.- Increasing corporate accountability	<b>4</b>
5.- Creating safer communities	<b>3</b>

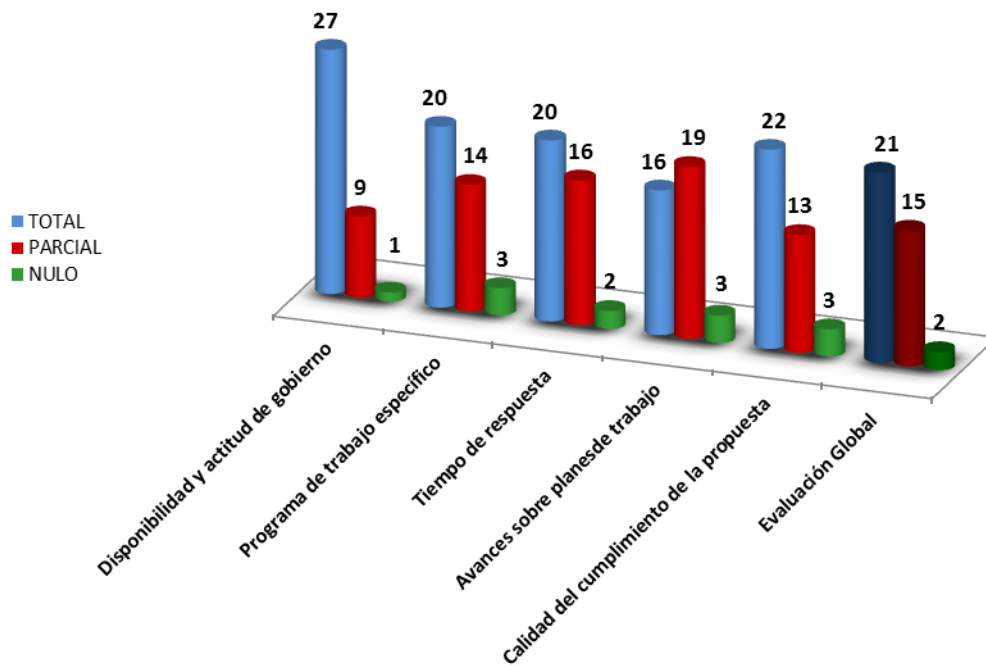
To evaluate the performance of the 36 commitments, the CSO identified five aspects: a) availability and attitude of the government, b) specific work program; c) response time, d) progress on work programs and e) quality of compliance of the proposal. Each one of these five aspects was judged on three criteria: total compliance (TC), partial compliance (PC) and null compliance (NC).

Table 2. Performance evaluation

Aspects evaluated by the SCO	Evaluation criteria		
A) Availability and attitude of the government			
B) Specific work program	<b>TC:</b>	<b>PC:</b>	<b>NC:</b>
C) Response time	<b>Total Compliance</b>	<b>Partial Compliance</b>	<b>Null Compliance</b>
D) Progress on work plans			
E) Quality of compliance of the proposal			

As it is shown on the next graphic, of the 36 commitments, 21 had a global evaluation of total compliance; 15 commitments were evaluated as partial compliance; and 2 with null compliance.

Graph 1. Results of the Extended Action Plan



### III. Significant cases

In addition to submitting the self-assessment report of the Extended Action Plan in quantitative terms, it is important to provide an account of the progress and pending issues of each of the 36 commitments and explain the process of collaboration between civil society and government and the results achieved.

Below are the cases that in judgment and consensus of the participating CSO result more meaningful in terms of positive and negative impact.

To learn about the public problem that each of the commitments intended to resolve, the evaluation of the dialogue process between the CSO and the government, and specific results and the pending issues, fact sheets of each of the commitments can be reviewed at [www.aga.org.mx](http://www.aga.org.mx)

### III.I Good practices

**Commitment No. 14: To develop a program that enables crime victims to learn about the status of their preliminary investigations via electronic means in order to expedite and bring transparency to investigations consultation**

Responsible authority: Attorney General's Office (PGR)

Organization: ARTICLE 19

Compliance date: September 2012

According to Article 16 of the Federal Code of Criminal Procedures, preliminary inquiries are strictly privileged and only the victim, the accused or his legal representative can have access to them. However, even when access to the victim is stipulated in the law, according to the Citizens' Institute for Studies on Insecurity A.C. (ICESI) perception of the victims who attended the Public Prosecutor is that, in 84.9% of cases, it did not provide information on the investigation that supposedly began with their complaint. For this reason, ARTICLE 19 considered that to fight impunity and build certainty for victims it is necessary that they are in a position to perform informed scrutiny on the public prosecution that bears their inquiry.

The proposal made to the PGR was fulfilled and even went further than required by ARTICLE 19. The information system for the offended allows to follow the steps of the preliminary inquiry initiated from the report from any internet spot. In addition this information system is a tool of accountability of public prosecutors which includes an alert system to temporary inaction for both the victim and their superiors so that preliminary investigations loaded in this system do not stagnate.

**Commitment No. 23: Generate information to assess the efforts of the Mexican State to meet its human rights obligations. The information should include breakdown of budgetary resources by groups of the population it benefits, information on the impact of these resources and government public policies about the population mentioned above and information to evaluate the resources allocated to sensitive issues of urgent attention.**

Responsible authority: Ministry of the Interior (SEGOB), National Immigration Institute (INM) and Federal Institute for Access to Information and Data Protection (IFAI)

Organization: Fundar, Center for Analysis and Research

Compliance date: September 2012

Given the scope of the proposal, it was decided to narrow it. It was agreed that the population group under analysis in this exercise would be that of the immigrants in Mexico. Particularly it was analyzed, from a human rights perspective, the INM budget, especially the case of the fiscal year for 2011. During the nine months of work, the staff assigned to the INM and SEGOB sought and disaggregated the expenditures for virtually all budget items through which resources were exercised during the year under review. In several cases it was necessary to make requests for information to the INM regional offices, develop data reflecting concentrates according to major programs of protection of migrants per Delegation and review contracts and accounting policies.

To identify the public budget from a human rights perspective on immigration is ground-breaking so it could become a benchmark for future identification of resources in other countries but also in other agendas. It even represents good practice on how to create synergies between governments and civil society organizations under the OGP.

**Commitment 42: Not to consider a PDF as public information, only data in CSV, XML, and KML that can be analyzed by usage of any tool. Convert to text and to recoverable data bases all the files scanned on .pdf and those that originated on image archives such as .jpg**

Responsible authority: Ministry of Public Administration (SFP)

Organization: SocialTIC (formerly CitiVox)

Compliance date: September 2012

In the context of the digital age, public information reaches its maximum utility and social inclusion when available, accessible and usable to anyone. Public information should not be solely for reference but also for analysis of data within it. And only if these data are in formats that can be managed with informatic tools to interpret its meaning, it can be considered fully usable information. The results obtained were as follows:

- In the 2012 version of the Administrative Manual for General Application on Transparency and Archives Issues (MAGMTA) the issue of open data was integrated referring on its definitions to the Open Data Interoperability Scheme (EIDA), specifying that socially useful information or targeted information should privilege the use of open data and indicating in the process of attention to information requests that the information should be delivered in open data when the Institution has it that way.
- The comments made to the EIDA are analyzed and viewed through the appropriate bodies in the Digital Government Unit to set and release the next version of such scheme.
- On 13th August, the Digital Government Unit (UGD) of the SFP sent a statement to 209 agencies and entities of the APF requesting a progress report and the implementation plan pending to be executed to fulfill the provisions of EIDA in publishing open data.
- The UGD prepared and sent to the Presidency Internet System (SIP) the questionnaire on interoperability and open data to be integrated as reactive in assessing portals of 2012.

**Commitment No. 4: Increase the number of businesses that publicize information on their corporate governance and their economic, social and environmental results. Baseline 2011: 40 (taken from GESOC's Index of Corporate Management for Sustainability 2011).**

Responsible authority: Federal Consumer Protection Agency (Profeco)

Organization: Center for Social Management and Cooperation (GESOC)

Compliance date: September 2012

Society cannot know which companies are developing socially responsible practices unless it has detailed objective and evidence-based information. It is therefore necessary that the federal government agencies in their respective fields publish in a single information access point key information of businesses in an orderly, accessible, flexible and open data formats.

To help achieving this proposal, GESOC found in Profeco a strategic ally that possessed not only the required technical knowledge but also the will and the compromise to work on this issue. As part of the concrete results achieved in the framework of this proposal stand out: the strengthening of the section of *the 20 companies with more complaints* registered before Profeco; and the publication of information, with maximum exportability formats, of sectors such as airlines, pawn shops, time shares, gas companies, realtor companies, self-service stores, among others, which allow an easier manipulation of the data held by Profeco. All of these elements are publicly available at the consumers and clients website <http://www.consumidor.gob.mx/>

Moreover, it was possible to constitute the Internal Committee for the conclusion of commitments arising from OGP, within the Profeco. This committee aims to strengthen activities oriented to open government, transparency accountability and fighting corruption within the powers of the Federal Consumer Protection Agency.

**Commitment No. 8: To make synergies with existing platforms linking with communities nationwide to other Federal agencies for the promotion and proactive dissemination of the Right of Access to Information and the protection of personal data by non-electronic means. It is intended to work with the National Commission for the Development of Indigenous Peoples (CDI), the Ministry of Health (SSA), and eventually with the National Forestry Commission of Mexico from the Ministry of Environment and Natural Resources (CONAFOR/SEMARNAT)**

Responsible authority: Federal Institute for Access to Information and Data Protection (IFAI)

Organization: Ecologic Culture (CEAC)

Compliance date: September 2012

While open data and internet platforms meet a very important role for diffusion and education, in our country there are a very large number of people without access to such electronic tools. In addition to this, there are still many municipalities where the right of access to information (ATI) is unknown. The technology gap and the ignorance of the existence of the ATI poses a difficulty to the exercise and enforceability of other fundamental rights. In making this proposal it was sought to promote materials on ATI generated by the Federal Institute for Access to Information and Data Protection through synergies with other institutions and/or programs that have platforms with extensive coverage in remote and marginalized areas and populations, such as the health sector campaigns, the National Commission for the Development of Indigenous Peoples (CDI) offices and the eventual CONAFOR consultation on the National Strategy for Reducing Emissions from Deforestation and Degradation, REDD + Mexico.

It should be noted that, for the potential success of this proposal it was necessary to identify appropriate partners who have the social and political will to comply with the agreements. This time working with IFAI was adequate to carry out the proposal; a working group of trained, knowledgeable and committed people was conformed. The proposal is classified as totally fulfilled, with the following results: development of an ATI poster for its distribution in 2012 and 2013 through the platforms of communication with selected agencies, including the printing of forty thousand posters for its distribution.

**Commitment No. 57: Create the National Catalogue of social programs through a public information system, administered by a body with mixed constituencies (government and civil society) to ensure the flow of information and its quality. Minimum information agencies could be used, such as the one stated in the law and the national efforts of government agencies, states and civil society organizations.**

Responsible authority: Ministry of Finance and Public Credit (SHCP) and the National Council for Evaluation of Social Development Policy (CONEVAL)

Organization: Mexican Transparency

Compliance date: September 2012

It is important to know where and how Mexicans live in situations of poverty, as well as to know the country's social policy instruments and its results. Social programs are part of these instruments and address issues that the delivery of services and the economic policies do not resolve. There has been significant growth in the number of social programs that operate in Mexico, but there is no political or social institution that can answer the question of how many social programs exist in the country and how the work.

The concrete results of these proposal were as follow:

- CONEVAL undertook the compromise to submit the 2011 inventory of federal programs and social development actions, as well as the 201 state level inventory of programs and social development activities in open data format.

- The Ministry of Social Development (SEDESOL) arranged the presentation of the initiative before the Social Development National Commission on two occasions and has directly supported the effort.
- The Ministry of Public Administration and the Permanent Commission of State-Federation Comptrollers opened the space to present the initiative at the National Meeting of Social Comptrollership held in the city of Tuxtla Gutierrez, Chiapas on July 25-27, being well received by the comptrollers of the Federal States that attended the event.
- Mexican Transparency has fostered real-time registering of social programs by federal and state agencies. This database will be donated to the conformation of the National Catalogue.

**Commitment No. 36: Create and present the budget for each elementary and secondary school in Mexico City, administrated and financed by the Ministry of Public Education (SEP), at the Federal level.**

Responsible authority: Ministry of Public Education (SEP) and the Ministry of Finance and Public Credit (SHCP)

Organization: Mexican Institute for Competitiveness (IMCO)

Compliance date: September 2012

In Mexico City, the distribution of the 5% of the best evaluated elementary schools reflects great inequality. Only three of the 166 best schools are public. Spending more on education is not the solution, since by itself does not mean better results. To achieve the best results at the lowest cost, it is first necessary to identify where you spend, what you spend and what are the basic rules for the exercise of these public resources. Therefore, the relevance of a school budget for each public elementary and secondary schools in Mexico City is vital, since they are based precisely on the execution of the activities, projects, programs and investments. Every elementary and secondary school presents particular needs of different nature.

Derived from the meetings, SEP generated a report with a list of school expenditure in Mexico City. Following this report, the Ministry committed to deliver to the Mexican Institute for Competitiveness a database, in open data format, with information related to the budget, the number of students and the number of teachers, per school.

Given the timing of activities, the time allowed for the information delivery was of one week after the meeting with the Ministry's officials, as of February 2, 2012. However, the final delivery of the information was extended until June 7, 2012, without a clear justification for the delay in fulfilling the commitment.



### III.II Bad practices

**Commitment No. 48: Develop a website containing information, by agency or entity, of advertising and publicity expenditure that reveals: institution, expense by media, campaign, target and allocation criterion, complete documentation on procurement (contract / agreement and invoices) allocated budget and implementation reports, as well as an accountant who updates expenditures and results.**

Responsible authority: Ministry of Public Administration (SFP) and Ministry of the Interior (SEGOB)

Organization: ARTICLE 19 and Fundar, Center for Analysis and Research

Compliance date: September 2012

Government advertising (or social media) refers to spaces that governments purchase, or to which they access for free, in all mass media to promote and inform people. In a democracy, government advertising is based on the people's right to know and the government obligation to report, explain and justify their decisions and activities. However, the lack of regulation on advertising allows a propagandistic use and a discretionary allocation, concentrated and indiscriminate use of this pattern. In this context, ARTICLE 19 and Fundar have drawn attention to the importance to transparent the spending amounts and the bidding processes to hire official advertising.

To work in compliance with our proposal a first meeting was held in April with representatives of SEGOB and SFP. In this meeting it was shown to civil organizations a site managed by SFP that is close to what is proposed: the System of Social Communication Expenditure (COMSOC). This system records all authorized expenditures on Social Communication for the Federal Public Administration (APF), however its use is limited to internal management and in order to make this system public, it requires of the approval of the Ministry of the Interior which is responsible for coordinating the use of the APF's official publicity. Unfortunately, SEGOB representatives at the meeting did not have the capacity to take such decision.

Nevertheless, four agreements were reached which can be summarized in two main areas: authorize the creation of a public version of the COMSOC system with additional criteria and create a guideline for citizens to explain the advertising process in its entirety,, from the budgetary allocation to campaigns evaluation.

Although the agreements had compliance dates April 16 and 17, three months after there was no response, however, at the insistence of the CSOs a new meeting was organized. This took place on July 17, 2012, but this time there was no representative from SEGOB. From the discussions it was noted that there was no problem for the budget publication on the COMSOC system. As for technical problems, they talked about the difficulty of integrating new criteria to the COMSOC system. Therefore, it was decided to disclose the system and to ask SEGOB to publish additional information that is in their possession. In spite of the progress reached in the agreements no answers were obtained. Nor was there any communication to notify us about the progress of the commitments. If there is not any kind of technical or budgetary problem what appears to have been an obstacle is the lack of political will.

**Commitment No. 28: Posting the social and environment impact studies of the oil and mining projects on the Ministry of Environment and Natural Resources (SEMARNAT) before granting concessions to ensure access to information to the potentially affected population by these Projects.**

Responsible authority: Ministry of Environment and Natural Resources (SEMARNAT)  
Organization: Fundar, Center for Analysis and Research, with the collaboration of the Mexican Centre for Environmental Law (CEMDA)  
Compliance date: September 2012

There are serious problems with regard to the process of environmental impact assessments that require attention. The affected (or potentially affected) people of these development projects face obstacles to learn the contents of these documents. CEMDA and Fundar indicated that problems should be of a) access to information when there is no internet access b) dissemination prior to the evaluation process or to public meetings of information provided in this process, c) submitting abstracts in simplified language (i.e., non-technical language) of the content of these documents, d) diffusion through local media and e) Indigenous language translations where relevant, among other considerations, should be taken care of.

SEMARNAT said some of the concerns could be addressed only after an amendment to the Regulations of the General Law of Ecological Balance and Environmental Protection in the Environmental Impact Assessment (REIA for its acronym in Spanish). Therefore, the parties agreed to work two ways: a) give the general public access to environmental impact statements and other documents relevant to the process of risk assessment and environmental impact through improved access mechanisms of the secretariat's own portal, and b) carry out a broad call to civil society actors to build, together with SEMARNAT a proposed REIA reform of the General Law of Ecological Balance and Environmental Protection (LGEEPA for its acronym in Spanish) to be presented to the heads of the branch of the incoming government in December 2012.

But only until early August (six months later) a first meeting was convened for civil society actors to propose, as a whole, changes to these regulations. At that meeting, the head of the Directorate General for Environmental Impact and Risk (DGIRA) dismissed the comments made by the civil society, giving way to skepticism from these actors and generating a minimum participation for the rest of the process. Since then, the diligent work on this document started in October, facing the date of the completion of the first year of the OGP. Officials of the Coordinating Unit of Social Participation and Transparency (UCPAST) had laid transexenal goals and a timetable to monitor the work of the reform but it does not guarantee any progress as they obviously do not have the authority to bind the incoming federal government (as the outcome of the 2012 election).

**Commitment No. 45: Post on the webpage “Compranet<sup>5</sup>” and on Pemex’s website and that of its subsidiaries, tender decisions and public versions of the contracts suscribed by Pemex and its affiliates.**

Responsible authority: Federal Institute for Access to Information and Data Protection (IFAI), Ministry of Public Administration (SFP) and Mexican Oil Company (Pemex)  
Organization: Fundar, Center for Analysis and Research  
Compliance date: September 2012

<sup>5</sup> Electronic System for Public Biddings. <http://www.compranet.gob.mx>

The publication of the tender decisions and of the contract documents of both -clauses and annexes-, allows to the different social and political actors to have access to key information about the contracting of Pemex. On the one hand, access to information regarding the decisions when awarding contracts, i.e. on the technical and economic relevance of selecting a particular tender and company. On the other hand, it would facilitate access to the last terms of the agreements between Pemex and the companies, such as the clauses setting the fiscal, economic, employment, social conditions (compensation for damages and investment in social development) and the responsibilities in the event of accidents, among others. Having access to this information is essential to know if the oil contracts respect the public interest to ensure the best economic, fiscal, social and environmental conditions for the state.

As of November 5, 2012 Pemex and the SFP have not fully complied the agreements that were reached out. On the side of the contracts under the federal regulatory framework contract, the entire tender decisions have not been published on the website CompraNet 5.0. In the case of Pemex specific contractual framework, the entity has neither complied with all reached agreements: it has not set standards on the presentation of information for the integral contracts of the southern region, it has not established a timetable for the publication, in the relevant websites, of the contract clauses of the subsidiary bodies, and it has not evaluated the technical and legal possibilities to publish, in a systematic and linked manner, the information on decision bidding and contracts, to determine possible activities and deadlines. However, Pemex did publish -untimely and in a different agreed place- on the Exploration and Production page (PEP-<http://www.pep.pemex.com>) the signed contract clauses of integral contracts in the Northern and Southern Regions. Therefore, Fundar evaluated the proposal as breached, in the first case, and as partially compliant in the second.

#### **IV. Conclusions and responses**

The social life problems solution, demands resources, strategies, knowledge, methodologies and forms of action involving challenges of coordination, opening for the creation and publication of information and the generation of tools that facilitate the interaction between civil society and government. Therefore, to improve the effectiveness, sustainability and responsiveness of the government to produce public value in a democratic context, it is necessary to start by recognizing the importance of CSO participation.

Thus, the participation of civil society in these processes plays a key role in strengthening the government capacity to encourage:

- The progressive advancement of transparency policies, access to information and accountability of the decisions and actions taken by government actors to address public problems.
- The government actors' administration oriented to obtain added value for the people.
- The public discussion over nature, scope and causes of public problems and the priorities of the government agenda.
- The public discussion about the features that the services, laws, regulations and other actions of the state ought to have in order to solve public problems.

To this regard we consider that providing continuity to the work of the OGP and assuming the partnership as a commitment of the State, transcending the six-year presidency terms, are two concrete actions by which the new government could acknowledge its level of responsibility to transparency, accountability and citizen participation.

Given that open government is a crosscutting policy containing a commitment and a way to develop and impact other policies, the elaboration of the National Development Plan 2013-2018 represents a golden opportunity to give substance to one of the commitments made by the President, regarding transparency, while constructing a structure for a new OGP Action Plan comprising not only the Federal Government, but the three levels of government and the powers of the federation. Although it is true, for such purposes IFAI has already begun rapprochement work with the National Governors' Conference (CONAGO) and the other powers, autonomous bodies and regulators.

Including the open government dimension within the National Development Plan would constitute a decisive impetus to consolidate this form of effective democracy that transcends the purely electoral arena.

Besides including the general commitment to give continuity to the OGP in the National Development Plan and taking on the principles of open government as guiding linchpin of the new administration, it is necessary to carry out in the coming months, at least, the following tasks:

1. Endorsing the Tripartite Technical Secretariat as a permanent and institutional decision-making body of the OGP in Mexico where each member has one vote. The aim of this is to serve as a forum for decision-making, consultation, and monitoring of the OGP commitments, as well as a space for communication between government and civil society actors.
2. Promoting in a coordinated manner, among participating CSOs and government authorities, a national consultation to receive additional proposals for commitments from other CSOs and, based on them, to carry out the preparation of the second OGP Action Plan with strategic, concrete and measurable commitments. During the first quarter of 2013 Mexico will present to the OGP its second Action Plan (2013-2015).
3. Including as commitments of this second Action Plan the admission of the OGP principles in the National Development Plan 2013-2018 drafting, and resume those pending commitments that were still to be completed in the current action plan.
4. Working decisively on the implementation of the said plan through the allocation of financial and human resources and the socialization of the initiative and its principles within the departments and agencies of the

Federal Public Administration, the Legislative and the Judiciary Powers, as well as in all federal states in its three branches.

5. Playing a more active and purposeful role on the OGP's Steering Committee, especially from September 2013, when Mexico will assume the joint chairmanship of this multilateral initiative.

To accomplish this, it is necessary to ensure good coordination among the institutions representing our country within OGP (IFAI, the civil society and the representative agency of the Federal government)

Action Plan number	Commitment number	Key words	OGP challenge	A) Availability and government attitude	B) Specific work program	C) Response time	D) Advances on work plans	E) Quality enforcement response	Global evaluation
1	41	Public servants	1	TC	TC	TC	TC	TC	TC
2	43 y 44	Hackaton and open data	5	TC	TC	TC	TC	PC	TC
3	57	Social programs catalogue	1	TC	TC	TC	PC	TC	TC
4	4	Company information	4	TC	TC	TC	TC	TC	TC
5	17	Transnational bribery	4	PC	PC	PC	PC	PC	PC
6	27	PET	4	PC	NC	PC	NC	PC	PC
7	30	EITI adhesion	4	TC	TC	PC	PC	TC	PC
8	9	Patterns of beneficiaries	3	TC	TC	TC	TC	TC	TC
9	13	Databases	3	TC	TC	TC	TC	TC	TC
10	15	Journalists and advocates	3	TC	PC	PC	PC	TC	TC
11	19	Medicines purchase	3	TC	TC	PC	PC	TC	PC
12	23	Human rights	3	TC	TC	TC	PC	PC	PC
13	31	Mining companies projects	3	TC	TC	TC	TC	TC	TC
14	32	Grants and donations	3	PC	PC	PC	PC	PC	PC
15	36	Public schools	3	TC	PC	PC	PC	TC	TC
16	45a	Tendering and federal contractual framework contracts	3	PC	NC	NC	NC	NC	NC
16	45b	Tendering and specific contractual framework Pemex contracts	3	PC	PC	NC	PC	PC	PC
17	46	COMPRANET	3	TC	TC	TC	TC	TC	TC
18	48	Official publicity	3	NC	NC	NC	NC	NC	NC
19	49	Civil servants wages	3	TC	PC	PC	TC	PC	PC
20	50	Budgetary transparency portal	3	TC	PC	PC	PC	PC	PC
21	51	Tax credits	3	TC	TC	TC	TC	TC	TC
22	53	Budgetary programs	3	TC	PC	TC	PC	PC	PC
23	54a	Performance indicators	3	TC	PC	TC	PC	PC	PC
23	54b	Performance indicators	3	TC	TC	TC	TC	TC	TC
24	1.1	Resolutions and Opinions	2	TC	TC	TC	TC	TC	TC
25	1.2	Resolutions and Opinions	2	TC	TC	TC	TC	TC	TC
26	1.4	Resolutions and Opinions	2	TC	TC	TC	TC	TC	TC
27	7	Training materials	2	TC	TC	TC	TC	TC	TC
28	8	DAI diffusion to communities	2	TC	TC	TC	TC	TC	TC
29	14	Preliminary inquiries	5	TC	PC	PC	PC	TC	TC
30	16	Complaints before MP	2	TC	TC	TC	PC	TC	PC
31	28	Environmental impact studies	5	PC	PC	PC	NC	NC	PC
32	29	Funding climate change	2	PC	PC	PC	PC	PC	PC
33	40	Noncompliance LFTAIPG sanctions	2	PC	PC	PC	PC	PC	PC
34	42	No PDF	2	TC	TC	TC	TC	TC	TC
35	47	Plans and sectorial programs	2	PC	TC	PC	PC	PC	TC
36	62	Union information	2	PC	PC	PC	PC	TC	TC

## V. Original Action Plan and Relevant Efforts

The Mexican Action Plan, also referred to as Original Action Plan was developed during the months of July and August 2011. Its definition began with a query that IFAI and the Ministry of Foreign Affairs (SRE) launched to the entire public administration and other public institutions in order to identify those programs and policies that were in draft or development, and that would conclude within a year contributing to the generation of advances in transparency, accountability, E-Government and citizen participation.

The answer to this query, which was directed to 18 government agencies and institutions<sup>6</sup>, became the main input for the Action Plan. This also allowed that under its abilities and power, for the Ministry of Public Administration (SFP) to be incorporated to the work related to the Partnership. With the proposals submitted by agencies and institutions, the coordination of the advisors of the Presidency of the Republic, IFAI, SFP and SRE, jointly developed the Mexican Action to be presented by the Executive during the month of September 2011 as part of the Partnership's Steering Committee and supporting the initiative, in its official launching.

There were formatting and time constraints to develop the Action Plan, which in turn favored commitments for transversal policies rather than specific projects. Nevertheless, the Mexican government's efforts have been focused to achieve compliance of the Extended Action Plan, it is important to emphasize that the OGP has fostered interest on the efforts to improve, efficiency and transparency in the conduct of government affairs in Mexico.

For that reason the Mexican government has followed up on those initiatives of the public administration, in addition to the OGP commitments, that are not part of the Extended Action Plan, and that yet they allow for the individual to meet, collaborate and be part of the policies that improve the quality of government services and thus the quality of life of people.

It is in this sense that the following are the main results obtained from the Original Action Plan and the relevant efforts of the Mexican government around open government.

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<sup>6</sup> Superior Audit Office (ASF), Bank of Mexico (BANXICO), Federal Electricity Commission (CFE), Federal Telecommunications Commission (COFETEL), National Hydrocarbons Commission (CNH), Mexican Oil Company (PEMEX), Attorney General's Office (PGR), Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA), Ministry of Communications and Transportation (SCT), Ministry of National Defense (SEDENA), Ministry of Social Development (SEDESOL), Ministry of Economy (SE), Ministry of Public Education (SEP), Ministry of the Interior (SEGOB), Ministry of Finance (SHCP), Ministry of the Agrarian Reform (SRA), Ministry of Labor and Social Welfare (STPS), Ministry of Tourism (SECTUR) and the Executive Secretariat of the National System for Public Security (SESNSP).

## Main outcomes of the Original Action Plan

**Mexico's government pledged to consolidate a participatory strategy to improve and monitor the major Federal procedures and services, through the continued development of the website [www.gob.mx](http://www.gob.mx) by turning it into an interactive exchange tool between the government and the citizens**

Responsible authority: Ministry of Public Administration (SFP)

Organization: ARTICLE 19

Paragraph of the Original Action Plan: 21 y 22

Note: This challenge was taken on the commitment 41, number 1, of the Extended Action Plan.

Compliance date: September 2012

In response to this commitment and in partnership with the Mexican chapter of the organization ARTICLE 19, the website [www.tramitefacil.gob.mx](http://www.tramitefacil.gob.mx) was put in operation which allows:

- The consolidation in one place of the 300 high-impact federal procedures data and the Federal Government's successful projects. These can be viewed, downloaded and used by the individual.
- Allowing citizens to evaluate the 300 high-impact federal procedures, and to make recommendations and/or suggestions for improvement, if they wish so.
- Reporting changes and improvements of the 300 high-impact federal procedures for the benefit of citizens.

**Mexico pledged to seek, through the interoperable open data scheme, the integration of those processes related to digital services and the use of common platforms and information systems, in order to foster the use of raw databases by citizens.**

Responsible authority: Ministry of Public Administration (SFP)

Paragraph of the Original Action Plan: 23

Pursuant to this commitment, the citizen portal is becoming the gateway to information, transactions and electronic services that the government publishes on the Internet, with over 42 million searches performed in more than 200 institutional portals.

With the release of the platform "Your Government in Maps" (<http://mapas.gob.mx>), agencies and entities of the APF have a mechanism to integrate and publish raw information georeferenced to the national territory, which can be downloaded to be reused or processed to suit specific interests.

As of August 31, 2012, "Your Government in Maps" has a collection of 746 geostatistic layers of information, over 6,400 non geographic information content published by 62 institutions which can be downloaded for reuse by anyone as appropriate to their interests.

**Mexico pledged to broaden the publication of socially useful information by strengthening the criteria and procedures for identifying and disclosing such information.**

Responsible authority: Ministry of Public Administration (SFP)

Thanks to this policy a 100% of the agencies that have a Liaison Unit, have a micro website of Proactive Transparency within their main webpages dedicated to publishing information that



allows:

1. Improvement on accessing procedures, goods and/or services;
2. Promote knowledge about various topics of general interest, so that citizens make better informed decisions about issues and/or public problems;
3. Promote economic competitiveness and investment, eliminating information asymmetries, and
4. Strengthening transparency regarding the use, destination and exercise of public resources for the purpose of preventing and fighting corruption.

To date over 695 issues are available to the citizens. This can also be consulted at 141 open data databases on the webpage:

<http://www.programaanticorruccion.gob.mx/index.php/transparencia/transparencia-focalizada.html>

the main results of the transparency policy can be consulted, for the disclosure of socially useful information, by dependency and/or entity.

**Mexico's government pledged to strengthen budgetary transparency through the publication and regular update of investments, public finance, transfers of the Federal funds to States, indicators and audits, amongst others.**

Responsible authority: Ministry of Finance (SHCP)

Organization: Fundar, Center of Analysis and Research

Paragraph of the Original Action Plan: 26

Note: This challenge was taken in the commitment 50, number 20 of the Extended Action Plan.

Compliance date: September 2012

As a result the Mexican government has included in the website: [www.transparenciapresupuestaria.gob.mx](http://www.transparenciapresupuestaria.gob.mx) information about:

- Budget preparation;
- Calculation basis for income estimations and macroeconomic variables;
- Information on the economic classification up to the line item and specific item within the Budgetary Analytics.
- Detailed information on the composition, timing and destination of public debt;
- Disaggregated information on the use of funds and trusts and publication on tax credits.

With this information citizens can learn, on a simple language, the way in which the budget is integrated and thus, government expenditure and the results it delivers to society, by promoting improved governance.

**The Mexican government took responsibility and commitment to continue and increase the hiring of the best candidates for teaching positions through public tenders, as well as to extend the application of the National Assessment of Academic Achievement in Schools (ENLACE test) allowing awareness on the academic performance of students, educational institutions and Federal entities, and also to have information about the number of schools, teachers and students in a disaggregated format.**

Responsible authority: Ministry of Public Education (SEP) and Ministry of Finance (SHCP)

Organization: Mexican Institute for Competitiveness (IMCO)

Paragraph of the Original Action Plan: 31

Note: This challenge was taken in the commitment 36, number 15 of the Extended Action Plan.

Compliance date: February 2012

To fulfill this commitment, in favor of transparency and accountability, the Ministry of Education made public through the compliance portal, <http://cumplimientopof.sep.gob.mx/> the quarterly reporting on vacancies on teaching, administrative and management personnel. Regarding the application of the ENLACE test, citizens can have detailed information about the academic performance of schools nationwide, which facilitates decision-making to improve the quality of education in the country. The information is available on the website <http://www.enlace.sep.gob.mx>.

**The Mexican government committed to consolidate the new procurement system to ensure effective and efficient management of public resources with further improvements to the Electronic System for Public Biddings (CompraNet).**

Responsible authority: Ministry of the Public Administration

Organization: Center for Development Research (CIDAC)

Paragraph of the Original Action Plan: 34

Note: This challenge was taken in the commitment 46, number 17 of the Extended Action Plan  
Compliance date: September 2012

To fulfill this commitment the CompraNet portal <http://www.compranet.gob.mx> has been consolidated as a transactional tool that allows fully transactional electronic contracts, to organize and classify the historical information of procedures for monitoring and evaluation. Since the entry into force of the new platform CompraNet has trained 8,370 operators out of 3,401 buyer units, also 75,035 national and international suppliers and contractors were enabled to use the system.

CompraNet was underpinned as a tool that allows an agile manner to receive quotes online, which has strengthened the efficiency of administrative processes of government hiring, at the same time improving the quality in the process of supplying public institutions, CompraNet also generates significant savings and supports transparency and accountability in the use of public resources. From January to September 2012 50,903 transactional contracts were reported. These worth a total of 143,113 million pesos.

## Relevant Efforts

**Obtaining reliable information and modernization for the interconnection of government offices which lead the population, immigration, refuge and development of the northern border and religious policies.**

Authority: Ministry of the Interior (SEGOB)

The Ministry of the Interior has implemented an Electronic Immigration Procedure System, which gathers, manages and generates real-time information of all incoming immigration procedures nationwide. In addition to this advance, the same Ministry managed the modernization of 36% civil registry offices. This modernization consisted of automation, equipment, development and implementation of interconnection systems of the registry offices to meet two main objectives: i) to contribute to a better quality in the provision of records and, ii) to obtain information in a reliable, standardized and timely way, enabling to certify the identity of people and define the National Population Register.

**Promotion and Dissemination of information regarding those programs related to the development of a support policy that will allow producing and harnessing most of the**

**comparative advantages of the farming and livestock sector.**

Authority: Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA)

SAGARPA has developed the Unified Registration System Information (SURI) that allows to register those applications submitted to obtain the support of SAGARPA programs and consultation of the status, indicating the stage in which it is located and where applicable, the reasons for rejection. This system can be accessed at the following website: <https://www.suri.sagarpa.gob.mx/home.aspx>.

**Publication of information in open data formats to allow not only consultation, but the analysis of the information that has been requested by the Federal Law of Transparency and Access to Public Government Information (LFTAIPG), to the federal government.**

Authority: Federal Institute for Access to Information and Data Protection (IFAI)

IFAI has made available to the public open data format databases of information requests made to the offices of the federal government. This information can be found on the portal Infomex (<https://www.infomex.org.mx>) and it can be accessed by term or by sector.

With this, citizens can distinguish the information that the federal government has provided through requests for information from 2003 up to date. The mode of delivery in open data format allows individuals to access information freely and without restrictions on usage, thereby promoting its reuse and providing social and commercial value to it.

Mexico City, December 14, 2012.