



Mexico City
March 5th, 2019

Mexico resumes national Open Government process

- The new administration represented by the Ministry of Public Affairs (SFP, in Spanish) the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI, in Spanish) and the Civil Society Core Group (NOSC, in Spanish) resume the national Open Government process in Mexico through a new coordination figure named the Coordination Committee.
- The Coordination Committee has agreed on a roadmap to tackle illegal state surveillance in Mexico, and it's first activity is a public forum on March 26th, 2019 to initiate the co-creation and implementation of a public policy so as to avoid cases like Pegasus from happening again.
- The former complies with the conditions to start the collaborative construction of a Fourth National Action Plan in Mexico 2019-2021 to be submitted to the Open Government Partnership.

The members of the Coordination Committee of the Open Government Partnership in Mexico (AGA, in Spanish) -integrated by SFP, NOSC and INAI-, have resumed dialogue and work towards the coordination of construction, follow-up and evaluation process of National Action Plans in Mexico for this international initiative. In February, two preparation meetings were held to define the scope of resuming work of the Committee, and the development of the roadmap to tackle illegal state surveillance in Mexico.

Following the official complaints of the alleged illegal surveillance acts against activists and human rights defenders, as well as the scope reduction of the Third National Action Plan commitments which resulted in the NOSC's exit from the Tripartite Technical Secretariat in May 2017, the members of the Coordination Committee have agreed on a roadmap to avoid cases like Pegasus from ever happening.

This roadmap will start off with a public forum on March 26th, 2019 which seeks to foster open and plural dialogue on state or government surveillance in Mexico so as to create a public policy to prevent and control it. The policy will be designed through a collaborative process which will include: consults, interviews, working sessions and workshops with key stakeholders (civil servants, academia, experts, national and international Civil Society representatives).

The head of the Federal Executive branch, as well as INAI have publicly reprimanded on several occasions surveillance actions and communication interception without judicial controls. INAI has also shown commitment with the protection of personal data since the official complaint from Civil Society was submitted, this was confirmed with the recent resolution from a Plenary Session on the use of the Pegasus malware. The collectively agreed upon roadmap complies with the basic social demands so as to guarantee legality,



transparency and accountability in Mexico regarding the use of technology for governmental surveillance.

The Coordination Committee -as the governance body of AGA- has been strengthened by incorporating the Academia as a new permanent participant. So starts the creation of a Fourth National Action Plan in Mexico 2019-2021 in compliance with the set conditions, which needs to be submitted by August 31st, 2019.

Thus, AGA seeks to contribute to the goal of democratization of public decision making, as well as opening spaces to public deliberation through design and co-creation of commitments directed at promoting society's presence in public decision making processes.

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AGREEMENT on the road map to address the problem of illegal state surveillance in Mexico.

1. Introduction

In May of 2017, the Nucleus of Civil Society Organizations for Open Government (NOSC due to its initials in Spanish)¹ withdrew from the Open Government Partnership's (OPG) process in Mexico, denouncing illegal surveillance actions allegedly committed by the federal government against members of civil society, activists and journalists. This provoked a crisis in the open government agenda and originated the scandal known as the *Spy Government (Gobierno Espía)*

In this regard, the new **Government of Mexico** has reiterated, on several occasions, that there will be no acts of illegal intervention of private communications of political opponent. In this sense, and towards the end of implementing democratic controls on state surveillance, a roadmap is presented below.

Therefore, within the framework of the Governing Body for the OPG process, the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI), the Ministry of Public Administration and the NOSC, agree upon the following **roadmap to address the problem of illegal state surveillance in Mexico.**

In this manner, in a co-creation exercise not only the actions in detail are defined through a collaborative and open process, but also efforts and resources will be joined in order to carry out the planned activities.

Given the aforementioned, the members of the governing body of the national OPG process undertake to link and convene representatives of other branches of government, specialized civil society and key public authorities for the development and implementation of public policy. In this sense, the Ministry of Public Administration will be the contact with other institutions of the Federal Public Administration and the INAI will be the contact with the other branches of government, in regard to the scope of their respective attributions.

2. Activities to be conducted

Num.	Activity	Date
1	<p>Public forum: "State surveillance: towards the implementation of democratic controls"</p> <p>Objective: Organize and carry out a public forum in order to articulate an open and plural dialogue regarding state surveillance in Mexico. <i>This, in order to begin the road map to prevent and control state surveillance.</i></p> <p>Results:</p> <ul style="list-style-type: none"> — Public forum on state surveillance and the corresponding report. — Start the roadmap. — Report and the document regarding the initial inputs for the design and implementation of public policy <p>Responsible:</p> <ul style="list-style-type: none"> — Governance Body for the National OPG Process in Mexico (INAI, NOSC and the Ministry of Public Administration). — Rapporteur: Expert consultant on security, surveillance and human rights issues, as well as on public policies. 	March 26, 2019

¹ The Civil Society Nucleus of Civil Society Organizations for the Open Government Partnership in Mexico is composed of the following civil society organizations: **1)** Artículo 19, **2)** México Evalúa, **3)** Contraloría Ciudadana, **4)** Cultura Ecológica, **5)** Fundar Centro de Análisis e Investigación, **6)** GESOC, Agencia para el Desarrollo, **7)** Instituto Mexicano para la Competitividad (IMCO), **8)** SocialTIC, **9)** Observatorio Nacional Ciudadano y **10)** Transparencia Mexicana.

Ciudad de México, a 1 de marzo del 2019

	<p>Consultant Role²:</p> <ul style="list-style-type: none"> — Profile: <ul style="list-style-type: none"> ○ Academic/ expert on matters relating to security, surveillance and human rights ○ Public Policy Perspective. <p>Preliminary Agenda:</p> <ul style="list-style-type: none"> — Inauguration — The state of surveillance in the world — Regulatory framework and the situation on surveillance in Mexico — Towards the democratic control of state surveillance — Agreements, next steps and closing ceremony 	
<p align="center">2</p>	<p>Document on policy proposals for the prevention and control of state surveillance.</p> <p>Objective: Identify, systematize and articulate public policy proposals to prevent and control state surveillance, identifying relevant actors and institutions.</p> <p>Result:</p> <ul style="list-style-type: none"> — Draft document containing policy recommendations regarding the prevention and control of state surveillance. <p>Responsible:</p> <ul style="list-style-type: none"> — Expert consultant on security, surveillance and human rights issues, as well as on public policies. <p>Actions:</p> <ul style="list-style-type: none"> — Carry out consultations, interviews, sessions and workshops with key stakeholders. 	<p align="center">March 26 -May 24, 2019</p>
<p align="center">3</p>	<p>Public policy design for the prevention and control of state surveillance, as well as a roadmap for its implementation.</p> <p>Objective: Define concrete public policy actions with the responsible actors and evaluate the possibility to convert these actions in a proactive compromise on the Fourth Action Plan.</p> <p>Result:</p> <ul style="list-style-type: none"> — Final Document of policy recommendations for the prevention and control of state surveillance. — Implementation Roadmap: Document with the concrete actions to be implemented for the prevention and control of state surveillance, indicating actors, times and products. — Determining actions to be included as commitments in the Fourth Action Plan. <p>Responsible:</p> <ul style="list-style-type: none"> — Expert consultant on security, surveillance and human rights issues, as well as on public policies. — Working groups composed of relevant actors (civil society, experts from various disciplines, public servants from different institutions). <p>Actions:</p> <ul style="list-style-type: none"> — Perform validation sessions regarding the implementation of the roadmap. 	<p align="center">June- August</p>

²The participation of the consultant depends on the availability of resources of the members of the Governing Body of the national AGA process in Mexico (INAI, NOSC and the Ministry of Public Administration). Given this case, these activities will be conducted by the participants.

AGREEMENT on the road map to address the problem of illegal state surveillance in Mexico.

Ciudad de México, a 1 de marzo del 2019

4	Follow-up on the defined policy actions Objective: Monitor that the policy actions designed to prevent, and control state surveillance practices are implemented in accordance with the agreed upon scope and vision. Result: Follow up and accountability actions regarding the implementation of the defined public policy actions. Responsible: <ul style="list-style-type: none">— Governance Body for the National OPG Process in Mexico (INAI, NOSC and the Ministry of Public Administration).— Working groups composed of relevant actors (civil society, experts from various disciplines, public servants from different institutions). Actions: <ul style="list-style-type: none">— Form working groups aimed at following upon the actions contained in the roadmap.	Beginning in August
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ACUERDO de la hoja de ruta para atender la problemática de vigilancia estatal ilegal en México

1. Introducción

En mayo de 2017, el Núcleo de Organizaciones de la Sociedad Civil para el Gobierno Abierto (NOSC)¹ se retiraron del proceso de la Alianza para el Gobierno Abierto (AGA) en México, denunciando acciones de vigilancia ilegal presuntamente cometidas por el gobierno federal contra miembros de sociedad civil, activistas y periodistas. Esto provocó una crisis en la agenda de gobierno abierto y originó el escándalo conocido como *Gobierno Espía*.

Al respecto, el nuevo **Gobierno de México** ha reiterado en diversas ocasiones que no se realizarán actos de intervención ilegal de comunicaciones privadas de opositores políticos. En este sentido, a fin de poner en marcha controles democráticos a la vigilancia estatal, a continuación se presenta una hoja de ruta.

Por lo tanto, en el marco del órgano de gobernanza del proceso nacional de la AGA, el Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI), la Secretaría de la Función Pública (Función Pública) y el NOSC, acuerdan la siguiente **hoja de ruta para atender la problemática de vigilancia estatal ilegal en México**.

De esta manera, en un ejercicio de cocreación no sólo se definen las acciones a detalle a través de un proceso colaborativo y abierto, sino que se buscará sumar esfuerzos y recursos con el objetivo de llevar a buen término las actividades planteadas.

Por lo anterior, los integrantes del órgano de gobernanza del proceso nacional de la AGA se comprometen a vincular y convocar a representantes de otros poderes, sociedad civil especializada y autoridades públicas clave para el desarrollo e implementación de la política pública. En este sentido, la Función Pública, será el contacto con otras instituciones de la Administración Pública Federal y el INAI, el contacto con otros poderes, en el ámbito de sus respectivas atribuciones.

2. Actividades a desarrollar

Num.	Actividad	Fecha
1	<p>Foro público: "Vigilancia del Estado: hacia la implementación de controles democráticos".</p> <p>Objetivo: Organizar y llevar a cabo un foro público a fin de articular un diálogo abierto y plural en torno a la vigilancia estatal en México para dar inicio a la hoja de ruta para prevenir y controlar la vigilancia estatal.</p> <p>Resultados:</p> <ul style="list-style-type: none">— Foro público sobre vigilancia estatal y la relatoría correspondiente.— Inicio de la hoja de ruta.— Relatoría y documento de insumos iniciales para el diseño e implementación de la política pública. <p>Responsable:</p>	26 de marzo de 2019

¹ El Núcleo de Organizaciones de la Sociedad Civil para el Gobierno Abierto en México, se integra por las siguientes OSC: **1)** Artículo 19, **2)** México Evalúa, **3)** Contraloría Ciudadana, **4)** Cultura Ecológica, **5)** Fundar Centro de Análisis e Investigación, **6)** GESOC, Agencia para el Desarrollo, **7)** Instituto Mexicano para la Competitividad (IMCO), **8)** SocialTIC, **9)** Observatorio Nacional Ciudadano y **10)** Transparencia Mexicana.

**ACUERDO de la hoja de ruta para atender
la problemática de vigilancia estatal ilegal en México**

Ciudad de México, a 1 de marzo del 2019


	<ul style="list-style-type: none">— Órgano de gobernanza del proceso nacional de la AGA en México (INAI, NOSC y Función Pública).— Responsable de la relatoría: Consultor experto en temas de seguridad, vigilancia y derechos humanos, así como de políticas públicas. <p>Rol del consultor²:</p> <ul style="list-style-type: none">— Perfil:<ul style="list-style-type: none">o Académico/a experto/a en temas de seguridad, vigilancia y derechos humanos.o Perspectiva de políticas públicas. <p>Agenda preliminar:</p> <ul style="list-style-type: none">— Inauguración— Vigilancia estatal en el mundo— Marco normativo y situación sobre vigilancia en México— Hacia el control democrático de la vigilancia estatal— Acuerdos, próximos pasos y Clausura	
2	<p>Documento de propuestas de política para la prevención y control vigilancia estatal.</p> <p>Objetivo: Identificar, sistematizar y articular propuestas de política pública para prevenir y controlar la vigilancia estatal, identificando actores e instituciones relevantes.</p> <p>Resultado:</p> <ul style="list-style-type: none">— Borrador de documento con recomendaciones de política para la prevención y control vigilancia estatal. <p>Responsable:</p> <ul style="list-style-type: none">— Consultor experto en temas de seguridad, vigilancia y derechos humanos, así como de políticas públicas. <p>Acciones:</p> <ul style="list-style-type: none">— Llevar a cabo consultas, entrevistas, sesiones y talleres con actores clave.	26 de marzo a 24 de mayo
3	<p>Diseño de la política pública para la prevención y control de vigilancia estatal y ruta de implementación.</p> <p>Objetivo: definir las acciones concretas de política pública con los actores responsables y valorar la posibilidad de convertir estas acciones en un compromiso proactivo del Cuarto Plan de Acción.</p> <p>Resultado:</p> <ul style="list-style-type: none">— Documento final de recomendaciones de política para la prevención y control vigilancia estatal.— Ruta de implementación: Documento con las acciones concretas a implementar para la prevención y control de vigilancia estatal, señalando actores, tiempos y productos.— Determinación de acciones a incluir como compromisos en el Cuarto Plan de Acción. <p>Responsable:</p> <ul style="list-style-type: none">— Consultor experto en temas de seguridad, vigilancia y derechos humanos, así como de políticas públicas.	junio a agosto

² La participación del consultor depende de la disponibilidad de recursos de los integrantes del Órgano de gobernanza del proceso nacional de la AGA en México (INAI, NOSC y Función Pública). En su caso, estas actividades las realizarán sus integrantes.

ACUERDO de la hoja de ruta para atender la problemática de vigilancia estatal ilegal en México

Ciudad de México, a 1 de marzo del 2019

	<ul style="list-style-type: none">— Grupos de trabajo integrados por actores relevantes (sociedad civil, expertos de diversas disciplinas, servidores públicos de distintas instituciones). <p>Acciones:</p> <ul style="list-style-type: none">— Realizar sesiones de validación de la ruta de implementación.	
4	<p>Seguimiento de las acciones de política definidas.</p> <p>Objetivo: Monitorear que las acciones de política definidas para prevenir y controlar las prácticas de vigilancia estatal se implementen de conformidad con el alcance y visión acordada.</p> <p>Resultado: Acciones de seguimiento y rendición de cuentas sobre la implementación de las acciones de política definidas.</p> <p>Responsable:</p> <ul style="list-style-type: none">— Órgano de gobernanza del proceso nacional de la AGA en México (INAI, NOSC y Función Pública).— Grupos de trabajo integrados por actores relevantes (sociedad civil, expertos de diversas disciplinas, servidores públicos de distintas instituciones). <p>Acciones:</p> <ul style="list-style-type: none">— Conformar grupos de trabajo para el monitoreo y seguimiento de las acciones de la ruta de implementación.	a partir de agosto



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