

# Justice and Open Gov in the Americas

*América Abierta, September 2022*

## OVERVIEW

The justice system is one of the primary ways people protect their rights and hold their governments to account. OGP members are increasingly using their action plans to advance justice reform, particularly in the Americas. For example, countries in the region have made nearly half of all open justice commitments in OGP, and these commitments produce more results than commitments in other areas. Justice institutions are also becoming increasingly involved in the OGP process. However, several opportunities for further action remain.

### Recommendations

OGP members in the region could consider action in the following areas:

- **Access to justice:** Measure legal need, increase the legal empowerment of individuals and communities, improve access to well-funded sources of legal help, reform justice systems to be more people-centered, and evaluate justice system outcomes.
- **Open justice:** Involve new actors in the reform process to expand open justice reform beyond the courts to areas such as law enforcement, criminal justice, the penitentiary system, and prosecutors.
- **Justice for accountability:** Build and strengthen accountability institutions to safeguard the foundational elements of open government, such as grievance mechanisms, ombudsmen, and appeals processes.

## RESOURCES

In-depth information on justice and open government can be found in the [Justice Policy Series](#) (EN, ES, FR), including:

- Part I: Access to Justice
- Part II: Open Justice
- Part III: Accountability for Democratic Renewal



Justice systems in Latin America face severe and complex challenges. Based on lessons learned from 10 years of OGP reforms, [Open Justice in the Open Government Partnership: Achievements and Challenges in Latin America](#) (ES) provides justice-related recommendations for members to consider.



## COMMITMENTS IN THE AMERICAS

### Access to Justice

Nearly half of OGP countries in the Americas (45%) with an active action plan are currently implementing an access to justice commitment. 14 countries in the Americas have made a total of 37 commitments related to access to justice.<sup>1</sup>

### Open Justice

Two-thirds of OGP countries in the Americas with an active action plan are currently implementing an open justice commitment. Since 2011, 13 countries in the Americas have made a total of 71 commitments that involve open justice.<sup>2</sup>

OGP's **Justice fact sheet** contains information on justice commitments globally – including popular topics, commitment examples, and performance measures from the Independent Reporting Mechanism.



## LESSONS FROM REFORMERS



### Buenos Aires, Argentina

As a result of their participation in JusLAB, Criminal Courts 10 and 13 created open data repositories with all judgments organized by the type of felony and punishment, a description of the case, and a link to the complete decision. The court made special efforts to anonymize the data to address privacy concerns. Court 13 also published plain-language versions of its decisions. Both courts began opening hearings to the public.



### Colombia

Colombia began publishing court data, including court memoranda and decisions, information about the court's officials, and the court's agenda as part of their 2015 action plan. Through their 2017 action plan, the Council of State implemented digital tools that allow citizens to monitor the magistrate election process, submit complaints and claims online, and view documentation of court processes and requirements.



### Costa Rica

Due to distrust between Costa Ricans and their courts, Costa Rica committed to an Open Justice Policy through their 2017 action plan. This Policy created a more participatory process of running the courts, with oversight from citizens and civil society organizations. Through this commitment, the Costa Rican Judicial Branch became the first of its kind to co-create an OGP commitment with civil society.



### Uruguay

Uruguay's three justice commitments in their 2018 action plan made judicial processes more transparent by developing a system for the public to access public hearings by video and automatically export the judiciary's statistical information in open format. Through the country's 2021 action plan, Uruguay's judiciary will strengthen their system for accessing judicial files.

<sup>1</sup> Countries with an access to justice commitment include Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Jamaica, Mexico, Paraguay, Peru, United States, and Uruguay.

<sup>2</sup> Countries with an open justice commitment include Argentina, Brazil, Chile, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Panama, Paraguay, Peru, United States, and Uruguay.

