



**Alert of Permanent Secretariat of the Latin American and Caribbean  
Network for Democracy (Redlad):  
reform of the Law on Access to Public Information in El Salvador**

**February, 2013.**

**\*Unofficial translation done only for the purpose of being understood.**

The Permanent Secretariat of the Latin American and Caribbean Network for Democracy (RedLad) joins to the Grupo Promotor de la Ley de Transparencia y Acceso a la Información Pública and alert about a reform of the Law on Access to Public Information in El Salvador that violates the principle on which the law was founded.

Deputies of Frente Farabundo Martí para la Liberación Nacional (FMLN) presented to the Legislature a reform proposal that debilitate the Instituto de Acceso a la Información Pública (Institute of Access to Public Information-IAIP), which has not been made yet although it has been more of 460 days from the deadline set by law for its creation.

The IAIP is theoretically the Salvadorean entity with sanctioning power, in which citizens can exercise their right to public information about the actions of the State and all the relative with public resources or information. However, the current reform, which is now pending of veto or sanction by President Mauricio Funes, includes measures such as the repeal of the faculty of IAIP to resolve disputes relating to the classification and declassification of classified information .

Undoubtedly, the reform most questionable is in the Article 96, the reform pretend that resolutions of IAIP will be only recommendations and not mandatory as the law says. With this, when an entity does not provide the information requested, the IAIP could only recommend and not forcing so that this information is provided. Also, this would eliminate the system of sanctions and the ability of IAIP to analyze whether information is actually reserved or was described thus incorrectly or in purpose.



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The reform also aims to add new grounds for confidentiality to information even though they had been included reserves about national defense, public security or ongoing investigations. Finally, it seeks to influence the appointment of the five commissioners of the Institute by Government entities in detriment of sectoral election that the law provides. All this against the plurality, transparency and civil society participation.

The Salvadoran Catholic Church, through Archbishop José Luis Escobar, asked President Funes to veto the reform that weakens the law in question, after considering that the public information is essential in any democratic country, it adds to various requests for organizations civil society.

The Permanent Secretariat of RedLad, platform to promotion of democracy and human rights comprising more than 480 organizations, Official Member of the Civil Society Forum of OAS and Regional Chapter of the World Movement for Democracy:

Urges President Mauricio Funes to veto the amendments to the Act in question and to guarantee its citizens the freedom of access to information. The access to information is a quality inherent to the development of full democracy, real, transparent and effective.

Urges Deputies to be guarantors of free access to public information as a means of political transparency, citizen participation and anti-corruption mechanism.

Urges Civil Society Organizations Salvadoran to manifest on the reform and publicize the dangers to democracy that this entails.

Requests Salvadoran media, provide coverage of what is happening around this problematical reform and its implications for citizenship.

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