



FUNDACIÓN
DIÁLOGOS ESTRATÉGICOS

Participation of society against corruption in Argentina



Prof. Rodrigo Herrera Bravo
Chair of GTF on Participation of
Society and Open Parliament
presidencia@dialogosestrategicos.org

@roherrerabravo

GOPAC GTF on Open Parliament and Participation of Society

- ▶ Active members:
- ▶ Mr. Mardani Ali Sera (Indonesia);
- ▶ Mr. António Augusto Eduardo Namburete (Mozambique);
- ▶ Mr. Mikaele Leawere (Fiji).
- ▶ Mr. Rodrigo Herrera Bravo (Argentina);



FUNDACIÓN
DIÁLOGOS ESTRATÉGICOS



The Argentine Republic signed the UNCAC on December 10th 2003, and finished the ratification and deposit process on August 26th 2006.

Some constitutional provisions about participation of society

- ▶ Federal, representative republic (art. 1 + art. 22)
- ▶ Popular Initiative (art. 39). Some restrictions apply
- ▶ Popular consultation (art. 40)
- ▶ Participation of Consumers Associations on the Board of Regulatory Agencies of public services (art. 42)
- ▶ Associations to be considered among legitimate actors on Amparo action for rights of collective incidence and also on Habeas Data action (art. 43)
- ▶ Popular participation in criminal justice through jury trial (art.118)



Some constitutional provisions about corruption

- ▶ Art. 36: Likewise, whoever incurs in a serious intentional crime against the State that entails enrichment, will be disqualified for the time that the laws determine to hold public positions or jobs. Congress will enact a law on public ethics for the exercise of the function.
- ▶ Art. 38: Political parties are fundamental institutions of the democratic system. Its creation and the exercise of its activities are free within the respect of this Constitution, which guarantees its democratic organization and operation, the representation of minorities, the competence to nominate candidates for elective public office, access to public information and the dissemination of their ideas. The State contributes to the economic support of its activities and the training of its leaders. Political parties must publicize the origin and destination of their funds and patrimony.



Open Parliament procedures

- ▶ 2016: House of Representatives create the Modernisation, Transparency, Innovation & Democratic Enforcement Program, and the Open Parliament Network as a link with NGO specialized on parliament monitoring.
- ▶ 2018: First House of Representatives Platform on Open Data
- ▶ 2019-2021: First Platform of Open Draft of Law
- ▶ 2021-2022: Program on Open Parliament begins



Open Drafts of Law

- ▶ Draft of law's collaborative writing process
- ▶ Representatives allow citizens or NGO to participate with documents, opinions or suggestions at first step of writing through a Citizen's Intervention Platform: <https://leyesabiertas.hcdn.gob.ar>
- ▶ The platform can be used to make surveys, field research, mapping and other services both for citizens or NGOs as for MP
- ▶ Press conferences and draft presentations via zoom or meet all over the country can be organized through the platform



Participation of Society on Draft of Law

DIPUTADOS ARGENTINA

Registro

Nombre

Apellido

Email

Contraseña

Confirma la contraseña

Acepto los términos y condiciones
Ver Términos y Condiciones

Registrarse

Leyes Abiertas- Aportes- Intercambios

Red de Planificación para el Desarrollo de América Latina y el Caribe
Comisión CEPAL

ARTÍCULO 9°- Microperlas o micro esferas de plásticos. Desde la entrada en vigencia de la presente ley, se prohíbe la utilización, distribución, comercialización, producción e importación de productos cosméticos y de higiene oral de uso odontológico que incluyan microperlas o micro esferas de plástico.

Sección II. Regulaciones

ARTÍCULO 10°- Plásticos de un solo uso con destino sanitario.

Etiquetado en envoltorios. Los productos plásticos de un solo uso con destino sanitario, como por ejemplo las toallas sanitarias, tampones y aplicadores de tampones; pañales, toallitas húmedas para uso personal y doméstico; y aquellos que determine la autoridad de aplicación, deberán incorporar una marca visible, claramente legible e indeleble

Martina de marcos

Me parece medio difícil de controlar... Si llueve? Cómo se reparten las revistas? Cómo se fundamenta? Dónde?

Brenda Lis Austin
UCR

También nos pareció difícil y pensamos que puede haber varios casos que ameriten excepciones. Buscamos leyes no tan reglamentaristas (porque dp hay que cambiarlas a cada rato) sino que establezcan directrices para la autoridad de aplicación en los casos en los que no se puede detallar tanto. Aca por ejemplo, hay muchas facturas que vienen sin sobre, otras (las de los bancos) vienen en sobres papel, (salvo la ventanita pr ver el destinatario), pero hay otras, las de cable que vienen en una bolsa plástica innecesaria creo. Me parece que vale la pena hacer el intento para avanzar.

Disponible en https://leyesabiertas.hcdn.gob.ar/static/files/congreso_manual_de_usuario.pdf



An Administration more committed with transparency

- ▶ Electronic file, on line prosecution
- ▶ Implementation of digital signature with legal force
- ▶ Intensive use of TICs to engage people with the fight against corruption
- ▶ More frequent internal and external audits



Participation of Society against Corruption in Argentina: what to expect

Implementation progress and practices on:

1. engaging the public to report: the role of media and Courts
2. prevent and fight corruption: the role of basic and higher education
3. participation of society: hearings, co-writing, support
4. protection of reporting persons: the judiciary system



FUNDACIÓN
DIÁLOGOS ESTRATÉGICOS