

Civil Society Follow-up Strategy for the Québec City Plan of Action

Preliminary Results and Proposals



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FOCAL

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**Proposals for the 2003 Special Summit of the Americas:
Prepared by Participants of the Project “Civil Society Follow-Up Strategy for the
Québec City Plan of Action”**

INTRODUCTION

This document presents the preliminary results of the first phase of the Civil Society Follow-Up Strategy on the Quebec City Plan of Action, particularly as it relates to the strengthening of democracy. The proposals are the result of a project implemented by civil society organizations in 20 countries from throughout the Americas, which seeks to educate citizens and CSOs of the region about the Summit of the Americas process and the commitments made by governments during this process, highlighting how these commitments are linked to countries' development and how they affect the lives of their citizens.¹ The project collected information via a structured questionnaire using quantitative and qualitative indicators that measure the degree of implementation of the Access to Information, Freedom of Expression, Strengthening of Civil Society, Access to Justice and Independence of the Judiciary, and Decentralizations and Strengthening of Local Governments mandates from the Quebec City Plan of Action, providing for comparison of results between countries.

The project is being coordinated by Corporación Participa (Chile), in collaboration with FOCAL (Canada), the University of the Andes (Colombia), FLACSO Chile, the Regional Coordinator for Economic and Social Research – CRIES and the Inter-American Democracy Network – IADN, with funding from the Canadian International Development Agency, United States Agency for International Development, Partners of the Americas and the Inter-American Democracy Network, the Inter American Development Bank, the OSI Development Foundation and the Organization of American States.

The proposals found below, which are directed at national governments of the region as well as to the OAS, are based on the priorities identified by civil society and aim to **support governments in their efforts to promote concrete actions for the strengthening of democracy in our countries**. The CSOs participating in this project **consider it essential that these proposals be included in the declaration that will be signed by the heads of state at the Special Summit of the Americas, to take place in Monterrey Mexico on the 12th and 13th of January 2004**.

Of the mandates evaluated we consider the following the most salient given the focus of the Special Summit of the Americas:

- 1) Access to Information
- 2) Freedom of Expression
- 3) Strengthening of Civil Society

Undertaking this project has provided participants insight into the *process* of civil society participation in hemispheric processes – proposals on this topic are also included in the report.

The proposals generated for all five mandates are included in Annex II of this document.

¹ A list of all organizations participating in the project can be found in Annex I.

KEY PROPOSALS

I. ACCESS TO INFORMATION

- 1.1 Ensure the creation of laws that guarantee access to information in those countries where they do not exist. In countries where such laws exist, perfect their application so that citizens have effective and convenient access to information. For this, the following steps are necessary:
 - Standardize exceptions for access to information. The legislation in force should clearly establish the criteria used for denying information to citizens.
 - Create autonomous oversight agencies that assure compliance with the regulations governing access to information. Establish effective sanctions for officials that do not comply with the regulations.
 - Educate and inform citizens and public officials about the exercise of their right to access information.
 - Broadly promote the use of official websites at both the local and regional level with the goal of increasing transparency of official processes and increasing government responsibility.

II. FREEDOM OF EXPRESSION

- 2.1 Ensure that national legislation concerning freedom of expression is in line with international standards. Specifically, eliminate all forms of censorship, respecting the mandates established by the Inter-American Human Rights Commission.
- 2.2 Develop education, awareness raising, and training programs for citizens to encourage the exercise of their right of free expression.
- 2.3 Guarantee the protection of journalists, respect journalistic freedom, and permit free access to public information, while always respecting individual rights to privacy.
- 2.4 Promote reform of the legal structure to limit media monopolies, ensuring that media ownership is not concentrated in the hands of a few.
- 2.5 Ensure that national legislation in each country guarantees the right of association and cultural and artistic expression, and enables minority groups to express themselves freely.

III. STRENGTHENING OF CIVIL SOCIETY

- 3.1 Establish a legal entity or framework that responds to the diverse characteristics of civil society organizations and guarantees the existence of different spaces for participation at the local, national, and international levels.
- 3.2 Insist on the establishment of resources to support the organization and participation of civil society, for which there should be standardized mechanisms to receive and transfer resources, such as contracting of services, fiscal incentives, and subsidies and donations according to the characteristics of the CSOs. At the same time generate guidelines for CSOs to provide their financial records.
- 3.3 Disseminate information about the right to participate and the spaces available for participation through formal and informal education.

PARTICIPATION OF CIVIL SOCIETY IN HEMISPHERIC PROCESSES

At the regional level:

- 4.1 Create a permanent Consultative Commission, composed of CSOs accredited by the OAS, with the goal of having an ongoing dialogue and exchange with the governments during the process of preparation and implementation of Summit mandates.
- 4.2 Institutionalize a permanent space for dialogue between foreign ministers and CSOs on the official summit agenda.

At the national level:

- 4.3 Ensure that each foreign ministry holds regular meetings with CSOs with the goal of exchanging information about the Summit process.
- 4.4 Ensure that each national government prepare and widely distribute Annual Reports that highlight advances and challenges in the implementation of Summit commitments.

Such as is included in previous Summit Action Plans, the need is recognized to provide resources to strengthen the participation of CSOs in the Summit Process.

ANNEX I

List of Civil Society Organization Participants in the Project “Civil Society Follow-Up Strategy for the Québec City Plan of Action”

Country	Institution	Person(s)	E-mail
1. Canada	Focal	1. Laurie Cole	lcole@focal.ca
2. United States	Partners of the Americas	2. Cynthia Smith	csmith@partners.net
		3. Jacqueline Hamm	jhamm@partners.net
		4. Nicole Spencer	nspencer@partners.net
		5. Silvia Alonso	alianza@alianzacivica.org.mx salonso@alianzacivica.org.mx
3. Mexico	Alianza Cívica	6. Mario Espinosa	alianza@alianzacivica.org.mx learssen@yahoo.com
4. Costa Rica	Fundación del Servicio Exterior para la Paz y la Democracia (FUNPADEM)	7. Ricardo Sol	funpadem@racsa.co.cr rsol@funpadem.com
5. El Salvador	Fundación Dr. Guillermo Manuel Ungo (FUNDAUNGO)	8. Claudia Aguilar	claudia.aguilar@fundaungo.org.sv
6. Guatemala	Instituto de Investigación y Autoformación Política (INIAP)	9. Elfidio Cano	iniap@intelnet.net.gt
7. Honduras	Fundación Democracia y Desarrollo de Honduras (FDDH)	10. Miguel Angel Ferrera	fddh@edured.net
	Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH)	11. José Javier Acebedo	ciprodeh@cablecolor.hn jjacebus@yahoo.com
8. Grenada	Grenada Community Development Organization (GRENCONA)	12. Linus Spencer	grenco@caribsurf.com
9. Jamaica	Association of Development Agencies (ADA)	13. Lana Finikin	asdevgen@cwjamaica.com ada9274580@yahoo.com
10. Dominican Republic	Participación Ciudadana	14. Josefina Arvelo	p.ciudadana@codetel.net.do
11. Trinidad and Tobago	The Network of NGOs of Trinidad and Tobago for Advancement of Women	15. Kris Rampersad	network@wow.net
12. Bolivia	Centro de Estudios Estratégicos para la Integración Latinoamericana – CEEILA	16. Antonio Aranibar	anarqui60@hotmail.com ceeila@ceibo.entelnet.bo
13. Colombia	Depto. Ciencias Política, Universidad de Los Andes	17. Andrea Paola Fernández	andferna@uniandes.edu.co
14. Peru	Centro de Estudios y Promoción del Desarrollo (DESCO)	18. Eduardo Toche	etoche@desco.org.pe
15. Argentina	Asociación Conciencia	19. Ana Ward	conciencia@conciencia.org
16. Brazil	Voto Consciente	20. Rosangela Torrezan Giembinsky	giembins@uol.com.br
17. Chile	FLACSO – Chile	21. Andrés Villar	avillar@flacso.cl
	Corporación PARTICIPA	22. Andrea Sanhueza	asanhueza@participa.cl
		23. Catalina Delpiano	cdelpiano@participa.cl
		24. Daniel Marín	dmarin@participa.cl
18. Paraguay	Instituto de Derecho y Economía Ambiental (IDEA)	25. Marta Ferrara	marta.ferrara@idea.org.py
19. Uruguay	Asociación Encuentro	26. Cecilia Arozamena	arozamen@ucu.edu.uy
20. Venezuela	Coordinadora Regional de Investigaciones Económicas y Sociales – CRIES	27. Francine Jacomé	invesp@cantv.net

ANNEX II

Complete List of Proposals Presented by Participants of the “Civil Society Follow-Up Strategy for the Québec City Plan of Action”

I. ACCESS TO INFORMATION

Québec Plan of Action Commitment²

The Action Plan establishes that the governments will “work jointly to facilitate cooperation among national institutions with the responsibility to guarantee (...) access to and freedom of information, with the aim of developing best practices to improve the administration of information held by governments in regard to individuals and facilitating citizen access to that information”. It is indicated that this will contribute to the final objective of achieving transparency in public institutions and that these will be responsible to the public. It is stressed that the new information and communication technologies will play a role in achieving this end.

Proposals:

- 1.1 **Ensure the creation of laws that guarantee access to information in those countries where laws do not exist. In countries where such laws exist, perfect their application so that citizens have effective and convenient access to information. For this, the following steps are necessary:**
 - **Standardize exceptions for access to information. The legislation in force should clearly establish the criteria used for denying information to citizens.**
 - **Create autonomous oversight agencies that assure compliance with the regulations governing access to information. Establish effective sanctions for officials that do not comply with the regulations.**
 - **Educate and inform citizens and public officials about the exercise of their right to access information.**
 - **Broadly promote the use of official websites at both the local and regional level with the goal of increasing transparency of official processes and increasing government responsibility.**
- 1.2 Demand that the governments improve their information systems in order to have information that is meaningful, relevant, up to date and understandable, and that addresses the cultural diversity of the population in the relevant countries.
- 1.3 Ensure that there are adequate resources for the implementation of laws and other related norms pertaining to access to information, and that these resources are not diverted to other governmental activities.
- 1.4 Improve transparency in the management of monies intended for reserved expenses.
- 1.5 Strengthen the quality and quantity of available information on official Web pages.
- 1.6 Clarify the criteria and processes used in public biddings and make this available to the everyday citizen.
- 1.7 Increase transparency about governmental policies and the resources transferred to marginalized groups.

² The Quebec Plan of Action can be obtained at: www.oas.org.

II. FREEDOM OF EXPRESSION

Québec Plan of Action Commitment

The governments declared in the Québec Plan of Action that it was necessary to “ensure that national legislation relating to freedom of expression is applied equitably to all, respecting freedom of expression and access to information for all citizens, and that journalists and opinion leaders are free to investigate and publish without fear of reprisals, harassment or retaliatory actions, including the misuse of anti-defamation laws”.

It was also requested “to support the work of the Inter-American Human Rights System in the area of freedom of expression through a Special Rapporteur for Freedom of Expression from the IACHR, as well as proceed with the dissemination of comparative jurisprudence, and seek to ensure that national legislation covering freedom of expression is consistent with international legal obligations”.

Proposals:

- 2.1 **Ensure that national legislation concerning freedom of expression is in line with international standards. Specifically, eliminate all forms of censorship, respecting the mandates established by the Inter-American Human Rights Commission.**
- 2.2 **Develop education, awareness rising, and training programs for citizens to encourage the exercise of their right of free expression.**
- 2.3 **Guarantee the protection of journalists, respect journalistic freedom, and permit free access to public information, while always respecting individual rights to privacy.**
- 2.4 **Promote reform of the legal structure to limit media monopolies, ensuring that media ownership cannot be concentrated in the hands of a few.**
- 2.5 **Ensure that national legislation in each country guarantees the right of association and cultural and artistic expression, and enables minority groups to express themselves freely.**
- 2.6 Abrogate or modify those laws inconsistent with the principles of freedom of expression.
- 2.7 Monitor that new anti-terror dispositions or policies do not diminish civil liberties, the exercise of freedom of expression, and respect our countries' sovereignty.
- 2.8 Create formal alternative venues, different from judicial tribunals, where complaints can be submitted in relation to violations of the freedom of speech so that citizens, journalists and opinion leaders can be reassured of their rights to freely express themselves without fear of reprisal. These formal alternative venues will have the responsibility of assuring that the laws related to freedom of expression are applied; and when they are not, will have the power to enforce the sanctions established by the law.
- 2.9 Work within the legal framework in order to regulate the conditions and minimum common education needed to practice as a journalist.
- 2.10 Make the legal authorities aware of the issues of freedom of expression and the body of laws related to it.

III. STRENGTHENING OF CIVIL SOCIETY

Québec Plan of Action Commitment

In the Québec Plan of Action, the participating governments established that: “Recognizing the important role of participation by civil society in the consolidation of democracy and that this participation constitutes one of the vital elements for the success of development policies, noting that men and women have the right to participate, with equality and equity, in the decision-making processes affecting their lives and well-being, and considering that the diversity of opinion, experience and technical expertise of civil society constitute a significant and valuable resource for initiatives and responses of government and democratic institutions.” The Québec Plan of Action establishes the commitments aimed at strengthening civil society participation in hemispheric and national processes.

Proposals:

- 3.1 **Establish a legal entity or framework that responds to the diverse characteristics of civil society organizations and guarantees the existence of different spaces for participation at the local, national, and international levels.**
- 3.2 **Insist on the establishment of resources to support the organization and participation of civil society, for which there should be standardized mechanisms to receive and transfer resources, such as contracting of services, fiscal incentives, and subsidies and donations according to the characteristics of the CSOs. At the same time generate guidelines for CSOs to provide their financial records.**
- 3.3 **Disseminate information about the right to participate and the spaces available for participation through formal and informal education.**
- 3.4 Guarantee that civil society participation plays a central role in the negotiation of public policies at the local and national levels; ensuring its participation in the design, implementation, and evaluation of decisions that affect resources and that deal with strategic topics affecting the general public.
- 3.5 Identify and secure spaces for civil society participation in international fora, especially those related to the hemisphere.
- 3.6 Coordinate efforts between the state and civil society in the implementation of educational programs on social responsibility.

IV. DECENTRALIZATION AND LOCAL GOVERNMENTS

Québec Plan of Action Commitment

In the Québec Plan of Action, the participating governments recognized that: “citizen participation and appropriate political representation are the foundation of democracy, and that local governments are closest to the daily lives of citizens:

- Promote mechanisms to facilitate citizen participation in politics, especially in local or municipal government.
- Promote the development, autonomy and institutional strengthening of local government in order to promote favorable conditions for the sustainable economic and social development of their communities.
- Strengthen the institutional capacity of local governments to allow full and equal citizen participation in public policies without any discrimination, facilitate access to those services fundamental to improving citizens’ quality of life, and strengthen decentralization and the integral development of these services in part through commensurate and timely funding and initiatives that permit local governments to generate and administer their own resources.
- Promote sharing of information, best practices and administrative expertise among local government personnel, associations of local governments, community associations and the public in part by facilitating access to information and communications technologies by municipalities and by encouraging cooperation and coordination among national, subregional and regional organizations of mayors and local government.
- Stimulate international cooperation in training directors and managers of local government.”

Proposals:

- 4.1 **Assure that citizen opinion is incorporated into all decisions related to community development, strengthening the opportunities for participation, for example via citizen consultation, web sites, annual reports. Guarantee that these mechanisms of participation function in an effective manner.**
- 4.2 **Provide technical and institutional training that supports the modernization of local administrations, especially in the area of fund-raising and revenue generation.**
- 4.3 **Ensure that both responsibilities and sufficient resources are transferred from national to local governments.**
- 4.4 **Devise mechanisms and guidelines that promote transparency and accountability to citizens by local governments.**
- 4.5 **Educate citizens about their rights and duties so that they are able to participate effectively in available spaces.**
- 4.6 Guarantee that local government offices that serve the public have sufficient resources to comply with the functions established for them in the law.
- 4.7 Assure that local governments undertake integrated development plans in the medium and long term.
- 4.8 Make certain that clear regulations exist that clearly define the roles and responsibilities of the local government in relation to the national government.
- 4.9 Identify and implement mechanisms that compensate for the inequalities between municipalities.
- 4.10 Support local information systems and guarantee compliance of relevant standards, while promoting legal standards in countries that do not already have them.

V. ACCESS TO JUSTICE AND JUDICIAL INDEPENDENCE

Québec Plan of Action Commitment

In the Québec Plan of Action, the participating governments declared that it was necessary to:

1. Access to justice: “Support public and private initiatives and programs to educate people about their rights relating to access to justice, and promote measures that ensure prompt, equal and universal access to justice.

Promote cooperation to exchange experiences in alternative dispute resolution mechanisms to expedite the administration of justice, including among indigenous peoples.”

2. Independence of the judiciary: “Encourage measures to strengthen the independence of the judiciary, including transparent judicial selection, secure tenure on the bench, appropriate standards of conduct and systems of accountability.”

Proposals:

Access to justice:

- 5.1 Implement comprehensive training programs for individuals who work in the justice system (policy, judges and lawyers) on new laws, discrimination, family violence, human rights etc.**
- 5.2 Improve prison systems via rehabilitation and training programs, an expansion of prison infrastructure to eliminate overcrowding, as well as a separation of detainees according to the severity of the crime committed.**
- 5.3 Create mechanisms and laws to streamline and improve efficiency of judicial processes.**
- 5.4 Increase and efficiently distribute financial resources intended for the justice system, with the aim of increasing public programs that facilitate citizen access to justice, in both criminal and civil cases.
- 5.5 Establish wide-reaching and permanent public education programs on the rights and duties of citizens, as well as an explanation on the functioning of the justice system and mechanisms by which to access it.

Independence of the judiciary:

- 5.6 Increase the gender and ethnic representation of the Supreme Court**
- 5.7 Ensure application of transparency measures and the depoliticization in the selection of judges.**
- 5.8 Guarantee that all officials who commit crimes are appropriately sanctioned by the law.
- 5.9 Create and apply a code of ethics for the judiciary in those countries where it does not exist.

PARTICIPATION OF CIVIL SOCIETY IN HEMISPHERIC PROCESSES

Undertaking this project has provided participants some insight into the *process* of civil society participation. As such, recognizing the advances gained in regard to the participation of CSOs in regional processes and mechanisms, such as the Summit Process, the OAS, IDB, and FTAA during the last years, it is proposed that institutionalized spaces for dialogue between governments and the CSOs in the Summit Processes be formalized, specifically:

At the regional level:

- 4.1 Strengthen and deepen the space for dialogue at each SIRG between the National Coordinators and CSOs with the goal of presenting proposals and/or evaluations for the implementation of the mandates.
- 4.2 **Create a permanent Consultative Commission, composed of CSOs accredited by the OAS, with the goal of having an ongoing dialogue and exchange with the governments during the process of preparation and implementation of Summit mandates.**
- 4.3 **Institutionalize a permanent space for dialogue between foreign ministers and CSOs on the official summit agenda.**

The OAS Summit of the Americas Secretariat will be responsible for organizing this participation.

At the national level:

- 4.4 **Ensure that each foreign ministry holds regular periodic meetings with CSOs with the goal of exchanging information about the Summit process.**
- 4.5 Consider the possibility of incorporating CSO representatives into the official delegations for the SIRG and the Summits.
- 4.6 **Ensure that each national government prepare and widely distribute Annual Reports that cover advances and challenges made in the implementation of commitments obtained at the Summits.**

Such as is included in previous Summit Action Plans, the need is recognized to provide resources to strengthen the participation of CSOs in the Summit Processes.