

**Civil Society Follow-Up Strategy to the Implementation
of the Quebec Plan of Action**

CARIBBEAN REPORT REPORT II° STAGE
“Systematization of Activities of Diffusion and Incidence
in Jamaica, Grenada, Dominican Republic and Trinidad
and Tobago,”



CITIZEN PARTICIPATION IN THE SUMMIT OF THE AMERICAS

**Civil Society Follow-Up Strategy to the Implementation
of the Quebec Plan of Action
CARIBBEAN REPORT**

Coordinating Agency



Supporting Agencies

Canadian International Development Agency (CIDA)
Inter-American Development Bank (IDB)
Inter-American Council for Integral Development of the Organization of American States (CIDI/OAS)
US Agency for International Development (USAID)
Inter-American Democracy Network (IADN)
Partners of the Americas (POA)
Corporación Andina de Fomento (CAF)

The opinions expressed in this document do not necessarily reflect those of the Organizations supporting the Project, neither of its bodies or of its staff nor that of the Member States of these Institutions.

Project Citizen Participation in the Summit of the Americas

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I. INTRODUCTION

The present report corresponds to the Second Regional Caribbean Report for the Project “Civil Society Follow-up Strategy to the Implementation of the Québec Plan of Action”. This Project is being implemented in 21 countries of the Americas and is coordinated by PARTICIPA, Chile, in conjunction with the Canadian Foundation for the Americas (FOCAL), the Regional Coordinator for Economic and Social Research for Central America and the Caribbean (CRIES), Universidad de los Andes of Colombia and the Latin American Faculty of Social Sciences (FLACSO) of Chile. The Project enjoys the support of the Canadian International Development Agency (CIDA), the Inter-American Development Bank (IDB), the Inter-American Council for Integrated Development of the OAS (CIDI/OAS), the US Agency for International Development (USAID), the Inter-American Democracy Network (IADN), Partners of the Americas (POA) and the Corporación Andina de Fomento (CAF).

This Strategy is part of the Program "Citizen Participation in the Summit of the Americas", whose aim is to educate citizens and Civil Society Organizations on the Summits of the Americas processes, familiarize them with the commitments undertaken by Governments at the Summits and on how these processes relate to the development of the countries and the well-being of its citizens. In addition, the Strategy seeks to both influence the commitments the governments undertake, as well as their subsequent implementation.

The phase of the Project now being developed, dating from December 2002 to December 2005, forms part of the Follow-up Strategy Project. The objective of this Project is to provide follow-up and support the fulfillment of the Quebec Plan of Action in the thematic area of strengthening of democracy by enhancing and broadening citizen participation through a network of Civil Society Organizations designing and applying advocacy and outreach mechanisms at the hemispheric, regional and national levels.

The first phase of the Project, which took place between December 2002 and July 2004, comprised the implementation of research mechanisms to indicate the level of fulfillment of the mandates of the Plan of Action.

The themes chosen for this follow-up exercise were: a) Access to information; b) Freedom of expression; c) Local government and decentralization; d) Strengthening of civil society participation, and e) Judicial reforms and access to justice.

To carry out the investigation, a series of indicators were outlined for each of the themes and using them as a basis, questionnaires were designed to gather information related to the level of fulfillment of the Quebec mandates in each of the countries.

This document constitutes the Report of the Second Phase of the Project, developed between September 2004 and March 2005. At the national level, this second phase focused its work on outreach and advocacy actions with the aim of influencing decisions taken on specific public policies, thus overcoming the obstacles encountered.

Presented below are the principal activities carried out by ADA of Jamaica, Grenada of Grenada, Participación Ciudadana of the Dominican Republic and T&T of Trinidad and Tobago,

in the context of the implementation of the proposals chosen. Nevertheless, and as it can be seen below, it is worth emphasizing the case of Grenada affected by the passing of Hurricane Ivan in September 2004; more than 85% of the homes of the island were damaged or destroyed and approximately 70% of agriculture and infrastructure was ruined.

This report contains three vital points. Firstly, we present a summary of the situation described in the first regional report and we give a brief recapitulation of the progress achieved and the setbacks experienced up to this date. Secondly, we identify the main advocacy and outreach strategies developed in each of the countries during this second stage, to conclude with preliminary deliberations of the challenges facing the fulfilment of the mandates assessed.

II. PRESENT SITUATION AT THE REGIONAL LEVEL VIS-À-VIS THE THEMATIC AREAS THAT HAVE BEEN MONITORED

Table No.1: Proposals by theme selected in each of the countries

| COUNTRY | THEMES ¹ | | | | |
|---------------------|---------------------|----|---|-----|-----|
| | AI | FE | J | LGD | SSC |
| Grenada | X | | | | X |
| Jamaica | X | | X | | |
| Dominican Republic | X | | X | | X |
| Trinidad and Tobago | | | | | X |
| Total | 3 | 0 | 2 | 0 | 3 |

The first follow-up reports for this region showed that, in relation to the constitutional and legal aspects, the legislation on access to information in the Caribbean had achieved important progress, as of the four countries studied, Grenada is the only nation without legislation on this right. Nevertheless, and despite the progress shown, the large number of exceptions established was still a worrying fact as many times they cover the information necessary to evaluate transparency and accountability on the part of the governments. Relating to freedom of expression, this right is guaranteed by the Constitution in the four countries. Likewise, there were improvements in the process of decentralization and in the work carried out by local governments, with the exception of Grenada who still awaits the establishment of these governments. With respect to the legislation sanctioning the creation and functioning of Civil Society Organizations, it was pointed out that it was non-existent only in Grenada. Access to justice was contemplated for the four islands.

Concerning the practice of this right, it was estimated that despite the completely new legislation guaranteeing access to information, in general terms it is insufficient. Regarding freedom of expression, it was considered that only two countries had shown improvements on this theme – Grenada and Jamaica- while in the other two, the governments had not acted in conformity with the mandate. In Trinidad and Tobago, setbacks could be observed which relate to the ethnic differences existing in that nation. The weakness shown by the local governments and by the decentralization process persisted, despite the few advances in the area of transfer of financial resources. Another important restricting factor stemmed from the fact that, notwithstanding the existence of various channels of participation, the role of Civil Society Organizations is limited basically to electing officials for the local governments. Democratic deficits are significant in the local environment.

Touching upon strengthening of participation of civil society, there was progress vis-à-vis the establishment of *ad hoc* mechanisms of a consultative nature to improve the relationship between governments and Civil Society Organizations. Jamaica reported that progress had been achieved on this subject. For all nations, policies aimed at educating citizens on their rights of access to justice were evaluated as insufficient. On transparency of the Judiciary and selection of judicial

¹ AI: Access to Information; FE: Freedom of Expression; J: Justice; LGD: Local Governments; and SCS: Strengthening of Civil Society.

officials, differences were found among the countries. In Grenada and Jamaica, this issue was assessed positively, while both in Trinidad and Tobago and in the Dominican Republic it was alleged that political factors still play a vital role in the election of magistrates.

It was decided in general terms that, on legal structures, progress had been made especially in Trinidad and Tobago, the Dominican Republic and Jamaica, with Grenada presenting a weaker status as of the five thematic areas assessed, the country had no legislation on two of them. The situation is somewhat different when evaluating putting these structures into practice, as it was found that Trinidad and Tobago showed the most serious shortcomings. Despite the fact that headway was made, pending issues still exist in relation to the mandates of the Quebec Plan of Action.

Between August 2004 and March 2005 two countries of the region have shown advances regarding the thematic area of access to information. In Jamaica, the joint effort of ADA and other CSOs resulted in the creation of the Unidad de Acceso a la Información (Access to Information Unit) in the Office of the Prime Minister. Its objective is to facilitate access to public information and it is envisaged that this group will release periodic reports on the number and kind of documents requested both by Civil Society Organizations and by the citizens. Nevertheless, limitations can still be found which include lack of knowledge on the part of the public, the high cost of implementing the process, the fact that poorer sectors do not have access to computers or to Internet, as well as the technical language used in most of the documents.

In the Dominican Republic progress has been made on access to information with the enactment of Law 200-04 and with the publication, on February 2005, of Regulation 130-05 of this Law. Nevertheless, in practice, there are still restrictions on the kind of information provided by the government.

In Jamaica freedom of expression has shown advances insofar as the media publishes more information. Likewise, in a country subjected to political violence, the fact that the handling of public demonstrations is more tolerant and that they are better organized is seen as a positive sign. There has been an increase in the diversity of forms of artistic expression. However, the masculine control over key areas of information is still present, and the media tends to omit information on topics of special interest which concern the poorer and most vulnerable sectors of the population.

Touching on decentralization and local governments, Grenada has had a breakthrough situation as the subject was recently brought up by the Ministry of Finance and, as a result, an Advisory Group was created to work on this topic, a member of which is Grencoda. The legal structure in the Dominican Republic has contributed to the decentralization process and the number of Municipalities, as well as the number of City Councils providing information through Internet, has increased. Nevertheless, restrictions still exist in the transfer of funds from the national budget to the local governments.

In the case of Jamaica, positive aspects on this topic were the increase in demands for transparency on the part of the local governments and a closer cooperation with Civil Society Organizations. There is an increased effectiveness in public services, and local authorities maintain a more visible presence. Likewise, this sector is undergoing reforms both on fiscal

autonomy as well as on its legislation, since it was established that one of the basic obstacles stems from the falling into obsolescence of the present legislation. Nevertheless, problems still exist, as the lack of communication and synergy with the central government which gives little attention and support to local opportunities.

In relation to the strengthening of civil society's participation, it is important to point out that in the Dominican Republic the Congress has accepted a proposal presented during the first stage of the follow-up exercise, whereby the need was expressed to modify the legislation governing non-profit organizations; on April 2005 Law 122-05 was enacted including this modification. In addition, Grenada has invited CSOs to form part of a commission studying reforms to the Constitution, becoming a milestone event on this topic. Even though between April and May 2005 social organizations have presented their observations and recommendations on this subject, due to the slow pace of the process they are not optimistic of the results that can be achieved.

In Jamaica progress can be seen in the practice as participation has intensified both in the decision-making process as in aspects related to transparency and balancing of accounts. In addition, there is improvement in the relationship among the CSOs both at the national, Caribbean and international levels. Despite this headway, the human, technical and financial resources of Civil Society Organizations are still limited and this restricts their possibilities and capacities to participate. Women and handicapped people still face discrimination problems.

Jamaica and the Dominican Republic have shown progress on the theme of access to justice. In the latter country this improvement is observed in the new Code of Criminal Procedure of September 2004 and in laws 278-04 and 277-04 which refer to the implementation of the criminal process and the establishment of the Servicio Nacional de Defensa Pública (National Service for Public Defense), respectively. In addition, resolution No. 728-04 of the Supreme Court of Justice stipulates that all Court attorneys will be under the supervision of the Oficina Nacional de Defensa Judicial (National Office for Legal Defense). Notwithstanding, the situation in prisons continues to deteriorate as well as the irregularities committed by the Police Force.

In Jamaica, the Ministries of Justice and Education, as well as other State institutions, have intensified their educational programs on the right of access to justice. It is also worth mentioning that the Ministry of Justice has acknowledged the importance of civil society participation on discussions relating to justice and has requested that CSOs be invited to attend these debates. Nonetheless, serious limitations still exist for citizens to have real access to justice, and it can be noted that in the functioning of this system, social inequalities are reproduced. Likewise, with the debate of a new anti-terrorist law some sectors feel that the rights of citizens and freedom of expression are being restricted.

III. ACTIVITIES SECOND STAGE

It can be established that in the Caribbean region the work carried out during the first stage brought forth two priority topics: access to information and strengthening of civil society's participation, although in two countries the themes of access to justice and independence of the Judiciary were also debated.

Table No. 2: Specific proposals to improve the level of implementation of the Quebec Plan of Action, by country

| COUNTRY | PROPOSAL |
|---------------------|--|
| Grenada | <ul style="list-style-type: none"> • Reinforce communities and CSOs to face the impacts of Hurricane Ivan. • Access to the information necessary to take action to respond to this tragedy. |
| Jamaica | <ul style="list-style-type: none"> • Disseminate information on the level of fulfilment by the government of the mandates related to access to information and to justice. • Extend the knowledge citizens and CSOs have on the Summits of the Americas process, as well as on the mandates of the Quebec Plan of Action. |
| Dominican Republic | <ul style="list-style-type: none"> • Integrate CSOs to the follow-up process of the Summits of the Americas. • Disseminate information on the mechanisms available for CSOs to participate in the inter-American system. • Outline the recommendations that CSOs will submit to the Dominican government for the IV Summit of the Americas. • Inform citizens on the available instruments to have access justice. |
| Trinidad and Tobago | <ul style="list-style-type: none"> • Provide information on the Quebec Plan of Action and on its implementation process. • Strengthen community leadership, alliances between CSOs and the advocacy capacities of citizens. |

Given the impact of Hurricane Ivan, Grenada altered substantially its objectives and actions, which initially had been oriented to strengthen advocacy strategies around the topics of access to information and to justice. In practice, the circumstances led the country to concentrate most of its activities in disseminating information and in strengthening the capacities of its citizens and of Civil Society Organizations to respond to this tragedy. Together with other organizations and national networks, Grenada applied themselves to the tasks of providing assistance to the communities and to the most vulnerable sectors, thus showing capacity to respond to the needs of citizens in unforeseen circumstances.

Table No. 3: Principal advocacy and outreach activities carried out by country

| COUNTRY | PRINCIPAL ACTIVITIES |
|---------------------|--|
| Grenada | <ul style="list-style-type: none"> • Provide information to the public on the impact of Hurricane Ivan and on the actions required to face the tragedy. • Provide assistance to communities and most vulnerable sectors. • Meet and give advice to different governmental organizations. • Participate in the Taller Sobre Libertad de Expresión (Workshop on Freedom of Expression). |
| Jamaica | <ul style="list-style-type: none"> • Disseminate, through the media, the results of the National Report. • Transmit by electronic means data on access to information. • National workshops with CSOs and communities. • Consultations with citizens. |
| Dominican Republic | <ul style="list-style-type: none"> • Workshops to disseminate the new Law on Access to Public Information. • Preparation of a document on guidelines for CSOs participation in the activities of the Organization of American States (OAS). • Workshops to be held in different localities of the country to circulate the National Report. • Meeting with officials from the Ministry of Foreign Affairs. • Workshops to inform on mechanisms available for access to justice. |
| Trinidad and Tobago | <ul style="list-style-type: none"> • Dissemination of the results of the follow-up exercise in the five thematic areas through: <ol style="list-style-type: none"> 1) Publication of the National Report. 2) Publication of a summary of the National Report. 3) Offprint with the results, by theme. 4) Presentation to the media of the results achieved. • Dialogue with officials from the Ministry of Foreign Affairs. |

One of the main activities carried out by Grenada to face the tragedy which affected this nation composed of three islands, was to provide data on access to information through radio interviews concerning: 1) legal services and a clinic offering psychological assistance; and 2) assistance for the psychological needs of children (*Return to Happiness*) with the support of UNICEF. The multiple endeavours performed by this Civil Society Organization permitted that the required information reached more than 20,000 inhabitants in several rural communities and, through radioelectronic means, approximately 90,000 individuals could be informed.

In addition, meetings and consultations took place with different government bodies to provide information and advice on social issues. Several of these organizations have used as a basis for their reports and for future actions post-Hurricane Ivan, the information and analyses of Grenada. As a secondary activity, they were involved in several manifestations against the candidacy presented for the post of Attorney General, with the result that it was withdrawn. Recently they have participated in radio interviews on the topic of freedom of expression.

In Jamaica, five national workshops were held to provide data on the existing mechanisms for access to public information. Three of these meetings were carried out in alliance with the Civil Society Organization Jamaicans for Justice and with the Carter Center. On the theme of access to justice, seven national workshops were organized and three consultations with citizens. Other procedure used was the setting up of strategic meetings with various CSOs to develop a follow-up strategy to the application of the Law on Access to Information on the part of the government,

as well as to disseminate and discuss the Hemispheric Report 2005 of the Project "Citizen Participation in the Summit of the Americas". Furthermore, on the follow-up activity to the theme of access to justice, information is being prepared to promote and encourage discussion amongst citizens, while consultations are also being organized with representatives from the government, CSOs, the private sector, academicians and international organizations, including the OAS.

In the Dominican Republic, more than 100 CSOs received the report outlining the results achieved in the follow-up exercises, the proposals for the Fourth Summit of the Americas and the document informing of the spaces available within the Organization of American States for civil society participation. Likewise, broad dissemination of information has been put up on the website of Participación Ciudadana and on its News Bulletin. Having in mind the next Summit in Argentina, consultations at the national level are being organized to discuss with representatives from the government, the business sector and Civil Society Organizations the proposals to be submitted at this Hemispheric meeting.

One of the greatest achievements in Trinidad and Tobago has been the creation of a space for dialogue with the Ministry of Foreign Affairs and with local governments to discuss the themes of the follow-up strategy, it has also been possible to organize consultations regarding the themes of the Summits of the Americas. In addition, as of April 2005, two weekly radio programs are broadcast at the national level to provide information on the themes of this process. Likewise, participation in radio and television programs and also through the written press has been encouraged. Posters advertising the results were exhibited at the Biannual Conference of T&T Network (October 2004) and at the Conferencia sobre Reforma Constitucional (Conference on Constitutional Reform) (February 2005), a presentation was made of "The role of civil society" based on the results achieved in the follow-up process. The latter activity was carried out jointly with the Foro sobre Reforma Constitucional (Forum on Constitutional Reform). Finally, a draft of the Manual para la Incidencia Ciudadana (Citizen Advocacy Manual) is being prepared.

In general terms, it can be appreciated that most of the activities centered around the dissemination of information on the Summits process, as well as on the results achieved from the follow-up strategy implemented during the previous stage. Secondly, work was directed towards advocacy, particularly to the formation of alliances with other CSOs to strengthen both their participation and that of citizens in general. Lastly, it is important to point out that the relation between CSOs and different governmental organizations was reinforced through the creation of spaces for dialogue, where these topics could be discussed. Due to the short period of time available to implement the second stage, little activity is shown in the area regarding the follow-up of specific proposals.

IV. FINAL CONSIDERATIONS

For this period (August 2004 to March 2005), the Caribbean region has achieved some progress regarding the five thematic areas which were the subject of a follow-up exercise during the initial stage of the Project. It is worth mentioning that for the most part these improvements are of a legal nature and that important restrictions still persist to put the law into practice. Likewise, the increased participation of CSOs and the alliances they have formed between themselves, are considered as a positive step forward.