

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

**CENTRAL AMERICAN REPORT
II° STAGE**

**“Systematization of Activities of Diffusion and
Incidence in Costa Rica, El Salvador, Guatemala y
Honduras”**



CITIZEN PARTICIPATION IN THE SUMMIT OF THE AMERICAS

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

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I. INTRODUCTION

The present report corresponds to the Second Regional Report of Central America 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 Funpadem (Costa Rica), Probidad (El Salvador), INIAP (Guatemala), as well as Ciprodeh and FDDH (Honduras) in the context of the

implementation of the proposals chosen. This report contains three vital points. Firstly, we present a summary of the situation detected 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 the 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 |
| Costa Rica | X | | X | | X |
| El Salvador | | | | | X |
| Guatemala | | | | | X |
| Honduras | X | | X | | |
| Total | 2 | 0 | 2 | 0 | 3 |

In the First Regional Report of Central America it was specified that with regard to the legal side, on the theme of access to information little progress was shown and that the absence of a specific law governing this mandate in the four countries is worrying. On the theme of freedom of expression, despite the fact that it is guaranteed by the Constitution of all countries, it was noted that laws are still in force which restrict this right, especially in the case of El Salvador where the "desacato" law is still operative. The processes of decentralization indicate some advances, even though it was expressed that there are both legal and practical limiting factors which make the local governments even weaker. Likewise, on the topic of strengthening participation of civil society, the four countries have laws recognizing and regulating the activities of CSOs, although this legislation has no specific rules to provide financial and technical support, therefore the Organizations depend on a great part on international funding. Lastly, even though access to justice is also guaranteed by the Constitution, more setbacks than advances can be found on this theme.

In practice, governments do not provide citizens with the information they require and demand. It was concluded that, in practice, the legal vacuum results in a very limited access to information and that the data provided are scarce, irrelevant and, in many cases, obsolete and incomprehensible. The information needed to evaluate transparency in government activities and their degree of accountability is almost nil. Touching on freedom of expression, it was pointed out that progress has been made but that serious shortcomings are evident as a consequence of the concentration of ownership of the media, the pressures exerted on them and on journalists and, above all, by the high level of illiteracy and lack of schooling, an end result of the situation of poverty and inequality present in most regions of Central America.

Although the rules for the institutional strengthening of local governments are not clear, and in all the countries they depend greatly on the transfer of financial resources from the central government thus limiting their scope of activities, the theme of decentralization is the one where more progress was achieved. Even though citizen participation has enjoyed some form of institutionalized progress, it is still limited to consultation processes and no real spaces have been developed for them to participate in decision-making processes or in the execution of development projects and programs. No mechanisms are available for follow-up strategies or for the assessment of the accomplishments of local governments.

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

When evaluating the strengthening of civil society, the low level of participation becomes evident. There is progress in the opening up of spaces for dialogue and consultations between the governments and Civil Society Organizations, but, all of them *ad hoc*. No institutionalized mechanisms have been made available. As with local governments, CSOs have little influence on decision-making and execution of projects and their participation in the inter-American system is almost nil. For the most part, these processes are either unknown to Civil Society Organizations or they do not trust them. Touching on the theme of justice, it was indicated that an important part of the activities relating to the education and defense of the right of access to justice have been propelled from the CSOs who, together with the universities, are the sole institutions offering free legal services.

During the second stage of the Project, for the theme of access to information, in Costa Rica the Legislative Assembly has proposed a Bill which still needs to be debated. Nevertheless, awareness has grown in the sphere of CSOs on this subject. The obstacles and the slow pace to release public information persist and no important progress can be seen in the so-called "electronic" or "digital" government. Guatemala presents a similar situation because even though the Law has been presented for debate, it has not been approved yet by the Legislature as is also the case with the law on *habeas data*. In this country the government has expressed its political willingness to endorse the right of having a social auditing on its investments, but has not put it into practice. Likewise, in Honduras there is an on-going advocacy process to propose and pass a Law on Access to Information. In this regard, the activities of the Comité para la Libre Expresión (C-Libre) continue with the support of FDD on the basis of the results achieved in the previous stage of the follow-up exercise.

Touching on freedom of expression, in Costa Rica the main obstacle still is the fact that journalists can be indicted for supposed offenses and defamation, aggravated by the point that they are also responsible for the contents of the information they reproduce, which has been previously circulated in other means. No progress is reported on the approval of a new law on the press or on freedom of expression. Nevertheless, the press has played an important role in revealing cases of corruption, especially those involving former presidents. In Guatemala, limitations on the exercise of the right of citizens to be properly informed have been observed. The mass media have experienced difficulties to cover several demonstrations of social unrest. Setbacks in their impartiality could be perceived due both to the pressure exerted by the government and to their own economic interests.

Both Costa Rica and Guatemala show slow pace in respect of strengthening decentralization and local governments. In the first country, the government has announced that it is not able to fulfil the mandate included in the law on transfer of funds; instead of the 10% which should be transferred, the local governments are only receiving 1.2%. Tensions still exist on the issue of responsibilities. In the second country the change of government has brought about uncertainty and despair in relation to the subject of municipal autonomy.

The strengthening of participation of civil society does not show any significant improvement. Costa Rica still lacks a law ruling citizen participation and even CSOs have brought this debate to a standstill. The proposal made by the President to form an Economic and Social Council similar to the ones operating in the European countries has not materialized. The mechanisms of

"Comisiones Mixtas" (Mixed Commissions) were relinquished, even though they had been implemented for civil society participation in the legislative processes. In Guatemala progress has been achieved with the increase in the number of alliances formed and in the shared activities carried out among the different social movements resulting in the shaping of an internal process to generate proposals which go beyond sectoral and national interests. Nevertheless, it is worth mentioning that this is due to the internal processes within the CSOs which mostly carry out their duties in an environment of increasing intimidation and restriction to the right to demonstrate imposed by the government.

The process of independence of the Judiciary in Costa Rica was not reverted, even though some influence persists on the part of the political parties to be involved in the nomination of magistrates. A breakthrough in this regard has been the implementation of public selection processes to present candidates to the Legislative Assembly. The District Attorney's Office has also been reinforced. With the incorporation of the Judiciary to the "Red Institucional de Transparencia" (Institutional Network for Transparency), an improvement in their degree of accountability was perceived. Nevertheless, no advances were observed in Guatemala. Unfortunately in that country intimidation of magistrates and judicial officials still persists, especially in cases related to corruption, drug trafficking and criminal offences; in the last months, two magistrates were assassinated. One step forward was the first ruling against discrimination and racism which was enacted recently. For Honduras, and despite some progress made, it was concluded that there are important setbacks present in relation to this topic which are linked both to actions termed as corruptive and to the fact that the designation of Magistrates does not fulfil the minimum requirements established. Furthermore, the unilateral attitude of the Presidency of the Supreme Court was emphasized, which carries unfavourable repercussions to the independence of the Judiciary.

As can be observed, between August 2004 and March 2005, no significant changes took place in the region in relation to the five themes chosen for follow-up during the first stage of the Project.

III. ACTIVITIES SECOND STAGE

As mentioned previously, during this second stage the Regional Coordinators selected certain proposals presented in the National Report for a follow-up exercise and on which to focus their advocacy and outreach activities.

It can be clearly identified that the theme to which the region gave its priority was strengthening of participation of civil society. This selection can be explained, basically, for three reasons: Firstly, given the weaknesses shown by CSOs during the first stage which, in some countries, are associated with the legal problems affecting their formation. Secondly, the ignorance of CSOs on the Summits process was also apparent and the necessity to revert this tendency was foreseen. Lastly, it was considered necessary to strengthen the proposals and the participation of CSOs, having in mind the role they will play at the Fourth Summit of the Americas.

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

| COUNTRY | PROPOSAL |
|--------------------|---|
| Costa Rica | <ul style="list-style-type: none"> • To propose and provide CSOs with the necessary instruments to carry out follow-up and advocacy strategies during the Summits process. • To promote the debate on the pressing need to have a law on "Access to Information". • To encourage concrete mechanisms for the participation of CSOs in the processes to reform the judicial system. |
| El Salvador | <ul style="list-style-type: none"> • To disseminate information on the Summits of the Americas process and on the results of the implementation of the Quebec Plan of Action in the thematic area of strengthening democracy in El Salvador. • To identify mechanisms which will support the institutionalization of citizen participation in the follow-up process to the Summits at the national level. • To present proposals drafted by civil society to the Fourth Summit of the Americas. |
| Guatemala | <ul style="list-style-type: none"> • To strengthen the participation of social organizations in the Summits of the Americas process. • To seek spaces of cohesion so that CSOs can meet to discuss, in unison, the theme of citizen participation. |
| Honduras | <ul style="list-style-type: none"> • Work with an alliance of a variety of different organizations all interested in promoting advances in the national legal framework that governs access to public information and in playing an active role in the process of discussion, negotiation, and advocacy for the passage of the Law on Access to Information. • Formulate a proposal that would make the process of selecting judges more open and democratic in such a way that both would allow for gender equality and would create a mechanism of transparency that would further strengthen and legitimize the judiciary. |

In addition, Guatemala outlined three specific objectives, i.e., 1) dissemination of the National Report; 2) raise awareness in public opinion of the importance of citizen participation in multilateral events; 3) open up spaces for dialogue.

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

| COUNTRY | PRINCIPAL ACTIVITIES |
|--------------------|--|
| Costa Rica | <ul style="list-style-type: none"> • Workshops conducted for each one of the themes of the follow-up exercise (5). • Dissemination of the National Report and of the Regional Report of Central America to CSOs, government institutions and national and foreign mass media. • Dissemination of the report on "Acceso a la Información" (Access to Information) to the Journalists Association and to the Legislative Assembly, as well as to CSOs and NGOs specializing on this subject. • Working meeting with the Bar Association. • Dissemination of the report "Reforma del Poder Judicial" (Reform of the Judiciary) to government institutions, as well as to CSOs and NGOs specializing on the subject. |
| El Salvador | <ul style="list-style-type: none"> • Visits to CSOs to provide information on the activities of the second stage. • Publishing of news. • Allocates web space (www.probidad.org) for the theme of the Summits and to the Project "Citizen Participation in the Summits of the Americas". • Workshop "Voz Ciudadana en Cumbres de las Américas" (Voice of Citizens in the Summits of the Americas) with the participation of representatives of CSOs and of the government. • Preparation of educational material "Guía Ciudadana sobre Cumbres de las Americas" (Guideline for Citizens on the Summits of the Americas). • Meeting with CSOs, representatives of the government and of the OAS to identify possible formal mechanisms for the participation of civil society in the Summits process. • Workshops for consultations with citizens carried out in different municipalities of the country. • Consultation workshops with CSOs to define the strategy for their participation at the Fourth Summit. |
| Guatemala | <ul style="list-style-type: none"> • Distribution of the National Report to CSOs, government representatives and communications media. • Informative discussion meetings with officials from the Ministry of Foreign Affairs. |
| Honduras | <ul style="list-style-type: none"> • Participation in forums and working meetings within the framework of the existing network to promote access to information. • Working meetings with officials and members of the National Congress, the Supreme Court of Justice and the Dirección de la Carrera Judicial. • Together with other Civil Society Organizations (CSOs) and with the Foro Nacional de Convergencia, to promote access to information at the municipal spheres. • Leaflets and posters on the topic of access to information. • Participation in the Mesa Sectorial de Justicia within the framework of the Estrategia para la Reducción de la Pobreza (Strategy to Reduce Poverty). |

In the case of Costa Rica, the national and Central American results of the five themes with their respective proposals were circulated to approximately 100 CSOs and NGOs, as well as to 23 mass communications media, thus enabling the identification of the implemented follow-up

methodology. Likewise, the National Report and the Regional Report appeared on the pages of the website of Funpadem and of the Project with additional links to other sites. It is worth mentioning that a noticeable upsurge was experienced in the public debate of the need to have a Law on Access to Information, especially in the mass media, in the academic sector and amongst CSOs, as more than 35 of these institutions received the thematic report. Touching on the reform of the legal system, 25 CSOs and NGOs had access to the above-mentioned report, although the lack of continuity in the initiative to have debates on the subject with the Bar Association has been recognized as a limiting factor.

One of the main achievements of El Salvador was the formation of a group of CSOs interested in pursuing the Follow-up Project to the Summits and in strengthening the participation of civil society. To this end, they will prepare a plan of work for future activities. Likewise, there was an increment in the contribution made by social organizations to the preparation of proposals for the Fourth Summit, activity which is still in progress. Another important aspect was the learning process on the need to decentralize the programs, research work and public information on the subject, materializing in a series of proposals for the local and the national spheres.

The achievements in Guatemala centered around the opening up of spaces for dialogue amongst CSOs and the creation of a National Coalition for the follow-up to the Quebec Plan of Action, as well as in the rapprochement with officials of the Ministry of Foreign Affairs, which has helped to open up a space for consultations with representatives of CSOs. El Salvador, on its part, implemented advocacy activities addressed to the government and to Civil Society Organizations, as well as to the dissemination of information relating to the results of the follow-up exercise and on the Summits process in general. Also in this country, educational activities were launched targeting a wide range of citizens.

In Honduras, the main advancements relate to the inclusion of the two proposals in the agendas of other CSOs and in the alliances formed to bring forward actions to draft and hand over to the National Congress a proposal for drafting a law on access to information. In this regard, an important step forward is the favourable ruling of the Supreme Court of Justice on this law. Likewise, another important issue is the possibility of creating spaces for dialogue with different government institutions in order to move forward with these proposals.

IV. FINAL CONSIDERATIONS

Referring to the follow-up of the mandates, it can be pointed out that with respect to access to information, progress was made in Costa Rica, Guatemala and Honduras, while touching on freedom of expression, Guatemala experienced setbacks while Costa Rica experienced progress. The topic of local governments and decentralization showed no significant changes. Regarding the strengthening of civil society participation, in Costa Rica the situation remained the same, while Guatemala experienced positive developments. Touching on justice, Guatemala and Honduras presented a situation similar to that described in the First Report, while in Costa Rica some progress has been achieved.

In general terms, despite the results obtained and the fact that a larger number of CSOs are involved in the process, in El Salvador it was stressed that Civil Society Organizations are sceptical of the interest shown by the government to carry out the assessed mandates. By the same token, the implementation of the follow-up strategy to the Summits of the Americas and, specifically, the Quebec Plan of Action, give evidence of the absence of a policy on the part of the State institutions of Guatemala to translate into action the contents of the agreements and commitments undertaken as a nation, with the objective of moving forward towards democracy, peace, development and equity.

In this regard, it can be pointed out that in these four Central American countries the objectives of the second stage were fulfilled through the different successful activities focused on the outreach and advocacy strategies of the results of the first stage. In general terms, the number of Civil Society Organizations who are now cognizant of the Summits processes increased, the progress and setbacks experienced by the governments in the fulfilment of the five assessed mandates and that also, to a certain extent, spaces for dialogue have been opened on this subject between CSOs and government representatives. Nevertheless, and due to time constraints of this second stage, it was not possible to carry out an in-depth analysis of the themes chosen. Likewise, and despite the rapprochement between CSOs and representatives of government in some countries, it can be pointed out that there is still mutual mistrust which hampers the joint work in areas where there is consensus.