

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

NORTH AMERICA REPORT II° STAGE

“Systematization of Activities of Diffusion and
Incidence in Canada, United State and Mexico”



CITIZEN PARTICIPATION IN THE SUMMIT OF THE AMERICAS

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

Project Citizen Participation in the Summit of the Americas

PARTICIPA Corporation – María Luisa Santander 0321 – Providencia
Phone (562) 274-7413 – Fax (562) 274-7356 – E-mail info@sociedadcivil.org
www.sociedadcivil.org

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I. INTRODUCTION

The present report corresponds to the Second Regional North American 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 main activities carried out by Canadian Foundation for the Americas (FOCAL) of Canada, Partners of the Americas of the United States, Alianza Cívica of Mexico in the context of the implementation of the proposals selected. Firstly, we present a summary of the situation identified in the first report, complemented with information on the events which took place after the conclusion of the first report, to finalize with the activities carried out.

II. ACTIVITIES SECOND STAGE

This is the second installment of the Civil Society Follow-up Strategy to the Implementation of the Quebec Plan of Action report. Since the first regional report was completed in early 2004, there have been several advances in the three countries in North America. Canada has begun overhauling its Native justice and Legal Aid programs. Mexico is currently wrestling with freedom of information legislation. In the United States, Partners of the Americas' Center for Civil Society has developed a strategy for effectively disseminating information on the Summit and to engage civil society in dialogue and deliberation on Summit issues. There are also new issues emerging in each country. Overall, progress is being made. However, there is much more left to do in each nation.

The following sections outline the accomplishments and challenges faced by each country, and the details of the programs and publications that have allowed progress to be made.

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

PAIS	PROPUESTA				
	AI	FoE	J	SLG	SCS
Canada	X		X		
México	X	X			
USA					X

In all the five themes examined, there were relevant issues occurring in Canada that warranted further study. However, themes of Access to Justice and Access to Information have been chosen as the areas for extended study within the Canadian context. The Canadian Foundation for the Americas (FOCAL) has been following these themes as they are high on the national agenda and several related issues are currently before the government.

The events of September 11, 2001 brought the fear of terrorism to the forefront of many nations. In response to these events, in 2001 the Canadian government adopted the Anti-Terrorism, Criminal and Security Act (ATA), which is meant to protect Canada and Canadians from terrorist attacks. However, these measures give authorities increased powers and have the potential to override basic freedoms if they are not implemented with great caution, and in very limited and warranted circumstances. The ATA contains implications both for access to information and access to justice that demand close examination in the future.

Canada is also suffering the effects of a significant government corruption scandal involving a number of high-level government bureaucrats and the misuse and appropriation of millions of dollars of public money. The scandal has prompted public demands for increased transparency, accountability, improved government ethics and stricter penalties for corrupt officials. Access to Information and Access to Justice are vital in ensuring a

balance between the respect of fundamental freedoms and the need to guarantee security, and to maintain/ensure the integrity and accountability of the government.

The Mexican group Alianza Cívica has selected Access to Information and Freedom of Expression as its core themes for the second stage follow up. Alianza Cívica notes the issue of access to information is at the centre of the current national agenda. Twenty-two of 32 Mexican states now have access to information statues, but the laws are heterogeneous, and in some cases need immediate reforms to comply with recognized standards. On the issue of freedom of expression, Alianza Cívica has highlighted community radio as its main focus. The group wants to see community radio recognized under current media law. The laws provide for both rights and duties of media outlets, and Alianza Cívica wants to ensure small-scale community radio operations are offered the same protections under the law.

The United States chose Strengthening Civil Society as its theme for the second stage. Partners of the Americas' Center for Civil Society invested much of its efforts in facilitating civil society dialogue and deliberation on Summit-related issues. According to Partners' Center, it is essential that civil society participate in the Summit process by providing feedback to governments on “how citizens understand the issues facing the region”. An active civil society sector can also help governments “identify needs, prioritize issues and devise political solutions”. The Summit forums will be discussed in more detail later in this report.

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

Based on their respective investigations, all organizations involved have generated a list of recommendations specific to their selected themes.

PAIS	PROPUESTA
Canada	<ul style="list-style-type: none"> • Access to Justice: Ensure that programs such as Native Justice Reform and Legal Aid are designed and coordinated to reach the intended audience with adequate funding to ensure a positive and lasting impact. • Access to Information: Strengthen the Office of the Commissioner to Information with the funding and compliance mechanisms necessary to ensure the Canadians have prompt and equal access to information. • Access to Information and Justice: Ensure that recent Anti-Terrorism legislation does not over-ride Canadians’ right to access to information and justice that has been established and protected in the Charter of Rights and Freedoms.
Mexico	<ul style="list-style-type: none"> • Access to information: Develop a process to train in and endorse the existing legislation on this topic, thus enabling citizens to make use of this resource. Likewise, promote actions focused on giving autonomy to the Instituto Federal de Acceso a la Información (IFAI). • Freedom of expression: Promote the institutional recognition of community radios in the Ley de Medios.
USA	<ul style="list-style-type: none"> • Civil Society Strengthening: Work to keep the pressing Summit issues on the public and legislative agendas through civil society participation and public dialogue and deliberation.

Canada is in the process of reforming both its Native justice program and Legal Aid program. The Native justice reform comes at a time when First Nations peoples make up a disproportionate number of the Canadian prison population, representing just three percent of the national population, but accounting for 17 percent of the prison population. As such, the government has begun several alternative justice initiatives, including gender sensitivity and cultural training of police forces and prison officials to reduce racism, alternatives to incarceration such as “sentencing circles” and victim-offender meetings.

Canada’s reforms to its Legal Aid system are coming under harsh criticism. Funding for these services is in decline, and the provincial governments, which are responsible for the administration of justice under Canadian law, are promoting alternative dispute resolution mechanisms to fill gaps left by reduced legal aid. These alternatives include on-the-spot delivery of legal support for those declined Legal Aid, and a Family Duty Counsel to help with procedures and legal rights in custody cases. Provinces are also toughening their criteria for Legal Aid eligibility, including stricter income and net worth assessments. This has led to a decline in both applicants and approvals—though not necessarily a decline in need. It has also meant a reduction in the level of services provided to vulnerable individuals and families.

In 2004, the Canadian government received approximately 29,000 requests under the Access to Information Act. Canada’s Information Commissioner has admitted his office has major backlogs, and is understaffed to handle the number of requests. Certain types of

requests are backlogged up to one year. Repeated requests to Parliament and the Treasury Board for funding increases from the Office of the Information Commissioner have not been fulfilled. In addition, the Information Commissioner lacks the legal authority to force the government to comply with his recommendations, and can rely only on the power of persuasion with offices that are slow in retrieving records.

An issue that affects both access to information and justice is the Anti-terrorism, Criminal and Security Act (ATA). Canadians will need to carefully examine the deliberations on the ATA when the sunset clauses expire in 2006. During the reauthorization process, Canadians must ensure there is not an erosion of access to justice or information under the auspices of national security.

In Mexico, Alianza Cívica has called for greater public education and training on the Access to Information Act and how to use it. In addition, the group is working to ensure the *Instituto Federal de Acceso a la Información*, the body in Mexico charged with oversight of access to information, is completely independent of the government. Alianza Cívica is also working on redefining and clarifying the criteria for the classification of information.

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

COUNTRY	PRINCIPAL ACTIVITIES
Canada	<ul style="list-style-type: none"> • Roundtable discussion on report and Summit issues • National report circulated to 7,000-name mailing list • Reports posted on web site
Mexico	<ul style="list-style-type: none"> • Regional workshops • Lobbying legislators • Media monitoring • Reports posted on web site
USA	<ul style="list-style-type: none"> • Raised awareness of 177 CSO representatives, local government officials and academic experts during the process of writing the national report • National report and Key Findings from the national report posted on web site • Key Findings from national report widely disseminated • Convened six public forums on Summits of the Americas-related issues in San Antonio, Texas; Kansas City, Missouri; Davis, California; Chicago, Illinois; Boston, Massachusetts; and Raleigh, North Carolina • Mobilized the participation of over 240 citizens and CSO representatives in six public forums on important Summit-related issues • Published and widely disseminated the results of the public forums on key Summit-related issues

The Canadian group FOCAL has developed a roundtable series entitled “The Summit of the Americas In Focus”. It is a monthly meeting where both government officials and civil society organizations gather to discuss Summit-related issues. The results of Canada’s national report were also discussed with the audience in this important space.

FOCAL has also circulated its national report on Canada and the Summit follow-up to its mailing list, consisting of about 7,000 contacts in government, NGOs, civil society organizations, the media and the general public.

The Mexican group Alianza Cívica has similar plans to disseminate information and create dialogue. The group is organizing six regional workshops to be held in June and July of 2005. It is in the process of preparing supporting materials for the conferences to be held in the interior regions of Mexico. In addition, Alianza Cívica and other civil society groups have met with legislators and lobbied them to address Summit issues. Alianza Cívica also produces *El Monitoreo*, a periodic newsletter detailing Summit issues that have been in the news.

The United States has taken the lead in facilitating civil society dialogue and deliberation on important Summits of the Americas-related issues. Partners' Center for Civil Society organized six public forums in six cities across the United States. The forums provided a space for CSOs, volunteers, teachers, Peace Corps members, government officials and concerned citizens to dialogue and deliberate important Summit-related issues. Each forum was tailored to the interests of the community in which it was held. Some of the forums featured speakers, and some incorporated small groups discussions or public deliberation. For example, in San Antonio and Chicago, participants focused on several issues, including the environment, education, and the role of the United States in the Americas. The speakers and participants at the forum in Raleigh honed in on one topic: the complex question of immigration. All six forums began with an introduction to the Summits of the Americas. Opening remarks also provided an overview of the status in the United States of the democracy-related commitments made by the president at the Quebec Summit of the Americas.

III. FINAL CONSIDERATIONS

Canada faces several emerging issues related to access to justice, particularly regarding justice services. Currently, funding for Legal Aid services is uncertain. The selection criteria for this service are punitive, and disadvantaged Canadians have limited access to sound professional advice. Reform in the Legal Aid system will be needed to ensure Canadians have proper access to the information and advice they need to make informed decisions. Canadians will also need to be vigilant during the deliberations on the Anti-Terrorism Act when it expires in 2006.

In Mexico, Alianza Cívica will continue to push for public awareness and involvement in access to information issues. The topic is currently on the national agenda and it must remain there until the diverse information laws of Mexico's states and the national law are harmonized and less homogenous. In addition, Alianza Cívica will continue to lobby for recognition of community radio under media law. The reform is still pending, but it continues to be part of the agenda of the present national legislature.

Partners of the Americas' Center for Civil Society is committed to bringing the voices of citizens into the larger policy process by communicating the results of its public forums to decision makers and CSOs. Public forums are an important part of the policy process because they can be educational for citizens by providing them with factual information about policy challenges. Informed dialogue and deliberation can also facilitate the collective examination of policy issues and the consideration of alternative ways of addressing them. Public forums also provide a mechanism for civil society to provide feedback to governments on how CSOs and citizens understand the issues facing the region.