

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

CARIBBEAN REPORT

(DOMINICAN REPUBLIC, GRENADA, JAMAICA and TRINIDAD & TOBAGO)



CITIZEN PARTICIPATION FOR SUMMITS OF THE AMÉRICAS

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

Coordinating Agency



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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 is in line with the Project Citizen Participation in the Summit of the Americas. In its coordination efforts, PARTICIPA Corporation works in alliance 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 from Colombia, the Latin American Faculty of Social Sciences (FLACSO) of Chile and the Inter-American Democracy Network (IADN). This project started seven years ago and, at present, involves Civil Society Organizations (CSOs) from 21 countries of the Americas.

The Project seeks to educate citizens and CSOs on the Summits of the Americas processes, on the commitments undertaken by the Governments during the Summits meetings, and on how these processes are linked to the development of the countries and to the life of its citizens. It also aims at supporting efforts to influence governments in the fulfillment of the commitments they undertake.

During this six working years, two Summits of the Americas have taken place. For the Second Summit of the Americas held in Santiago, Chile (1996) the project organized two Hemispheric-wide meetings with the participation of representatives of the government, Civil Society Organizations and multilateral agencies from 34 countries. They contributed noteworthy proposals on the thematic areas of Education, Strengthening of Civil Society, the Role of Women in Eliminating Poverty and Discrimination and the Fight against Corruption. Several proposals presented by CSOs were incorporated to the Plan of Action of Santiago. For the Third Summit of the Americas, held in Quebec (2001), PARTICIPA (Chile), FOCAL (Canada) and the Esquel Foundation (USA) carried out a consultation process involving 900 Civil Society Organizations from 17 countries and formulated 243 proposals to the Summit of Quebec. More than half of these proposals were incorporated into the Final Plan of Action.

Between July 2002 and March 2005, the "Civil Society Follow-up Strategy to the Implementation of the Quebec Plan of Action" is being carried out to provide follow-up and promote the fulfillment of the Quebec Plan of Action in the thematic area of strengthening democracy. This will be undertaken through the enhancement and broadening of citizen participation with a network of CSOs designing and applying outreach and advocacy mechanisms at the Hemispheric, regional and national levels.

The selected topics to provide follow-up and support the implementation of the Plan of Action are:

- 1) Access to information
- 2) Freedom of expression
- 3) Local government and decentralization
- 4) Strengthening of civil society
- 5) Judicial reforms and access to justice

For this follow-up process a methodology was devised which permitted the use of quantitative and qualitative sources of information. A set of indicators for each of these topics was defined and on their bases questionnaires were designed for gathering information on the level of fulfillment of the Quebec mandates in each of the countries. For the topics of access to information, freedom of expression, access to justice and the autonomy of the Judiciary, questionnaires that had been applied to a group of experts, were used. For local governments and decentralization, the questionnaires were addressed to Municipal authorities as well as representatives of CSOs working for the Municipalities. Lastly, in the case of civil society participation, the questionnaires were applied to representatives of Civil

Society Organizations trying to include a wide diversity of organizations. To this end, the main topics of their agendas, their size and their coverage was examined¹.

From the results achieved, recommendations and suggestions were prepared to support the implementation of the mandates in these topics.

The results of these initiatives will be widely disseminated, as well as being used to actively support efforts to incorporate the recommendations into the final document of the Special Summit of Mexico to be held in January 2004 and in the Summit of the Americas in Buenos Aires in the year 2005.

Following we present the main results achieved in the MERCOSUR region, formed by Dominican Republic, Grenada, Jamaica and Trinidad & Tobago, for each one of the following topics:

- 1) Access to information
- 2) Freedom of expression
- 3) Local government and decentralization
- 4) Strengthening of civil society
- 5) Judicial reforms and access to justice

The presentation of these results is divided into legal subjects and into practical issues².

¹ For additional information on sources of information used in each of the countries, please refer to the national reports in www.sociedadcivil.org

² For more information on the results by country, please consult the national reports, by country, at www.sociedadcivil.org

II. RESULTS

1. ACCESS TO INFORMATION

1.1. Quebec Plan of Action Commitments

In connection with this theme, the Quebec Plan of Action establishes that the governments commit themselves to *"work together to facilitate cooperation among the national institutions responsible for guaranteeing (...) free access to information, with the aim of establishing best practices to improve the administration of information held by governments about individuals, facilitating citizens' access to this information"*.

1.2. Results

a) Legal aspects

Of the four Caribbean countries where the follow-up exercise was carried out, only Grenada lacks constitutional regulations on the right of citizens of access to information. This situation repeats itself in the frame of the current legal regulations, as this is the only Caribbean country without a specific law on this theme. During the last three years, legal structures have been approved in Jamaica, the Dominican Republic and Trinidad and Tobago guaranteeing the right of citizens of access to public information. In the case of Jamaica, it was pointed out that, at present, there is no legislative initiative to promote the enactment of a law similar to those available in the other countries, but that Law 311 from 1990 guarantees access to official statistics.

Table No. 1: Existence of constitutional references of access to information, by country

		Dominican Republic	Grenada	Jamaica	Trinidad & Tobago
Existencia de cláusulas constitucionales sobre	Libre acceso a la información	✓	X	✓	✓
	Recurso de Habeas Data	x	x	x	x

Table No. 2: Legislative Initiatives and Setbacks shown on material relating to freedom of information, by country

Country	Main legislative initiatives on freedom of information	Recent setbacks shown on material relating to freedom of information
Dominican Republic	Law 200-04 on Access to Public Information was passed on July 28, 2004. It will come into effect when the norms are established which should be by October 28, 2004.	An amendment of Law 82-79 has been approved by the Lower House in order to limit access to information regarding assets and other public servants' financial information. It has been argued that access to this type of information could create personal security problems.
Grenada	None.	
Jamaica	The Access to Information Act was passed in May 2002. It gives public access to official documents. An Amendment Bill to this Act has been tabled in Parliament but not yet passed.	

Trinidad & Tobago	The Access to Information Act was passed in 1999 and came into effect in 2001.	As a result of some successful citizen actions taken under the Act to mandate the government to release information, now it is proposing repealing the Act, in order to avoid having to release such information. Also in 2003/2004 the government, in at least 2 occasions, moved to revise the Act in Parliament to place information requested under "exemptions" –after the request had been made.
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Table Number 3: Characteristics of the laws that regulate Access to Information, by country.

The legal norms that govern access to information establish that:	Dominican Republic	Grenada	Jamaica	Trinidad & Tobago
1. Information held by the State can be requested by any person.	✓	✓	✓	✓
2. Information requests must not necessarily state the motive for which the information is solicited.	✓	✓	✓	✓
3. The government is obligated to provide all the requested information that it holds, with exceptions that are specifically specified.	✓	✓	✓	✓
4. The cases in which the State is not allowed to provide information (e.g. protection of privacy or national security) are stated in a clear and explicit manner.	✓	x	x	x
5. Exceptions to the principle of public access to information have been reduced to the bare minimum.	✓	x	x	x
6. The legal system has the authority to exercise oversight in all cases of exception to the principle of public access to information	✓	✓	s/i ³	✓
7. When a document contains a combination of both permitted and restricted information, the permitted information must be provided upon request.	✓	✓	✓	✓
8. The principle of public access to information held by the government serves as a guide to interpret the law when specific cases come up.	s/i	✓	✓	✓
9. Short time periods have been established for responses from offices where information has been requested.	✓	x	✓	x
10. When information has been unjustifiably denied, the legal system can be used as a means of recourse.	✓	✓	✓	✓
11. Persons requesting information can resort to the legal system in order to receive an explanation from the State regarding unnecessary delays	✓	✓	✓	✓
12. Clear responsibilities are established for officials providing information as well as clear sanctions for those that withhold information without sufficient justification.	✓	✓	✓	x
13. The right to request information includes the right to duplicate the requested information.	✓	✓	✓	✓
14. The costs established by the State for the search and duplication of the information must not exceed a "reasonable" amount, which in the last instance will be determined by the legal system.	✓	✓	✓	✓
15. Laws which do not comply with the principle of maximum access to information have been modified or eliminated.	✓	x	x	x

³ Without information

Although specific laws regulating access to information exist in these three Caribbean countries, limitations were pointed out on this subject. The most important restriction being that the information necessary to evaluate the transparency of government actions and accountability is not available to citizens. For Jamaica and Trinidad and Tobago it was stipulated that the coverage of documents under the category of restricted is too broad. The lack of knowledge on the part of the public in general on available information was also considered an obstacle in the exercise of this right.

b) Availability of information in practice

Although Grenada is the only country which lacks a specific law regulating access to information, it was stated that public employees are obliged to provide key information when requested and that all public archives can be consulted, even if in some cases payment has to be made to use this service. All government decisions are published in the Gaceta. Nevertheless, the general assessment was that access to public information is unsatisfactory.

In the other three countries that do have a legal set of rules, it was stated that limitations still exist, but in a varying degree. For the Dominican Republic it was reported that most of the information is available on websites which are few in number and not updated. It is interesting to note that, in Jamaica and as a result of the first phase of implementation of this Law, both an Appeals Court as well as the Department for Access to Information under the umbrella of the Ministry of Information, were formed. Nevertheless, it was considered that the information available is insufficient. As mentioned earlier, in Trinidad and Tobago the assessment is that important setbacks persist in relation to availability of information.

Table Number 4: Real Availability of Information

Disponibilidad efectiva de información	República Dominicana	Grenada	Jamaica	Trinidad & Tobago
1. Executed budget	✓	✓	x	x
2. Contracts public with private sector (licitations)	x	✓	✓	x
3. Economic measures (like international privatizations and agreements)	x	x	x	x
4. Income of the officials government	x	✓	x	x
5. Public servants' assets	✓	x	x	x
6. Voting of the legislative organs	x	✓	✓	✓
7. Situation of poverty and inequidad	✓	✓	✓	x
8. Scholastic results and other educational indicators	✓	✓	✓	x
9. Attention and other indicators of health	✓	✓	✓	x
10. Police denunciations of excessive use of the force and abuses	✓	x	✓	x
11. Denunciations of violations of human rights	✓	x	✓	x
12. Sources of public support to violence victims sexual intra-relative and abuses	✓	✓	✓	x
13. Indicators on performance of lending companies of services public (public and prevailed)	✓	x	N/A ⁴	x
14. Price and quality of consumer products	x	✓	✓	x

As can be seen, in the Dominican Republic and Jamaica a moderate degree of access to information can be found, while in Trinidad and Tobago, despite the legislation in force, this access is very limited.

⁴ Not apply

1.3 Proposals

- In Grenada promote the passing of Access to Information Act.
- Strengthen Access to Information Acts by:
 - Limiting the documents under “exemptions” to allow for greater scrutiny of public documents and government decisions.
 - Update other laws in accordance with provisions in the Freedom of Information Act.
 - Increase effectiveness of operations of the Judiciary to make the system more effective in appeals against violations of access to information provisions.
- Create more public awareness programmes to educate the public about their rights to information and mechanisms to access those rights.
- Reduce levels of illiteracy and functional illiteracy so that citizens can inform themselves about rights of access to information and take advantage of available mechanisms to access information.
- Expand the availability and outreach of new technology, especially regarding computer literacy and access to Internet services.

2. FREEDOM OF EXPRESSION

2.1. Plan of Action Commitments

The participating governments declared that it was necessary *"to ensure that national legislation on freedom of expression is applied in an equal manner to all, respecting their liberty and access to information for all citizens, and for States to ensure that journalists and opinion leaders are free to investigate and publish without fear of reprisals, harassment or vindictive actions, including the misuse of anti-defamation laws"*.

2.2. Results

a) Legal aspects

This right is guaranteed by the Constitution in the four countries reported. In the three English-speaking Caribbean countries no specific laws on freedom of expression are in force, while in the Dominican Republic Law 6132 on Freedom of Expression and Dissemination of Ideas and the General Law on Telecommunications dating from 1998 regulating radio and television broadcasting, are valid. Likewise, Jamaica has a legislation regulating the right to reply. Nevertheless, it was stated that in all these nations the constitutional and legal structures coexist with other laws which restrict this right. In the case of Grenada and Trinidad and Tobago, mention was made of those laws that rule situations of national crises and those referring to defamation, among others.

Table Number 5: Existence of constitutional references to freedom of expression, norms regarding contempt of court, and court decisions restricting freedom, by country.

Country	Constitutional references on freedom of expression	Court decisions that restrict freedom of expression	Norms regarding contempt of court
Dominican Republic	Yes	There are several national cases as well as accusations before the Inter-American Commission of Human Rights.	s/l
Grenada	Yes		s/l
Jamaica	Yes		s/l
Trinidad & Tobago	Yes	Several cases, some still pending, have been brought before courts by journalists and photographers against police, other officials and individuals for hampering or restricting performance of their duties.	Journalists have been held in contempt of court for alleged violations of court rulings not to publish.

b) Freedom of expression in practice

In the cases of Grenada and Jamaica, it was reported that there is no preoccupation regarding restrictions to this right, and that no meaningful cases of censorship have been presented recently. However, it was stated that in the other two countries limitations to the exercise of this right continue. It was highlighted that in Dominican freedom of expression is inadequate, and that some type of censorship and pressure is exerted on the media and the journalists, particularly during the former regime which ended in the year 2004.

In practice, Trinidad and Tobago faces restrictions both in the political and administrative systems. It was stressed that the government practices a significant control over the media and has had hostile attitudes towards it and towards its staff. The State uses the granting of concessions to operate as an instrument of pressure. Another important aspect in this country whose population is divided ethnically,⁴ is the notion that the government, through the official media, favors ethnic discrimination. In addition, hidden threats to journalists and censorship instances by exerting indirect pressure on financing and advertising spaces, were reported. Likewise, it was mentioned that subtle restrictions are applied to certain ethnic, gender and religious groups, or to minorities.

b.1 Characteristics of the media

With reference to the characteristics of the media, serious objections and hindrances appeared in the three countries, being Jamaica the exception. It was informed that in Grenada the main concern refers to the programs broadcast as they are mostly based on what appeals to the media owners, i.e., programs coming from North America. For Trinidad and Tobago it was manifested that ethnic and ideological differences are evident in the large media industry.

In Grenada and Jamaica a moderately high degree of confidence in the media is reported, while in Trinidad and Tobago the level of trustworthiness is low. In the latter country, television is ranked the lowest, preceded by the written press, while radio stations enjoyed a moderate level of trust. In the Dominican Republic, the index shows that even though the level of confidence in the media has decreased, they are still ranked second behind the Catholic Church

Table Number 6: Concentration of the property of mass media, by country.

Concentración de la propiedad	Dominican Republic	Grenada	Jamaica	Trinidad & Tobago
	Concentrated	Concentrated	Evenly distributed	Concentrated

b.2. Freedom of expression for citizens

Attention was drawn to the cases of Grenada and Jamaica where there is a high degree of citizen participation in the media, notably in radio broadcasting. The other two cases showed that this participation level is relatively low. Trinidad and Tobago reported that there are few opportunities of access to new technologies and that the levels of functional illiteracy restrict citizens to participate in media activities.

Restriction of freedom of expression is relatively low in this region, contrasting Jamaica, where not a single case was in evidence, with Trinidad and Tobago, where a high percentage was given.

Table Number 7: Existence of cases that restrict freedom of expression

Existence in the period 2001 – 2002 of:	Dominican Republic	Grenada	Jamaica	Trinidad & Tobago
Legal procedures against journalist based on limiting freedom of expression	x	x	x	✓
Assassination of journalists due to their work	x	x	x	x
Exile or displacement of journalists because of their work	✓	x	x	x
Obstruction in the dissemination of information	x	x	x	✓
Confiscation of publications	S/I	x	x	x
Threats against journalists	✓	x	x	✓
Pressures on the media due to the contents of their programs	x	x	x	✓
Censorship of media or others	x	x	x	✓

2.3 Proposals

- Review and modify those legal mechanisms that limit freedom of expression. Especially, revisiting and revising the libel and defamation laws to allow for investigative reporting and removal of prohibitive clauses and to make these laws less easily manipulated by the authorities and business classes.
- Revising the licensing system and media concession rules to ensure that media ownership is dispersed among larger and wider segments of the population. Implement anti-monopoly laws.
- Promote legislation that will protect journalists in those countries where it does not exist.
- Up-date and ratify international treaties regarding this issue.
- Promote the creation of a periodic follow-up mechanism for the Freedom of Speech Committee of the Inter-American Commission of Human Rights, so it can take preventive measures when needed.
- Establish minimum standards for assessing a country's level of adherence to principles of Freedom of Expression. This will include defining minimum levels of training and compensation for journalists so as to lift the quality of the profession.

- Establish training and awareness programmes for journalists to become familiar with international treaties and national mechanisms that promote freedom of expression.
- Organise a Special Hemispheric Forum on freedom of expression in order to analyse the ethical dimension of journalism as well as respect of freedom of speech.

3. LOCAL GOVERNMENT AND DECENTRALIZATION

3.1 Plan of Action Commitments

In the Plan of Action it was established that *"in recognition that adequate citizen participation and political representation constitute the foundations of democracy, and that local governments have a more significant presence in the daily lives of citizens", the governments will:*

"Promote mechanisms to facilitate citizen participation in political life, especially in local or municipal governments",

"Promote the development, autonomy and institutional strengthening of local governments, to help create favorable conditions for the sustainable economic and social development of their communities".

3.2. Results

Local⁵ governments have constitutional recognition in Grenada, the Dominican Republic and Trinidad and Tobago. It is worth noting, though, the special case of Grenada where they have not been established, even though civil society organizations have actively lobby for their implementation. No reply has been received, but recently the government formed a Citizen Advisory Committee and it is expected that this Committee will address this problem. In the case of Jamaica, it was argued that the main limitation for the decentralization process to go ahead is the absence of this constitutional recognition.

a) Autonomy of Local Governments

There are 130 municipalities in the Dominican Republic. In Trinidad, the local government is represented by 14 corporations⁶, and in Tobago it is in the hands of the Assembly of Tobago, thus giving this island a greater autonomy. In Jamaica, the local government is represented by 13 parishes and one municipality which. The creation of these organisms has given rise to the process of forming municipalities.⁷

Therefore it could be established that for Jamaica and the Dominican Republic improvements have been made in the process of decentralization, and that there is an increase of autonomy in local governments. Starting 1993, a Program of Reform of Local Governments was initiated in Jamaica, and the local authorities are developing municipal administration mechanisms. For the first time in the year 2003 a parish was given the status of municipality.

⁵ The local government has been defined as the unit responsible for the level of smaller territorial desagregación than he contemplates the political-administrative division of a country.

⁶ Divided in two "City Corporations", 3 "borough Corporations" and 9 "regional Corporations".

⁷ A Municipality defines as a municipality or district that counts on its own local government. This new branch of the local government has to its position functions similar to those of the Council of the District, nevertheless, given the nature and location of the Municipality some of the functions ampler than occur in the Council of the District are not inherent to the work of the Municipality. One hopes that the Municipality works altogether with the Council of the District, since the one is the Council that has the general responsibility for all the district.

In the Dominican Republic municipal governments are autonomous, elected by the communities and make decisions regarding the development plans which they will implement. There is a municipal law which regulates how they must function and they may also pass internal regulations which respond to their needs and specific situations. Likewise, this law establishes the portion of national budget which must be transferred to local governments and the amount depends on the number of inhabitants of each municipality. The local budget must be distributed as follows: 40% for infrastructure, 35% for social investment and 25% for personnel. However, local governments define their priorities within each item. Internal earnings depend on the administrative capacities of each local government.

In the case of Trinidad and Tobago, where there is a Ministry of Local Government, it is considered that the influence of these institutions has weakened. The central power exercises greater influence especially as a result of its financial control, and it is considered that the Ministry takes the interests of the central government more into consideration, is highly politicized and its actions are dictated by the government of the day. Likewise, the ethnic polarization of politics gives rise to marked differences between the local governments who are in the hands of the Opposition and those who favor the Governing party. Moreover, it was stated that due to the size of these islands, many of the local problems reflect national dilemmas that cannot be addressed solely at the local level.

b) Election mechanisms for authorities

In the Dominican Republic, local governments are elected every 4 years through direct and universal voting. These elections are for: Síndico(a) (Alcalde), Vice Síndico(a) and the Regidores(as), members of the local body (Concejo). The members of the Concejo elect a President and Secretary. Re-election is allowed. The Síndico(a) names administrative and other personnel. In Trinidad and Tobago, local governments are subdivided both into the political bodies formed by the mayors and the city councilors elected every three years, and into the administrative body composed, among others by an administrator and the police force appointed by the Ministry of Local Government. In Jamaica the members of the parish are elected every three years and the mayor is appointed from one of these members. Nevertheless, in the case of the new municipality of Portmore, the mayor will be elected by direct voting.

2. Local Government Tasks

Table Number 8: Local Government Tasks, by country

Country	Local Government Tasks
Dominican Republic	<ul style="list-style-type: none"> • Local Government Tasks • Boundaries for urban and suburban areas, rules and regulation plans • Opening of streets, roads, parks, squares and similar facilities • Numbering of homes and plots • Permits for all types of construction • Regulate the construction of the drainage system for rain waters and waste • Determine the areas for the construction of industries, factories and other commercial installations • Fire department • Street lighting • Authorize the establishment of telephone and telegraph services, and

	<ul style="list-style-type: none"> others • Supply potable water • Abattoirs and plants for preserving meat products • Cemeteries • Urban transport • Flow of vehicles and parking facilities • Movement of animals • Secure that citizens have access to food supplies, medical and primary health care services, as well as cultural, recreation, embellishment and sanitation benefits • Arbitration and collection of fees charged for this service • Vote, on a yearly basis, for both the income and expenditure budget
Grenada	<ul style="list-style-type: none"> • N/A
Jamaica	<ul style="list-style-type: none"> • Solid waste management. • Street lighting. • Cemeteries. • Abattoirs. • Parochial roads. • Public health. • Public parks and markets. • Minor water supply. • Public sanitary conveniences. • Disaster preparedness. • Poor relief. • Local planning for building and sub-divisions.
Trinidad & Tobago	<ul style="list-style-type: none"> • Distribution of truck borne water. • Provision, maintenance & control of all corporation buildings. • Maintenance & control of corporations' homes for the aged, child care centres. • Construction & maintenance of secondary roads. • Construction & maintenance of secondary drains & water courses. • Provision, maintenance & control of parks, recreation grounds, beaches and other public spaces. • Promotion of physical development plans within municipality. • Maintenance of state property including police stations, health centres, post offices and other government buildings. • Garbage disposal from public and private property. • Development & maintenance of sanitary landfills. • Chemical treatment for insect & vector control. • Abatement of public nuisances. • Dissemination of information for primary health care. • Co-ordination of local & regional trade fairs, athletic events & cultural displays and entertainment. • Collection & distribution of government forms. • Maintenance and control of burial grounds and crematoria. • Provision & maintenance & control of public pastures & recreation grounds. • Collection of rates and taxes. • Making of bye laws for good governance. • Naming streets and numbering of houses. • Quarries • Unemployment relief programme for short term employment.

3. Autonomy in the administration of finances

Table Number 9: Existence of a tax redistribution system, by country

Countries	Functions
Dominican Republic	The majority of the income of local governments comes from the central government. Other sources are local taxes, payment for services, international

	assistance and loans.
Grenada	N/A
Jamaica	Though local governments continue to depend on grants provided by the central government, they have been increasing their efforts to achieve financial autonomy by improving their revenue flows (today approximately 60% of their budgets come from dedicated taxes and own-source revenues).
Trinidad & Tobago	The vast majority of the income of all local governments comes from the central government, but this is only about 4% of the national budget which is recognised as inadequate. Approved allocations are not fully disbursed and are often irregular and unpredictable. Those local bodies that are controlled by the Opposition parties state problems in access to funding. Some local programmes are under the control of the central government. Local bodies collect some taxes, licence and user fees which go to the National Treasury.

In Jamaica, one of the most significant moves to improve local finance and strengthen local autonomy was the establishment of the Parochial Revenue Fund (PRF) in April 1997.

4. Legal modifications geared towards supporting decentralization

In the Dominican Republic various legal reforms have increased the number of municipalities and have contributed to strengthen the decentralization process. The review of Law 17-97 establishes that 4% of the national budget must be transferred to the local governments. In 2001 a new amendment established that it would be 6%. In 2004 they should receive 8% and 10% in 2005. A recent law created 5 brand new municipalities as of 2002. As mentioned above, since 1993 in Jamaica the Local Government Reform Programme (LGRP) has been underway and a process for legislative amendment of 21 of 29 laws has also been initiated.

In Trinidad & Tobago there have been no modifications of the legal framework that regulates or supports decentralization since 2000. A recent draft policy paper on Local Government Reform circulated in 2004, has been widely criticised in its lack of proper vision and direction to address the deficiencies. Public consultations were seen as mere formality rather than an attempt to solicit real views and solutions and recommendations.

b) Civic participation in local governments

In the Dominican and Jamaican cases there are instances of participation, but they are considered very limited. Jamaica has the committees and the councils where Civil Society Organizations can participate; likewise, new procedures for participation and for accountability have been adopted. Agreements between communities and local governments have been worked out to develop projects and activities. Nevertheless, for the majority citizens participation is restricted to electing local authorities. There is a democratic deficit, as a large part of the citizenry feels excluded from the decision-making process and receives very little information. The lack of participation is a consequence of feeling separated, of being suspicious and of lack of support for programmes offered by the local governments.

In the Dominican Republic several mechanisms are available, but real participation is limited. Some municipalities have formed Social Audit Committees and other follow-up and monitoring mechanisms. Nevertheless, in very few cases are consultations on projects

carried out and this form of participation is in its earliest stages. The majority of these organisms have set up offices for community work, but the influence perceived on decision-making processes is almost nil. It was highlighted that an opening-up process is underway in the local governments. The municipalities have a low accountability level.

In the case of Trinidad and Tobago the lack of instances of participation was reported. It was also stressed that, after complaints on the penitentiary system, most of the accusations processed annually by the Ombudsman refer to the poor functioning of the local governments. Elections are the main mechanisms of participation.

Table Number 10: Instances of participation, by country

Country	Instances of civic participation
Dominican Republic	Yes but limited. Social Audit. Committees and other follow-up and monitoring mechanisms.
Grenada	N/A
Jamaica	Yes. National Advisory Council on Local Government Reform, Parish Advisory Committees also known as Parish Development Committees and Social Development Commission. Some individual parishes have undertaken other initiatives such as: public council meetings, broadcast of council meetings on some local television stations, public readings of the budget, publication of productivity and other reports and general meetings with the public.
Trinidad & Tobago	No.

It was pointed out that in many occasions, it is Civil Society Organizations per se who are not aware of the existing mechanisms, and therefore do not use them.

Table Number 11: Civil society influence on Local Government decisions, by country

Influence of Civil Society on:	Dominican Republic	Grenada	Jamaica	Trinidad & Tobago
Budgetary decisions	Low	N/A	Low	Low
Consultations with local governments	Low	N/A	Medium	Low
Discussions about issues that directly affect the population	Low	N/A	Médium	Low
Committee work	Low	N/A	Medium	Low

There is evidence that both in the Dominican Republic as in Trinidad and Tobago there is a low level of influence, while in Jamaica some steps forward have been taken.

Table Number 12: Available websites of Local Governments, by country

Country	Existence of local government websites available for participation
Dominican Republic	In very few cases. Less than 10 of the 130 municipalities.
Grenada	N/A
Jamaica	s/i

Trinidad & Tobago	None.
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3.3 Proposals

- In the case of Granada, to develop consultation and discussion mechanisms to facilitate the implementation of local governments.
- To fortify relations and processes of consultation with organizations of the civil society - groups of women, religious groups of young people, groups - in order to promote the communitarian development and to alleviate the poverty.
- To promote qualification to form leaders in order to improve the level of individuals that not only work for the Local Government but also for Organizations of Civil Society.
- To foment the practices of transparency and responsibility within the system thus to avoid the mistrust climate that accompanies the projects that emanate of the Local Government.
- To decentralize the authority to allow to the Municipalities greater autonomy in its functions.
- Greater incorporation of the Municipalities in the decision making in the subject of the planning of the national, public and deprived sector.

4. STRENGTHENING OF CIVIL SOCIETY

4.1. Plan of Action Commitments

The governments recognizing the importance of civil society's participation in the consolidation of democracy committed themselves to strengthen CSOs participation in national and hemispheric processes. This will be accomplished through the following measures:

"The creation of public and private financing mechanisms to help strengthen the capacity of civil society organizations (CSO) to publicize their work and its results, as well as to promote social responsibility."

"The elaboration of strategies, at the national level and through the OAS, other multilateral organizations and multilateral development banks, to help increase the participation of CSO in the inter-American system and in the political, economic and social development of their countries and communities, promoting representativeness and facilitating the participation of all sectors of society. These strategies are also aimed at increasing governments' institutional capacity to receive, integrate and incorporate civil society's proposals and contributions, especially through the use of information and communication technologies."

4.2. Results

1. Laws aimed at strengthening civil society

In Grenada, the Dominican Republic and Trinidad and Tobago restrictions were found on the legal framework in respect of civil society participation. In the first case, there is no law or bill on the subject. In the second, legislation dating from 1920 is in force which does not respond to the present reality of the country and of the Civil Society Organizations. CSOs have drafted proposals to design an updated legal instrument, but their efforts have not been favourably received by the different governmental instances.

Due to the Policy to Reform the Local Government, Jamaica is at a stage of legally strengthening the participation of civil society.

Table Number 13: Existence of a legal framework that regulates the formation of CSOs, by country

Legal framework that regulates the formation of CSOs	Dominic Republic	Grenada	Jamaica	Trinidad & Tobago
	✓	x	S/I	✓

The four countries face obstacles and limitations in the relationship between Civil Society Organizations and the governments. For Trinidad and Tobago, Grenada and the Dominican Republic it was stated that the resources allocated by the governments are insufficient and for the latter it was noted that their allocations lack transparency and, in general, respond to a partisan criteria, as is the case for Trinidad and Tobago where ethnic and religious differences play a role. In the case of Jamaica, it was informed that the government and the private sector provide some funding. In all cases, financial assistance for Civil Society Organizations is provided by foreign organizations.

Table Number 14: Existence of public and private financial mechanisms aimed at strengthening CSO, by country

Countries	Public and private financial mechanisms aimed at strengthening CSO
Dominican Republic	Scarce. A decree in 2001, established that access to the national budget would be regulated by the Consejo Nacional de Seguimiento de las Asociaciones Sin Fines de Lucro (CONASAFIL). It has not met since 2003. The majority of financial assistance is provided by foreign organisations.
Grenada	Scarce.
Jamaica	Public and private financing and support has increased. The Canadian Overseas Consulate is currently collaborating with the government in the “Enhancing Civil Society” project.
Trinidad & Tobago	Occasional measures in budget create mechanisms for public or private financing of CSOs as tax incentive, such as the Community Action Resource Fund. And Community Development Fund. However, public funding is insignificant and influenced by political favouritism. There is also ethnic and religious discrimination.

2. The relationship between Government and Civil Society Organizations

There are no formal or institutionalized associations to assist in developing a relationship between the government and Civil Society Organizations, and those existing are not competent. In Grenada, a Consultative Committee was created with the participation of government officials and civil society representatives to discuss and put forward recommendations on issues of national interest. It is estimated that its functioning is inadequate. Likewise, the Ministry of Finance created an office to attend to NGOs affairs, but its performance is also considered inadequate. In Trinidad and Tobago consultations between the government and Civil Society Organizations have increased, mainly due to the pressure exerted by CSOs. On the other hand, representatives from Civil Society Organizations have been designated to form part of the Boards and Commissions established by the government. It was pointed out that one of the main limitations is the fact that CSOs do not have access to the work of the legislative bodies. While in Jamaica it is

considered that the government favours alliances with Civil Society Organizations and the private sector aimed at developing joint projects.

In the Dominican Republic joint working groups have been formed with different bodies of the Executive, as well as with consultative and advisory teams. Among others, mention can be made of the Social Audit Commissions, participation in the Boards of Directors of Public Health organizations, of Social Security and the Consultative Committee of the social cabinet, as well as to the fact that five members of civil society form part of the Advisory Council on Fight against Corruption. Nevertheless, these and other organizations are unstable, they meet irregularly, have no institutional capacity and no follow-up mechanisms are available. It is interesting to note that governments designate the representatives of civil society without prior consultation to Civil Society Organizations.

With regard to information provided by the government, the countries show differences. In the case of Grenada it was stated that the flow of information provided by the government has improved considerably during the last years, although information is received after decisions have been made. For the Dominican Republic it was pointed out that the information is scarce and limited, as well as the fact that the channels of communication do not work both ways. Citizens receive information, but they do not generate proposals. For Trinidad and Tobago it was also explained that the information received is very limited, not up-to-date and irrelevant.

3. Civil Society Participation in the Inter-American system

From the Caribbean countries, Jamaica is the only one that does not incorporate CSO representatives to official delegations. In the case of the Dominican Republic it was expressed that this occurs even though no strategies exist to improve participation of civil society in the Inter-American system. For Trinidad and Tobago it was maintained that the government has implemented a policy to increase CSOs participation in the Inter-American system and has put forward initiatives sponsored by the Inter-American Development Bank and the World Bank to incorporate social organizations to their projects.

In the frame of the Caribbean Community (CARICOM), Civil Society Organizations represented by the Caribbean Policy Development Centre (CPDC) form part of the Consultative Committee of this regional body. On several occasions they have been called upon to give assistance and express their opinions on different aspects of regional integration.

Table Number 15: Incorporation of CSOs to official delegations, by country

Incorporation of CSOs to official delegations	Dominic Republic	Grenada	Jamaica	Trinidad & Tobago
	✓	✓	x	✓

Table Number 16: Ministries of Foreign Affairs that maintain ongoing interactions with CSO, by country

Ministries of Foreign Affairs that maintain ongoing interactions with CSO	Dominic Republic	Grenada	Jamaica	Trinidad & Tobago
	✓ (ad hoc)	✓ (ad hoc)	✓ (ad hoc)	✓ (ad hoc)

4. Civil Society Organizations' criticisms of multilateral processes and international governmental forums

In the Dominican Republic criticism stems from the absence of information regarding these processes and from the lack of participation of civil society in these. In Grenada, several organizations form part of anti-globalization movements, while in Trinidad and Tobago approximately 25 Civil Society Organizations participate in these movements, mainly in the Continental Social Alliance. The principal criticisms relate to:

- Governmental forums. They are rhetoric and not oriented towards concrete actions. Promises are made but no implementation strategies are established.
- Multilateral processes. The negative impacts of the process on the rural communities are not considered.

4.3 Proposals

- Promote the design, discussions and approval of legislation regarding citizen participation.
- Implement formal civil society participation mechanisms at the national levels.
- In those countries where they do exist, establish operation rules which will make their work efficient. Develop follow-up and evaluation mechanisms.
- Develop strategies and mechanisms which will allow SCO access to national technical and financial resources.
- Develop information campaigns related to the Inter-American system.
- Design and promote a formal mechanisms for civil society participation in the Summit of the Americas process.

5. REFORM OF THE JUDICIAL SYSTEM AND ACCESS TO JUSTICE

5.1. Plan of Action Commitments

It is stated that the governments declared *that "equal access to an independent, impartial and expeditious system is a fundamental pillar of democracy and social and economic development"* and, therefore, they pledged, among other things, to:

"Support public and private initiatives and programs to educate people about their right of access to justice, and promote measures to ensure expeditious, equitable and universal access to justice."

"Promote measures to strengthen the independence of the judicial branch, for example through initiatives related to transparency in the selection of judicial officials, judges' job security, appropriate codes of conduct and accountability mechanisms."

5.2 Results

1. Access to justice

It was estimated that in the four countries no significant or ongoing programs exist aimed at educating citizens about their rights of access to justice or about the judicial system in general. The few cases provided are sporadic, incidental and restricted in coverage. As for Central America, the activities in this area come from Civil Society Organizations and international organizations who, in most cases, provide the necessary funding for programs executed at the national level.

As a result, in the Dominican Republic and in Grenada it was estimated that the knowledge citizens have about their rights of access to justice is very poor; in the first case aggravated by the conditions of illiteracy and poverty found in large segments of the population. In Grenada, with the assistance of the Organization of Eastern Caribbean States (OECS)⁸ a project on judicial and legal reforms is being developed with the aim of improving the level of knowledge of citizens on these rights. In contrast, in Trinidad and Tobago, it was reported that access to information is moderate in urban areas and tends to be lower in the rural sectors. In Jamaica, citizens are well educated about their rights of access to justice.

It was purported that both the institutional and support structures for access to justice in all the Caribbean nations are limited. Nevertheless, there is a marked difference on the issues of free legal service and the figure of the OMBUDSMAN. In Grenada, there is no free legal service as such and the State provides it only in murder cases that can end in the death penalty. Faced with this situation, the Civil Society Organizations provide legal service at a minimal cost. In Trinidad and Tobago, free legal service is not contemplated, although the government provides assistance when it is established that individuals cannot finance these costs.

Both in the Dominican Republic and in Jamaica the role of the Public Defender and free legal services are institutionalized. In the second country, the Public Defender Act was approved in 1999 and implemented during the year 2000, while in the Dominican Republic this service is considered inadequate and of poor quality as it is not a priority issue for the State. It was also pointed out that even though the law setting up the figure of the OMBUDSMAN was approved, the Chamber of Deputies has yet to initiate the process for his designation. Trinidad and Tobago do not have the figure of the OMBUDSMAN.

Table Number 17: Existence of Government Policies aimed at educating citizens about their right to access to justice, by country

Countries	Existence of Government Policies aimed at educating citizens about their right to access to justice.
Dominican Republic	There are no systematic and formal government policies aimed at educating citizens regarding their access to justice. Activities in this area are sporadic and restricted in coverage.
Grenada	Scarce. Occasional and restricted in coverage.
Jamaica	Ongoing but restricted in coverage, though programs are developed by the Attorney General's Department, Ministry of Justice (Education of Justice Unit) and Jamaican Information Service.
Trinidad & Tobago	Scarce. Occasional and restricted in coverage.

2. Independence of the Judiciary

With regard to this mandate, differences can be seen between those countries where initiatives related to transparency in the selection of authorities by merit can be found –

⁸ It is the integration system that groups to the small countries of the Eastern Caribbean which, simultaneously, comprise of the CARICOM.

Grenada and Jamaica- and those nations where the political influence can still be felt –the Dominican Republic and Trinidad and Tobago.

In the case of Grenada, it has to be mentioned that as this island is part of the judicial system of OECS, the Tribunals cover this region contributing in this way to facilitate the autonomy of the Judiciary. No political interference could be observed in the appointment processes. It is also worth mentioning that the Court of Justice for the Caribbean should become operational by the end of the year 2004.

In contrast, in the Dominican Republic problems persist and there are few accountability mechanisms. Notwithstanding, the number of citizens participating in the selection process of judges has increased, objective criteria have been established for this process and for their term in office. However, the personal history of the candidates is not published.

Table Number 18: Transparency in the selection of judicial authorities

Countries	Transparency in the selection of judicial authorities
Dominican Republic	Low and declining. In 2002 the methodology was changed and civil society was excluded from the process of proposing candidates as had been done since 1997. The influence of political parties has increased. Information about the candidates is not published.
Grenada	High. The country is part of the regional legal system that the OECS has implemented and therefore there is a high degree of transparency in the selection of authorities.
Jamaica	High. Selection by merits.
Trinidad & Tobago	Low. Appointment to the senior positions is approved by politicians and this favours the ruling Executive. Information about the candidates is not published. It is widely believed that the selection process is “cloaked in secrecy”.

Table Number 19: Number of women on the Supreme Court, by country

Number of women on the Supreme Court	Dominican Republic	Grenada	Jamaica	Trinidad & Tobago
	5 of 16 (31%)	s/i	14 of 35 (40%)	9 of 20 (45%)

5.3 Proposals

- Increased availability of finances for governments and CSOs to ensure that more training programmes, shelters, legal aid clinics and crisis centers are made available as support services that help improve access to justice.
- Governmental action to address the issue of transparency and develop faith in the court system.

III. CONCLUSION

This report has presented the results achieved in four countries of the Caribbean from the follow-up exercise carried out on the five themes analysed in two principal areas, i.e., the assessment performed on the improvement of the legal structures of these themes and second, its implementation. The conclusions show that there is a difference on the level of implementation of the mandates emanating from the Third Summit of the Americas and that in most cases, even though some progress has been made in setting up the legal structures, their implementation can be defined as poor.

With regard to constitutional and legal aspects, it is indicated that in the Caribbean important progress has taken place in respect of access to information, if account is taken for the fact that Grenada is the only nation lacking legislation on this right. Nevertheless, and despite this progress, it is still worrying that the exceptions established are very broad and in many instances they cover part of the information necessary to evaluate the transparency and accountability of the government. Relating to freedom of expression, this right is guaranteed by the Constitution in the four countries. Likewise, there are improvements in the process of decentralization and the work of the local governments, with the exception of Grenada who still awaits the establishment of these governments. With respect to the legal rules sanctioning the creation and functioning of Civil Society Organizations, it was pointed out that they were inexistent only in Grenada. Access to justice is anticipated in the four islands.

Concerning the practice of the right of access to information, it was estimated that despite the completely new legislation guaranteeing access to information, in general terms it is insufficient. With respect to freedom of expression, it was considered that only two countries have showed improvement in this theme –Grenada and Jamaica- while in the other two, the governments have not conformed with the mandate. In Trinidad and Tobago hindrances could be observed which are related to the ethnic differences existing in that nation. The weaknesses shown by the local governments and by the decentralization process persist, despite some improvement in the area of transfer of financial resources. Another important restricting factor stems from the fact that Civil Society Organizations' participation is limited basically to election of members of local governments. Democratic deficit are significant in the local environment.

Touching upon strengthening of participation of civil society, there is progress vis-a-vis the establishment of ad hoc mechanisms of dialogue to help the relationship between the governments and the Civil Society Organizations. Jamaica reported that progress has been made in that nation. In all cases, policies aimed at educating citizens about their rights of access to justice were evaluated as insufficient. Nevertheless, differences were found among the countries with respect to transparency initiatives of the Judiciary and selection of judicial officials. In Grenada and Jamaica this theme was assessed in a positive way, while both in Trinidad and Tobago and the Dominican Republic it was alleged that political factors still play a fundamental role in the election of magistrates.

Access to information

Concerning access to information, the Quebec Plan of Action establishes that the governments will work to establish best practices to improve free access of citizens to information, which needs a legal structure to guarantee this right and to facilitate citizens' access to information.

In Jamaica, the Dominican Republic and Trinidad and Tobago this right is guaranteed by the Constitution, being Grenada the exception. None of the countries has petition for Habeas Data.

The countries of the Caribbean, again with the exception of Grenada, show important advances regarding the legal structures concerning this theme, as in the last three years specific laws on access to information were approved. At present, in Grenada there is no legislative initiative on this subject, although other laws do guarantee certain aspects of this right. Among the three countries that have set legal frames, the one covering a wider range of aspects is the Dominican Republic. The two English-speaking nations show limitations in respect of explicit regulations on information which is not available. Likewise in these two cases it was found that the coverage for unavailable information is too broad. Among the two islands, Trinidad and Tobago is the one having the most serious shortcomings.

Despite the existence of legal frames, it was perceived that there are still obstacles, in practice, to obtain information. The Dominican Republic and Jamaica are the nations which present better access, even though this can be termed as moderate particularly in relation to economic and social indicators. Trinidad and Tobago is the nation suffering from a greater number of limitations. In all cases, data that could give an evaluation of the degree of transparency and accountability was not available.

It can be concluded that there are inadequacies in respect of access to information, particularly in Grenada where there is still no legislation on this subject, and in Trinidad and Tobago where restrictions still apply.

Freedom of expression

The Quebec Plan of Action states that the governments will ensure that national legislation on freedom of expression is applied in an equal manner to all, and that journalists and opinion leaders are free to investigate and publish without fear of reprisals.

In the four countries, freedom of expression is guaranteed by the Constitution, and the Dominican Republic also has Law 6132 on Freedom of Expression and Dissemination of Ideas. The four nations manifested that other laws restrict this right and that there is no provision for anti-defamation norms in any of the Caribbean countries.

Table No. 20: Comparability of legal aspects on freedom of expression by country

País	Constitutional references to freedom of expression	Anti-defamation norms
Grenada	Yes	No
Jamaica	Yes	No
República Dominicana	Yes	No
Trinidad y Tobago	Yes	No

In practice, Trinidad and Tobago, Grenada and the Dominican Republic showed concentration of ownership of the media, while Jamaica's evaluation was that it was evenly distributed. It was also reported that in this country, as well as in Grenada, there are no restrictions to freedom of expression, while in the Dominican Republic some limitations were found attributable to the previous government and related mainly to pressure exerted on

journalists. In Trinidad and Tobago it was stated that there are serious obstacles to freedom of expression, with manifestations of pressure, even legal pressure, exerted on the media and on the journalists including cases where censorship has been applied. It was also emphasized the role played by ethnic polarization on these problems.

Table 21: Ownership of the media, by country

Ownership of the media	Grenada	Jamaica	República Dominicana	Trinidad y Tobago
	Concentrated	Evenly distributed	Concentrated	Concentrated

Therefore, for this theme Jamaica shows greater progress followed by Grenada and the Dominican Republic. It is evident that in Trinidad and Tobago the degree of fulfillment of this mandate is very poor.

Local governments and decentralization

Touching on local governments, the Quebec Plan of Action states that the governments will promote mechanisms to facilitate citizen participation and will also promote the development, autonomy and institutional strengthening of local governments, to help create favourable conditions for the sustainable economic and social development of their communities.

Local governments are recognized by the Constitution in Trinidad and Tobago, the Dominican Republic and Grenada, though in the latter country these institutions are not active.⁹ There is no recognition in Jamaica, this being one of the main obstacles to implement the process of decentralization. Despite this fact, this country together with the Dominican Republic are the ones showing greater improvement in respect of this regulation. In the English-speaking island it is worth mentioning that the creation of municipalities started in the year 2003, while in the second case a legal reform took place in 2001 strengthening this process. Likewise the Dominican Republic registers a better redistribution of the budget, while it was specified that in Trinidad and Tobago the central government is continually exercising greater financial control thus debilitating the local governments. In any case, local authorities are elected through popular voting.

Mechanisms for citizen participation are formally established in the Dominican Republic and Jamaica, but not in Trinidad and Tobago. Nevertheless, serious deficit persist in this area as electoral processes are still the main mechanism for participation. It was stated that apart from the lack of political will on the part of the authorities and the lack of knowledge of the existing mechanisms on the part of the citizens, there is a feeling of suspicion, lack of support and lack of trust with respect to the initiatives undertaken by the local governments. Jamaica was the only country where Civil Society Organizations exert a medium level of influence on decision making, while in the other two countries this level was considered low.

Therefore this is the country that has shown greater improvement on this theme, followed by the Dominican Republic. Trinidad and Tobago, on the other hand, shows more setbacks than improvements in its financial redistribution, while Grenada has not fulfilled this mandate.

⁹ It is necessary to take into account that this country has an extension of 344 kilometers square and one population from around 100,000 inhabitants.

Strengthening of civil society's participation

For the strengthening of civil society, the Quebec Plan of Action establishes that the governments will create public and private financing mechanisms and will increase the participation of Civil Society Organizations in the Inter-American system and in the political, economic and social development of their communities and countries.

With the exception of Grenada, the other islands have legal frameworks regulating the formation and functioning of Civil Society Organizations. In addition, in the four islands the allocation of resources by the governments is insignificant, lacks transparency and, as in the case of Trinidad and Tobago, is influenced by political and ethnical favoritism. The majority of financial assistance to CSOs is provided by international organizations.

Table 22: Legal framework that regulates the formation of CSOs and public and private financial mechanisms aimed at strengthening CSOs

Existence of a legal framework that regulates the formation of CSOs and public and private financial mechanisms	Grenada	Jamaica	Dominic Republic	Trinidad and Tobago
Legal framework	x	✓	✓	✓
Financial mechanism	✓	✓	✓	✓
Total	1	2	2	2

In the four islands, governments and Civil Society Organizations relate through ad hoc mechanisms, which in some cases have been created but not implemented. It is essentially a consultation-information-based relationship, often as a result of the pressure exerted by the CSOs. The level of influence of these Organizations in the decision-making processes is very limited, although in Jamaica it is estimated that important advances are taking place.

Participation in the Inter-American system is carried out mainly through consultation processes sponsored by different multilateral organizations and not through the governments. Notwithstanding, with the exception of Jamaica, the governments incorporate Civil Society Organizations to official delegations. Likewise, in all the countries ad hoc mechanisms are being implemented to help improve the relations between the CSOs and the Ministries of Foreign Affairs.

Table No. 23: Incorporation of CSOs to official delegations and Ministries of Foreign Affairs that maintain ongoing interactions with CSO, by country

	Grenada	Jamaica	Dominic Republic	Trinidad and Tobago
Incorporation of CSOs to official delegations	✓	x	✓	✓
Ministries of Foreign Affairs that maintain ongoing interactions with CSOs	✓ (ad hoc)	✓ (ad hoc)	✓ (ad hoc)	✓ (ad hoc)
Total	2	1	2	2

As a result, it was considered that on this theme the countries have made significant progress.

Justice

The Quebec Plan of Action establishes that in respect of justice the governments will support initiatives and programs to educate people about their right of access to justice and will promote measures to strengthen the independence of the judicial branch through initiatives related to transparency in the selection of judicial officials.

In the four islands there is some form of government policy to educate people about their right of access to justice, but they were evaluated as sporadic, incidental and restricted in coverage. Civil Society Organizations and academic sectors have taken upon themselves this responsibility. These flaws in government policies, together with the situation of poverty and illiteracy, result in poor knowledge of citizens about their rights, except in the case of Jamaica. Only the Dominican Republic and Jamaica favour free legal services, although in the other two countries it is provided in specific cases.

Table 25: Existence of Government Policies aimed at educating citizens about their rights of access to justice, by country

	Grenada	Jamaica	Dominic Republic	Trinidad and Tobago
Existence of Government policies aimed at educating citizens on their rights of access to justice	Yes	Yes	Yes	Yes

Important differences were found in respect of the autonomy of the Judiciary and the transparency in the selection of magistrates. It is estimated that in Jamaica and Grenada the Judiciary is autonomous, and that the selection of magistrates is a process carried out through an objective assessment of their merits. While in the Dominican Republic and in Trinidad and Tobago it was pointed out that both the Executive and the Legislative powers still have a high degree of influence and that the selection of judges is mainly based on political interests.

Table No. 26: Transparency in the selection of judicial authorities

	Grenada	Jamaica	Dominic Republic	Trinidad and Tobago
Transparency in the selection of judicial authorities	High	High	Low and declining	Low

Touching upon this theme, Grenada and Jamaica are the countries showing more progress, particularly in relation to the autonomy of the Judiciary and the transparency in the selection of judicial authorities. In Trinidad and Tobago problems still exist, and in the Dominican Republic there has been a decline in the process of selecting judicial officials.

Concluding, there is progress in respect of the legal frameworks, especially in Trinidad and Tobago, the Dominican Republic and Jamaica, although Grenada shows a weaker standing, as of the five themes assessed, it is the only country lacking legislation on two of them. Nevertheless, the situation changes when the implementation of these frameworks is examined, as then it is Trinidad and Tobago the country that shows the greatest shortcomings. Even though there has been progress, the four islands of the Caribbean still have pending issues with regard to the mandates emanating from the Quebec Plan of Action.