

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

CENTRAL AMERICA REPORT
(COSTA RICA, EL SALVADOR, GUATEMALA and HONDURAS)



CITIZEN PARTICIPATION FOR SUMMITS OF THE AMÉRICAS

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

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Project Citizen Participation in the Summit of the Americas

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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

Once the information was gathered using these instruments, as well as collected from documented sources, the exercise of organizing, systematizing and analysing the data in each of the countries was carried out. The results were presented and discussed at the national workshops where, in addition, a series of proposals were tabled not only for their respective countries but also for the Hemispheric process. The final conclusions were published in the National Reports.

This Regional Report gathers and summarizes both the results and the main proposals achieved by the Fundación para la Paz y la Democracia (Funpaden) in Costa Rica, the Fundación Dr. Guillermo Manuel Ungo (FundaUngo) in El Salvador, the Instituto de Investigación y Autoformación Política (INIAP) in Guatemala, as well as the Centro de Investigación y Promoción de los Derechos Humanos in Honduras (CIROPDEH) and the Fundación Democracia y Desarrollo (FDDH) also from Honduras. Therefore, the principal achievements met and obstacles faced by the governments of these four countries in the fulfillment of the mandates they undertook at the Third Summit of the Americas, are presented. Likewise, and in accordance with the results achieved, a set of recommendations are put forward for the five themes selected, to be incorporated at the Fourth Summit of the Americas to be held in Argentina at the end of the year 2005.

II. RESULTS

1. ACCESS TO INFORMATION

1.1 Quebec Plan of Action Commitments

Relating to this theme, the Quebec Plan of Action¹ 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 citizen's access to this information"*.

1.2. Results

a) Legal aspects

The four Central American countries have constitutional articles guaranteeing free access to information. Nevertheless, they have not been further developed nor is there the political will to strengthen them. No mechanisms are available to demand their implementation. Furthermore, the requests for information presented by citizens or by Civil Society Organizations bear witness to the fact that government offices neither have the organization nor the capacity to respond to these requests. In the specific case of El Salvador, what is explicitly guaranteed by the Constitution is the right of the population to express themselves freely. If account is taken of the fact that the right of access to information is part and parcel of the right of freedom of expression as stipulated in some international treaties on human rights, then it can be concluded that the right of access to information is established.

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

		Costa Rica	El Salvador	Guatemala	Honduras
Existence of constitutional articles referring to access to information	Free access to information	✓	✓	✓	✓
	Petition for Habeas Data	x	x	x	X

Neither of these cases show specific national laws on the theme. A case in point is Honduras, where access to information is clearly defined, but in the Municipal Law. Jurisprudence on this subject can be found in Costa Rica, established by the rulings of the Sala Constitucional (Constitutional Court) and by the Municipal Code granting free access to information. Likewise, Costa Rica, Honduras and Guatemala have Bills awaiting discussion and approval in the legislative power. It is worth emphasizing that none of these countries reported recent drawbacks in laws restricting freedom of information.

For El Salvador, it was reported that even though there is no specific limitation and citizens have the faculty to request information from any power of the State, legislations still persist restricting access to public information on specific issues (among others, Civil Service Law, Law on the Intelligence Agency of the State, and on the Code of Criminal Procedure).

¹ The Quebec Plan of Action can be accessed at www.oas.org

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

Country	Main legislative initiatives on freedom of information	Recent backward movements in the matter of freedom of information
Costa Rica	Initiative tabled by Civil Society Organizations. Resistance on the part of the legislative power to approve it	
El Salvador	Initiative tabled by Civil Society Organizations (APES)	
Guatemala	Law on free access to public and private information introduced in the year 2002 is being discussed in Congress (third reading)	
Honduras	In January 2004, the Habeas Data Law was approved, but needs to be ratified A Law on access to information tabled by Civil Society Organizations is being debated	

Although no specific laws are available on this theme, some items are found within the legal framework in force in the four countries which guarantee and rule to a certain degree access to information. It was also pointed out that there are other laws restricting this right.

Table No. 3: Characteristics of the laws that regulate Access to Information, by country

The legal norms that govern access to information establish that:	Costa Rica	El Salvador	Guatemala	Honduras ²
1. Information held by the State can be requested by any individual	✓	✓	✓	✓
2. Information requests must not necessarily state the motive for which the information is solicited	x	✓	✓	X
3. The government is obliged to provide all the requested information it holds, with exceptions that are clearly specified	✓	✓	x	N/A
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	N/A
5. Exceptions to the principle of public access to information have been reduced to the bare minimum	X	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	N/A
7. When a document contains a combination of both permitted and restricted information, the permitted information must be provided upon request	x	x	x	N/A
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	x	x	s/i	N/A

² The propose law includes several of them point but not yet it has been approved, reason why it does not apply (N/A) in several cases.

³ Without information.

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	✓	✓	s/i	N/A
11. Persons requesting information can resort to the legal system in order to receive an explanation from the State regarding unnecessary delays	✓	✓	s/i	N/A
12. Clear responsibilities are established for officials providing information, as well as clear sanctions for those that withhold information without sufficient justification	x	x	x	N/A
13. The right to request information includes the right to duplicate the requested information.	x	x	x	N/A
14. The proposed law comprises several of the issues, but as it is still pending approval, it is termed Not applicable (N/A) in several cases.	✓ ⁴	x	s/i	N/A
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	x	x	x	N/A
15. Laws which do not comply with the principle of maximum access to information have been modified or eliminated	x	x	x	N/A

These results validate the assumption applicable to the four countries, i.e., that the absence of a specific legislation regulating access to information is the main restriction citizens face in relation to this mandate.

2. Availability of information in practice

This legal vacuum limits access to information in practice and creates situations of an arbitrary nature among civil servants. In addition, for Costa Rica it was reported that citizens are not knowledgeable about their rights of access to information, and even less about the use of new technologies to access data. As a result, these instruments are underused. For El Salvador it was stated that in practice there are restrictions, especially because when requesting information held by the government, citizens must state the motive for which the information is solicited. It was also reported that a vast majority of the population has no access to information, and that this data is adequate only for some themes.

Availability of data on the budgets and finances of the various public institutions is scarce. Likewise, it was specified that the information disseminated is of a very technical nature and, therefore, difficult to understand for an important sector of the population.

With respect to the use of new technologies to disseminate information, in particular through websites, it is considered that the real contribution they offer is very low, although in Costa Rica approximately 80% of governmental institutions run a website. Nevertheless, for the four countries it was stated that they do not function properly and that, in general, the information offered is poor. Furthermore, the coverage and quality of the information provided was questionable, expressing that it was irrelevant, inopportune and incomprehensible for the majority of the citizens.

⁴ Only in the judicial cases.

Table No. 4: Real availability of information

Real availability of information	Costa Rica	El Salvador	Guatemala	Honduras
1. Government spending	✓	✓	x	x
2. Public contracts with private sector (bids)	x	x	✓	x
3. Economic measures (e.g., privatizations and international agreements)	x	x	x	x
4. Public servants' income	✓	Parcial	x	x
5. Public servants' assets	✓	x	x	x
6. Voting in Parliament	✓	✓	s/i	✓
7. Levels of poverty and inequity	✓	✓	✓	✓
8. Students' achievements and other educational indicators	✓	✓	✓	✓
9. Health care and other health indicators	✓	✓	x	✓
10. Accusations of police abuse and use of excessive force	✓	x	x	x
11. Accusations of human rights violations	✓	✓	x	✓
12. Sources of support for victims of domestic violence and sexual abuse	✓	✓	x	✓
13. Performance indicators of public or private firms that provide public services	x	x	✓	x
14. Price and quality of consumer products	✓	Parcial	x	✓

As can be appreciated, a great part of the information that can be accessed refers to social and economic indicators, as well as to accusations of human rights violations and sources of support for victims of violence. With the exception of Costa Rica, these issues are interrelated to the internal armed conflict of the 1970s and 1980s and the subsequent Peace Accord in El Salvador and Guatemala. It is important to note that in a great number of cases it is not possible to access the information needed to assess transparency in the public sector and in public servants actions, as well as to evaluate accountability.

1.3 Proposals

- 1.3.1. Promote the approval of a Law on Access to Public Information clearly stipulating the procedures to be followed to access the information and the responsibilities of the functionaries as well as the criteria used to deny information.
- 1.3.2. Encourage discussion and modification of those legal instruments restricting free access to information.
- 1.3.3. Promote the availability of necessary information to measure the degree of transparency and accountability of governments and their functionaries.
- 1.3.4. Create mechanisms by which citizens can have real access to information and that the data obtained comply with the requirements of quality, relevance and appropriateness.
- 1.3.5. Encourage the application of training programs on technologies available to access information, so as to increase its use by the citizens.

2. FREEDOM OF EXPRESSION

2.1. Plan of Action Commitments

The Plan of Action⁵ declared that the governments "will ensure that national legislation on freedom of expression is applied in an equal manner to all, respecting this 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

In the four countries studied, freedom of expression is envisaged in the Constitution. Nevertheless, none of the countries have a specific law regulating its diverse aspects. In the case of Costa Rica, even though penal and civil laws do exist that regulate this right, they are considered inadequate and, at present, two Bills are being discussed in the Legislative Assembly. Nevertheless, it is estimated that these Bills relate to the specific interest of the proposing parties: the School of Journalism and the Directors of the Media, leaving a vacuum with respect to proposals seeking to strengthen citizen participation.

Likewise, several articles in the Penal Codes of the countries of the region restrict freedom of expression. In El Salvador the offense of "desacato" appears in the Penal Code, nevertheless this offense must be interpreted with respect to the article of exclusion of offenses established in that same Code.

Table No. 5: Existence of constitutional references to freedom of expression, norms regarding contempt of court (desacato), and court decisions restricting freedom, by country

Country	Constitutional references on freedom of expression	Norms regarding contempt of court (desacato)	Court decisions that restrict freedom of expression
Costa Rica	Yes	No ⁶	A journalist was charged for slander and libel offenses. A complaint against the government has been presented to the Inter-American Commission on Human Rights (IACHR) on this case
El Salvador	Yes	No	Several journalists and editors have been processed for slander and libel offenses, but none has been charged
Guatemala	Yes	No	No cases have been reported
Honduras	Yes	No	Three journalists were processed for the offense of slander in 2004

The governments are party to several international treaties on the subject, but in practice these are not observed. For the four cases, complaints have been presented to the Commission and, as shown in the above table, the Government of Costa Rica is facing a

⁵ The Quebec Plan of Action can be accessed at www.oas.org

⁶ It was countermanded in 2002.

process by which the country’s legislation on freedom of expression is under scrutiny. In due course, the resolution taken in this case will have to be complied with.

2. Freedom of expression in practice

2.1 Characteristics of the media

All the countries show progress relating to the practice of freedom of expression. For Costa Rica and Honduras no important restrictions were found but in the case of Costa Rica only those proper to the application of laws considered obsolete. In this country it was reported that the indigenous and afro-Costa Rican sectors are claiming greater space and presence in the media and that some pressure has been exerted on indigenous peoples to prevent them from publishing their views on specific subjects.

For El Salvador it was stated that the media critical of the government are a minority and that official and private publicity is used as mechanisms to exert pressure; the media is either punished or rewarded depending on their editorial and informative publications. Also in this country self-censorship is practiced.

Costa Rica reports a high level of trust in the media on the part of the population , contrasting with El Salvador where even though there is a general sense of trust, an important segment of the population (almost 30%) considers that the media is not trustworthy.

All the countries assessed show that media ownership is concentrated mostly in the hands of economic and political interests. This situation generates a level of manipulation of public opinion and lack of information in the citizens.

Table No. 6: Concentration of ownership of the media, by country

Concentration of ownership	Costa Rica	El Salvador	Guatemala	Honduras
	Concentrated in the case of TV stations and national newspapers Less concentrated in respect of radio stations and local media	Concentrated	Concentrated	Concentrated

2.2. Freedom of expression of citizens

It was highlighted that the levels of schooling and illiteracy limit the real possibilities of the population to express themselves and inequalities exist in respect of women. Notwithstanding the limitations, it was reported that important progress has been achieved regarding freedom of expression since the signing of the Peace Accords in El Salvador.

Table No. 7: Existence of cases that restrict freedom of expression

Existence in the period 2001 – 2002 of:	Costa Rica	El Salvador	Guatemala	Honduras
Legal procedures against journalists based on limiting freedom of expression	✓	x	x	✓
Assassination of journalists in the course of 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	x
Evidence of confiscation of publications	x	✓	✓	x
Evidence of threats against journalists	x	✓	x	x
Pressure on the media because of the content of their programs Censorship of media	x	✓	x ⁷	x

With the exception of Costa Rica, and in contrast with previous years marked by violent conflicts, both the journalists and the media have experienced significant progress in El Salvador, Guatemala and Honduras, even though in the first two countries some type of pressure is still exerted.

2.3. Proposals

2.3.1. Promote the debate and enactment of a Law on Freedom of Expression which includes:

- A regulation on the distribution of State publicity
- Free trade (antimonopoly rules)
- Rules and regulations governing professional relations and job-related guarantees for journalists and workers of the media sector
- Prohibition of all forms of censorship

2.3.2. Promote and strengthen the alternative means of communication.

2.3.3. Create mechanisms that ensure that governments will implement both general and specific recommendations issued by the Office of the Special Rapporteur for Freedom of Expression of the Organization of American States (OAS).

2.3.4. Establish an Observatorio Centroamericano de Libertad de Expresión (Central American Observatory for Freedom of Expression), with national sectors.

2.3.5. Implement for civil servants a training programme on freedom of expression.

⁷ An exceptional case was the censorship of a play by a local government.

3. LOCAL GOVERNMENT AND DECENTRALIZATION

3.1. Plan of Action Commitments

The Plan of Action establishes 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 favourable conditions for the sustainable economic and social development of their communities".

3.2. Results

In the four Central American countries⁸, the local governments⁹ are represented by the Municipalities. Laws regulating their powers, functions and electoral system are in force.

El Salvador has 14 departments subdivided into 262 Municipalities, Guatemala with 22 departments and a total of 331 Municipalities, Honduras with 18 departments and 298 Municipalities and Costa Rica with 81 cantons – Municipalities- also forming part of the provinces.

In the four Central American countries, municipal autonomy enjoys constitutional rank and it was pointed out that in Costa Rica as well as in El Salvador important legal steps have been taken with respect to decentralization. In the first country, significant reforms have been implemented to strengthen the political, legal, taxable as well as the administrative autonomy and, from the year 2002, popular voting to elect either male or female Mayors was introduced. In El Salvador the Municipal Code was enacted and an increase was decreed in the amount of funds transferred to the local governments. Likewise, original proposals have been put forward on this subject. The case of Honduras can be cited where the Municipal Law was enacted and also Guatemala, at present working on a National Policy on Decentralization.

Despite the progress achieved, there was consensus that the decentralization process has been neither a planned nor a coordinated procedure. Decentralization and local powers can be termed as weak, facing a number of obstacles, among which mention can be made of the following:

- Absence of a clear-cut legislation in respect of their competence or authority, thus generating relationship problems between the Municipalities and other national government offices.
- In practice, absence of a transfer system for many of the competences.
- They are still dependent on resources provided by the central government; this practice hampers their autonomy.
- Inadequate training of the male and female government employees.

⁸ 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.

⁹ Local government is defined as the elected or appointed responsible organism for a unit of the territory, contemplated in the politico-administrative division of a country.

a) Autonomy of Local Governments

1. Mechanisms to elect authorities

Starting the year 2002, Costa Rica organized the election by popular vote of male and female Mayors every four years. The same practice applies for the election of a Town City Councilor, as well as of Trustees members of the Town Council. Members of the Town Council in El Salvador are elected by direct voting every three years. In Guatemala and Honduras, Municipal officials are also elected by popular vote.

3. Local Government Tasks

Table No. 8: Local Government tasks, by country

Countries	Local government tasks
Costa Rica	<ul style="list-style-type: none"> • Public health • Education • Developing production • Development planning • Recreation • Tourism • Urban planning and control • Solid waste management • Road networks • Maintenance of secondary drains and sewage disposal of rain water • Cemeteries, parks, sport facilities, market places and public libraries • Housing projects • Culture, moral and civic values
El Salvador	<p>Preparation and execution of economic and social development plans and programs at the local level</p> <ul style="list-style-type: none"> - Preparation, approval and execution of urban and rural development plans - Promotion and development of health programs - Planning, execution and maintenance of public works - Promotion and financing of housing programs or urban renovation <p>Provision of public services</p> <ul style="list-style-type: none"> - Decoration - Civil registry office - Creation, promotion and regulation of services to facilitate the functioning of markets, street markets and abattoirs - Cleaning and garbage disposal - Municipal Police <p>Control and regulation of activities of private citizens</p> <ul style="list-style-type: none"> - Supervise prices, weights and measurements - Regulate and supervise public shows - Promote and regulate tourism - Regulate commercial, industrial and services activities - Authorize and regulate the operation of casinos, lottery, raffles or other related gambling procedures (amended) <p>Promotion and encouragement of activities of the inhabitants</p> <ul style="list-style-type: none"> - Promotion of education, culture, sports and recreation - Promotion of citizen participation - Promotion of industrial, commercial and agricultural development - Promotion of fairs and festivities. Central America
Guatemala	<p>According to article 39 of the Municipal Code, it is the exclusive responsibility of this Body:</p> <ul style="list-style-type: none"> - The initiative, decision-making and execution of municipal affairs - To issue bylaws and rules and regulations of the municipality - To prepare development plans - To prepare bylaws and regulations for town planning - To promote residents' participation and their needs - To promote and develop collective awareness - To promote education, culture and sports - To promote and develop programs of health and local sanitation

	<ul style="list-style-type: none"> - To commission and inspect public and private construction works - To fix rents for municipal buildings - To regulate the resources of the municipality - Preparation, approval, execution and liquidation of the income and expenditure budget of the municipality - To regulate passenger and load transport as well as the local terminals - To administer the Civil Registry Office - To regulate housing programs - To establish, administer and regulate local markets - To exercise price, weight, measurement and quality control - To provide the services of the municipal police - To provide cleaning services to the population - To promote and organize fairs and popular festivities - To protect the rights of residents and communities to keep their cultural identity - Other authorities inherent to the municipal autonomy - Contracting of technicians, consultants and advisors needed for the work of the Municipality - When applicable, the faculties necessary to fulfill the obligations conferred to the State by article 119 of the Political Constitution of the Republic
Honduras	<p>According to articles 13 and 25 of the Municipal Law:</p> <ul style="list-style-type: none"> • To create, amend and repeal local rules and regulations • To create, modify and transfer administrative units • To approve the annual budget and its modifications • To issue regulations and operational guidelines • To approve the adjudication plan • To convene assemblies of a consultative nature with open meetings of the council • To convene a plebiscite • To approve contracting of loans and receive donations • To plan urban development • To sanction infringement of rules and regulations agreed upon • To execute, in accordance with its autonomy, all legal actions in the exercise of their power • To elaborate and execute development plans • To control and regulate urban development • Ornament, cleaning and sanitation of the Municipality • Construction of drains, potable water courses, etc. • Construction and maintenance of public highways • Construction of cemeteries, markets and abattoirs • Protection of the environment and reforestation • To subscribe agreements with the central government and decentralized institutions • To provide local public services • To coordinate their programs with the national development plans

3. Autonomy in the administration of finances

It was stated that the amount of resources transferred from the central to the local governments do not cover their requirements.

Table No. 9: Existence of tax redistribution system, by country

Country	Functions
Costa Rica	The Central Government transfers limited resources to the local governments. Art. 170 of the Constitution establishes that 10% of the national budget should be redistributed to the Municipalities. Nevertheless, an addendum to this Article stipulates that the redistribution should be gradual and conditions its implementation to a specific approval to be granted each year (in the last years it has amounted to approximately 2%). Other sources of funds are: taxes, municipal taxes, tariffs for services, payment of rent, payment of duties for services rendered, transfers from either the public or private sector, as well as loans. Not always are these funds collected directly by the Municipalities.

El Salvador	The greater part of the income is received from the Central Government through the transfers made by the Fund for Economic and Social Development of the Municipality. The balance comes from taxes and municipal property taxes, payment of duties for services received and international support.
Guatemala	The local government depends on the resources assigned to them by the Constitution and on the social funds granted by the Central Government. They have no resources of their own.
Honduras	The majority of the Municipalities depend on the transfers made by the Central Government. Their own resources come from tax sources (taxes, duties paid for services received and local property tax) and from other sources that are not tax-related (sales, transfers, subsidies, inheritances, bequests, donations, fines, surcharges, interests and credits).

4. Legal modifications geared towards supporting decentralization

In Costa Rica a new Municipal Code was enacted in 1998 and in 2001 the Legislative Assembly approved the reform of Art. 170 of the Constitution thereby granting autonomy to the Municipalities and fixing the budgetary allocation for the local governments. Still pending is the final approval of the project to transfer some of the competence from the National Government to the municipalities.

In El Salvador, various proposals on decentralization have been designed, but the low level of transfer of authority still persists. Some initiatives include the pilot project for decentralizing the water service, the administrative and organizational decentralization spearheaded by the Ministry of Education, the Basic Systems for Integral Health of the Ministry of Public Health and the construction of secondary roads. The Government Plan (1999-2004) included a National Strategy for Local Development. Nevertheless, it was reported that the decentralization process was at a standstill and that even drawbacks could be appreciated.

From the enactment of the so-called "Citizen Participation Laws" significant progress have been made In Guatemala to strengthen the local government and promote the modernization of the State. These laws form part of a legal trilogy (Decree No. 14-2002 General Law on Decentralization, Decree No. 11-2002 Law on the Councils of Rural and Urban Development, as well as Decree No. 12-2002 Municipal Code).

In Honduras there is a national decentralization plan whose execution has been extremely slow and it is considered that the decentralization experiences have operated more as deconcentration rather than as decentralization proper. A deconcentration of actions can be observed in social investment projects, in health, and a new experience is being undertaken in education.

b) Citizen participation in local governments

Even though for all the cases presented there are laws establishing mechanisms for civic participation, in practice the use of these mechanisms is almost nil. It was stated that the first instance of participation are the electoral processes but, with the exception of Honduras, the level of abstention is growing. In El Salvador, as local elections take place at the same time as those electing the National Legislative Body, the first ones play a secondary role. In the case of Honduras, local elections are tied to the national ones and an opposite scenario is given because the rate of abstention falls for elections for local positions. All countries reported that women, indigenous peoples and afro-descendants have almost no possibility of being elected to positions in the local government.

In the four nations a set of instruments and mechanisms can be anticipated empowering citizen participation in the decision-taking processes and in municipal management.

Nevertheless, important shortcomings still persist on the subject of local governments' accountability.

Table No. 10: Instances of participation, by country

Country	Instances of citizen participation
Costa Rica	The Municipal Code contemplates the following mechanisms for citizen participation: popular consultation processes (meeting of the council, plebiscites, referendums), public hearings, specific instances of participation, committees or communal groups and the district councils. A strengthening of the communal movement can be appreciated.
El Salvador	Increase in co-management and development projects. The specific mechanisms relate to public meetings of the municipal councils, commissions, open meetings of the council, public consultation, communal associations and the Local Development Committees.
Guatemala	Communal Development Councils. This is the main mechanism for the ladina, maya, xinca and garifuna population to participate in public management to achieve a democratic development planning process, thus honouring the national, multiethnic, multicultural and multilingual principles of Guatemala.
Honduras	The Municipal Law establishes the following areas for citizen participation: Commission on Municipal Development, Municipal Commissioner, open meetings of the municipal and sectorial councils, direct meetings and plebiscites.

It was recognized, though, that effective participation was very low, mainly due to two problems. First, the municipal governments do not give information on strategies available to implement the existing rules on citizen participation, and secondly, the lack of knowledge on the part of Civil Society Organizations about these mechanisms. In the case of Costa Rica, it was pointed out that the development in this area needed the modification of the centralized and welfare-oriented attitude of the citizens, as well as to support the transition process towards a more active citizenry.

Notwithstanding the low level of participation revealed, in all cases it was considered that this role is increasing. As mentioned before, in Costa Rica the communal movement is very active in the local spheres. In El Salvador, important progress has been made in decision-making processes, especially those referring to development projects; an increase can also be appreciated in co-management. In Honduras, important advances can be seen in the participative strategic planning of municipal development, while in Guatemala some progress could be appreciated with regard to citizen participation in several projects and programs.

Table No. 11: Civil Society influence on Local Governments' decisions, by country

Influence of Civil Society on:	Costa Rica	El Salvador	Guatemala	Honduras ¹⁰
Budgetary decisions	Low	Low	Low	Low
Consultations with local governments	Average	Low	N/I	Average
Discussions about issues that directly affect the population	Low	Average	N/I	Average
Committee work	Low	Low	N/I	average

¹⁰Particularly valid in the case of the medium municipalities and pequeños de a country. Increase in the participativa planning strategic

Table No. 12: Local Governments websites available for participation, by country

Country	Existence of Local Governments websites available for participation
Costa Rica	Available in 20% of the municipalities
El Salvador	N/i
Guatemala	N/i
Honduras	N/i

3.3. Proposals

- 3.3.1. Promote the strengthening of decentralization processes and the autonomy of the municipalities
- 3.3.2. Bring forward programs ensuring the modernization of local governments, including:
 - Incorporation of technology and modernization of the administrative systems
 - Updated legal framework
 - Modernization of the fiscal and tax system
 - Internal control and external auditing. Specific instruments to be used in balancing the accounts
 - Connecting procedures
 - Professional and technical training of the personnel (career in municipal management)
 - Training for Civil Society Organizations
- 3.3.3. Design programs to obtain resources, including fiscal reform
- 3.3.4. Design and implement an information and training program to promote citizen participation in local governments.

4. STRENGTHENING OF CIVIL SOCIETY

4.1. Plan of Action Commitments

The Plan of Action establishes that governments *"Recognizing the importance of civil society's participation to the consolidation of democracy, as well as the fact that this participation is a vital element for the success of development policies"*, will seek to contribute to the strengthening of civil society's participation in national and hemispheric processes through the following measures:

"The creation of public and private financing mechanisms to help strengthen the capacity of civil society organizations (CSOs) 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 CSOs 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 the four countries studied, rules and regulations focused on strengthening civil society are in vigour. In Costa Rica a series of constitutional and legal specifications exist guaranteeing citizen participation, as well as laws regulating the work performed by CSOs, laws promoting the financing and development of these organizations, in particular, the Associations for Communal Development. Nevertheless, the impact of these legal frameworks is still of little relevance, in spite of the fact that institutions exist to promote and strengthen the participation of minority or discriminated groups. It was concluded that the legislation in this country could be termed as fragmented, obsolete and ineffective. In the year 2003 Guatemala enacted a degree regulating the actions of this sector.

The other two countries have shown less progress in respect of this legal framework supporting the existence of CSOs. In Honduras a special law was approved recognizing the existence of CSOs only in 2003, which has generated a process of registration and reregistration in the respective register. In El Salvador it was reported that the registering procedure is lengthy and costly, thus hampering the legal process which guarantees the rights and the activities of Civil Society Organizations.

In the four cases the low level of access of CSOs to public financing was highlighted, and in El Salvador it was stated that in many instances it depends on the political affinity with the government of the day. Neither are there specific mechanisms to support and strengthen the less favoured or more discriminated sectors; in El Salvador there is the tendency to "make them invisible".

With respect to laws promoting civil society participation in economic, political and social development programs, it was determined that these organizations have a presence in the municipalities but not in the national spheres. In Costa Rica the initiative to promote the communal movements was emphasized, although in practice participation is very low. It was expressed that the government does not consult on themes of national development; some experiences have ended in frustration, even though important progress has been achieved on strategic subjects with the formation of the so-called Joint Commissions (government, civil society organizations and members of parliament) to table proposals to the Legislative Assembly. In El Salvador, despite the interest shown by Civil Society Organizations, it was evaluated that there is lack of political will to bring forward this form of participation, in particular in the economic area, even though there are some laws which contemplate a joint effort but they focus on very specific areas. In Honduras it was stressed that the majority of Civil Society Organizations work in these areas, but that their participation is not solicited and that the bulk of the funds required to strengthen leadership and management in development programs comes from international organization

It is worth noting that in the regional sphere, the Sistema de Integración Centroamericano (SICA) (Central American Integration System) contemplates in its structure as well as in the different treaties and agreements, the participation of civil society through the Consejo Consultivo del SICA (CC-SICA) (Consultative Council of SICA). Unfortunately this Body meets sporadically as they do not have the necessary financial and logistic support.

Table No. 13: Existence of a legal framework that regulates the formation of CSOs, by country

Country	Legal framework regulating the formation of CSOs
Costa Rica	Constitutional specifications and the Municipal Code guaranteeing citizen participation. Laws regulating the work carried out by foundations and associations, but there are no laws providing recognition to CSOs or NGOs as options for the democratic participation of citizens.
El Salvador	Yes there is specific legislation regulating the formation of CSOs, but serious financial and administrative obstacles exist which prevent the association of citizens.
Guatemala	In the year 2003 and through Decree No. 02-2003 the "Ley de Organizaciones No Gubernamentales para el Desarrollo" (Law on Non-governmental Organizations for Development) was enacted
Honduras	A special law giving recognition to CSOs was approved in 2003, carrying with it a process of registering and re-registering in the respective register. There are laws for controlling and limiting the work performed by CSOs.

In the four cases studies the absence of laws to strengthen and finance civil society organizations was apparent. Only an institutionalized recognition exists.

Table No. 14: Existence of public and private financial mechanisms aimed at strengthening Civil Society Organizations, by country

Country	Public and private financial mechanisms aimed at strengthening CSOs
Costa Rica	Laws, rules and regulations and programs exist for financing the work of CSOs, in particular for the Associations for Communal Development and a program to develop consumers' organizations. Nevertheless, access to public financing is very limited. A substantial part comes from multilateral organizations, international cooperation and, to a lesser degree, from the private sector.
El Salvador	Limited access to public financing; many times depending on the political affinity with the government of the day. A substantial part comes from multilateral organizations, international cooperation and, to a lesser degree, from the private sector.
Guatemala	Limited access to public financing. A substantial part comes from multilateral organizations, international cooperation and, to a lesser degree, from the private sector
Honduras	Limited access to public financing. A substantial part comes from multilateral organizations, international cooperation and, to a lesser degree, from the private sector.

2. The relationship between Government and Civil Society Organizations

In the four countries, the progress achieved in the establishment of ongoing interaction between governments and the CSOs was emphasized. It was even stated that in Guatemala since the Peace Accords, Civil Society Organizations have at times greater influence than that shown by the debilitated political parties. It is worth mentioning that in many nations the mechanisms link more strongly Civil Society Organizations with the legislative powers than with the Executive.¹¹ For example, in the case of Costa Rica the Joint Commissions have been designed integrated by members of the Legislative Assembly and by representatives of CSOs. It should be mentioned that, as there are no institutionalized structures, the interaction is through ad hoc mechanisms.

However, the implementation of these mechanisms for consultation and dialogue have not had a favourable repercussion on the impact CSOs have on the decision-making processes of the governments. In El Salvador it was pointed out that on important issues Civil Society

¹¹ The National Reports offer a description of the various mechanisms implemented. Please check www.sociedadcivil.org

Organizations have been pushed into the background and their opinions have not been heard. In this regard, it was stated that for the four countries studied the new technologies are considered as an information mechanism for citizens but not as one permitting CSOs to have an impact on governmental affairs. In summary, there is some progress but the level of influence is still low.

The governments have failed to design mechanisms to measure their accountability and neither has there been an increase in this procedure. In Costa Rica and Honduras it was reported the absence of mechanisms such as plebiscites or referendums. It was also stressed that an obstacle for an increased participation of Civil Society Organizations is the lack of information, particularly on budgetary and financial subjects.

Touching on the participation at the Central American regional level, it was emphasized that despite the existence of CC-SICA progress has been very slow. This is due basically to two factors. First, there is no political will on the part of the governments or of the General Secretariat of SICA to support and strengthen the work carried out by CC-SICA. As mentioned earlier, this organism has neither the human nor the financial resources to carry forward actions on regional integration as outlined in the legal instruments. Second, CC-SICA fails to use the various mechanisms available to increase its participation. Even though the situation has been modified to a certain extent in the last years, Civil Society Organizations have a low level of participation in this area, being predominant the business and trade-union organizations.

3. Civil Society Participation in the Inter-American system

Participation of Civil Society Organizations in the Inter-American system is almost nil.

Table No. 15: Incorporation of CSOs to official delegations, by country

Incorporation of CSOs to official delegations	Costa Rica	El Salvador	Guatemala	Honduras
	x	x	S/I	x

Table No. 16: Ministries of Foreign Affairs that maintain ongoing interaction with CSOs, by country

Ministries of Foreign Affairs that maintain ongoing interaction with CSOs	Costa Rica	El Salvador	Guatemala	Honduras
	x	x	x	x

As can be observed, none of the four countries have mechanisms for ongoing interaction between the Ministries of Foreign Affairs and Civil Society Organizations and neither are these Institutions incorporated to official delegations. Their participation at the international level is given mainly in various multilateral projects sponsored by institutions like the Inter-American Development Bank or the World Bank.

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

In the four countries studied, there are Civil Society Organizations forming part of the anti-globalization movement, as well as of Hemispheric networks favouring this view. The principal criticisms relate to:

- On the subject of globalization
 - The failure to achieve an economic and social development
 - The negative impacts on the environment and the rights of workers
 - The increase of poverty
 - The loss of sovereignty

- On the subject of multilateral processes and international governmental forums
 - The Summits are formal meetings and their mandates are not fulfilled
 - The free trade treaties do not take into account the needs of the less-favoured sectors
 - They impose "recipes" for economic, social and political reforms that do not correspond to the real needs of the countries.

- On the subject of governments
 - They depend on the interests of important countries, in particular, on the interests of the United States of America.
 - They accept the strategies imposed by the international financial organizations.
 - They have no plans for national development.

Nevertheless, it was stated that there is insufficient dissemination of the criticisms and of the proposals tabled by these movements. For El Salvador and Guatemala it was indicated that there was a consensus among the Civil Society Organizations interviewed on their differences or disagreements with these groups since they are considered undemocratic and intolerant as they seek to impose their criteria and do not have a medium-term view of the situation.

Organizations and networks have developed in the regional sphere who make known their criticisms on the actions of the governments and of the international forums. The majority of these institutions participate at the World Social Forum at the hemispheric level.

4.3. Proposals

4.3.1. Debate and publish a Law on Citizen Participation which includes:

- The institutionalization of mechanisms for interaction with central governments on the work carried out by Civil Society Organizations.
- The establishment of institutionalized mechanisms for the allocation of Treasury resources to CSOs.
- Specific mechanisms giving CSOs the right to participate in the debates, proposals and controlling of the economic development of the country.
- Programs for training and strengthening CSOs capabilities.

4.3.2. Setting up a secondary legal framework to regulate and guarantee the flow of information and public communication lines between government employees and civil society.

4.3.3. Setting up of institutionalized mechanisms at the national and Hemispheric levels to ensure participation of Civil Society Organizations in the Summits of the Americas.

4.3.4. Promote the strengthening of CSOs participation in the CC-SICA through the granting of financial resources provided by the governments and the General Secretariat of SICA.

5. JUDICIAL REFORMS 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

Access to justice is guaranteed by the Constitution in each of the four Central American nations where the follow-up exercise was carried out, but great difficulties can be traced in its effective implementation. At present, a reform process to the Penal Code is being studied and in the four countries a career in the legal system is being pursued. Nevertheless, a serious problem persists due to the large number of complaints to be dealt with by the legal system, causing a delay in the handling of the cases and in an overflow of prisoners.

In the four countries it was verified that the population is not well educated on their rights of access to justice. Nevertheless, in Honduras it was pointed out that despite this fact citizens are aware of their rights, contrary to what is shown in El Salvador where it was estimated that the population still has little knowledge about their rights.

In regard to the education programs offered by the governments, it was determined that they are very precise, limited and of a temporary nature. Even though in El Salvador the Supreme Court of Justice has an Office for Popular Education, there is no systematic dissemination policy on this right. In Honduras, it is done through the public education, but neither concrete programs exist on the subject nor are there systematic strategies. Likewise, for Costa Rica these actions are of a restricted, explicit and incidental nature. The important role played by Civil Society Organizations in this area was emphasized and especially by those Institutions working on human rights, as well as on the rights of women and children.

None of the countries has specific State mechanisms for the administration of justice to the indigenous peoples or other minority groups. In Costa Rica several offices have been created to act as intermediaries between the government and the indigenous peoples, but they are under investigation by the indigenous peoples' organizations.

In the Central American countries some form of free legal assistance can be found and although the figure of the Ombudsman is not present, there are organisms carrying out similar tasks. In El Salvador, the Procuraduría para la Defensa de los Derechos Humanos (a Law Office for the Defense of Human Rights), operating under the umbrella of the Ministry of Public Affairs is present; likewise the Ministry guarantees free legal assistance. In Honduras, there is the presence of the National Commissioner for Human Rights. It is worth mentioning that for these two countries the work they carry out is mainly related to human rights, while in Costa Rica they deal mostly with the Defense of the Citizens. Once again, the role played by Civil Society Organizations and the universities was stressed.

Therefore, it can be concluded that on the theme of access to justice, Civil Society Organizations play a predominant role.

Table No. 17: Existence of Government Policies aimed at educating citizens about their rights of access to justice, by country

Country	Government policies aimed at educating citizens about their right of access to justice
Costa Rica	Weak. Institutionalized educational system
El Salvador	Weak. No sustainable initiatives. They are of a specific and incidental nature and have no real impact on the population.
Guatemala	Non-existent.
Honduras	Weak. Public education, National Commissioner on Human Rights, Supreme Court of Justice, Government Secretariat and Ministry of Public Affairs.

2. Independence of the Judiciary

Even though there is recognition of the progress achieved with regard to the independence of the Judiciary, especially for El Salvador, it is still considered that the processes to elect magistrates lack transparency. Both in Honduras and in El Salvador it was stated that there are no mechanisms to investigate the personal history of the candidates, while in Costa Rica this information is made available. In all the countries studied, judges are elected for a fixed period of time. Nevertheless, there was consensus on the fact that their selection is tainted by political manoeuvring, particularly on the part of the legislative powers. For Honduras it was pointed out that the recognition of the participation of Civil Society Organizations in proposing candidates has constituted a significant progress. All countries presented shortcomings in the degree of accountability of the legal system.

Table No. 18: Transparency in the selection of the Judiciary

Country	Transparency in the selection of the Judiciary
Costa Rica	Low, but showing some progress. The process for selecting judicial authorities includes the publication of their personal history. There are objective criteria for appointments by merit. Absence of open and public mechanisms to oppose candidacies.
El Salvador	Low. It is a process ruled by the practice of obtaining votes with promises of government posts, where political interests predominate. The posts are negotiated and distributed among the political parties.
Guatemala	Low, but improving. The Association of Lawyers, the universities and the Supreme Court of Justice integrate the commissions charged with the nomination and selection of candidates. Judges are appointed by the Congress of the Republic. There are no rules or regulations the Commissions have to abide by and neither are there objective criteria to select legal officials, therefore the selection process is of a secret and arbitrary nature. The efforts to create a set of rules have been opposed by the sectors in power and by some lawyers. The personal history of the candidates is not made public. There are no mechanisms to oppose the candidates.
Honduras	Low, but some progress has been achieved. There are institutionalized mechanisms for civil society participation in proposing candidates.

Table No. 19: Number of women members of the Supreme Court of Justice, by country

Número Number of women members of the Supreme Court of Justice	Costa Rica	El Salvador	Guatemala	Honduras
	5 de 22 (22,7%)	2 de 15 (13,3%)	2 de 13 (15,3%)	n/i

5.2. Proposals

- 5.2.1. Promote the implementation, on the part of the governments, of a systematic program within the reach of all citizens to disseminate information on access to justice.
- 5.2.2. Strengthen the work carried out by NGOs and universities on this subject.
- 5.2.3. Promote mechanisms for dialogue and joint activities between the governments, NGOs and universities.
- 5.2.4. Set up an interinstitutional information system to provide data on all aspects relating to the legal system.
- 5.2.5. Promote the debate and approval of the figure of Ombudsman.
- 5.2.6. Request the government to strengthen the areas of free legal assistance by allocating greater human, budgetary and logistic resources.
- 5.2.7. Update the available disciplinary mechanisms for legal officials in order to speed them up, thus promoting transparency.
- 5.2.8. Periodically review and update mechanisms for selecting, evaluating and encouraging the staff working in all areas of the legal system.
- 5.2.9. Implement reforms to the existing rules on selection of judicial officials to the Higher Courts, including:
 - Establishment of clear criteria for the selection of magistrates.
 - Mechanisms permitting CSOs participation both in the nomination and selection of magistrates.
 - Publication of the personal history of the candidates.
 - Mechanisms to oppose candidates.

CONCLUSIONS

The follow-up strategy of the five themes analysed in this report was carried out in two areas. First, the legal base and initiatives were examined for each one of the subjects and secondly its degree of implementation in practice was assessed. In general terms it can be concluded that in the Central American region, in some cases progress has been made by the governments both on the legal and on the practical side, while in other situations not only improvement is lacking but drawbacks are apparent.

With regard to the legal side, on the theme of access to information little progress was shown and 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 the countries, it was noticed that laws are in force which curtail this right, especially in El Salvador where the "desacato" law is still operative. The processes of decentralization indicate some advances, even though it was pointed out that there are both legal and practical limiting factors which make the local governments even weaker. Likewise, on the topic of strengthening 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 drawbacks than advances have been found on this theme.

In practice, governments do not provide citizens with the information they need and demand. It was concluded that the legal vacuum results, in practice, in a very limited access to information and that the data provided are scarce, irrelevant and, in many cases, obsolete and incomprehensible. The information necessary 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 mainly 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 shown. Even though citizen participation has enjoyed some form of institutionalized progress, it is still limited to consultation processes and no areas have been developed 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 assessing the performance of local governments.

When evaluating the strengthening of civil society, the low level of participation becomes evident. There is progress in the establishment of ongoing interaction between the governments and Civil Society Organizations, but only ad hoc mechanisms are 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 had been driven by CSOs who, together with the universities, are the sole ones who offer free legal service.

ACCESS TO INFORMATION

The Quebec Plan of Action establishes that in respect of access to information the governments will work with the aim of instituting best practices to facilitate access of citizens to information. This presupposes the existence of a legal framework guaranteeing this right and that citizens have real access to the data.

The Constitutions of the four Central American countries guarantee the right of access to information. Nevertheless, there is no legal recognition of the figure of Habeas Data in any of the States. Only for Honduras was it stated that a specific law on the subject had been approved, but is still not in force awaiting ratification.

With regard to the legal frameworks there is a delay in their implementation. To date only in Honduras is there a specific law on access to information. The other three countries have proposals awaiting approval. For Costa Rica, it was affirmed that there are scant possibilities that the approval will be forthcoming due to the resistance shown on the part of the legislative power, while in Guatemala the process is moving forward. It is interesting to note that in Costa Rica, El Salvador and Honduras, these proposals have been tabled by Civil Society Organizations and not by the government or the political parties.

It can be concluded that, in practice, Costa Rica shows the highest degree of access to information while the lowest can be found in Guatemala. El Salvador and Honduras share an intermediate level. As can be appreciated, a great part of the information that can be accessed refers to social and economic indicators, as well as to accusations of human rights violations and to sources of support for victims of violence. With the exception of Costa Rica, these issues are interrelated to the internal armed conflict of the last decade and the subsequent Peace Accords in El Salvador and Guatemala. It is important to note that, in a great number of cases, the information required to assess transparency in both the actions of the public sector and of public servants, as well as to evaluate the degree of accountability cannot be accessed.

Within the framework of the shortcomings pointed out, it can be concluded that Costa Rica is the country showing the greatest degree of progress on the theme of access to information, followed by Honduras. Both Guatemala and El Salvador still have issues to resolve.

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.

The Constitutions of the four countries include references guaranteeing freedom of expression, nevertheless laws restricting this right still prevail. Costa Rica shows progress as its law on expression offensive to public officials ("desacato"), was repealed in 2002, while in El Salvador it can still be found within the framework of the Penal Code, violating the principles of the Inter-American Commission on Human Rights.

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

Country	Constitutional references to freedom of expression	"Desacato" Law
Costa Rica	Yes	No
El Salvador	Yes	Yes

Guatemala	Yes	N/I
Honduras	Yes	N/I

In practice, the four countries have reported cases to the Inter-American Commission on Human Rights. Likewise all countries suffer from concentration of ownership of the media, even though in Costa Rica it is less concentrated in respect of the radio and local media. It was estimated that in Honduras, Guatemala and Costa Rica there is less evidence of restriction to freedom of expression, while in El Salvador political and governmental pressure was exerted on the media and on journalists. In addition, freedom of expression of citizens is severely limited because of the low level of schooling and high level of illiteracy, which are closely linked to the problems of poverty and inequality present in the Central American region.

Table No. 21: Concentration of ownership of the media, by country

Concentration of ownership	Costa Rica	El Salvador	Guatemala	Honduras
	Concentrated	Concentrated	Concentrated	Concentrated

The assessment showed that El Salvador is the country suffering from the greatest shortcomings in the implementation of this mandate. Costa Rica shows the greatest progress, while Guatemala and Honduras are on an intermediate level.

LOCAL GOVERNMENTS AND DECENTRALIZATION

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

Since in the four countries new laws exist regulating the powers, duties and election procedures for the local governments, it can be concluded that progress has been achieved with regard to this mandate. Costa Rica and El Salvador are the countries showing the most important legal advances on decentralization. Nevertheless, it was pointed out that in Honduras the development of the national plan for decentralization has shown a very slow progress. In all the countries, local officials are elected by popular vote. However, in all of them the transfer of resources from the central government was termed as inadequate.

In the four Central American nations instances for citizen participation can be found, although it is clear that they are not properly used due to the absence of political will on the part of the authorities, the ignorance shown by citizens and Civil Society Organizations about this subject, as well as the unavailability of rules and promotion mechanisms to enhance its fulfillment. The electoral process is still the mechanism for participation most widely used, despite the high abstention level in local elections, with the sole exception of Honduras. Despite the restrictions observed, it was estimated that at the local level citizen participation is growing in the four countries.

Therefore, it can be stated that the independence of local governments in the countries studied shows a moderate level of implementation, but that the degree of citizen participation is low.

STRENGTHENING OF CIVIL SOCIETY PARTICIPATION

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

Touching on legal matters, the four countries have a legal framework regulating the creation and functioning of Civil Society Organizations. It is worth stressing that in Guatemala and Honduras these legal rulings were enacted in 2003. Nonetheless, no operative rules exist to regulate the public and private financial support for CSOs. All cases showed that the financial assistance provided by the government is inadequate and that it is generally conditioned to political affinities. An important part of the financing received by CSOs comes from international organizations

Table No. 22: Legal framework that regulates the formation of CSOs and public and private financial mechanisms aimed at strengthening Civil Society Organizations

Existence of a legal framework that regulates the formation of CSOs and public and private mechanisms aimed at strengthening CSOs.	Costa Rica	El Salvador	Guatemala	Honduras
Legal framework	✓	✓	✓	✓
Financial mechanism	✓	x	x	x
Total	2	1	1	1

With regard to the implementation of this mandate, it was explained that progress has been achieved in establishing mechanisms of an ad hoc nature for ongoing interaction between Civil Society Organizations and the governments of the Central American countries. Nonetheless, these mechanisms have not had widespread repercussion on the impact CSOs have on the decision-making processes of the governments, even though it was stated that in Guatemala Civil Society Organizations show a higher degree of influence than that of the political parties. As can be seen from the table below, CSOs are not well represented in the international scenario.

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

Incorporation of CSOs to official delegations	Costa Rica	El Salvador	Guatemala	Honduras
	x	x	x	x
Ministries of Foreign Affairs that maintain ongoing interaction with CSOs	x	x	x	x
Total	0	0	0	0

ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY

The 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 Judiciary through initiatives related to the transparency in the selection of judicial officials.

The governments of Costa Rica, El Salvador and Honduras have developed temporary and precise programmes with a very limited coverage to educate citizens on this theme, and in Guatemala no governmental initiatives were found. Taking into account the characteristics of the programs offered by the governments, it can be said that there is a very low level of education of the population on their right of access to justice. The lowest level was found in El Salvador while Honduras was the exception, since it was concluded that the citizens have ample knowledge on the subject.

Table No. 24: Existence of Government Policies aimed at educating citizens about their rights of access to justice, by country

	Costa Rica	El Salvador	Guatemala	Honduras
Existence of government policies aimed at education citizens about their rights of access to justice	Yes	Yes	Yes	Yes

With regard to transparency in Judiciary practices, it was expressed that progress has been achieved in the process for electing magistrates, especially in Costa Rica where their personal history is made public and in Honduras where participation of Civil Society has been recognized in this process. Guatemala also shows some advances on this theme. Nevertheless, the Judiciary still responds mainly to the interest of political parties, there is little or no transparency in the selection of magistrates and the participation of women in the Higher Courts is almost nil.

Table No. 25: Transparency in the selection of judicial authorities

	Costa Rica	El Salvador	Guatemala	Honduras
Transparency in the selection of judicial authorities	Low, but improving	Low	Low, but improving	Low, but improving

Although it cannot be denied that some progress has been achieved, mainly in the legal sphere, the follow-up activities performed in the four Central American countries included in this process show that the level of fulfillment on the part of the governments of the mandates emanating from the Quebec Plan of Action is low. The degree of implementation of the commitments undertaken by the governments shows a negative balance for El Salvador, Guatemala and Honduras and a slightly more favourable one for Costa Rica.

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