



Organization of
American States

2010-2011 THEMATIC COMPILATION OF CIVIL SOCIETY AND SOCIAL ACTOR RECOMMENDATIONS

Compilation of civil society and social actor recommendations presented to the Organization of American States and the Summits of the Americas Process on issues pertaining to the Inter-American Agenda

Department of International Affairs
Organization of American States
Washington, D.C.
2011

TABLE OF CONTENTS

I. STRENGTHENING DEMOCRACY	3
II. PROMOTION AND PROTECTION OF HUMAN RIGHTS	21
1. GENDER	48
III. MULTIDIMENSIONAL SECURITY	50
1. FIGHT AGAINST DRUGS	52
2. PUBLIC SECURITY	52
IV. INTEGRAL DEVELOPMENT	54
1. EDUCATION AND CULTURE	56
2. HEALTH	57
3. NATURAL DISASTERS	58
4. POVERTY ALLEVIATION	61
5. SOCIAL DEVELOPMENT	62
6. SUSTAINABLE DEVELOPMENT AND ENVIRONMENT	62
7. TRADE AND ECONOMIC DEVELOPMENT	69
V. INTERNATIONAL LAW	70
1. ACCESS TO JUSTICE	70
2. AFRO-DESCENDANTS	71
3. YOUTH AND CHILDREN	72
4. PERSONS WITH DISABILITIES	74
5. FIGHT AGAINST RACISM, DISCRIMINATION, AND INTOLERANCE	76
6. PUEBLOS INDÍGENAS	78
VI. SUMMIT OF THE AMERICAS	78
VII. CIVIL SOCIETY PARTICIPATION	78

I. STRENGTHENING DEMOCRACY

Special Session of the Permanent Council with all Sectors of Society, Including Civil Society, in keeping with the mandates contained in resolutions AG/RES. 2555 (XL-O/10) and AG/RES. 2694 (XLI-O/11) "Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter" – Washington, D.C. – November 30, 2011

1. *International Institute for the Development of Citizenship (IIDAC)*

How is it possible to address these issues without the direct and democratic participation of adolescents of the hemisphere, without hearing their voices on what they think about issues including poverty and inequality, public security, natural disasters and technology, given that any decision made or contribution given by Member States, civil society organizations and other national and international bodies will directly affect the lives of these millions of citizens for decades to come? This is the motivation that leads us to recommend to the Organization of American States that there be created democratic spaces of participation for and with adolescents at summits, conferences, events and other fora of discussion, in direct coordination with member states and in collaboration with all civil society of the hemisphere that strives to ensure the rights of our adolescents.

We propose that the creation of these democratic spaces enables adolescents to give their opinion and be heard, adding their values and interests, reaffirming once again their capacity as actors in the process of positive and impactful contribution on the agenda of the OAS and in the construction of public policies of Member States. We further propose the creation of mechanisms to integrate and ensure such genuine and significant participation of adolescents in collaboration with the OAS, Member States, Civil Society Organizations and other related bodies and organizations of the hemisphere through the following points:

- Strengthening the participation of adolescents respecting the principles of Best Interest, Non-Discrimination, Progressive Autonomy, and Right to Life and to Development;
- Establishing a space for adolescent participation as an "adolescent-friendly" and inclusive environment that enables the integration and participation of adolescents;
- Ensuring that democratically selected adolescent participants are adequately prepared and have the means to attend and contribute to proceedings;
- Guaranteeing that adolescent participation is free and democratic, genuine and meaningful;
- Creating conditions for adolescents to develop and present recommendations to be taken into account;
- Ensuring mechanisms of follow up and monitoring as a vital part of the process of engaging adolescents in active citizenship and the development of their communities and countries, particularly in terms of the sharing of results amongst their peers and participating in the implementation of outcomes.

With these recommendations, IIDAC conveys its unreserved conviction and support for hemispheric integration with the participation of adolescents, with the hope that these adolescent citizens may fully enjoy the values of citizenship and democracy as fundamental human rights, and that they may

have the right be a part of processes that shape their lives for today and tomorrow, the present and the future of the Americas.

2. *The Carter Center / Friends of the Inter-American Democratic Charter*

Recognizing the Inter-American Democratic Charter as one of the most advanced international instrument to promote and strengthen democracy as well one of the most important achievements of the countries of the hemisphere, The Carter Center convened the group of Friends of the Inter-American Democratic Charter in 2004 to promote and strengthen adherence to and compliance with its tenets across the hemisphere.

In the wake of the IADC's 10th Anniversary it is notable that member states have not fully taken advantage of the Charter's provisions for assistance to improve the quality of democracy and governance in the hemisphere. Instead member states have limited use of the Charter to those cases where continuance of a democratically elected government has been directly threatened or affected by security forces.

At the same time, democratic crises and instability have arisen from constitutional clashes between branches of government, concentration of power in incumbents and erosion of accountability mechanisms, and social unrest from citizens using their rights of protest to express deep grievances, as well as armed actors and organized crime. Even just focusing on threats to incumbent leaders, it is clear that multi-dimensional disputes contribute to crises: Of the thirteen leaders forced to end their terms prematurely between 1990-2009 outside of a constitutional impeachment procedure, eight of those involved intense citizen mobilization and mass protest prior to a resignation or removal in combination with military pressure or irregular Congressional impeachment. It is thus vital to enhance our ability to address all of these threats to democratic governance and the capacity to improve the quality of life for all citizens.

Several proposals have been made by member states during the past year's dialogue in the Permanent Council as well as during the 10th Anniversary celebrations of the Democratic Charter in Chile and Peru. In addition, the Friends of the Democratic Charter have made proposals for strengthening the capacity of the OAS to promote and defend democracy through diplomatic channels and good offices.

None of the proposals suggest opening the Charter for revisions at this time. Instead, they focus on strengthening the means for the inter-American community as a whole to improve the quality of democracy in all of countries.

We strongly urge the Permanent Council to convene a Task Force, including members of civil society and academia, to consider the specific proposals made in recent months, including:

- *Establish preventative mechanisms to avoid erosion of democracy and of the rule of law.*

Early alerts make preventative diplomacy much more effective. Early alerts can be enhanced through several steps. First, other branches and levels of government should have access to address the OAS Permanent Council when they think there is a situation that can potentially harm democracy and governance in their countries. Currently, because the OAS is a club of executives, valuable information is lost when intra-governmental disputes occur. Second, civil

society groups often have valuable assessments and analyses based on ongoing monitoring efforts. A channel for their input, beyond the most welcome dialogues established in recent years, should be devised.

A mechanism to allow both of these types of access would be the creation of a Democracy Ombudsman or Special Rapporteur who could receive the complaints and reports from these actors and report on the relevant ones to the Permanent Council, with recommendations for action. In some cases, the Ombudsman could act on his/her own initiative and engage in a type of discreet or quiet diplomacy, though certainly in an ancillary, complementary role to that of the Secretary General.

Currently the Inter-American Commission on Human Rights has a full-time Special Rapporteur on Freedom of Expression, and several other rapporteurships on rights of women, children, migrants, Afro-descendants, indigenous peoples, human rights defenders, and detained persons.

There are two possible options to discuss:

- To create another full-time special rapporteur on democratic rights within the Commission, such as freedom of association and judicial independence (similar to those adopted in the United Nations Human Rights Council).
- To house a Democracy Ombudsman or Commissioner within the General Secretariat to report directly to the Permanent Council on democratic conflicts, with the capacity to reflect the positions of multiple actors, as described above, and to make recommendations for assistance and action to the General Secretariat and to the Permanent Council.

The ombudsman/woman, open to civil society and sub-national authorities, must be supplemented by two very important elements: first, the Office of the Ombudsman should have a standing invitation allowing visits to any country at any moment, without prior government authorization, to meet broadly with government and other political and social actors.

Second, to accomplish this, a mechanism for direct access on the Internet would have to be created allowing the Ombudsman to, for example, selectively take the lead to acquaint him/herself in situ with actual or alleged situations involving an alteration of the democratic order.

- *Conduct assessments of compliance with Charter.*

Assessments of progress and backsliding on specific elements of democracy as delineated in the Charter would provide countries and international organizations with more information to be able to identify and share advances and best practices, as well as to identify vulnerable areas needing attention. This in turn would help prioritize domestic and international resources to address those areas and help prevent democratic ruptures. Independent assessments would most likely be more precise, if based on a clear set of criteria and conducted by experts perhaps vetted through a Democracy Council of eminent persons.

Alternatively, a peer review mechanism following the example of the OAS anti-corruption review mechanism (MESASIC) and anti-drug review (CICAD) has been proposed. The democracy peer review mechanism may involve experts nominated by governments and allow for civil

society inputs, with the final report shared at the Permanent Council offering recommendations to governments. A good way to start will be to set up a pilot mechanism with volunteer countries with reviews focused on specific elements of democracy.

- *Adopt guidelines on what constitutes violations of the Charter, either independent guidelines to help encourage the OAS Permanent Council to act, or a formal protocol with indicators.*

The Carter Center and the Friends of the Inter-American Democratic Charter have recommended a set of nine basic conditions that would help alert the OAS of the emergence of a democratic crisis or a violation of the Charter that is worth recalling:

- Violation of the integrity of central institutions, including constitutional checks and balances providing for the separation of powers.
- Holding of elections that do not meet minimal international standards.
- Failure to hold periodic elections or to respect electoral outcomes.
- Systematic violation of basic freedoms, including freedom of expression, freedom of association, or respect for minority rights.
- Unconstitutional termination of the tenure in office of any legally elected official by any other elected or non-elected actor.
- Arbitrary or illegal removal or interference in the appointment or deliberations of members of the judiciary or electoral bodies.
- Interference by non-elected officials, such as military officers, in the jurisdiction of elected officials.
- Systematic uses of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition, the press, or civil society.
- Unjustified and repeated use of states of emergency.¹

Recently Secretary General Insulza proposed a similar, though shorter and more dramatic, set of criteria including massive electoral fraud, dissolving the Congress, intervention of the judiciary, closing of major media outlets, and systematic abuse of human rights.² A formal protocol identifying such conditions could trigger an automatic review by the Permanent Council and help to spur action. Even without a formal protocol, the General Secretariat could make use of the independent guidelines to recommend a review or action. Without such guidelines, the Permanent Council remains dependent on member states' political will to raise issues and ad hoc discussions, leading to charges of bias and selectiveness.

- *Engage other regional bodies.*

The hemisphere is experiencing the formation of new regional and sub-regional bodies, many with their own democracy clauses. This provides opportunities to implement the constructive assistance mechanisms of the Democratic Charter given that member states of the new organizations are also member states of the OAS. As UNASUR, in particular, discusses its own

¹ For further discussion of the Charter and reference to these points, see McCoy, *FocalPoint*, May 2004; speech by Jimmy Carter to the OAS Distinguished Lecture Series, January 2004; Comisión Andina de Juristas and Carter Center, *The Collective Defense of Democracy: concepts and procedures*, 2005 (papers by Shelley McConnell and Jennifer McCoy, Pedro Nikken, and Carlos Ayala). <http://cartercenter.org/documents/collectivedefenseofdemocracy.pdf>

² Remarks at a seminar on the 10th Anniversary of the Inter-American Democratic Charter, Foreign Ministry of Peru, Lima, September 12, 2011.

potential democracy and electoral monitoring unit, and as the Community of Latin American and Caribbean Nations forms, this is a propitious time to expand the discussion on how to best help reinforce the commitments to democracy and development enshrined in the Inter-American Democratic Charter.

3. *Inter-American Bar Association (IABA) / Federación Interamericana de Abogados (FIA)*

Democracy is about more than elections. The Charter can not be just a reactive mechanism to the institutional breakdown.

Under these two assumptions, the Inter American Bar Association (IABA) presents its recommendations on the occasion of the extraordinary session of the OAS Permanent Council on Inter-American Democratic Charter.

Democracy in the world in general and in the Americas in particular, requires positive changes to cover the most disadvantaged. It is not just about the transformation of the state to the new realities of modernity and globalization, but also and fundamentally about the mechanisms for resolving the most pressing needs of the vast majority of citizens.

That Latin America is the region where the gap between rich and poor are more pronounced, is both an embarrassment and a challenge. However, the solution of this tragedy, which presupposes promote sustainable economic development can not be divorced from the strengthening of democratic institutions and citizen participation.

Monitor the progress of countries in the development of democracy beyond the forms, is a pending task. Develop objective, consistent, universal and uniform measurement mechanisms of various aspects of democracy, is an objective of the IABA. Thus, for example, measuring the independence of the branches of government in general and of the judiciary in particular is a tool missing from the universe of indices and indicators, without which the audit of democracies may be incomplete. Hence, the IABA intends to develop indicators of judicial independence in the Americas, which may be useful for this purpose.

Thus, through combining quantitative and qualitative assessment of the independence of public branches of government to existing indicators in the field of Rule of Law, transparency and respect for human rights, among others, a serious assessment of the essential aspects of a democratic system will be possible to make, which will not only prevent civic setbacks, but also serve to identify the areas in which countries have to implement improvements.

Likewise, the defense of democracy can not be confined only to the states, nor can it be justified only when the institutional thread is broken, when it may be too late. Therefore, the IABA calls for the creation of spaces for civil society and citizens, not only for discussion, but also and especially for the activation of defense mechanisms of democracy, both at the peak of rupture, as at times when the core aspects of democracy are at threat of significant risks.

Thus, the IABA divides its recommendations as follows:

- Prevention of democracy: democracy is more than elections.

- Need to strengthen democratic institutions as a means of prevention: the rule of law, independence of government, transparency in handling public funds, respect for human rights.
 - Need to strengthen the social component of democracy, poverty reduction, social inclusion, education, health, food.
 - Need to strengthen citizen participation in democracy: management mechanisms on the part of citizens, self-organization mechanisms by citizens.
- Measuring democracy: democracy can be measured.
 - Develop indicators —if not already existing— to measure crucial aspects of democracy. Example: the independence of branches of government. IABA offers to work on indicators of judicial independence of the hemisphere.
 - Democratic audits, to measure crucial aspects of democratic performance of a country, such as elections, participation, democratic institutions, social, environmental.
 - Periodic reports, constant and uniform on the development of democracy in the hemisphere.
 - Defense of Democracy: the reaction to the breakup.
 - Possibility of activation of protective mechanisms of the Democratic Charter by civil society.
 - Possibility of activation of protective mechanisms of the Democratic Charter by the different branches of government.
 - Possibility of activation of protective mechanisms of the Democratic Charter when the pillars of democracy such as rule of law, separation of powers and human rights are at risk.
4. *Latin American and Caribbean Network for Democracy / Red Latinoamericana y del Caribe para la Democracia* (Only available in Spanish)

La Red Latinoamericana y del Caribe para la Democracia (RedLad) agrupa a 247 organizaciones, redes y activistas de la sociedad civil de América Latina y el Caribe, que trabajan para el fortalecimiento de la democracia, la defensa de los derechos humanos y la promoción del desarrollo sostenible en sus países. La Red es integrante del Movimiento Mundial para la Democracia y Miembro Oficial del Foro de Sociedad Civil de la Organización de Estados Americanos (OEA) y tiene como objetivo proveer a la sociedad civil de la región y otros actores de una plataforma de diálogo y acción que contribuya al fortalecimiento de la vida democrática en la región.

Recibimos con beneplácito la realización de este debate y la invitación a participar con nuestras recomendaciones sobre mejores prácticas para el fortalecimiento de una cultura democrática en el hemisferio. Aceptamos y decidimos participar porque consideramos que la OEA no está respondiendo de manera efectiva a las amenazas contra la democracia en la región ni haciendo uso adecuado del instrumento que creó hace diez años para protegerla. Nos alarma que la OEA, siendo la institución internacional más antigua de las Américas, no se pronuncie frente a evidentes escenarios de vulneración de derechos humanos básicos y valores democráticos plasmados en la Carta Democrática. Es imperativo que este organismo y los Estados que lo componen asuman un rol más activo en defensa de la democracia. Creemos que se necesita mayor voluntad política por parte de todos los Estados miembros, su Secretario General y otros organismos que componen esta organización que lleven a la aplicación de la Carta Democrática en casos de crisis de gobernabilidad lamentablemente tan frecuentes en nuestra región. Los artículos contenidos en la Carta dan a la

OEA el mandato de asumir un rol preventivo frente a crisis de gobernabilidad y violaciones al estado de derecho que hasta la fecha este organismo no ha cumplido de manera efectiva.

La capacidad de liderazgo de la OEA está desde hace tiempo seriamente cuestionada. La institucionalidad democrática en los países de la región continúa en declive y como integrantes de la sociedad civil vemos a una OEA que se mantiene inerte frente a graves violaciones. Desde hace diez años, la OEA cuenta con un instrumento creado para defender los principios democráticos pero se resiste a utilizarlo. No proponemos reformas a la Carta Democrática, simplemente insistimos en que la OEA active los mecanismos de defensa y protección de la democracia que dicho documento le otorga.

Entre nuestras actividades de defensa, promoción y protección de valores democráticos se incluyen emisión de alertas, cartas a gobiernos y organismos internacionales respecto de violaciones a los principios contenidos en la Carta Democrática Interamericana, acciones de incidencia, tareas de capacitación y observaciones electorales, por mencionar algunas. En los últimos años, la Red ha realizado misiones de observación electoral –tanto presidenciales como locales y municipales- en varios países de la región que incluyen: México, Bolivia, Colombia, Perú, Argentina, Guatemala y Nicaragua.

En ocasión de este importante debate, queremos aprovechar para expresar a los Estados de la OEA nuestra gran preocupación por las condiciones en que se realizaron las recientes elecciones presidenciales en Nicaragua. Tanto nuestro trabajo previo así como la misión de observación electoral que viajó al país pudo verificar que dichos comicios se llevaron a cabo en un clima signado por serias irregularidades.

Estas irregularidades han sido también documentadas en informes por las siguientes organizaciones de la región: Grupo de Feministas de Centroamérica, Centro Nicaragüense de Derechos Humanos, Mujeres MAN, Hagamos Democracia y Ética y Transparencia.

El informe completo de la misión de la RedLad a Nicaragua así como otros documentos relacionados pueden encontrarse en: www.democracialatinoamerica.org

Para finalizar, procedemos a presentar nuestras recomendaciones al Consejo Permanente respecto de los puntos planteados:

- Demandamos mayor voluntad política de los Estados de la OEA en la protección de la democracia en la región y que implemente de manera más efectiva los principios plasmados en la Carta.
- Recomendamos también que, en coordinación con la sociedad civil, la OEA considere el establecimiento de observatorios democráticos que permitan, entre otras cosas, que se tomen medidas preventivas cuando se identifiquen amenazas a la democracia.
- Recomendamos además que la OEA considere la creación de una Relatoría Especial para la Democracia que vele por los principios de la Carta.
- Finalmente instamos a la OEA a que impulse la implementación de la resolución sobre derecho de asociación en cuyo debate nuestra Red estuvo involucrada desde el inicio y contribuyó con sus recomendaciones a los contenidos de la misma.

5. *Institute for Diplomatic Dialogue in the Americas (IDDA)*

I would like to thank the members of the Permanent Council for the opportunity to commemorate the anniversary of the Democratic Charter. The CSO that I represent, the Institute for Diplomatic Dialogue in the Americas, or IDDA, has been actively engaged for several years in strengthening the region's democratic culture and furthering the mission of the OAS among university students throughout the hemisphere. With your indulgence, I would like to briefly discuss the activities of IDDA, its successes and its plans for a continuing consolidation of democratic values among the future leaders of the hemisphere.

I am honored to serve as the President of the IDDA, whose sole purpose is to organize and run a simulation of the OAS, called the Washington Model OAS, which takes place every spring in Washington DC. The IDDA is a faculty run, non-profit organization whose members give generously of their time and expertise to make the model an annual success. Bringing students together from diverse backgrounds within and across the member states is critical in making the model realistic and fostering dialogue among young people, dialogue that would not happen otherwise. For one week those students are engaged in finding solutions to problems and issues drawn from the OAS agenda which you, as representatives of your countries, make progress in resolving. The diversity of opinions and cultures has generated greater understanding among our students and many remain in contact and visit each other long after the model.

The "real world" nature of the Washington Model OAS is further advanced by the support and cooperation IDDA receives from the OAS. We have use of headquarters for the formal ceremonies, and access to the diplomatic missions of the OAS. Most universities that participate offer academic credit for participation and the Model is the culminating experience of the course. Students learn about the country they represent, the OAS, international negotiation, and Hemispheric issues during class sessions. Then they are able to apply their knowledge to the drafting of a resolution and negotiation with other delegations at the model. They have the opportunity to get feedback on their ideas before the start of the model from their country mission both electronically and by visiting the embassy on the first day of model sessions. Since 2000, over 3000 students from across the hemisphere have attended the model. In 2011, and as slated for 2012, nearly one third of the participating universities are from Latin America and the Caribbean.

There are many successes that come from this type of learning experience and exposure to the practice of diplomacy that all of you here represent. The willingness of the diplomatic missions to open their doors to our students is universally ranked as the highlight of their week. As faculty, we offer the same data and lines of reasoning as you do on diverse issues such as poverty and democratization, but somehow our students are more attentive and enthusiastic when you say it. Piquing the interest of students is the first step for them to internalize and learn deeply. Also invaluable are your perspectives on the political process and how you came to be in your current position. Speaking on behalf of my colleagues, we thank you and your missions for your time and dedication to answering the myriad of questions our students have. All of this is equally true for the OAS staff and the rare experience that is the Hall of the Americas. There is no better classroom than real life.

Furthermore, many universities are developing experiential learning courses and the Model OAS is an excellent example of this type of initiative. In practicing democracy, students come to see its intrinsic value and sometimes frustrating process; they learn compromise and how to listen. They also learn that "no" is not a solution or an option. Reaching young people during the formative

years of their careers it is critical to spreading the values and practice of democracy. Given the drive for “hands-on learning”, we expect this program to continue to grow.

One of the best measures of our success is that while budgets get tighter, attendance at the model continues to grow and diversify. Every member of the OAS will again be represented at the 2012 Washington Model and we will likely have several Observer States because of the requests for participation. This speaks to the quality of the program and its incorporation into Latin American Studies programs and Political Science tracks. It is not an understatement to say that this is a unique program: a simulation of an international organization which is supported by, and uses the facilities of, that organization. No other regional or universal IGO lends its support, name, and logo to a simulation. That we have had universities from Argentina, Barbados, Canada, Chile, Colombia, Ecuador, Guatemala, Guyana, Haiti, Mexico, Trinidad and Tobago, and Venezuela is also a unique tribute.

Finally, we measure our success in what our students take away from the experience. The student evaluations which my colleagues share show that many of the goals set out in the OAS Charter and the Inter-American Democratic Charter are realized. These include strengthening democratic culture in the hemisphere, promoting education as a solid foundation for the exercise and awareness of democracy, and instilling tolerance and respect of diverse peoples and viewpoints.

Despite our successes, there is more work to be done. Let me offer a few ideas that the member states of the OAS may want to consider as a means to strengthen this learning experience for our future hemispheric leaders.

First, IDDA is now forming a Board of Advisors and is honored to have Secretary General as the honorary chair and the Director of the Department of International Affairs as a member. But we strive to add individuals from the member states who share our commitment and enthusiasm for this unique learning experience. We would love to hear from current or former diplomats from the member states of the OAS, individuals who might be interested in supporting our mission.

Second, while a formal invitation comes to each mission for the Student Gala held upstairs at the Hall of the Americas, I personally invite you and your mission staff to attend an evening of refreshments and music. Your attendance at this event sends a powerful message of how the OAS values this program. For diplomats, our Gala can be a fun opportunity to meet young people interested in the affairs of the region.

Third, and closely related to my invitation, is an offer for any one or a group of states to sponsor the gala. Costs continue to rise in Washington DC and our only source of revenue, the registration fee, has remained largely flat for eleven years. I surely welcome creative thinking on funding which I know is an art form at universities and international organizations alike.

And fourth, it is our intention to expand the number of countries represented at the Model. With the help of the Department of International Affairs and the contacts among faculty, the number has expanded. However, our goal is to have every state, insofar as it is possible, send a delegation of university students in the coming years. We respectfully ask for your help in identifying universities and faculty that would be interested in the Washington Model OAS.

Let me close by emphasizing that I cannot express the depth of gratitude that we as faculty members have for the Organization's support of the Washington Model OAS. For the past several years, the assistance of the Department of International Affairs has been essential to our endeavors. Your support has allowed us to build a strong and sustainable organization which serves many masters: the mission of the OAS; our learning goals; and most importantly, our students, whose world view is irrevocably and positively changed by the Washington Model. Thank you for the opportunity to be here today.

6. *Unidad Industrial Iztapalapa, A.C. (Only available in Spanish)*

Mi nombre es Salvador Ortega López, soy empresario con abolengo.

A lo largo de mi vida, he podido constatar muchos de los cambios y situaciones por las que ha pasado mi país en sus diferentes sectores. Esto me ha dado la experiencia necesaria para formarme un criterio y poder analizar los requerimientos y fallas en el sistema que nos rige. Todo lo cual, me ha llevado a realizar los siguientes análisis y a ejecutar muchas de estas acciones en favor de México.

Por situaciones relacionadas a mi inclinación por la cooperación, llegué al tema de los Derechos Humanos, este me apasionó de tal manera, que me gustó la idea de implementarlos al mundo empresarial, vinculando estos entre sí.

Para llevar a cabo dicho fin, he tenido que investigar ampliamente el tema de los derechos humanos; y encontré, que la figura que encuadraba perfectamente con mi conocimiento y mis posibilidades, es la de Ombudsman Empresarial. Fue a partir de ese momento, que decidí elaborar todo un proyecto fundado en la naturaleza de la figura de Ombudsman Empresarial, que tiene como principal objetivo, la observancia y protección de los Derechos Humanos Económicos.

Cabe mencionar, que la figura de Ombudsman nace en países escandinavos, Suecia, Finlandia, Dinamarca, por ejemplo. Esta figura, surge para cubrir las áreas que los gobiernos no pueden cumplir, ya sea por falta de presupuesto o por ineficacia de los mismos. También, fungen como organismo de vigilancia a las políticas públicas, así como contrapeso a los excesos u omisiones de autoridad.

Es importante destacar también, que el Ombudsman Sectorial no recibirá retribución pecuniaria alguna por desarrollar su función, ésta se trata de un cargo honorífico en su totalidad, tampoco puede realizar ningún tipo de proselitismo, debe mantenerse como una figura limpia, mediática y arbitral.

Derivado de las múltiples acciones que cabrían dentro del proyecto principal, está el de la implementación del Ombudsman Sectorial para cada nivel de Gobierno Federal, Estatal y Municipal del país, y que tiene como misión fundamental, dirigir y proteger el gasto público para beneficio directo e inmediato de la población en general. Siendo ésta mi aportación como organización de la sociedad civil como propuesta Interamericana para el fortalecimiento de la cultura democrática para todos los países del hemisferio, como sugerencia para este evento que hoy nos convoca.

Muchas de las problemáticas que se viven en México y en gran parte de Latinoamérica, tiene su raíz en el mal manejo del presupuesto público. No se están asignando los recursos de manera equitativa

ni precisa; tampoco, existe un organismo de vigilancia privada, que supervise el manejo efectivo del presupuesto, y por otro lado, no hay mucha claridad respecto del manejo y aplicación del mismo.

Basándome en el principio de que "nadie está por encima de los derechos del pueblo", emanado de la Declaración Universal sobre la Democracia y reconocido en múltiples instrumentos jurídicos internacionales, firmados y ratificados por México. Quiero proponer la implementación de la figura de Ombudsman Sectorial para cada uno de los estados y municipios que conforman mi país. Partiendo de los siguientes tres puntos:

- VIGILANCIA. Coadyuvando con la autoridad en el manejo del recurso económico.
- DIRIGIR. Hacer que el presupuesto llegue a los lugares y a las obras que realmente necesita la sociedad, evitando proyectos ociosos o no aprobados por la sociedad.
- PROTEGER. Que el presupuesto no sea manejado de manera discrecional sino de forma clara y transparente.

Esto es, muy a grandes rasgos la propuesta que pretendo implementar en mi país, a través de los mecanismos y tratados internacionales que amparan la transparencia y mitigan la corrupción.

7. *Organización Internacional Nueva Acrópolis (OINA)*

The International Organization New Acropolis (IONA), present in twenty of the thirty five member states of the Organization of American States (OAS) and registered in Chile as a Civil Society Organization before the OAS; expresses its gratitude to the Permanent Council of the OAS for this invitation to contribute to the strengthening of Democratic Culture in the Americas.

IONA works in the non-formal educational sector promoting citizen values with a methodology that includes theory and practice based on classic thinkers and adapting them to the current needs of society through concrete volunteer initiatives. This promotes a lifestyle that includes using citizens' spare time in cultivating their own human dignity and serving the community. We teach respect to ethnic, political, religious and generational differences, solidarity, co-existence and balance between human responsibilities and liberties. We promote dialogue and coexistence as a practical way of life.

We believe that the current misunderstanding or distance between citizens and specialists requires a paradigm shift. Culture and citizen values can be of great aid in this dangerous distance. Real culture is not a specialist privilege; it is the cement that can unite specialists with the population to overcome citizen indifference, misunderstanding and indignation.

Therefore, in commemoration of the tenth anniversary of the Democratic Charter, and based on its articles 26 and 27, we kindly recommend:

- To the Permanent Council of the OAS, to promote sustainable cultural policies to prepare the citizenry for dialogue and coexistence. A cultural shift requires, at a minimum, one generation, therefore, cultural policies and initiatives must be sustainable and programmed for the long term.
- To the Member States, through their Ministries of Culture and or Education, we recommend to develop programs with special emphasis on dialogue and coexistence abilities and other central values for democracy like the responsible use of individual liberty in favor of the common good. This can be achieved through volunteer programs and campaigns using technological tools.

- To the Inter-American Program of Democratic Values and Practices, to continue strengthening alliances with Civil Society to guarantee the evaluation of cultural policies using shared indicators. In addition, we recommend promoting non-formal citizen education programs; enhance their contribution to the formal system and facilitate spaces to share best practices.
- In order to facilitate financial sustainability in the execution of cultural and educational programs for the citizenry, we recommend promoting multi-sectorial initiatives that include private corporate citizens, CSOs and Universities. To execute these programs, it is necessary to identify key civil leaderships and build win-win consensus among these actors.

8. *Centro Feminista de Información y Acción (CEFEMINA)*

The feminist movement in Latin America is committed to our nations' right to live in a peaceful environment, where social development within the boundaries of our culture and dignity is possible. We thrive for the right of women to live free of violence and aggression, as well as for their right to study, have the conditions to live a healthy life, and to have guarantees for all of their human rights. Having governments that respond to the interests of the majority is an aspiration for which thousands of women and men have given the best of their lives through many decades around the region.

The democratic processes in the region are very recent and fragile.

Given this, in occasion of this extraordinary session of the Permanent Council of the Organization of American States (OAS), and in view of the tenth anniversary of the Interamerican Democratic Charter, we as an organization adjunct to this institution, and consistent with the resolution "Promotion and Strengthening of Democracy: Follow-up to the Interamerican Democratic Charter", offer our points of view to strengthen the fulfillment of this international instrument.

EXPOSITION

As a Central American feminist organization, we would like to exhort the Permanent Council of the OAS to make their best effort to guarantee that the spirit of the Interamerican Democratic Charter is kept for the Nicaraguan people, particularly for women.

The feminists of Nicaragua have expressed that they do not acknowledge the results of the national election held on November 6th, 2011, and have denounced that the government that will be inaugurated in January, 2012, "represents fraud, more poverty, persecution and death for women and their rights".

The following has been denounced through many Nicaraguan Civil Organizations: a lack of transparency from the beginning to the end of the electoral process, the negation to grant identity documents to around 200,000 young Nicaraguans to participate in the Election, the late and incomplete distribution of credentials to opposing political parties to be able to observe and supervise the voting exercise, the change of venues for polling centers without previous notification, the tallying of votes held exclusively by members of the ruling party, and the lack of publication of the results of the totality of the more than 12,000 polling centers. These were just some of the irregularities that took place during the electoral process (combined with a large number of illegalities) and which converted it into a massive fraud. As a consequence, the election results are not at all reliable.

Given this, we consider that the 2011 Election represents a large step backwards on the democratic advances achieved in Nicaragua. This deteriorating tendency initiated in the 2008 municipal election. In that case, the fraud took place in the largest municipalities, such as Managua, which by itself comprises a third of the national vote.

Members of the Permanent Council, it is important to take into account that in Nicaragua, the symbolic, subjective, and real power of voting has been evident since the 1990 Election. The result back then put an end to a revolutionary process, created conditions to end the war, and initiated a new political and socioeconomic system.

Given this, it is vital to make sizable efforts that allow the Nicaraguan people to have access to democracy, through the effective exercise of representative democracy, which should be a result of free and transparent elections in which the people's will is respected.

Nicaragua is a country with a very recent history of bloody conflicts. Political polarization has divided its society and families in the past. Only 20 years ago, this referent started to change. The recent electoral fraud breaks the foundation of the rule of law, affects the legitimacy of vote, and makes peaceful coexistence unviable. This reality opens the door to a crisis of stability and legitimacy in the country.

For the feminist movement, democracy is not only about elections, but a legal, transparent and legitimate voting process constitutes a right that all citizens must have. The women of Nicaragua have made large investments on procedural and institutional democracy. For a democratic process that is inclusive of women to be true, rule of law is required on our nation.

PETITION

In the framework of the Interamerican right and the normative of the Democratic Charter, we ask for support in name of the Nicaraguan people, which demands the cancellation of the November 6th, 2011, Election, and the celebration of a new electoral process in which conditions of freedom, legality, transparency, and impartial arbiters exist, and in which mainly, violence, and the repression against freedom of speech and mobilization ends.

9. *Centro Nicaragüense de Derechos Humanos (CENIDH)* (Only available in Spanish)

Atendiendo los términos de la convocatoria realizada a las organizaciones de la sociedad civil para participar de la sesión extraordinaria del Consejo Permanente a realizarse el próximo 30 de noviembre de 2011 en la sede de la OEA en Washington, D.C. con el fin de compartir con los Estados Miembros nuestro criterio sobre cómo fomentar una cultura democrática en las Américas, el Centro Nicaragüense de Derechos Humanos (CENIDH) hace las siguientes consideraciones y recomendaciones sobre los problemas y desafíos que enfrenta la democracia en Nicaragua, las que son compartidas por otras organizaciones de la sociedad civil en Nicaragua.

Como es de su conocimiento, en Nicaragua se realizaron elecciones presidenciales y parlamentarias el día 6 de noviembre del presente año. La Organización de Estados Americanos destinó una Misión de Observadores que presentó su informe el día 15 de noviembre. Dicho Informe, fue originalmente aceptado por el representante de Nicaragua, Embajador Denis Moncada Colindres pero luego, el 21 del mismo mes, fue rechazado aduciendo que contenía información falsa y que se buscaba

fortalecer la intención desestabilizadora de agentes de la Embajada de Estados Unidos en Nicaragua y otros sectores de oposición.

De acuerdo a la Carta Democrática Interamericana, cuyo décimo aniversario celebramos: “la democracia es esencial para el desarrollo social, político y económico de los pueblos de las Américas” y le son esenciales “el respeto a los derechos humanos y las libertades fundamentales; el acceso al poder y su ejercicio con sujeción al estado de derecho; la celebración de elecciones periódicas, libres, justas y basadas en el sufragio universal y secreto como expresión de la soberanía del pueblo; el régimen plural de partidos y organizaciones políticas; y la separación e independencia de los poderes públicos”.

Estos principios están también recogidos en la Constitución Política de la República de Nicaragua. Sin embargo, han sido violentados reiteradamente por el Estado de Nicaragua que valiéndose de un Consejo Supremo Electoral (CSE) carente de toda independencia e imparcialidad y respondiendo a la voluntad del Presidente Daniel Ortega ha llevado a cabo un proceso electoral plagado de irregularidades y que por lo tanto ha tenido como consecuencia gravísimas violaciones de los derechos civiles y políticos de los y las nicaragüenses.

Resumimos aquí los principales problemas que el CENIDH y organizaciones de la sociedad civil pudieron constatar al realizar el monitoreo del proceso electoral del pasado 6 de noviembre:

1. El organizador y principal responsable del proceso, el CSE, está integrado por magistrados cuyo período venció y fue ilegalmente prorrogado por decreto presidencial, en violación de lo dispuesto en la Constitución que le confiere esa facultad exclusivamente a la Asamblea Nacional.
2. El CSE inscribió la inconstitucional candidatura del Presidente Daniel Ortega, contraviniendo lo establecido expresamente en el Arto. 147 de la Constitución.
3. Candidatos a diputados de la oposición fueron inhibidos de manera arbitraria por el CSE.
4. No fueron acreditados grupos independientes de observación nacional como IPADE y Hagamos Democracia, respecto de Etica y Transparencia con anterioridad las máximas autoridades de ese poder del Estado habían vetado su participación.
5. Las cédulas fueron entregadas por las estructuras del partido de gobierno, priorizando a sus simpatizantes y negándolas a quienes se consideraban opositores. La cedulación a menores de edad fue también denunciada.
6. El partido de gobierno dominó absolutamente la integración de las Juntas Receptoras de Votos, impidiendo la acreditación de hasta un 20% de fiscales de tres partidos políticos y acreditando de manera tardía los fiscales de la Alianza PLI, principal fuerza opositora. Durante la votación y al momento del escrutinio, en un 15% adicional de las Juntas Receptoras de Votos (JRV) fueron expulsados fiscales de la oposición. Organizaciones de observación nacional e internacional y el propio CENIDH encontraron obstáculos para ingresar a los Centros de Votación (CdeV) y en algunos casos, fueron expulsados violentamente de los mismos por simpatizantes del partido de gobierno y miembros de los Consejos del Poder Ciudadano.
7. El material electoral fue manipulado, sin presencia de fiscales de la Alianza PLI, durante la noche del sábado 5 de noviembre.
8. En la apertura de las JRV se impidió el conteo inicial de boletas y en el cierre de las mismas se impidió su conteo final. En las urnas de las mesas electorales fueron depositadas boletas pre marcadas a favor del FSLN, durante y al final del proceso de votación.

9. El Código de Seguridad que decidían de manera conjunta los miembros de la JRV y los fiscales escribiéndolo al reverso de cada boleta fue determinado de antemano por el CSE.
10. En muchas JRV el secreto del voto fue violentado ya que los recintos fueron ubicados de manera que mostraban con cierta facilidad la decisión del votante.
11. En algunos casos la Policía Nacional actuó con exceso de fuerza poniendo en riesgo la seguridad ciudadana, limitando el derecho de protestar y hacer peticiones, particularmente, por la falta de entrega de cédulas y la negativa de acreditar a los fiscales opositores.
12. Durante el cierre de la votación y en el transporte a los centros de cómputos se falsificaron actas de escrutinio a favor del partido FSLN, destruyendo las actas originales o adulterándolas. Se entregaron copias ilegibles a los fiscales de la Alianza PLI (un 35% de los casos), no se colocaron las copias de las actas fuera de cada JRV y no se les permitió acompañar el material electoral a los centros de transmisión de datos.
13. Se constató la presencia de votantes que habían votado en otras mesas. Hay evidencias de personas que votaron sin cédula, sin documento supletorio, sin estar en el padrón y sin ser personas domiciliadas en el sitio de la JRV.
14. El CSE no ha dado a conocer el detalle de la votación en cada JRV, actividad que se realizaba desde la noche misma del día de las elecciones, en otras elecciones. Finalmente, el CSE adelantó la fecha de las impugnaciones a los partidos políticos, lo que perjudicó el derecho de los mismos de documentar sus reclamaciones ya que ni siquiera había cumplido su obligación de suministrar la información oficial y declaró precipitadamente electos a los candidatos del partido de gobierno.

En suma, el pueblo nicaragüense acudió a las urnas con confianza en el proceso democrático, pero ante tanta irregularidad, obstáculos y trampas que caracterizaron todo el proceso, se vive actualmente en Nicaragua y principalmente en las zonas rurales un ambiente de inestabilidad política y social, pues la reelección del Presidente Ortega y la increíble mayoría alcanzada por el F.S.L.N carece de toda legitimidad porque es el resultado de la violación de la Constitución y de la voluntad expresada en las urnas y ha dado paso al establecimiento de una dictadura en nuestro país, en violación de lo dispuesto en la Carta Democrática. El electorado tiene derecho de conocer los resultados junta por junta y de que su voluntad expresada en las urnas sea respetada.

El CENIDH y organizaciones de la sociedad civil consideramos indispensable la reforma total del sistema electoral que incluye la reforma a la Ley Electoral, la reorganización de las estructuras electorales y la estabilidad reglamentaria. Así mismo, demandamos se sustituya a la totalidad de magistrados que integran actualmente el CSE.

Consideramos que el Consejo Permanente debe evaluar la situación de Nicaragua a la luz de lo establecido y las obligaciones contraídas como Estado miembro de la Organización de Estados Americanos. Es un derecho del pueblo nicaragüense contar con un sistema democrático que es el único capaz de garantizar el respeto de los derechos humanos reconocidos en la Convención Americana sobre Derechos Humanos y en otros instrumentos internacionales.

El pueblo de Nicaragua mostró su voluntad de paz acudiendo a las urnas y defendiendo su voto a través de movilización y la denuncia pública. Pero esta voluntad fue violentada por el Presidente de la República a través del control absoluto de un Consejo Supremo Electoral compuesto por magistrados con periodo vencido.

Por ello, en el marco del décimo aniversario de la Carta Democrática Interamericana, consideramos que es fundamental que se resalte en las Américas la importancia de la misma, lo que necesariamente pasa por que los Estados miembros valoren las medidas que serán tomadas para que el Estado de Nicaragua de seguimiento a las recomendaciones del Informe de Observación de la Misión de Observación Electoral de la OEA sobre las elecciones del 2011 en Nicaragua.

Los Estados americanos deben tener en cuenta que el pueblo de Nicaragua tiene derecho a vivir en paz y a disfrutar de los beneficios de la democracia, que entre otros incluye: el derecho a tener elecciones libres y transparentes conducidas por una autoridad independiente y con pleno respeto de los derechos que asisten a las Alianzas y partidos participantes, a sus candidatos y candidatas y a la ciudadanía cuyo derecho a contar con una cédula, a votar y a que se respete su voluntad expresada en las urnas debe ser garantizado, sin discriminación.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The civil society representative who spoke on behalf of organizations working on the theme of democracy centered his intervention on the status of democracy in the Americas, indicating that we are facing great challenges since in many countries the existence of a true democracy is questioned. He made reference to the coup d'état in Honduras, recommending that Honduras should not be permitted to return to the OAS until there is a clear path to restore democracy in the country, respect and protection of human rights, guarantees of an independent judicial branch, and a process of demilitarization. He highlighted the importance of strengthening the enforcement and implementation mechanisms of the elements of the Inter-American Democratic Charter in order to avoid another disruption to democratic order in the region.

The civil society representative recommended the creation of a special rapporteurship on democracy within the Inter-American Commission on Human Rights (IACHR) with the purpose of observing and evaluating the implementation of the elements established in article 3 of the Inter-American Democratic Charter, and to develop indicators for their measurement that would be reported to the bodies of the Inter-American System. The Member States should extend an open invitation to the rapporteurship to enter into their countries and should create a special fund to ensure its financing. The representative of also proposed strengthening the role of the Secretary General within the framework of article 20 of the Inter-American Democratic Charter to exercise a more active role in the prevention of crises and strengthening democracy.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- The strengthening of democratic institutions on budget transparency, control, accountability and citizen participation. Urgent need to ensure the modernization of public policies, especially the exercise of political parties and in the electoral campaigns. Regulate and control the procedures involved where there is achieved and strengthened the role of justice, supervisory bodies, eliminating corrupt practices

General Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- Include a paragraph in the Declaration of Lima that addresses the issue of transparency and access to information in relation to political financing and electoral campaigns, understanding that it is essential to prevent financing of campaigns by interest groups that can manipulate, threaten or go against issues related to peace, security and cooperation.

Specific Recommendations to the Draft Declaration:

Paragraph 4: Their commitment to strengthening the Inter-American System and democratic institutions, as well as their commitment to ensuring that the Organization of American States continues to contribute to the overcoming of tensions and solution of crises; and, in addition, to continue supporting bilateral, subregional, and regional efforts, agreements, and mechanisms to prevent conflicts and achievement peaceful settlement of disputes.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

Strengthening Governance

1. Use the expertise of the Diaspora to continue the process of reforming the Constitution, including those provisions related to granting Dual Nationality to members of the Diaspora and facilitate enactment of new measures and legislations at the Executive and Parliamentary levels that will integrate the Haitian Diaspora in Haiti's society.
2. Implement provisions of the Constitution with regards to decentralization.
3. Adopt a realistic decision on the scheduling of the elections taking into consideration the special circumstances as a result of the earthquake. Collaborate with international partners and Diaspora organizations to put in place a mechanism to encourage greater participation of the Diaspora as electoral observers in all upcoming elections.
4. Pursue the transfer of knowledge and expertise to help strengthen capacity through effective mechanisms such as (i) exchange programs with Diaspora professionals and through online communities and (ii) partnerships with academic centers for the training of civil servants.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Recognize the best practices of communities as well as alternative forms developed to address the problems associated with democracy and, in particular, the way communities respond to security and citizen needs, taking into account the different cultures in each country.
- Promote accountability in the management of information by the social media.
- Encourage governments to respect and enforce the rights of their citizens to life, liberty, private property and the right to a quality education, free from interference, respecting individual freedom under the rule of law.
- Nowadays, the concept of security is viewed from a broad and comprehensive perspective, and to achieve advances in this area, it is fundamental that States have democratic, inclusive and participatory dialogue systems to generate public policies.
- Policies and measures for citizen security must be coherent with the democratic system and principles.

- From this perspective, in order to advance in themes related to citizen security, the Inter-American Democratic Charter offers a framework to ensure that public policies and measures that are taken to advance in this challenge are wholly respectful of democracy and human rights.
- The 10th Anniversary of the Democratic Charter is an opportunity to disseminate it and renew the commitment made by the Member States to it. The States should take advantage of the communications opportunity that the 10th anniversary grants, generating milestones and elements that favor its dissemination.

In this context, we propose:

- That the Declaration of San Salvador should include the commitment of the governments to the dissemination and implementation of the Inter-American Democratic Charter, in a context that guarantees strategies of promotion and defense of public security, in accordance with the democratic system and human rights.
- Invoking the same Charter and its articles 6 and 26, strategies and public policies should be implemented and built in favor of citizen security, incorporating active and systematic processes of participation.
- Carry out working tables to address challenges to relations between governments, civil society and political parties, since if they indeed have different characteristics and goals, a clearly defined and collaborative work between them is necessary to be able to implement and advance policies of the State, as is – or should be – citizen security.
- Clearly state in the Declaration of San Salvador that the Inter-American Democratic Charter is a tool for the exercise of civil, political, social and cultural rights of citizens of the Americas. This implies that if governments are the ones that sign and adopt the commitments related to the Charter, it is necessary for all social and political actors to be aware of it and disseminate it.
- Urge governments to enact and adopt the interpretive protocols necessary for the proper implementation and application of the provisions contained in the Inter-American Democratic Charter.
- Due to widespread lack of knowledge of citizens of the Inter-American Democratic Charter, it is suggested to develop a clear, simple and applied guide for the implementation and dissemination of the Charter to all citizens and civil society organizations so that they can, in turn, utilize it to address different causes and issues.
- Member States, through their Ministries of Foreign Affairs and in partnership with civil society organizations, should implement national communications strategies that focus on specific, public objectives, valuing and disseminating the Inter-American Democratic Charter in all its dimensions.
- States should commit to training government employees on the Inter-American Democratic Charter, especially those who have direct contact with the citizenry (such as municipal government employees), in such a way that they apply it in their specific functions and support its dissemination.
- Invoke, cite and utilize the Democratic Charter not only in moments of extreme crisis, but also in all of the areas that it addresses and in the daily affairs of nations. Remember that it is a “guide map” that should be consulted.
- Effective monitors should be established from within the OAS about what governments do and do not do in compliance with the commitments implied by the signing of the Charter. Disseminate and communicate the results in an open and transparent manner. Furthermore, disseminate and share best practices and strategies to overcome difficulties in their implementation.

- Creation of a special rapporteurship for issues of democracy and/or ombudsman that, independently from governments, promotes the Charter and generates spaces for dialogue between relevant actors.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS

Consultation with Civil Society Organizations Under the Aegis of the Special Working group to Reflect on the workings of the IACHR with a view to strengthening the IAHRs – Washington, D.C. – October 28, 2011

CHALLENGES AND MEDIUM-AND-LONG-TERM OBJECTIVES OF THE IACHR

1. Asociación Interamericana de Defensorías Públicas (AIDEP) (Only available in Spanish)

Acerca de la necesidad de reforzar el trabajo político en dirección a reducir la brecha entre los estándares y las prácticas de los países y el nivel de incumplimiento de las decisiones de los órganos de protección

En términos generales, desde la puesta en funcionamiento del sistema interamericano de protección de los derechos humanos, el trabajo de los órganos de aplicación de la Convención Americana ha impactado positivamente en las prácticas y políticas llevadas adelante por los estados miembros. Si bien de forma imperfecta y con incidencia dispar en los distintos países de la región, numerosos cambios se han verificado en dirección a reducir las conductas estatales que atentan contra los derechos de las personas. Por otra parte, los principios establecidos en los instrumentos regionales de derechos humanos han inspirado incrementalmente reformas legislativas y rediseños institucionales.

Estos desarrollos obedecen principalmente al trabajo de la Comisión y la Corte Interamericana de Derechos Humanos en el sistema de casos contenciosos y al deber de los Estados que integran el sistema de cumplir con sus decisiones. Sin embargo, también se relacionan con la propia toma de conciencia e internalización de los estándares de derechos humanos por parte de las agencias estatales y los operadores jurídicos, la cual redundará en la consolidación de prácticas apegadas a los principios que dimanarán del marco jurídico internacional en materia de derechos humanos.

El trabajo político y diplomático que lleva adelante la Comisión Interamericana puede cumplir un rol preponderante en estos procesos. Consolidarlo y afianzarlo constituye uno de los desafíos más relevantes que la Comisión enfrenta, especialmente teniendo en consideración que la realidad regional dista de espejarse en los estándares elaborados en el SIDH y el grave problema del incumplimiento de las decisiones de fondo de la Comisión y la Corte Interamericana y sus medidas cautelares o provisionales.

Entre los desafíos que la CIDH debe afrontar a mediano plazo identificamos:

- Profundización de los estándares de exigibilidad y cumplimiento en materia de derechos económicos, sociales y culturales, aplicando el Protocolo de San Salvador de conformidad con lo dispuesto en el artículo 19.7 de dicho tratado.
- Lograr un mayor y más rápido acatamiento de sus recomendaciones y medidas cautelares, para lo tanto, adicionando al artículo 65 de la Convención la presencia del Consejo Permanente de la OEA, disponiéndose en su última parte que la Asamblea General remitirá

el informe elaborado por la Corte Interamericana a dicho órgano a fin de que estudie la materia y rinda un informe para que la Asamblea General delibere al respecto.

2. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

We believe that the main challenge of the Inter-American Commission of Human Rights CIDH (Spanish Initials) is in the time it takes for interventions that perform those people who complaints their rights are being violated and their lives are in danger, the requirement to intervene the Commission (CIDH) the fundamental requirement is that processes has to be concluded with the final decision of the Supreme Court of Justice does not favor precisely that the laws are enforced in our country Paraguay , where trials last decades and in the special case that concerns us 17 years of process and almost 9 years that was requested for the first time the intervention of the Inter-American Commission on Human Rights – CIDH.

Which humble poor person? or national leader that is fighting for social claims can withstand many years in the hands of injustice and state terrorism placed in Paraguayan justice, Paraguay has criminalized social struggles with laws that apply mostly on social leaders and they use these criminalized laws as a weapon or threats against the social leaders. The CIDH must establish in their regulations rapid intervention in these cases and establishing in their statutes and regulations clear objectives about the medium and long term.

3. *Centro de Estudios de Derecho, Justicia y Sociedad (DEJUSTICIA), Conectas Direitos Humanos, Centro de Estudios Legales y Sociales (CELS), Instituto de Defensa Legal (IDL), Due Process of Law Foundation (DPLF) y Fundación Construir a las que se adhieren: Asociación Interamericana para la Defensa del Ambiente, Asociación por los Derechos Civiles (ADC), Centro de Derechos Humanos Miguel Agustín Pro Juárez, Corporación Humanas, Coordinadora Nacional de Derechos Humano y Justiça Global*

Toward Compliance with the Decisions of the IASHR Bodies

When the decisions handed down by international human rights bodies are not respected by countries, countries miss an opportunity for enriching their democracies, international systems for human rights protection grow weaker, and above all victims and their families are forced to continue waiting for reparation of violations of their rights.

Thus, we propose a series of measures that should be adopted at the domestic level by States and at the regional level by the organs of the IASHR, which we believe are essential for strengthening the IASHR by promoting compliance with its decisions. It is already apparent that transforming international decisions into effective public policies requires first and foremost true, sustained political will on the part of States.

- **Creating Domestic Mechanisms: A Primary Obligation of States**

It is vital that each State create an inter-institutional commission for the compliance of international decisions. Such a body, made up of high-ranking authorities from the Public Ministry and each governmental institution implicated, will establish the general guidelines that are applicable for each case requiring coordinated, inter-institutional action. The body

will even facilitate formulation of legislative reforms and institutional modifications that will make procedures more efficient.

In addition, the first step toward compliance of decisions should be the elaboration of an “implementation map”: an outline of steps that should be studied and discussed before executing a decision. The map should be designed by a group of actors who will be convened by a previously designated coordinating body, and should determine which State agency will be in charge of leading the process of implementation. Moreover, the map should include a work plan, which distributes the tasks and responsibilities clearly, taking into account the role to be played by each State institution and the Public Ministry, and assigns tentative timelines for the completion of each phase of implementation.

- Optimization of Supervision Mechanisms

It is essential that the IASHR develop unified criteria, contained in guidelines directed toward States, concerning the State’s responsibility to provide information during the ensuing process of compliance and implementation of the IAHR’s decisions. The guidelines should include the request for information on the mechanisms implemented to further compliance in each case. Specifically, information should be provided on the following aspects, among others: coordination, periodic activities, description of the implementation map, deadlines, and the governmental bodies and agencies involved, as well as the measures corresponding to each one.

We also propose the creation of a comprehensive database to be made available on-line, which centralizes information from the IACHR and the Inter-American Court of Human Rights on compliance with their decisions. This database will allow for more profound analysis of the weak points and salient characteristics regarding levels of compliance by different Member States.

Lastly, beyond case-by-case analysis, we believe the IACHR should include in its agenda a study of the mechanisms that have been adopted within States to comply with the decisions of the IASHR. Such a comprehensive, regional study will help reveal the various difficulties experienced by States and contribute to determining integral solutions for resolving them. A diagnosis of decision compliance is essential, and may take the form of the thematic reports elaborated by the IACHR. It should include an analysis of the current panorama, basic minimum standards, and mechanisms for dialogue that should be created regarding compliance.

4. *Centro Latinoamericano de Derechos Humanos (CLADH)* (Only available in Spanish)

Asegurar la autonomía y transparencia

Dos desafíos fundamentales para la CIDH, en orden a su fortalecimiento y el de todo el SIDH, son el de su autonomía y el de la transparencia como medio de lograr y asegurar dicha autonomía.

- Modificar el sistema de selección de miembros del Staff permanente de la CIDH.

El Centro Latinoamericano de Derechos Humanos (CLADH) saluda la reforma del artículo 11 del Reglamento de la CIDH, como un medio importantísimo de asegurar la autonomía de la CIDH. Y considera fundamental continuar con ese tipo de reformas, estableciendo mecanismos similares de concursos y oposiciones para cubrir los demás puestos de importancia y responsabilidad dentro del staff de la Secretaría Ejecutiva.

De ese modo se logrará que quienes ocupen puestos claves sean las personas más idóneas, lo que les da independencia e imparcialidad; y se evitan los amiguismos o favoritismos y las injerencias indebidas.

- Acceso a la información de los procedimientos en trámite ante la CIDH.

A fin de otorgar mayor transparencia a lo que sucede al interno de la CIDH, debe garantizarse el acceso a la información de todos los procedimientos en trámite. Esto puede lograrse mediante el establecimiento de un sistema informático que permita a todos los usuarios del Sistema acceder remotamente, cada uno desde su país, a los expedientes de los casos que se encuentran siendo instruidos en la CIDH.

Es comprensible que, por razones de seguridad de las víctimas, el acceso a determinados casos deba ser restringido, pero no puede concebirse que esas propias víctimas no tengan acceso al expediente. Esto hoy en día se verifica incluso con quienes viajan hasta Washington, quienes no pueden compulsar los expedientes.

Luego, para la mayoría de los casos, no debería haber ningún tipo de restricción. Esto es, que todas las partes, Estados y peticionarios, e incluso partes ajenas al mismo, puedan compulsar los expedientes y saber qué está pasando. En el caso de quienes no son partes en el procedimiento en cuestión, el acceso puede ser limitado, más nunca totalmente restringido, con algunos criterios, como el de invocar un interés simple o incluso legítimo, como puede ser el de una ONG que propenda a los fines que en el caso concreto se estén ventilando.

5. *Federación Interamericana de Abogados (FIA) / Inter American Bar Association (IABA)*

- Need to expedite the proceedings;
- Need for mandatory decisions of the Court.
- Imposition of punitive damages to the States which do not comply the ISHR decisions;
- Ability to enforce the compensatory portion of the decisions of the Court in the territory of other member countries of the Convention, such as occurs in the context of ICSID.

6. *Grupo de Mujeres de la Argentina (Only available in Spanish)*

- Promover la resolución de causas pendientes de juzgamiento acortando lo plazos de prisión preventiva a fin de proteger el principio de inocencia, el cual suscita la protección integral del imputado.
- A su vez, obligar al Estado Argentino al cumplimiento del fallo “Verbitsky, Horacio s/habeas corpus” con el objeto de evitar condiciones indignas de detención de las personas procesadas, considerándolas como tratos crueles, inhumanos y degradantes. Sumado esto, a facilitar la

progresividad de la condena de aquellos detenidos juzgados promoviendo de este modo la reinserción social del condenado. Hoy un ejemplo de esta situación, es el reclamado por personas detenida de la Provincia de Buenos Aires, ya que los distintos departamento judiciales no cumplen con el Pacto de San José de Costa Rica, y si se encuentra estos en tiempo de condena, muchas veces para lograr su libertad terminan negociando y coaccionándolos en un abreviado, mas allá que puedan ser inocentes del hecho imputado. .

- Incorporar talleres de aprendizaje de oficios de corto plazo de estudio e incluir carreras universitarias y terciarias para todo aquel que decida comenzar dicha formación, previéndolos entre los internos con el objetivo de permitirle al reo obtener empleo calificado proponiendo evitar la reincidencia. Lo que en este momento, no se cumplen en varias unidades de detención de nuestro país, y otra de nuestras preocupaciones es que muchos de estas personas privadas de libertad se encuentran en trabajo esclavo, sin derechos de pensión, salario familiar ósea cumplimiento a la carta de la OIT, el cual expusimos a la CIDH en la reunión de 2010 en Argentina.
- Con respecto a lo liberados y en condicional, nos encontramos en la bajo apoyo para la integración social, ya que para acceder a proyectos o ayuda social, deben esperar a que sus expedientes sean aceptado, lo que en algunos casos, nos hemos encontrado que el pedido de arreglo de techo de una casa, tardo la resolución 2 años de reclamo. Otros de nuestras preocupaciones, es el articular y acceder a programas de los distintos Municipios donde viven sus familiares y su futuro espacio habitacional, para que puedan llegar a acceder a trabajo sin empleador y reformas de su viviendas, ya que al ser personas que han estado privadas de libertad por causa judicial, existe en la sociedad una discriminación en acceder a un empleo.
- Promover y facilitar legislaciones internas que obliguen al Estado a incluir cupos de ex detenidos en el empleo público y privado, previo curso de capacitación en la tarea en que se lo designe y a su vez, control periódico medico para evitar, en el caso de haber sido consumidores de estupefacientes o alcohol compulsivos, que continúen con esta adicción.
- Promover y facilitar centros de recuperación de consumidores de estupefacientes o alcohol compulsivos, dentro del sistema penitenciario. Hemos visto que en algunos casos hay jóvenes que se encuentran en granjas religiosas o privadas, lo que no se cumplen el seguimiento de salud, en enfermedades colaterales.
- Considerar a las unidades de detención solitaria como penas crueles e inhumanas, en congruencia con lo prescrito en los Artículos XXV. (...)Todo individuo que haya sido privado de su libertad (...) tiene derecho a un tratamiento humano durante la privación de su libertad. Y Artículo XXVI. Toda persona acusada de delito tiene derecho (...) a que no se le imponga penas crueles, infamantes o inusitadas. De la Declaración Americana de Derechos Humanos. Y articulo 5 de la Convención Interamericana sobre Derechos Humanos, en igual sentido. En nuestro país, se ha ampliado la plaza de alojamiento en unidades federales y provinciales, pero no se ha tomado en cuenta, la situación de alojamiento de discapacitados, ni de indicadores para prevención a incendios o catástrofes por mala construcción de los mismos.
- Obligar al Estado Argentino a declarar inconstitucional las penas de prisión y reclusión perpetua a menores de dieciocho (18) años de edad, en coherencia con lo prescrito en la Convención Interamericana sobre Derechos Humanos en el artículo 19: “Todo niño tiene derecho a las medidas de protección que su condición de menor requieren por parte de su familia, de la sociedad y del Estado”. Y el artículo 37 de la Convención sobre los Derechos del Niño: “a) Ningún niño sea sometido a torturas ni a otros tratos o penas crueles, inhumanos o degradantes. No se impondrá la pena capital ni la de prisión perpetua sin posibilidad de

excarcelación por delitos cometidos por menores de 18 años de edad.” En instancia internacional existe todavía reclamos sobre perpetuas de menores.

- Permitir el acceso a toda persona al Banco Nacional de ADN con el propósito de proteger la identidad de las personas, de lo contrario, evitar conocer la identidad se constituye como una degradación a la persona humana. Hoy en nuestro país, solo pueden acceder al mismo, casos que han ocurrido en la época del proceso y que hayan vivido privación de la libertad, lo que deja en indefensión varios casos de personas y jóvenes, que han sido apropiados en esa época y sin poder acceder a saber su identidad biológica.
- Considerar como explotación y trabajo esclavo las actividades laborales de los extranjero indocumentados y de pocos recursos.
- Agilizar y articular programas, para que los jóvenes y menores no se encuentren desprotegidos por la falta de inclusión social, por violencia en lugares educativos, por encontrarse en situación en riesgo por estar en grupos sociales marginalizados por el mismo sistema.
- Seguir en los programas y proyectos de educación para jóvenes, y personas con problemas sociales.

7. *Indian Law Resource Center* (Only available in Spanish)

La CIDH debería ajustar su trabajo para poder responder a los desafíos actuales. Todo esto, teniendo presente los desafíos que existen hoy en la protección y promoción de los derechos humanos en general, y de los derechos de los pueblos indígenas en especial. En nuestra opinión, entre otros, estos desafíos son: (1) bancos multilaterales de desarrollo; (2) Proyecto de Declaración Americana sobre los Derechos de los Pueblos Indígenas; y (3) derecho a la libre determinación y autogobierno de los pueblos indígenas. En cada uno de estos casos, se indica en que rol la CIDH debería poner énfasis en su trabajo. Para mayor información sobre estos desafíos, entre otros, ver la presentación hecha por el Centro con motivo de la Celebración del 50 Aniversario de la CIDH en Noviembre de 2009; así como las preocupaciones expuestas en materia de implementación de reparaciones del SIDH en la conferencia organizada por American University en Marzo de 2007.

- *Bancos Multilaterales de Desarrollo y otros Bancos (Bancos)*. En el marco del procesamiento de casos, la CIDH debería evaluar la relación que existe entre las violaciones de derechos humanos y el financiamiento de proyectos financiados por estos Bancos. Entre otros, cabe mencionar: (1) el Banco Interamericano de Desarrollo (BID); (2) el Banco Mundial; (3) la Corporación Financiera Internacional (CFI); (4) la Corporación Andina de Fomento (CAF); y (5) el Fondo para el Desarrollo de los Países de la Cuenca del Plata (FONPLATA). Además, debe tenerse presente el rol de los bancos nacionales de desarrollo en proyectos que se ejecutan en países vecinos en la región—v.gr. el Banco Nacional de Desarrollo de Brasil (BNDS), entre otros.

La agenda de “desarrollo” debe considerar los derechos humanos de aquellos que resultan afectados por proyectos financiados por estos Bancos. Al respecto, la CIDH puede aportar aproximaciones legales con notable autoridad debido a su especialización en el derecho interamericano de derechos humanos. Nótese que estos Bancos financian numerosos proyectos en los países en vías de desarrollo de nuestra región; muchos de los cuales afectan considerablemente derechos protegidos por instrumentos del SIDH. Entre otros, cabe mencionar proyectos de infraestructura que persiguen la integración territorial de los

Estados—v.gr. proyectos de la Iniciativa para la Integración de la Infraestructura Regional de Sudamérica (IIRSA) —y proyectos vinculados a cambio climático—v.gr. proyectos relativos a la Reducción de Emisiones de la Deforestación y la Degradación de Bosques (REDD+ por sus siglas en inglés).

- *Proyecto de Declaración Americana sobre los Derechos de los Pueblos Indígenas (Proyecto de Declaración)*. El Proyecto de Declaración constituye un trabajo inconcluso de la OEA, lo cual refleja falta de voluntad política en el establecimiento de estándares regionales sobre los derechos de los pueblos indígenas. En su carácter de órgano de promoción, la CIDH debería jugar un rol más decisivo en la pronta conclusión de las negociaciones en torno al Proyecto de Declaración, por cuanto éste es un instrumento necesario para fortalecer el reconocimiento de los derechos indígenas en la región. Además, en términos prácticos, el Proyecto de Declaración es un instrumento importante que puede guiar las decisiones de los órganos del SIDH y el trabajo de las agencias de la OEA. Todo esto, en la medida en que refleja las particularidades que los pueblos indígenas en la región tienen en comparación a otros pueblos indígenas y tribales de otras regiones del mundo.
- *Derecho a la libre determinación y autogobierno de los pueblos indígenas*. A pesar del reconocimiento universal de estos derechos a favor de los pueblos indígenas, el SIDH carece de instrumentos que lo reconozcan. Esta laguna legal incide en el trabajo de los órganos del SIDH. En el procesamiento de casos y medidas cautelares, la CIDH debería prestar especial atención a los avances existentes a nivel universal sobre estos derechos, a efectos de desarrollar las aproximaciones legales correspondientes—v.gr. Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas. Esto cobra importancia porque existe en la mayoría de los Estados Miembros de la OEA una clara falta de adecuación del derecho interno a este estándar internacional en particular. En términos prácticos, tales aproximaciones legales contribuirían a resolver los inconvenientes que surgen en el marco del cumplimiento del deber de los Estados de realizar consultas con los pueblos indígenas sobre aquellas medidas que puedan afectar sus derechos e intereses.
- *Universalidad*. Si bien la cuestión de la universalidad tiene implicancias para ambos órganos del SIDH, creemos oportuno resaltar su importancia para el funcionamiento de la CIDH. En su carácter de órgano de promoción de derechos humanos, la CIDH debería procurar la pronta ratificación de la Convención Americana de Derechos Humanos (Convención) y aceptación de la competencia contenciosa de la Corte Interamericana de Derechos Humanos por parte de aquellos Estados Miembros de la OEA que aun no son parte del SIDH para todos sus efectos legales.

La pertenencia de aquellos Estados al SIDH es crítico para el trabajo de la CIDH. Primero, la universalidad garantiza el acceso de todas las personas sujetas a la jurisdicción de tales Estados a la función de protección de derechos humanos de la CIDH. Nótese que de Norteamérica, solo México es Estado Parte del SIDH, no Estados Unidos y Canadá. Segundo, el sistema legal anglosajón que impera en alguno de estos Estados—v.gr. Estados Unidos y Canadá, entre otros—enriquecería cualitativamente las aproximaciones legales de la CIDH en la medida que tramite casos y peticiones aplicando la Convención, no meramente interpretándola. Esto incluso permitiría a la CIDH tener un enfoque innovador en las recomendaciones que formula a Estados de raigambre civilista. Tercero, existe un considerable porcentaje de pueblos indígenas en algunos de éstos—v.gr. Estados Unidos y

Canadá—que requieren de la protección internacional que el SIDH proveería para los miembros de sus comunidades. Nótese que, el ejercicio de la jurisdicción por parte de las Naciones Indígenas en estos Estados educaría considerablemente a la CIDH sobre las prácticas atinentes a libre determinación y autogobierno.

PRECAUTIONARY MEASURES

1. *Asociación Interamericana de Defensorías Públicas (AIDEP)* (Only available in Spanish)

Acerca de la necesidad de realizar visitas in loco de seguimiento y de lograr una mejor difusión de las decisiones

Para asegurar el efectivo y rápido cumplimiento de las medidas cautelares dictadas y tener mayor y más cercano conocimiento de la realidad y del contexto locales, la Comisión podría incorporar a su práctica la realización de visitas in loco.

Por otro lado, sería beneficioso que la Comisión amplíe la difusión de las medidas cautelares dictadas, así como de la descripción de los hechos que dieran lugar a su disposición. De ese modo se lograría una mayor divulgación y una más acabada comprensión de los criterios que la CIDH sostiene en esta materia, lo que también contribuye para la promoción de los derechos humanos.

2. *Asamblea Permanente por los Derechos Humanos (APDH)* (Only available in Spanish)

La APDH considera de inestimable valor al instituto de las medidas cautelares regulado por el art. 25 del Reglamento de la Comisión Interamericana de Derechos Humanos (CIDH). Su implementación y vigencia efectiva contribuye a fortalecer el Sistema Interamericano de Derechos Humanos (SIDH). Ahora bien, oportuno es aquí reparar en algunas cuestiones.

En primer lugar, teniendo en consideración que la solicitud de medidas cautelares a un Estado es facultativa de la Comisión, la APDH estima que debería ser más propensa a resolver en tal sentido siempre que se encuentren presentes las exigencias establecidas en el art. 25. 1 del Reglamento de la CIDH (“situaciones de gravedad y urgencia”).

En segundo lugar, la norma en su quinto párrafo dispone que previo a la solicitud de medida cautelar la CIDH “requerirá al Estado involucrado información relevante”. Teniendo en miras dicha información la CIDH dispondrá o no, según lo considere conveniente, efectuar la solicitud de medida cautelar al Estado. La referida exigencia en cabeza de la CIDH constituye otro aspecto negativo. El traslado al Estado o la consulta previo a la solicitud de la medida cautelar resulta a todas luces insostenible. Las medidas cautelares son siempre “in audita parte”. Lo contrario comportaría desvirtuar su naturaleza y su carácter precisamente “cautelar y preventivo”. Ello así, en razón de que si las medidas cautelares se cursaran a la parte contraria, se le otorgaría, por demás, la posibilidad cierta y efectiva de frustrar justamente el objeto al que tienden. Se puede afirmar que la finalidad de las medidas cautelares es preservar un determinado estado de cosas- en el caso de las medidas del art. 25 se busca ciertamente prevenir daños irreparables sobre personas u objeto procesal en conexión con una petición o caso pendiente.

En este sentido, cabe destacar que la APDH se encuentra totalmente disconforme con criterios restrictivos a la hora de hacer lugar a una solicitud de medida cautelar. La prudencia que ha expresado la CIDH en su práctica es un factor que condiciona verdaderamente la operatividad del instituto. No obstante, resulta dable sostener que a fin de garantizar certidumbre se establezcan plazos de duración prorrogables mientras continúen las circunstancias que dieran lugar a la adopción de las medidas. Evidentemente tanto la determinación de las circunstancias iniciales cuanto su permanencia temporal quedan sujetas a la decisión que al respecto tome la CIDH.

Por último, la APDH desapruueba las propuestas de reforma del art. 25 del Reglamento de la CIDH que consistan en exigencias mayores a la hora de adoptar medidas cautelares, como por ejemplo: la necesidad de mayorías especiales de miembros de la CIDH.

3. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

About the precautionary measures they must have a regulation according to what we said above, that's why they are called precautionary measures of urgency and should be taken as such urgency to avoid the violation of human rights of the complainants, the excessive extension time that not only makes that are violating human rights of those who are affected and also the whole family and in many cases their entire community too, we are feeling like chased by the authorities and injustice. Pariahs in their community, in their own land and renegades, who eventually became sooner or later in people disbelieving that the only option they will find is taking up arms to fight for what they believe is justice.

In Paraguay there is the case of a group of people who call themselves the Paraguayan People's Army – (EPP) we are not agree with their methods of struggle, but we are convinced that the lack of "Precautionary Measures" of the national authorities of the Inter-American Human Rights made today become guerrillas or criminals real in Paraguay.

4. *Centro de Estudios de Derecho, Justicia y Sociedad (DEJUSTICIA), Conectas Direitos Humanos, Centro de Estudios Legales y Sociales (CELS), Instituto de Defensa Legal (IDL), Due Process of Law Foundation (DPLF) y Fundación Construir a las que se Adhieren: Asociación Interamericana para la Defensa del Ambiente, Asociación por los Derechos Civiles (ADC), Centro de Derechos Humanos Miguel Agustín Pro Juárez, Corporación Humanas, Coordinadora Nacional de Derechos Humanos y Justiça Global*

Since 1980, the IACHR has developed its capacity to order precautionary measures in urgent situations when necessary to avoid irreparable harm. In so doing, it has adapted to the reality of the hemisphere, as well as to requests made by States and OSC's. For over two decades, States have recognized and accepted this authority on the part of the IACHR. However, the practice of precautionary measures has provoked criticism by States. We believe that the critiques are not entirely justified, for reasons that we will now explain.

In relation to the criteria for issuing precautionary measures, these criteria are provided for in the IACHR Rules of Procedure currently in force. In addition, the IACHR has set out parameters for determining the gravity of an individual or collective's situation. Moreover, the IACHR has laid out explicitly how the foregoing should be evaluated, as well as the weight that should be

accorded to the country context. Thus, in our view, the criteria employed by the IACHR are adequate and have been established objectively and prior to the consideration of individual cases.

With regards to the temporal nature of the measures and the criteria for lifting them, we feel that the current procedure is sufficiently clear. In any case, the basic criterion both for issuing and lifting the measures should be based on an analysis of the facts.

As for precautionary measures of a collective nature, we understand that the imminent risks faced by certain vulnerable groups today present increasingly complex challenges for the IACHR, for States, and for the petitioners themselves, as these new risks are different than those deriving from “traditional” threats to civil and political rights. These difficulties should be resolved on a practical, case-by-case basis; procedural reform is not necessary.

Concerning the reception and processing of requests for precautionary measures, we believe that the procedural regulation currently in force already reflects States’ demands that they be given an opportunity to provide their opinion before the IACHR makes a decision. There is only one exception to this, which is perfectly reasonable: in certain cases, when justified by the urgency of the situation, the IACHR may issue precautionary measures without consulting the State in question first.

Regarding the amount of time given by the IACHR to States to provide their opinion and information about a particular request for precautionary measures, States have argued that the time accorded is not enough for them to gather relevant information. However, in our view, given that by definition we are dealing with urgent situations the time allotted necessarily must be brief.

In conclusion, while the precautionary measures procedure can always be modified and perfected, this should be done taking into account suggestions from both States and OSC’s, through participatory dialogue with them. Moreover, we believe that a process that truly seeks to strengthen the IASHR implies reaffirming the IACHR’s authority to issue precautionary measures, as an integral part of protecting human rights in the region.

5. *Federación Interamericana de Abogados (FIA) / Inter American Bar Association (IABA)*

- Agree to extend the criteria for the precautionary measures to make them applicable to all cases of threat to human rights, not only to life;
- Ability to enforce the precautionary measures that have a compensatory component in any country signatory to the Inter- American Convention of Human Rights.

6. *Grupo de Mujeres de la Argentina* (Only available in Spanish)

Obtener la colaboración plena del abogado del imputado hacia la OSC, permitiendo el fácil acceso a las actuaciones, promoviendo la activa y constante participación de la misma en la protección y cautela de los Derechos Humanos, sin obstáculos que impidan a esta Comisión conocer y actuar frente a irregularidades en el mismo y en la legislación interna aplicada al caso.

7. *Grupo Interdisciplinario por los Derechos Humanos (GIDH)* (Only available in Spanish)

Reiteramos lo obvio ante la persistencia de opinión de algunos Estados: las medidas cautelares tienen en el Reglamento de la Comisión Interamericana de Derechos Humanos una fuente de derecho legítima, por cuanto la propia Asamblea General aprobó el Estatuto de la Comisión, en el que determinó que ésta debía reglamentar el procedimiento a seguir en los casos de comunicaciones en las que se alegue la violación de cualquier derecho consagrado tanto en la Convención como en la Declaración Americana.

Las Medidas Cautelares no están reconociendo derechos distintos a los contenidos en los instrumentos que hacen parte del Sistema Interamericano. Son un procedimiento previo de protección, con carácter urgente, que como tal pretende evitar la comisión de un daño mayor e irreparable, que han evitado cientos de casos de violaciones graves de derechos humanos, por la alerta temprana que han recibido. Deberían los Estados ser decididos defensores de este mecanismo procedimental, que contribuye de forma efectiva a que puedan cumplir el compromiso de protección y garantía que adquirieron voluntariamente.

Levantamos nuestra voz en representación de quienes no pueden hacerlo, para manifestar, que rechazamos la creciente intención de limitar o suprimir el mecanismo que ha salvado muchas vidas en el continente americano. Realizar cualquier acto que propenda por su desconocimiento, es apartarse de la protección, respeto y garantía de los derechos fundamentales que ordena la Declaración Americana de Derechos y Deberes del Hombre y la Convención Americana sobre Derechos Humanos.

En conclusión, señoras y señores integrantes del Grupo de Trabajo para el Fortalecimiento del Sistema Interamericano de Derechos Humanos, ustedes pueden hacer al menos tres cosas para ayudar a proteger la vida, la integridad y demás derechos fundamentales de las mujeres y hombres en América:

- Respetar la autonomía e independencia de la Comisión Interamericana de derechos humanos, como órgano principal de la OEA,
- Trabajar por fortalecer el respeto y garantía de los derechos humanos al interior de cada Estado, que impacte en la disminución de peticiones ante la Comisión Interamericana, y,
- Acatar y cumplir, conforme la buena fe y la obligatoriedad de los tratados, las decisiones, resoluciones y sentencias de los órganos del Sistema y en particular, las órdenes de medidas cautelares que profiere la Comisión Interamericana en post de la protección a la vida y la integridad, puestas en riesgo por el uso en exceso, del poder de los Estados.

Con todo respeto y comedimiento, los insto, a que hagan parte de la historia de la construcción de un sistema de derechos humanos fuerte, independiente y autónomo, para las Américas y que se abstengan de debilitarlo, bajo consignas de fortalecimiento que pretenden someterlo.

PROCEDURAL MATTERS IN PROCESSING CASES AND INDIVIDUAL PETITIONS

1. *Asociación Interamericana de Defensorías Públicas (AIDEP)* (Only available in Spanish)

- El desarrollo de la participación de las Defensorías Públicas Oficiales y de los Defensores Públicos ante el SIDH y la actuación de los Defensores Públicos Interamericanos ante la CIDH

En la resolución 2656 (XLI-O/11) “Garantías para el acceso a la justicia. El rol de los Defensores públicos oficiales”, la Asamblea General de la Organización de los Estados Americanos reafirmó la importancia del acceso a la justicia para el restablecimiento de los derechos humanos que hubiesen sido desconocidos o vulnerados, y afirmó la importancia fundamental que tiene la asistencia letrada gratuita para la promoción y protección del derecho de acceso a la justicia de todas las personas. En este sentido, la resolución citada constituye el primer instrumento normativo aprobado por la OEA que aborda el tema del “acceso a justicia” como un derecho autónomo, el cual permite ejercer y proteger otros derechos. A su vez, impulsa el rol de la Defensa Pública oficial como herramienta eficaz para garantizar el acceso a justicia de las personas en condición de vulnerabilidad.

Asimismo, en dicha resolución, la Asamblea General reconoció su satisfacción frente a la implementación de la figura del Defensor Público Interamericano y al Acuerdo de Entendimiento suscripto entre la Corte Interamericana de Derechos Humanos y la AIDEF, que permite la designación oficiosa de un defensor público para garantizar la asistencia letrada gratuita para las víctimas de violaciones de derechos humanos en la tramitación de los casos contenciosos ante el Tribunal Interamericano.

Esta medida pone en evidencia que un aspecto central de la accesibilidad es asegurar una representación independiente para las víctimas de violaciones a derechos humanos, que asegure la competencia y el conocimiento necesarios para litigar adecuadamente un caso.

En este sentido, sería positivo el estímulo a la participación de los Defensores Públicos de las Américas, especialmente con la capacitación para la utilización interna de los estándares del SIDH y para la identificación, preparo y presentación de casos a la CIDH.

Además, sugerimos el establecimiento de un convenio entre la CIDH y la AIDEF, semejante al convenio firmado entre la Corte IDH y esa organización, para la actuación de Defensores Públicos Interamericanos en la defensa de presuntas víctimas sin asistencia letrada, en casos complejos de graves violaciones de derechos humanos, lo que ciertamente contribuirá para el procesamiento de esos casos, ampliando e garantizando mejor accesibilidad al sistema.

- Reducción del tiempo de duración del procedimiento ante la CIDH en el trámite de peticiones individuales

Una reforma imprescindible dentro del sistema interamericano, que no sólo repercutirá en una disminución del tiempo que demora el trámite de una denuncia, es la modificación del carácter no permanente de la CIDH.

Sin embargo, se propone una reforma del procedimiento para garantizar un tiempo razonable de trámite de un caso, desde el momento en que la CIDH recibe la petición hasta la fecha en que dicta el informe del artículo 50 de la CADH.

En este sentido, la CIDH debería analizar con detenimiento las razones esgrimidas por las partes para otorgar prórrogas y evitar, ante la presentación de escritos donde no se aportan nuevos argumentos, otorgar nuevos plazos para que las partes se pronuncien, toda vez que lo único que se logra es extender la duración del proceso en perjuicio de la presunta víctima.

Finalmente, se propone modificar el artículo 44.3 del Reglamento de la CIDH a los fines de que la CIDH esté obligada a transmitir al peticionario el informe preliminar del artículo 50 de la CADH de la misma manera que lo hace con el Estado.

2. *Asamblea Permanente por los Derechos Humanos (APDH)* (Only available in Spanish)

La APDH destaca la labor trascendental que cumple el sistema de peticiones individuales a la Comisión Interamericana de Derechos Humanos (CIDH) de acuerdo con el Capítulo II y concordantes del Reglamento de la CIDH en el Sistema Interamericano de Derechos Humanos (SIDH). Cabe señalar que resulta en extremo satisfactorio el carácter amplio de los criterios de legitimación activa plasmados en el art. 23 del Reglamento de la CIDH. Ha de resaltarse además que el mentado mecanismo de protección de los derechos humanos tiende a la justicia y a la plena vigencia de las disposiciones convencionales que receptan y codifican los derechos esenciales inherentes al ser humano que constituyen *ius cogens*. La responsabilidad internacional de los Estados que incumplen las normas que rigen en el SIPDH se patentizan en los resultados de los Informes que con motivo de las peticiones individuales la CIDH lleva a cabo (art. 40 del Reglamento de la CIDH). En Argentina dichos Informes han gravitado de forma favorable en la elaboración e implementación de políticas públicas diversas.

Ahora bien, resulta imperioso esgrimir aquí algunas consideraciones a fin de bregar por el fortalecimiento del SIDH. En primer lugar, la APDH considera un aspecto negativo que previo a la declaración de admisibilidad se corra traslado de las partes pertinentes de la petición al Estado en cuestión (art. 30 del Reglamento de la CIDH). Ello constituye, en efecto, un insostenible desmedro del debido proceso legal. El debido proceso es reconocido en la Comunidad Internacional y especialmente en el Sistema Interamericano (art. 8 de la Convención Americana sobre Derechos Humanos - CADH) como un principio general de derecho.

La presentación de una acción ante un órgano jurisdiccional siempre es acompañada de una resolución dictada por dicho órgano en la cual se le da curso, se tiene presente la legitimación de la parte actora y se corre traslado a la contraria, resguardando de ese modo el legítimo derecho de defensa. En el mecanismo dispuesto para la tramitación de peticiones individuales ante la CIDH se produce una alteración de orden sustancial en la secuencia indicada. Por otro lado, no obstante explicitarse en la norma reglamentaria citada que la respuesta del Estado “no prejuzgará sobre la decisión de admisibilidad que adopte la Comisión” en los hechos así ocurre.

En segundo lugar, la APDH desea manifestar su preocupación sobre la inexistencia de plazos a efectos de que la CIDH se expida y corra traslado de las partes pertinentes de la petición al Estado en cuestión. Ello trae aparejada una situación de dilación que conlleva a un deterioro en la eficacia del mecanismo. Además fomenta un estado de incertidumbre e indefinición en las partes involucradas. Existen casos de peticiones que durante lustros y hasta décadas no son tramitadas sin motivo fundado alguno.

En tercer lugar, la APDH entiende de incidencia negativa en el contexto del fortalecimiento del SIDH que la CIDH se desempeñe en el doble rol de mediador, en primera instancia, en el procedimiento de soluciones amistosas, y, luego, ante la imposibilidad de arribar a un acuerdo, actúe como representante de la víctima y/o peticionario ante la Corte Interamericana de Derechos Humanos (CoIDH). En su actuación en un caso concreto la CIDH busca encontrar puntos en común entre peticionario y Estado. Argumenta en tal sentido y en el informe del art

50 toma posición. Resulta contradictorio que luego asuma la representación de la víctima y/o peticionario ante el órgano jurisdiccional. El desplazamiento de la víctima agrava su legitimidad y derecho conculcado.

3. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

As we said above also the procedure for processing of cases is so long that sometimes causes you to lose hope in the Inter-American Human Rights System, individual requests are not easier to present despite the existence of appropriate regulations that do not get into the hands of those people who really need to present their complaints, we should have to arm a system of procedures even if they are not favorable to the government opinion. We should reached independently to the governments in order that the complainants present their claims.

4. *Centro Latinoamericano de Derechos Humanos (CLADH) (Only available in Spanish)*

Fundamentar la decisión de enviar o no un caso a la Corte

Las decisiones de la CIDH deben ser fundadas, y en especial la que decide la demanda ante la Corte IDH. Así lo establece el artículo 45 del Reglamento actual de la CIDH establece:

Artículo 45. Sometimiento del caso a la Corte

- Si el Estado en cuestión ha aceptado la jurisdicción de la Corte Interamericana, de conformidad con el artículo 62 de la Convención Americana, y la Comisión considera que no ha cumplido las recomendaciones del informe aprobado de acuerdo al artículo 50 del referido instrumento, someterá el caso a la Corte, salvo por decisión fundada de la mayoría absoluta de los miembros de la Comisión.
- La Comisión considerará fundamentalmente la obtención de justicia en el caso particular, fundada entre otros, en los siguientes elementos:
 - la posición del peticionario;
 - la naturaleza y gravedad de la violación;
 - la necesidad de desarrollar o aclarar la jurisprudencia del sistema; y
 - el eventual efecto de la decisión en los ordenamientos jurídicos de los Estados miembros”.

Sin embargo, la práctica actual de la CIDH es que cuando decide no enviar un caso a la Corte no notifica a los peticionarios dicha decisión, y por tanto no se sabe si es fundada esa decisión de no enviar el caso a la Corte, o cuáles son esos fundamentos, que en todo caso deberían estar por escrito. Esto último, para permitir el escrutinio de los peticionarios y/o de los Estados, y eventualmente proponer una reconsideración.

Si la CIDH entiende que no existe posibilidad de reconsideración de una decisión de esta naturaleza, igual deberá considerar que –dado que al momento de decidirlo por primera vez no lo hace de manera fundada como exige el Reglamento– aquella decisión es nula, lo que la torna inexistente, y por tanto con posibilidad de volver a plantearse.

El principio de seguridad jurídica y el acceso a la Corte IDH. En la opinión consultiva de la Corte sobre control de legalidad de las atribuciones de la CIDH, aquella estableció que:

“El trámite de las peticiones individuales se encuentra regido por garantías que aseguran a las partes el ejercicio del derecho de defensa en el procedimiento. Tales garantías son: a) las relacionadas con las condiciones de admisibilidad de las peticiones (artículos 44 a 46 de la Convención), y b) las relativas a los principios de contradicción (artículo 48 de la Convención) y equidad procesal. Igualmente es preciso invocar aquí el principio de seguridad jurídica (artículo 39 del Reglamento de la Comisión)”.

Este párrafo, además de sustentar lo que venimos hablando, agrega un concepto nuevo, el de la seguridad jurídica, que constituye un argumento más a favor de la necesidad de fundamentar la decisión de la CIDH de enviar o no un caso al órgano superior de aplicación de la CADH.

Sobre el principio de seguridad jurídica, contenido en el actual artículo 38 del Reglamento de la CIDH, también ha dicho la Corte IDH en casos contenciosos que es justamente una obligación de la Comisión, de respeto frente al Estado, y –añadimos nosotros- también frente a las víctimas:

“La decisión que ahora pronuncia la Corte no juzga en lo absoluto acerca de la existencia o inexistencia de tortura contra el señor Alfonso Martín del Campo, sino se sustenta única y exclusivamente en consideraciones jurídicas derivadas de las reglas sobre competencia del Tribunal, cuya inobservancia implicaría exceso en el ejercicio de facultades acotadas por la Convención y generaría inseguridad jurídica”.

Es que si la decisión de la CIDH de remitir un caso a la Corte es meramente potestativa, basada en consideraciones políticas y no jurídicas o tuitivas de derechos humanos demostradamente violados, y ante incumplimientos estatales efectivamente probados, entonces se genera una situación de inseguridad jurídica que resulta contraria a la Convención y violatoria de los derechos humanos de las víctimas.

5. *Federación Interamericana de Abogados (FIA) / Inter American Bar Association (IABA)*

- Speeding up procedures;
- Consolidate admission and merits in a single procedure, so that States can not delay claims allegations relating to the admission.

6. *Grupo de Mujeres de la Argentina* (Only available in Spanish)

Obtener rápido y eficaz acceso a esta Comisión de las causas en que se constituyen violaciones a los Derechos Humanos, sin distinción por grupo u organización, a su vez, permitir la participación activa ante la misma de todas las organizaciones con status de consultores de la Organización de Estados Americanos.

FRIENDLY SETTLEMENTS

1. *Asamblea Permanente por los Derechos Humanos (APDH)* (Only available in Spanish)

La APDH considera que la CIDH debe tener un rol más activo en incentivar este tipo de acuerdos. Se considera recomendable la elaboración de un protocolo o reglamento de actuación para llevar a cabo los procesos de esa índole. A pesar de ser comprensible la demora estructural de las denuncias resueltas, cabe puntualizar que la efectividad en el cumplimiento de las resoluciones se ve disminuida. Por este motivo, sería pertinente, que los acuerdos firmados por las partes fueran aprobados por la Comisión en un plazo razonable y se generalice el seguimiento de las recomendaciones.

2. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

Most governments do not accept for several reasons friendly solutions because in almost all cases have economic costs and whether the situation has reached this instance is because the Commission (CIDH) is correct in his request and no government wants to accept that has failed on the issue of human rights, because most of them in Latin America today are made or as in our case of Paraguay, fought for the same claims for which today are condemning their ex-comrades of struggle, repression, street, anguish, persecution and ideals. We should establish clear rules with clear peremptory times that allow those who suffered and are suffering violations of their rights can receive the guarantees to their lives, rebuild them with the corresponding compensation for the errors committed against them in the application of the law, the international Agreements and its own Constitution.

3. *Centro Latinoamericano de Derechos Humanos (CLADH) (Only available in Spanish)*

Mecanismos prácticos para aumentar el rol proactivo de la CIDH en el impulso de la utilización de este mecanismo de componenda amigable de conflictos

El Centro Latinoamericano de Derechos Humanos (CLADH) desea poner a consideración de este Grupo de Trabajo Especial de Reflexión sobre el Funcionamiento de la CIDH para el Fortalecimiento del SIDH, algunas propuestas tendientes a facilitar la realización de soluciones amistosas a través de un rol protagónico de la Comisión en el impulso de esta herramienta convencional. En este sentido elaboramos las siguientes medidas de acción propuestas:

- Capacitación para los abogados de Staff de la CIDH:
A fin de lograr el objetivo propuesto, es necesario desarrollar un programa de capacitación para los miembros de la CIDH en cómo ser facilitadores de un acuerdo de SA. Por ejemplo, dada la limitación presupuestaria que tiene la Comisión, esto puede concretarse mediante un convenio con instituciones tales como la American Bar Association, que tienen profundamente desarrollado este tipo de estrategia, para que los abogados de staff reciban estos programas de entrenamiento como becarios de estos cursos.
- Crear una oficina de identificación, seguimiento y control de los acuerdos de solución amistosa:

Esta oficina procurara:

- *Identificar casos que generalmente pueden solucionarse amistosamente y cuyos estándares están bien establecidos por casos anteriores y focalizar recursos a casos que requieren un mayor desarrollo:*

Para esto será necesario desarrollar una estadística de casos por tipo de violación que ha presentado mayor facilidad para arribar a una solución amistosa, categorizando los acuerdos de SA por tipo de violación y Estado miembro que arribó al acuerdo. Esta información además servirá para los peticionarios a la hora de negociar con el Estado y determinar las medidas de reparación adecuadas.

- *Comunicación temprana a los Estados de la recepción de denuncias:*

Es sabido que el estudio y tramitación inicial de las peticiones presentadas ante la Comisión suelen prolongarse considerablemente, como así también, que hasta tanto no se le dé entrada a dicha petición y se la registre conforme el artículo 29.1.a del Reglamento de la CIDH, el Estado carece de toda intervención en el procedimiento.

Es decir, hasta tanto se le transmita al Estado las partes pertinentes de la petición para que éste realice las observaciones que estime corresponder acerca de la admisibilidad del asunto, dicho Estado se encuentra al margen del proceso, y por tanto, imposibilitado de acceder a una solución amistosa, aún en aquellos casos en que exista voluntad política para hacerlo.

Es por ello que el CALDH desea poner a consideración de este Grupo de Trabajo la posibilidad de incluir al artículo 28.b del Reglamento de la CIDH, una nueva opción para el peticionario, consistente en la posibilidad de informar al Estado la presentación de la petición, para evaluar a partir de ese momento la posibilidad de una solución amistosa.

Es decir, juntamente con el deber del peticionario de manifestar su voluntad de mantener su identidad en reserva frente al Estado, o no, deberá manifestar también si desea que se informe al Estado la presentación de la petición correspondiente, sin que ello modifique en nada el trámite que dicha petición debe seguir. Arribar a una SA antes del registro del caso es posible toda vez que el Reglamento de la CIDH habilita esta herramienta procesal en cualquier etapa del proceso.

- *Seguimiento y control de los Acuerdos de Solución Amistosa:*

La Oficina de Identificación, seguimiento y control de acuerdos deberá dar seguimiento al cumplimiento por parte de los Estados de las medidas de reparación acordadas a fin de elaborar estadísticas de cumplimiento de carácter público que permitan a la propia CIDH, a los peticionario y a los Estados conocer la efectividad de la SA en el objetivo de proteger los derechos humanos de todas las personas.

4. *Federación Interamericana de Abogados (FIA) / Inter American Bar Association (IABA)*

- Development of mechanisms for mediation after complaints have been registered, without waiting for the admission of the complaint;
- Use instances of mediation offered by specialized groups in the Americas, such as professional organizations of lawyers.

5. *Haitian-American Grassroots Coalition (HAGC)*

Fair and friendly settlements between petitioners and alleged violators of Human Rights are option that must be made available to both sides in the attempt to resolve certain conflicts.

Unless this approach is supported by all parties, the confidence by the people of the region to use the IACHR as a possible structure capable of providing a fair and equal opportunity for justice can eventually be compromised. For instance, Haitian Refugees and Haitian Migrants residing in Dominican Republic (DR) have on several occasions face the Justice System in that country and met with poor results. Using the IACHR System as plate-form to seek justice has failed since DR Authorities have set in their constitution rules and measures denying justice and equal protection to individuals deemed to be in-transit living in their territory. Action taken by the IACHR to protect the rights of those individuals met with serious obstacles for redress such as the case of Boucicaut versus DR in 2006 where the petitioner won but no justice was actual delivered.

In recent days, DR Authorities have implemented a policy of removal of basic protection to Haitian migrants who reside in that country. That policy that was aggressively denounced by other countries in the region such as the United States demonstrate clearly the persistence of local authorities in DR of pursuing a policy that punishes persons based on their national origin.

Human institutions are not perfect and as such IACHR can not pretend to be perfect. In cases where local institutions have established pattern of being non-responsive to individuals due to their national origin and in which IACHR directives are not followed in the letter and spirit of the law, what else can be done. An habitual violator must be punished to the extent of the law. IACHR must be provided with proper tools or additional mechanism that can help to restore confidence in its viability to administer justice that means something.

HAGC believes that the IACHR must aggressively pursue the development of a friendly settlement system all parties involved must abide by the term/s reached during the negotiations. Failure to do so should yield to serious and significant financial penalties to the violator. In the era of globalization and borders become more fluid, policymakers and the regional jurisprudence must become more sophisticated in addressing cross-border issues in order to promote regional peace and understanding. The Friendly Settlement approach must not be used as a strategy by member states to deny justice to migrants or refugees. It must be accompanied by adequate incentive to reach a fair compromise.

For the time being, besides the IACHR, it exists no other judicial institutions where the people of the region can rely on in order to seek justice when a rogue state decides that it will not follow the directives of the court. In the case of DR., justice for Haitian Nationals or Dominicans of Haitian descent is elusive and still crying out. If the IACHR is nearly impotent in administering the rule of law in order to promote and protect human rights of those individuals that are the most vulnerable, maybe it makes sense to envision some kind of reform within the IACHR charter that can enable it with additional power to deal with special circumstances.

CRITERIA FOR CONSTRUCTING CHAPTER IV OF THE ANNUAL REPORT OF THE IACHR

1. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

At this point we believe it should be discussed widely the system of preparation of the report by country, region, city, guild, by union, for institution in order that the reports can also reach to

those affected people by the violation of rights human and can they request the application as an example in their countries of the successful claims on human rights in other countries.

2. *Centro de Estudios de Derecho, Justicia y Sociedad (DEJUSTICIA), Conectas Direitos Humanos, Centro de Estudios Legales y Sociales (CELS), Instituto de Defensa Legal (IDL), Due Process of Law Foundation (DPLF) y Fundación Construir a las que se adhieren: Asociación Interamericana para la Defensa del Ambiente, Asociación por los Derechos Civiles (ADC), Centro de Derechos Humanos Miguel Agustín Pro Juárez, Corporación Humanas, Coordinadora Nacional de Derechos Humano y Justiça Global*

The IACHR's mandate is to "promote respect for and defense of human rights". In fulfilling its mandate, it has adopted different methodologies. Among these, one of its most important methodologies is the section of its annual report dedicated to the human rights situation of certain countries in the IASHR, known as "Chapter IV."

Over the years, the IACHR has established objective parameters for the elaboration of Chapter IV, in response to objections and comments it has received regarding this task. In this regard, the 1996 and 1997 Annual Reports and the 2000 procedural reform sought to consolidate a legal framework for monitoring the human rights situations in Member States. Article 59 was modified in form without altering its content.

The IACHR undertook this reform at the behest of several countries, in an effort to demonstrate transparency and openness toward States in its work. Thus, the IACHR established explicitly that, in order for a State to be included within Chapter IV, it would be previously informed of the reasons for its inclusion. The IACHR would forward a copy of the draft report to the State in question, thereby giving the State the opportunity to comment and make observations on the draft report. Subsequently, the IACHR would produce a final version of the report, taking into account the State's comments and observations.

In our opinion, States should recognize the historic role and importance of Chapter IV in promoting and protecting human rights in the hemisphere. In addition, we believe that the current criteria used by the IACHR are appropriate and should be upheld. At the same time, the IACHR can always maintain open channels of communication with States and OSC's to discuss the application of the criteria in specific cases.

PROMOTION OF HUMAN RIGHTS

1. *Asociación Interamericana de Defensorías Públicas (AIDEP) (Only available in Spanish)*

Frente a la sobrecarga que sufren los órganos interamericanos de derechos humanos en el procesamiento de casos contenciosos y ante la existencia de una amplia brecha que separa la jurisprudencia interamericana de la realidad de los países de la región, la búsqueda de soluciones que coadyuvan a la estrategia de litigio se hace imperiosa.

Junto con el fortalecimiento del rol político de la Comisión Interamericana, ya mencionado, deviene necesario el refuerzo de las actividades de promoción dirigidas, no ya a la investigación y reparación, sino, como su complemento, a la prevención de violaciones a los derechos de las personas.

Los Estados americanos padecen persistentes carencias estructurales que afectan el acceso de las personas a sus derechos. Estas deficiencias exigen reformas en políticas públicas y en las prácticas de los agentes estatales, así como el fortalecimiento de las instituciones públicas a cargo de ejecutar las políticas y, en su caso, prevenir las prácticas violatorias de derechos. Así, es necesario que se redoblen los esfuerzos en la promoción de dichas reformas, así como en la internalización de las prácticas conforme a los estándares del sistema interamericano, tanto a nivel individual como institucional. En esa dirección, la Comisión Interamericana tiene varios roles por cumplir.

En primer lugar, es valioso consolidar y fortalecer el trabajo de difusión y capacitación de los operadores judiciales de cada uno de los países que integran el sistema interamericano, pues la protección de los derechos precisa no sólo compromiso político, sino también formación y capacidad técnica. Como la práctica de la Comisión sugiere, son útiles a estos fines los seminarios, talleres y cursos de capacitación, así como la elaboración y difusión de informes temáticos, manuales y demás guías específicas dirigidas a defensores de derechos humanos y a operadores de los sistemas locales de justicia.

En segundo término, especial importancia adquieren las visitas a los países, tanto de la Comisión en pleno como de sus comisionados/as y relatores/as especiales de forma individual. A través de estas visitas es posible perseguir distintos objetivos: dar mayor visibilidad al trabajo de la Comisión y concientizar a la población acerca de su relevancia, comprometer a los funcionarios estatales en la aplicación de los estándares del sistema y la elaboración de políticas compatibles con sus principios, y permitir un mayor y mejor conocimiento, para los/as propios/as comisionados/as, de las realidades que se verifican en cada uno de los Estados.

Así, mantener un sistema fluido de visitas a los Estados coadyuva a fortalecer la legitimidad del órgano interamericano, a facilitar el diálogo con los funcionarios clave de los gobiernos y con las organizaciones de la sociedad civil y demás actores relevantes a nivel local, y a dar un mayor seguimiento, no sólo a la situación de los derechos humanos en general en cada país, sino también a las medidas previamente exigidas por los órganos de control o acordadas en soluciones amistosas.

2. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

At this point we believe that is necessary to establish clear policies for the promotion of human rights because such is the number of violations that occur on the citizens rights of our countries, particularly in Paraguay, where the President of the Supreme Court of Justice Dr. Luis María Benítez Riera, accompanied by the Ministers Victor Nunez and Sindulfo Blanco transgressed and violated the law in the case of condemnation of the union leaders of the Trade Union of Workers of Paraguay (CESITP) - Dr. Reinaldo Barreto Medina and Mr. Florencio Florentin, in a trial where laws were applied retroactively, with the complicity of the President of the Supreme Court Luis María Benítez Riera who already act as comrades in the process of the Board of Appeals, was inhibited in the same case, does not communicate his appointment to the parts, and finally he acted as President violating the Constitution, as we have presented and explained extensively in case number 12821 of the InterAmerican Commission on Human Rights.

The promotion is therefore essential and it must involve civil society also, but everybody have to know what is happening in their country, because are not reported by an interested and oligopolistic press and publishes only what their business interests benefit in the Republic of Paraguay.

3. *Centro de Estudios de Derecho, Justicia y Sociedad (DEJUSTICIA), Conectas Direitos Humanos, Centro de Estudios Legales y Sociales (CELS), Instituto de Defensa Legal (IDL), Due Process of Law Foundation (DPLF) y Fundación Construir a las que se adhieren: Asociación Interamericana para la Defensa del Ambiente, Asociación por los Derechos Civiles (ADC), Centro de Derechos Humanos Miguel Agustín Pro Juárez, Corporación Humanas, Coordinadora Nacional de Derechos Humano y Justiça Global*

During the current process of reflection and strengthening, one of the positions advanced by certain States is that the IACHR should put greater emphasis on promoting human rights. In our view, the tasks of promotion and protection are not mutually exclusive—in fact, they should be undertaken in tandem such that they complement each other in a mutually reinforcing way. As such, activities for promoting human rights should be oriented toward bringing about necessary structural reforms and improvements—thereby preventing new human rights violations. At the same time, activities for protecting human rights in individual cases address those cases that have not adequately resolved at the national level, revealing specific failings of the national frameworks.

The central aspect of this synergy resides in the IACHR’s ability to undertake both dimensions of its responsibilities adequately. Of course, for this purpose, the IACHR must have sufficient human and financial resources at its disposal. But above all, it is imperative that States adopt a proactive stance toward effectively incorporating each and every one of the human rights standards established by the IACHR through its different mechanisms.

We believe that the IACHR’s current balance between activities for human rights promotion, on the one hand, and those dealing with human rights protection, on the other, is appropriate. More importantly, this is a delicate balance that must be determined by the IACHR itself, given that the IACHR is an autonomous organ and knows best how to distribute its limited resources.

4. *Fundación para el Debido Proceso (DPLF) y la Red Latinoamericana y del Caribe para la Democracia (REDLAC) (Only available in Spanish)*

Por empezar, creo que es importante reconocer que la tarea de promoción de los derechos humanos de la CIDH puede ser entendida desde dos dimensiones. Por un lado, entendiendo la promoción en su forma tradicional, estaríamos hablando del trabajo que debe hacer y efectivamente hace la CIDH a través de la divulgación de materiales promocionales e institucionales [como informes de país y temáticos, folletos, manuales sobre el uso del sistema, etc] así como de la organización y participación en seminarios, cursos y talleres promocionales en los países de la región. Como ustedes saben, la CIDH ha venido realizando esta importante tarea a través de su amplia participación en conferencias internacionales, seminarios, sesiones de capacitación, actividades conmemorativas, lanzamientos de informes temáticos y otras actividades de promoción con otras instituciones de derechos humanos y universidades en los países de la región.

Una segunda dimensión de lo que puede entenderse como rol promocional de los derechos humanos es el que realiza la CIDH a través de su trabajo de protección de víctimas mediante el sistema de casos y peticiones individuales. Esta es una dimensión menos tradicional de lo que se entiende como promoción de los derechos humanos y tiene lugar mediante el importantísimo trabajo que hace la CIDH cuando resuelve casos, publica informes de fondo con recomendaciones a los Estados, realiza visitas a los países y emite comunicados de urgencia sobre situaciones particulares de violación de derechos, entre otras acciones.

En la discusión de este tema y sin perder de vista la escasez de recursos de la CIDH, cabe además preguntarse cómo debe hacerse la evaluación de prioridades en la agenda de trabajo de la CIDH. Quien decide como se distribuyen los recursos y cuáles son las áreas prioritarias de trabajo? Como órgano autónomo e independiente de esta organización, creemos que no debe ser otra que la misma Comisión quien evalúe y decida sobre ese tema. No es otra que la CIDH quien mejor conoce como debe distribuir recursos limitados de manera eficaz. En este sentido, no creemos que sea rol de los Estados decidir sobre este tema y por eso las recomendaciones de este grupo de trabajo deben limitarse al fortalecimiento de las áreas de trabajo de la CIDH, pero no así a la reestructuración de áreas temáticas y/o de trabajo.

Por otro lado, como organizaciones que usamos el sistema y por ende cumplimos también una labor promotora de derechos humanos, no creemos que la función principal de la CIDH deba ser la promoción de derechos humanos a través del dictado de cursos y seminarios en la región. Esto por la sencilla razón que ya hay otros actores e instituciones de la sociedad civil en la región que cumplen esta labor, como las organizaciones de derechos humanos, las universidades, las defensorías, las procuradurías y el mismo Instituto Interamericano de Derechos Humanos. Recordemos, estas instituciones hacen muy bien su trabajo y estamos ante una realidad de escasez de recursos. No necesitamos duplicar esfuerzos sino complementarlos. Consideramos por otro lado que la actual distribución de trabajo de la Comisión entre sus actividades de promoción y protección es apropiada y reiteramos, en el caso de surgir un interrogante sobre este tema, es facultad exclusiva de la CIDH el establecer criterios para la identificación de prioridades y la administración de recursos.

Por otro lado, el trabajo de promoción entendido tradicionalmente sumado al trabajo de protección de derechos humanos que hace la CIDH es por sí mismo complementario y así esperamos que este grupo de trabajo lo entienda en la discusión de este tema.

Recordemos que los Estados son parte del sistema interamericano de protección de los derechos humanos y, en ese sentido, tienen un importantísimo rol de promoción de derechos que cumplir, que no es otro que el de cumplir sin excepción las decisiones de la CIDH y las sentencias de la Corte Interamericana. Es realmente fundamental que los Estados adopten una postura proactiva incorporando y aplicando en sus legislaciones internas los estándares en derechos humanos que emanan desde los dos principales órganos del sistema que son la CIDH y la Corte. ¿Qué otro mejor ejemplo de promoción de derechos humanos puede haber que no sea el que los propios Estados se hagan eco del sistema que claman fortalecer a través de un cumplimiento efectivo de sus decisiones? Si esto fuera así en la realidad, entonces sí estaríamos hablando de promoción efectiva de derechos humanos sin caer en la duplicación de esfuerzos.

Por último, e insistiendo sobre este tema, recomendamos que en el debate de este importante tema y en las recomendaciones que este grupo formule al Consejo Permanente, no se pierda de

vista que la labor de promoción que pueda hacer la CIDH en cualquiera de sus dimensiones queda vacía si no hay voluntad política y ejemplos concretos de cumplimiento de las decisiones de la CIDH y las sentencias de la Corte sobre violaciones a los derechos humanos en la región.

FINANCIALLY STRENGTHENING THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

1. *Asociación Interamericana de Defensorías Públicas (AIDEP)* (Only available in Spanish)

La OEA debe garantizar los recursos propios necesarios para asegurar el pleno e permanente funcionamiento de los órganos del SIDH – criados pela voluntad libre y determinada de los Estados-miembros que integran la OEA y que, por lo tanto, tienen responsabilidad por su adecuado funcionamiento –, garantizándoles la sustentabilidad y independencia.

2. *Central Sindical de Trabajadores del Paraguay (CESITP), Central Unitaria de Trabajadores (CUT), Central General de Trabajadores (CGT), y Confederación Paraguaya de Trabajadores (CPT)*

At this point we would prefer that in future meetings were made in our country, our Union Centers; CESITP - CUT - CGT - CPT need for technical help to search and establish mechanisms that can actually allow the financial strengthening of the Inter-American System Human Rights, which is so necessary to our people and can work in all its glory for the good of the Human Rights of our suffered country Paraguay and all America.

3. *Indian Law Resource Center* (Only available in Spanish)

La CIDH necesita de mayores recursos económicos para poder cumplir debidamente con su función de protección y promoción de derechos humanos. El suministro de mayores contribuciones puede permitirle a ésta tener a su disposición el uso de nuevas herramientas y capital humano capacitado que agilice la resolución de aquellos procesos y procedimientos bajo su consideración. Las contribuciones económicas de la OEA son irrisorias para los órganos del SIDH. Según las publicaciones presupuestales de los años 2008, 2009 y 2010, las contribuciones para la Comisión y la Corte no superan el 5% de los presupuestos anuales. Este aporte corresponde al 55% y 46% de los presupuestos anualizados de ambos organismos respectivamente. Esto indica que ante la falencia presupuestaria suministrada por la OEA, tanto la Comisión como la Corte deben financiarse a través de donaciones externas que a la fecha realizan Estados Unidos, Canadá y países Europeos, entre otros. Resulta entonces paradójico que los representantes estatales expresen su inconformidad por la congestión y dilatación procesal, cuando es notorio que no existe el suficiente acuerdo y compromiso político y económico en primera instancia con la Comisión.

4. *Universidad de Buenos Aires – Alumnos de la Comisión Nº 662 de Derecho Internacional de los Derechos Humanos* (Only available in Spanish)

Creación de un logo del Sistema Interamericano de Derechos Humanos, a ser incorporado por empresas que pertenezcan a Cámaras empresariales y/o asociaciones sindicales que realicen aportes económicos al Sistema y, que tengan capacidad para demostrar que sus productos no son nocivos para la salud ni el medio ambiente y, asimismo garanticen – anualmente- el respeto de los derechos humanos en el proceso productivo.

El derecho a la utilización del logo implica la obligación, por parte de las cámaras y de los empresarios, de la divulgación de los instrumentos y mecanismos regionales e internacionales de protección de los derechos humanos.

Para la creación del logo, se propone el llamado a un concurso regional, en que participen alumnos de todos los niveles de enseñanza, trabajadores y el público en general. Este llamado a concurso tendrá, entre otros objetivos, la difusión tanto del sistema de protección cuanto del significado del logo.

Los aportes a ser realizados por las cámaras empresariales podrán consistir en cuotas anuales establecidas en razón de la cantidad de empresas asociadas.

Este logo también podrá ser utilizado por ONGs. e instituciones educativas que realicen aportes económicos y que divulguen los instrumentos y mecanismos de protección de los derechos humanos.

OTHER ASPECTS HIGHLIGHTED BY THE CIVIL SOCIETY ORGANIZATIONS

1. *Centro de Estudios de Derecho, Justicia y Sociedad (DEJUSTICIA), Conectas Direitos Humanos, Centro de Estudios Legales y Sociales (CELS), Instituto de Defensa Legal (IDL), Due Process of Law Foundation (DPLF) y Fundación Construir a las que se adhieren: Asociación Interamericana para la Defensa del Ambiente, Asociación por los Derechos Civiles (ADC), Centro de Derechos Humanos Miguel Agustín Pro Juárez, Corporación Humanas, Coordinadora Nacional de Derechos Humano y Justiça Global*

In the first place, we believe that any process purporting to strengthen the protection of human rights must guarantee robust participation by civil society organizations (CSO's) and victims. In this regard, the process should be guided by the principle of inclusive and broad participation, which assures adequate representation of civil society at all levels, in all forums. At the same time, States should also actively initiate and propose meetings with CSO's at the national level, in order to consult and dialogue with CSO's on a continual basis.

Secondly, with regards to the specific topics that the States have proposed for debate, we wish to indicate that they are undoubtedly important. However, we believe that it is important to remember that several of them are already specifically regulated by the Rules of Procedure of the Inter-American Commission on Human Rights (IACHR). As a result, the IACHR itself is the only body with the authority to modify them.

We are convinced that the Working Group has a fundamental contribution to make to the process of strengthening the IASHR. As organizations that both use the IASHR and work toward fortifying the Rule of Law and human rights in our countries, we would like to highlight our conviction that the IASHR should act on two levels: first, it should protect victims of human rights violations; second, it should serve as a source of universal legal standards and principles that contribute to bolstering democratic processes.

For this reason, States should view the IASHR's organs as allied institutions in the mission to confront human rights problems in the Americas. For this purpose, the IASHR organs may use any of their mechanisms, individually or together. Thus, certain minimum conditions are

necessary. First, as with any international system for protecting human rights, the IASHR must have the capacity to react to changes. Second, it must also have strong and effective organs that fulfill the role of protection. Moreover, States should commit to generating the resources and conditions needed so that local authorities in the countries can apply international human rights principles adequately. Lastly, States must also strengthen domestic mechanisms so that they can comprehensively implement the decisions and measures ordered by the IACHR and the Inter-American Court of Human Rights.

2. *Grupo Interdisciplinario por los Derechos Humanos (GIDH)* (Only available in Spanish)

La legitimidad de los Estados para reformar el Sistema interamericano unilateralmente y el derecho de la sociedad civil a participar de las reformas al Sistema

El Derecho Internacional contemporáneo, se ha fortalecido y desarrollado conforme las dinámicas políticas y económicas lo han permitido, para regular las relaciones de coexistencia y cooperación entre los Estados. Sean costumbres internacionales, sean Tratados o Convenciones, todas son fuentes del derecho internacional, susceptibles de ser reformadas por la comunidad de naciones, para el fortalecimiento o debilitamiento del control que ese ordenamiento representa.

Sin embargo, el Derecho Internacional de Derechos Humanos va más allá de regular las relaciones de co-existencia entre los Estados, para ocuparse de la relación entre Estado e individuo, incluyendo en esa relación a un tercero: los ciudadanos del mundo.

Para cumplir su tarea de protección del individuo frente al Poder del Estado, el Derecho Internacional de derechos humanos ha positivizado los derechos fundamentales e inalienables de la persona humana; pero ese reconocimiento de los derechos que por su calidad de persona tiene todo ser humano, no puede conllevar ningún tipo de condición en el ejercicio de los mismos. La protección, garantía y respeto de los derechos fundamentales y de los mecanismos para gozar de ellos, son consustanciales al reconocimiento mismo que de ellos se hizo.

La historia nos ha mostrado, que de poco sirve el reconocimiento escrito de derechos, si no se garantiza su respeto y acatamiento y se crean mecanismos efectivos que censuren su violación. Esos mecanismos, esenciales para la existencia misma de los Sistemas de Derechos Humanos, sólo pueden cumplir su función, en tanto se les garantice toda independencia y autonomía, especialmente de los órganos políticos representantes de los Estados que están llamados a vigilar y controlar.

Los Sistemas de Derechos Humanos, entre ellos el Sistema Interamericano, han dejado de ser propiedad de los Estados, y ahora son, al igual que todas las normas de ius cogen, propiedad de la humanidad. Normas que las naciones civilizadas deben respetar y acatar.

No tienen los Estados de América, Sres. Embajadores y Sras. Embajadoras, delegados y delegadas, más facultades que las que les confieran directamente sus ciudadanos, para reformar y limitar la manera en que esos derechos pueden ser exigidos por quienes somos sus titulares.

En materia de derechos humanos, el mundo contemporáneo sólo tiene una dirección para caminar: hacia adelante. Los desvíos y los aparentes atajos lo único que permiten, es que las

falsas democracias se escondan tras las propuestas de fortalecimiento, que buscan neutralizar a quienes nos hemos convertido en molestos vigilantes.

En ese sentido, reclamo como ciudadana americana, en nombre propio y de mi organización, en nombre de las víctimas que representamos, nuestros derechos como depositarios colectivos del sistema interamericano de derechos humanos. Es decir, nuestro derecho inalienable a participar, mediante mecanismos democráticos, de cualquier reforma que se piense sobre el sistema interamericano, la cual en todo caso, no puede ni debe incluir, bajo ninguna circunstancia, la más leve posibilidad de limitar derechos ya adquiridos, mediante procedimientos que obstaculicen el ejercicio de los mismos.

La participación durante un día de sesiones, con una convocatoria precaria en el tiempo y supeditada a la aceptación de los Estados, no se corresponde con el derecho que tenemos a ser parte dinámica de cualquier reforma que se pretenda sobre la Comisión Interamericana. Reclamamos por lo tanto, que se habiliten espacios democráticos para el debate, que esperamos concluya con recomendaciones respetuosas a la Comisión Interamericana, que en todo caso, estará en libertad absoluta de retomarlas o no.

Garantizar la autonomía y la independencia de las ingerencias de cualquier órgano político, así como el acatamiento y cumplimiento de sus decisiones por parte de los Estados, son los ejes principales del fortalecimiento del Sistema. Su universalidad y el financiamiento cabal, complementan la tarea.

3. *Indian Law Resource Center* (Only available in Spanish)

Independencia. El Centro considera importante asegurar la independencia política y funcional de la CIDH. Primero, la independencia política responde a la necesidad de asegurar la no-injerencia política por parte de los Estados y otras agencias de la OEA en las decisiones de la CIDH. Segundo, la independencia funcional es necesaria para asegurar que la CIDH pueda contar con absoluta independencia en la toma de decisiones sobre asuntos internos. Todo esto, a efectos de asegurar un verdadero impacto de su trabajo en la región.

En conexión con lo anterior, estimamos necesario reflexionar sobre la representatividad de los miembros y personal de la CIDH y sus Relatorías. El Centro considera fundamental que la CIDH sea dotada de Comisionados y personal de su Secretaría que reflejen la diversidad poblacional existente en la región—v.gr. pueblos indígenas, afro-descendientes, etc. Nótese que hasta la fecha, la CIDH no ha contado con un Comisionado/a que sea perteneciente a pueblos indígenas. Finalmente, instamos a que la CIDH cuente con un/a profesional indígena que esté a cargo de su Relatoría de Pueblos Indígenas, sea esta persona Comisionada o no. Creemos que estas medidas coadyuvarían a fortalecer el trabajo cualitativo de la CIDH en la protección y promoción de los derechos de grupos vulnerables.

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly “Citizen Security in the Americas” in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The representative of civil society organizations working in the Inter-American Human Rights System, focused her remarks on the rule of law as vital to promoting security. She called for a strong inter-

American human rights system that is independent and able to respond effectively to challenges threatening democracy. She highlighted recent trends that undermine the protection of human rights in the region: 1) the questioning of the obligation to apply IACHR precautionary measures; and 2) the restriction on precautionary measures, to the detriment of the individual petition system. She asked Member States to cease restricting the inter-American human rights; respect resolutions and precautionary measures from its organs; and strengthen the IACHR's individual petitions system.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The representative of civil society organizations that work in the area of representing human rights and security expressed the importance that all security policy must fundamentally have a respect and guarantee for human rights through effective and timely access to decent living conditions, without exclusion. In this regard, civil society considers that the opposite of this are policies that prioritize security of the State. This is reflected in the growing initiatives and implementation of plans of militarization as the only solution to social conflicts, as well as the criminalization of young offenders and the exclusion of large sectors of the population to access to rights related to health, education and life.

The representative of human rights and security organizations highlighted the lack of developments, actions and initiatives that recognize and protect older persons and indigenous peoples. In this regard, he recalled that the OAS has tools from its own political bodies. He cited the example of the 2002 report of the Inter-American Commission on Human Rights (IACHR) on terrorism and human rights, whose recommendations have not been reflected in the security initiatives currently promoted in the region. He also recalled that the Permanent Council gave a mandate to the IACHR to verify the situation of human rights defenders, from which several recommendations were issued that were not sufficiently answered by the States, but which certainly demand a timely and binding compliance mechanism.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

General Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- Clearly state the promotion, defense and guarantee of human rights and non-discrimination.
- Include a reference to the situation in Honduras, clearly stating support for the Honduran people and the need to ensure security, respect for human rights and recognition and participation of victims of human rights violations and their families to create a Truth Commission that is open, independent, and rigorous, in accordance with international standards.

Specific Recommendations to the Draft Declaration:

Paragraph 2: Their conviction that controversies should be settled by peaceful procedures and our respect for international law and compliance with the decisions of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights. They also express simple, fast and effective mechanisms of access to justice for all people, especially vulnerable groups.

Paragraph 6: The need for the organs of the Organization of American States to continue working to promote and strengthen the regional peace and security system in order to address tense situations and all the threats to their states. States also commit to implement the recommendations made in the report of Citizen Security and Human Rights by the Inter-American Commission on Human Rights.

Proposed New Paragraphs to the Draft Declaration:

- Their commitment to the promotion and protection of human rights, preventing violations of these rights and the safety of human rights defenders.
- The commitment to access to public information in the full sense of the term and the dissemination and implementation by the Member States of the Model Law on Transparency and Access to Information developed by the Special Rapporteurship for Freedom of Expression of the OAS.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Our governments should respect the recommendations of the Inter-American Commission and the decisions of the Inter-American Court of Human Rights and comply with cautionary measures and sentences
- Urge governments to promote more effective methods for disseminating human rights (visual, audio and interactive) and the use of information and communication technologies for their knowledge and exercise.
- Promote as a crime prevention measure, public awareness campaigns with a focus on the rights of children starting in early education to increase awareness and create a culture of defense of such violations.

1. GENDER

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly “Citizen Security in the Americas” in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The representative of civil society organizations working on gender and sexual and reproductive rights described citizen violence as a function of ethnic and racial, sexual, gender, or other forms of discrimination. She recommended that public security policies include a gender perspective and consider violence against women, as well as its causes and means of prevention. She called on states to investigate acts of violence against women by state agents and suggested that governments produce and provide access to sex-disaggregated data on all issues related to violence, in order to contribute to the crafting of public policies. The civil society representative further recommended putting an end to impunity and strengthening access to justice for women who are victims of violence; sex education and information; and access to health services and contraception. She called for laws guaranteeing women sexual and reproductive rights, and reiterated that citizen security required that Member States commit to ensuring an end to gender-based violence and to adopting a convention on sexual and reproductive rights.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Create and strengthen security and violence observatories for the development of public policies, so that they can be more participatory with synergies between academia and civil society organizations.
- Incorporate a differentiated focus to gender violence in justice systems.

Caribbean Civil Society Forum “Towards Sustainable Development in the Americas” – Castries, Saint Lucia – July 5, 2010

Follow up to the Declaration of Santa Cruz +10 and Implementation of the Inter-American Program for Sustainable Development

- Carefully identify and nurture the capabilities of women who can be potential leaders within the community, in order to create a critical mass of able female leaders who will address the differential needs of men and women in broader development processes.
- Understand the root causes that hinder women from participating in search and rescue Disaster Management Training.
- In the Disaster Management Training course, work closely with project’s gender advisor in the training of facilitators and speakers to ensure that all modules have a clear gender perspective and that the sessions are delivered in a gender-sensitive way. To further ensure the integration of gender in the training, the local gender focal points of the countries of the hemisphere should participate in the course.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The civil society representative on women’s rights affirmed that the current oppression suffered by individuals affects their ability to make a free choice regarding their sexual orientation, abortion, and contraceptive methods. She affirmed that in the majority of countries in the region, this type of oppression occurs in homes, schools, and work places and is reflected in gender violence, machismo and human trafficking. In this regard, the representative indicated that the right of people to freely choose without discrimination is imperative; emphasizing that only through our differences will we attain the peace we desire. She added that the elements that make up peace are “our bodies, lives, and territories” and peace can not be built through the oppression of individuals.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

General Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- Modify the text with a cross-cutting gender and rights perspective. It is not sufficient to mention vulnerable groups; it is necessary that the text as a whole address unequal power relations.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

- Conduct a Post Disaster Needs Assessment (PDNA) with a direct focus on women and from a gender perspective, in order to identify specific challenges and good practices. On the basis of this Gender PDNA, allocate an equitable percentage of funding for meeting these documented needs.
- Encourage the Haitian government, civil society and the Diaspora to take gender issues into consideration in the conception, formulation and implementation of policies, structures and programs (affirmative action), and work with the media to support positive reinforcement of the status of women.
- Reinforce security in temporary shelters, food distribution centers and other environments for women and children by increasing the presence of women among security personnel, including both local and foreign troops. In particular, security personnel should be trained to recognize and gender-based violence.
- Adopt and implement a zero tolerance policy towards violence against women and children and implement the necessary measures to make this policy operational, including detention and prosecution of alleged offenders, stricter punishment relating to sexual offences against women and girls and the protection of victims and witnesses.
- Allow Haitian women, more particularly Haitian women living in rural communities, fair consideration and access to funding (in particular micro-credit), which will permit them to purchase land, supplies and equipment that will strengthen their role in agriculture.

III. MULTIDIMENSIONAL SECURITY

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The representative of organizations working in the area of peace indicated that peace must be tightly linked with social equality, human security, the administration of justice and full access to opportunities. In order to foster a culture of peace, the Member States must avoid an arms race, expressions and importation of military conflicts, and the use of the military for territorial disputes.

To achieve these goals, he suggested that the Member States and the OAS prioritize the principles of the Inter-American Democratic Charter, preserve the pacific solution of conflict through political and diplomatic means, and avoid any call to war. The representative stressed that to establish a culture of peace between the States and intergovernmental organizations, it is necessary to use multilateral approaches and work with civil society to overcome the obstacles to creating a culture of peace, such as narcotrafficking, illegal arms trade, and other forms of crime that finance illegal organized groups that weaken democratic institutions and peace. He also commented it is necessary to contribute to the political, non-military approach to the internal armed conflict in Colombia, prevent its internationalization, preserve peace on the borders and incentivize multilateral cooperation that fosters a culture of peace.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- The Draft Declaration of Lima lacks a comprehensive focus on the observation of factors that generate insecurity as possible proposals to the consolidation of peace, the achievement of an environment based on human security and the consolidation of central issues such as inequality and gender. We propose to change the expression that celebrates only the work of the armed forces for another more comprehensive and inclusive, the whole of intergovernmental, state and social efforts in maintaining peace and providing attention to issues such as natural disasters.
- Ensure that the purpose of peace should lead, within the framework of the OAS and in a concerted manner, the Member States to avoid expressions of militarization, the arms race, interference, military treatment or the use of force to solve conflicts and existing territorial or other disputes. Preserve the role of pacific solutions, through political, diplomatic and civilian methods, for the resolution of conflicts. Avoid any call to war and consolidate a climate of cooperation for peace in the region.
- Guarantee access to public information and in particular on issues such as managing budgets in the proceedings of both civil authorities and in relation to the armed forces, police and security agencies.
- Encourage cooperation among States to improve policies and actions. Beyond the cooperation achieved with the assistance of intergovernmental organizations and international entities, among those of importance is the OAS, boost multilateral and bilateral actions taken toward overcoming factors of insecurity.
- Emphasize the principles of the Inter-American Democratic Charter. Preserve the pacific solution, through political and diplomatic means and using civilian methods in conflict resolution. Avoid any expression of war and consolidate a climate of cooperation for peace in the continent.
- In the framework of the OAS and other mechanisms of international cooperation, contributing to overcoming conflict, expressions of violence and the burden of drug trafficking and other illegal economies in Colombia and expressions of such phenomena in other countries is important. It is necessary to contribute to the political settlement of the Colombian internal armed conflict as recommended by the UN and other intergovernmental organizations, to prevent its internationalization, preserve peace on the borders and resume diplomatic relations in a comprehensive manner across countries and promoting cooperation oriented to peace and development.
- Promote, between Member States, the establishment of agreements, exchange of best practices, and knowledge of South-South cooperation and triangular cooperation as mechanisms for multilateral cooperation.

Specific Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

Paragraph 5: Their intention to continue implementing confidence- and security-building measures, as security, peace and cooperation are not achieved with dignity when there are inequalities in education, health and basic social services for vulnerable groups of women and men of our society who are victims of discrimination and violence because of their sexual orientation, gender identity and expression.

Paragraph 9: The need to develop in greater depth bilateral, subregional, and regional cooperation mechanisms that strengthen the capabilities of member states and enable them to comprehensively address, with full respect for international human rights law, the new threats to the security of their populations, including drug-trafficking, terrorism, trafficking and smuggling of persons, the illicit trafficking in small arms and light weapons, ammunition, and explosives; the consequences of natural disasters;

corruption, and other related transnational crimes; and their vulnerability to the impacts of natural disasters.

Proposed New Paragraphs to the Draft Declaration:

- The conviction that there can be no peace and security in situations of inequality, marginalization, vulnerability and lack of social justice.
- The commitment to access to public defense budget information, considering the "harm test," i.e. that the withholding information can cause more harm than the benefit of making the information public.

1. FIGHT AGAINST DRUGS

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: "Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- Review the strategy and counter narcotics policies to achieve effective results. Consider not only the illegal crop eradication and smuggling, but also cocaine use. Assume all the corresponding consequences, condemning in all forms of international and national organized crime, but also solving the social and health problems at its base. This strategy cannot be addressed from a military perspective, but from a comprehensive policy which prioritizes social investment and prevention.

2. PUBLIC SECURITY

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly "Citizen Security in the Americas" in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The civil society organizations working in the field of citizen security recommended that Member States take into account specific national and subregional characteristics in the definition security policies. She cited the "Report on Citizen Security and Human Rights," prepared by the Inter-American Commission on Human Rights (IACHR) in 2009, which could serve as input with basic and critical standards for mainstreaming a human rights perspective in citizen security policies. Stressing the need for effective, constructive, and crucial participation by civil society in formulating policies to prevent violence, she urged governments to create permanent bodies for consultation with civil society. She also emphasized the need for prison reform; modernization and professionalization of the security forces; separation of the justice and defense branches; transparency; civil control; and accountability with an effective rehabilitation system. She proposed regulating, supervising, and monitoring private security firms, in addition.

The representative stressed the importance of enhancing criminal investigations with a gender perspective to tackle femicide. With respect to violence prevention, she urged governments to allocate sufficient funds to implement programs on strengthening the family, education, and gender mainstreaming, as well as on discrimination, and creation of opportunities, with emphasis on populations vulnerable youth She stressed the need to craft policies to dismantle support, recruitment, and financing networks related to organized crime and smuggling of and trafficking in

persons, and their ties to state institutions. With respect to arms trafficking and terrorism, she recommended setting up regional, national, and local level campaigns on disarmament and against financing and recruitment.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- We urge governments to avoid the militarization of citizen security as a permanent means and instead commit to make the necessary budgetary allocations to have a modern service-oriented police department to effectively fight crime and violence. The members of the military and state police forces should always be held accountable to civilian courts.
- We urge States to strengthen or create civil bodies or authorities responsible for citizen security.
- Establish programs that promote accountability and transparency in security forces in the hemisphere.
- Encourage States to provide security as a public good and a human right and not proliferate the private security agencies, and where they do exist, they should be supervised and regulated by the responsible authority.
- Identify best practices in the prevention and implementation of trafficking and exploitation, especially of women, children and adolescents.
- Request Member States to continue strengthening the implementation of training programs and projects for security forces, including human rights training, in coordination with the OAS.
- Improvements in legislation on disarmament, sales, use and distribution of firearms.
- Implement policies to protect minors against exploitation and recruitment by criminal gangs.
- Create public prevention policies to address the causes of insecurity.
- Foster a comprehensive policy to combat crime, both in prevention and control. In prevention, education is vital beginning in the early years of schooling.
- Promote public access to information related to crime and delinquency.
- Incorporate the required measures into public policies to prevent and combat trafficking and drug use.
- Promote in-depth research on the membership and operation of criminal gangs.
- Implement protection mechanisms of victims of crimes.

Specific recommendations:

Proposed New Paragraphs:

Introductory section

- Reiterating the concern of the Member States over the serious violations of human rights and security of citizens involved with trafficking of persons, as expressed in resolution AG/RES. 2551 (XL-O/10) “Work Plan against Trafficking in Persons in the Western Hemisphere.”

Declare:

- The need to disseminate at different levels of government (national, regional and local) the Work Plan against Trafficking in Persons in the Western Hemisphere, approved by Member States and to incorporate its recommendations into government operating plans.

Commit:

- To incorporate in the Draft Plan of Action of San Salvador the recommendations of resolution AG/RES. 2551 (XL-O/10) “Work Plan against Trafficking in Persons in the Western.

Specific recommendations:

- And commit their political will to the following:
- Article 1: That, in the framework of the ministerial process on public security (MISPA) and of the Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA), consideration be given to the preparation of a Plan of Action that addresses Assistance and Rehabilitation **and Protection of Victims and Witness of all Forms of** Crime, Violence, and Drug Dependence as a core strategy and includes the five pillars adopted in the Commitment to Public Security in the Americas: public security management; prevention of crime, violence and insecurity; police management; citizen and community participation, and international cooperation;
- Article 2.j: Improvement of the integrity of the security forces and other public officials, in the fight against corruption, as well as strengthening transparency of governmental institutions, **facilitating citizen participation and oversight of public administration;**

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- Strengthening justice. Combat, punish those responsible and prevent serious transnational crimes that are often related to drug trafficking, illegal arms trade and trafficking in persons, for sexual labor and sexual exploitation, particularly those involving women and children for child pornography.
- Putting forth prevention strategies. Consider the rehabilitation of people involved with criminal activities. The prevention of use of hallucinogenic drugs is of the pillars for preventing crime and social decomposition, which particularly impacts youth. It is important to make prevention a priority in educational and training systems of the state, to prevent the strengthening of the gang phenomena, overcoming the fear and insecurity of the population, avoid onerous debts with international financial bodies, take proper advantage and control of resources to achieve effective results in the fight against crime.
- Solutions to the factors and consequences of insecurity cannot be only those of repressive force by the police, but also comprehensive alternative development and social policies. Prison systems are neither sufficient, nor adequate if there is a lack of policies and programs intended to rehabilitate affected populations, not include them in the criminal population and adequately reintegrate youth and other populations involved in networks of unlawful conduct.
- Stimulate cooperation between civil society, states and the international community. Take social responsibility and provide funds for the implementation of educational programs and campaigns that are measurable and functional for the prevention, protection, assistance to victims and their rights, prison rehabilitation, social reintegration and recidivism. It is essential to foster a culture of peace, the dissemination of best practices, experiences and constructive observations from civil society and assure that the media is willing to diffuse these efforts.

IV. INTEGRAL DEVELOPMENT

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly “Citizen Security in the Americas” in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The civil society organizations working in the area of integral development presented the following recommendations: 1) That OAS Member States fulfill their role to formulate public policies on administrative management to bring about conditions to foster integral development of citizens; 2) that integral development take an inter-sectoral and cross-cutting approach in which health, education, jobs, productivity and the economy, and gender equity are accorded priority attention by the states and are vital factors in the welfare of the population; 3) that maternal and child health be linked to sustainable development with an equal opportunity focus; 4) that investment in children and adolescents be made a priority; 5) that the Member States create conditions that are conducive to social mobility, job creation, and equitable access to education and health as factors that contribute to crime reduction; 6) that prevention and equal opportunity programs be implemented for people with HIV/AIDS and the LGBTTTI community; 7) that social protection systems be strengthened and public policies formulated and implemented to reduce poverty; 8) that initiatives such as mutualism be promoted as a mechanism to provide service and facilitate access to education and health in under-served communities; 9) that a gender perspective be included and national and regional rules be amended to promote more equitable participation of men and women in the political, social, and economic arenas.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Importance that education is incorporated as a primary value in our societies.
- Reduction of the digital divide for the benefit of education.
- Adjust educational programs to the different cultural and economic realities of students in order to promote integral development: Education with identity, and respect for cosmovision, intercultural bilingual education, that allows for the strengthening of identities.
- Consider education and economics as equitable factors in public policymaking.
- Develop programs that foment a citizen culture of democratic coexistence, especially in the promotion of civic and ethical values in formal and informal spaces where youth and children interact.
- Today, it is difficult for youth to have knowledge of the Charter, and they do not identify with it. A systematic project on the Democratic Charter in education is fundamental for it to be known and valued. It is necessary to include in the plans and programs at the school and university level.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- Promote, through the OAS, the joint efforts of the State, private companies and civil society to achieve a more visible impact, encouraging partnerships and resource mobilization.
- Strengthen the Draft Declaration of Lima on the issue of international cooperation, as the text only refers to cooperation in matters of security (art. 8 and 9) and excludes an approach to cooperation in matters of integral development.
- Disseminate, more effectively, dialogues, forums, and meetings in order to secure a space about what the OAS is promoting in order to achieve greater coordination between all stakeholders to obtain greater benefits as well as develop better skills so that they become more effective.

1. EDUCATION AND CULTURE

Consultation with Civil Society from South America “Towards Sustainable Development in the Americas” – Buenos Aires, Argentina – August 19, 2010

Follow-up to the Declaration of Santa Cruz +10 and the Inter-American Program for Sustainable Development (PIDS) 2006-2009

- Promote education as a central theme of environmental issues.

Vulnerability in the Context of Sustainable Development

- Obtain the commitment of governments to develop and implement environmental training programs, both at the formal and informal education levels, with the aim of ensuring the effective exercise of the right to participation and promote sustainable development.

Institutional and Governance Issues in Climate Change Adaptation

- Address the issue through education to create a greater awareness of needs and adaptation measures.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

Multidimensional Security in the Americas

- It must address socio-economic alternatives and prioritize education in very sensitive issues, such as human rights, both in the perspective of responsibility and overcoming impunity and also the habitual practice emphasizing education. In particular, it must be ensured that there is recognition of multiculturalism, rights and languages of indigenous peoples of the Americas and guarantees from authorities in this regard.

Cooperation for Development

- That Member States promote and strengthen actions through investments that promote inclusive development from a point of view that values cultural diversity and indigenous knowledge.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

Urgent Humanitarian Needs and Effective Deployment of Foreign Aid

- Transform the idle time at the camps into educational opportunities and provide various trainings, including civic education for children, young adolescents and adults. At the same time, strengthen the educational infrastructure outside of Port-au-Prince including at pre-school, primary,

secondary, adult, vocational, and higher educational levels. Emphasize teacher training throughout the country.

Social Development

- Implement quality Universal Education For All (EFA) that assures equitable access to all children, including over-aged students and students with disabilities, that offers health and sports program, and civic education, that supplies second-chance education (drop-outs and youths) as well as youth mentoring and adult literacy programs, and that provides free meals (breakfast and lunch), free transportation, potable water, uniforms, and school supplies. Such education will have to be provided in schools built on the basis of safe building codes and fitted with all modern sanitation and hygiene facilities.
- Strengthen the certification process of teachers and administrators, and implement (i) appropriate training structures to ensure their ongoing professional development and (ii) a mentoring and exchange program between Haiti and Diaspora teachers. Similarly, implement a program of adoption of Haiti schools and students by Diaspora schools and students. Such partnership should occur also at the higher learning level, and extended through collaboration with foreign universities. Moreover, provide incentives to teachers and administrators through decent wages and reasonable benefit packages.
- Design school programs that utilize results-based criteria and reflect national standards. Such programs should be culturally relevant (use of Creole), promote differentiated curricula (by age and ability level), foster STEM (Science, Technology, Engineering and Mathematics) programs, uphold technologically friendly tools and conduits (distance learning, media, internet, etc.), and support post-secondary internships for workforce readiness, as well as school readiness programming through a community approach that leads to higher education and vocational training.
- Address the needs of all vulnerable groups (special education, orphans/unaccompanied minors, restavek/children in domesticity, exploited children, disabled youths, etc.). Further, implement psychosocial support services.

2. HEALTH

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Recommended that Member States, through the competent bodies in this field, encourage programs that ensure a minimal level of inclusion in social security and access to quality healthcare

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

Proposed New Paragraphs to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- The commitment of Member States to make health care and prevention sustainable, ensuring, in crisis situations, the quality and continuity of antiretroviral treatment for opportunistic infections for people living with HIV and other chronic diseases.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

- Increase Haiti’s medical and health care capacities to meet the actual and future needs of the population through a medical assistance program with the Haitian Diaspora where Haitians from abroad will provide their services for two weeks at time on a year round basis.
- Foster a partnership between Diaspora and local health care professionals to provide intense and modern technology training. Particularly, offer clinical mentorship programs to build technical and practical capacity for the numerous medical students who are no longer in school.
- Partner with universities as well as public and private hospitals to achieve uninterrupted medical service through clinical education. Further, maintain a medical residency and fellowship, focusing on diseases that are endemic to Haiti and the Caribbean (use of current technologies where continued training and support of Haitian doctors and nurses can be done through teleconferencing).
- Create a “mini-fellowship” fund in infectious diseases for local doctors and nurses.
- Strengthen family planning, women’s reproductive health and child health organizations, health centers in conjunction with the GOH. Special attention must be given to pregnant women living in precarious conditions in temporary shelters.
- Create mental health clinics to address the various post-earthquake traumas to provide therapy, especially to children and other vulnerable groups. Social workers from the Diaspora can be key in addressing this issue while understanding how culturally sensitive this is.
- Create therapy centers for the rehabilitation of thousands of amputees and for their reintegration in society.
- Urge donor countries to create a program to sponsor a certain number of students (a number to be agreed upon) per accredited medical schools per year during the period of reconstruction.

3. NATURAL DISASTERS

Hemispheric Roundtable with Civil Society and Other Social Actors in the Second Inter-American Meeting of Ministers and High-level Authorities on Sustainable Development - Santo Domingo, Dominican Republic – November 17, 2010

Declaration of the Participating Civil Society Organizations

- For risk management, it is essential to contain an integral definition that considers the natural disasters cycle, for which implementing regulatory frameworks that obligate the formulation of strategic plans for risk management is required.
- Construct multidisciplinary systems for addressing risk management, prevention and information that permits an improved coordination among the highest-level governmental authorities in the region:
 - Establish national disaster management offices that work in coordination with the citizenry with the objective of establishing local emergency plans that should develop and strengthen training programs to improve capacities.

- Translate technical and scientific information to an understandable language for authorities and communities, in order to effectively achieve the prevention of risks to natural disasters.

Consultation with Civil Society from South America “Towards Sustainable Development in the Americas” – Buenos Aires, Argentina – August 19, 2010

Risk Management and Planning

- Involve the media in every stage of planning for risk management.
- Contribute to the promotion of a culture of prevention through the mass media.
- Create spaces for dialogue to reach consensus on basic protocols of communications strategies.
- Include in the documents the holistic and integral definition of “risk management” in the wake of the disaster cycle.
- Understand the vulnerability to disaster as a transversal set of economic, social, political, and environmental situations.
- Recognize the role of citizens through informal and ancestral knowledge, as they are the protagonists of their own resilience.
- Rethink the legal institution of civil liability based on risk and not just the result of damage.
- Consider the precautionary principle approach in the formulation of laws regarding risk management to establish long-term policies.
- Effectively disseminate among populations affected by disasters the necessary care measures to take into account the process of post-emergency.
- Build multidisciplinary systems to address risk management, coordinated by officials at the highest levels of government.

Consultation with Civil Society from Central America, Mexico and the Dominican Republic “Towards Sustainable Development in the Americas” – San Jose, Costa Rica – August 19, 2010

Vulnerability in the Context of Sustainable Development

- Give more support to governmental risk management institutions, since it is evident that their budgets do not increase on the same scale as disasters or countries’ level of exposure to risk.
- Give attention to the importance of disaster recovery, close the gap between immediate disaster response and recovery, this to reduce and/or prevent losses.
- The government must help the mobilization of highly vulnerable populations to prevent disasters such as the ones that have occurred in the region throughout the years. This is termed “territorial security” which is composed of environmental, social, economic, judicial, institutional, and food security.

Risk Management and Planning

- Encourage countries to decree strategic plans for risk management by law through environmental authorities of the Americas.
- Follow-up on existing development plans, which call for the institutionalization of land use and risk management.
- Promote the linearity between local, regional, and national risk management plans with national development plans as a whole.

- Before predicted threats, make governments of the Americas note that systems, mechanisms, indicators, reasoning, and programs are required for risk management.
- Establish information bridges and dialogue between risk specialists and the government and business decision-makers.
- Address the national need at the country level to work in a cross-cutting way, taking gender into account. Also, we must work in a uniform way at the economic, social, and environmental level. The challenges at the gender level are many.
- Call upon the governments of the Americas to implement public awareness campaigns on the subject of prevention and reduction of risk management vulnerability.
- National environmental agencies should consider the role of gender in mechanisms to combat climate change, involve them in elements of prevention, mitigation, and adaptation.
- Respect, accept, and take into account the thousand-year-old environmental management mechanisms, as used by indigenous populations and Afro-descendants since ancient times.

Caribbean Civil Society Forum “Towards Sustainable Development in the Americas” – Castries, Saint Lucia – July 5, 2010

Risk Management and Planning

- Implement mechanisms that allow communities to contribute to disaster prevention (for example communicating information about deteriorating bridges which would result in timely repairs).
- Require National Disaster/Emergency Management offices to meet with community leaders to exchange ideas about best practices on risk management. The outcome of these discussions should then be presented to the community and stored in central database.
- Establish a plan that addresses the re-allocation of earth-moving equipment to strategic positions around the country for use in emergency situations.
- Facilitate the establishment of emergency action groups in each community to manage pre- and post-disaster response.
- Continually assess the big picture.
- Apply indigenous knowledge in disaster management and planning.
- Provide training in disaster risk reduction and management for government and non-government sectors.
- Require research and development centres to translate scientific and technical information for understanding by decision-makers, and community adoption.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- In relation to catastrophes, promote effective and inclusive emergency programs directed at the most vulnerable sectors and people with disabilities.
- The conviction that reconstruction processes must not only be fast but also appropriate and should ensure access to information, participation and justice for citizens, and especially those affected.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

Urgent Humanitarian Needs and Effective Deployment of Foreign Aid

- Collaborate with the international community to ensure that food distribution systems and shelter arrangements take into account social and cultural factors and respect the dignity of people (e.g. establish distribution schedules and community kitchens; keep lines short at distribution points; target vulnerable beneficiaries for special distribution channels including home delivery; uphold regional equity by extending distribution to areas that have welcomed the displaced population; etc.).
- Seek the coordination of distribution efforts with all stakeholders, including local governments, international aid agencies, hometown associations and community groups in Haiti and abroad. Additionally, increase transparency and accountability by requiring aid agencies to publicize a detailed accounting of funds expended in Haiti.
- Given the fast-approaching rainy and hurricane season, seek the collaboration of aid agencies and local Haitian organizations to identify and prepare areas outside of Port-au-Prince that are less susceptible to natural disasters. Build seismic and cyclonic resistant temporary housing, such as modular housing and prefabricated homes. In the design of long-term housing and shelter plans, adopt and enforce seismic and cyclonic resistant building codes.
- Increase the effectiveness of humanitarian aid by empowering aid recipients through the extension of work-for-food and cash-for-work programs within the camps and throughout the critical areas, with a focus on the youth and women. Collaborate with aid agencies to assess periodically the humanitarian needs and the effectiveness of aid distribution within and outside of Port-au-Prince, including through feedback from beneficiaries.

Ensuring a Dynamic and Transparent Reconstruction Process

- Increase accountability through greater transparency and oversight of all reconstruction funds (public or private) with the creation of an Inspector General Office. Such Office shall be required to conduct audits and investigations to prevent fraud, waste and abuse, and shall report its findings publicly.

Sustainable Development, Natural Disaster Preparedness and Mitigation

- Strengthen the capacity of the country to react to catastrophes and manage natural disasters through the implementation of a national emergency action plan. Particularly, implement strict building codes.
- Reinforce La Direction de la Protection Civil through formal training of public servants at all levels in disaster-related fields. At the same time, implement programs for disaster preparedness and simulation exercises. For example, implement a web-enabled crisis information management system to provide real time information sharing to improve the response to disasters.

4. POVERTY ALLEVIATION

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: "Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- Considering that Mutualism is a suitable and effective vehicle to contribute to poverty alleviation in the most vulnerable sectors through the provision of various services, as well as to facilitate access to health and education to those sectors most in need, Member States must adopt policies to promote and boost mutual systems in the continent, in addition to other replicable successful systems.

5. SOCIAL DEVELOPMENT

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

General Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- Include a reference to Haiti, clearly stating support for the victims and a commitment to support the proposed reconstruction plan and job creation, so that it may be a participatory process and respectful of local leadership.

Cooperation for Development

- Concerned about the circumstances of vulnerability that are part of our populations and that impede economic and social development, we request Member States to establish budgets and public policies for the development of actions in favor of traditionally excluded groups, including afro descendants, indigenous groups, the elderly, persons with disabilities, persons with different sexual orientations and diverse gender identities as well as other vulnerable groups, in the areas of education, culture, food and housing, among others.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

Ensuring a Dynamic and Transparent Reconstruction Process

- Make best efforts to ensure that firms that are contracted in Haiti hire Haitian workers and contractors as a priority, including from the Diaspora, as a means to alleviate poverty, enable job training and creation, reverse the brain drain by expanding human capital that will, in turn, attract foreign investment.
- Recognize the importance of the Diaspora in the Haitian economy and, referencing the Plan d’Action pour le Relèvement et le Développement National (March 2010), yield to the Diaspora’s strong request for a full voting seat in la Commission Intérimaire pour la Reconstruction d’Haïti.
- Create a Civil Service Corps with the participation of Haitian nationals and the Diaspora, particularly women, to assist in the building process. Donors are encouraged to review their personnel’s legal framework with the view of facilitating the transfer or detail of Creole-speaking employees to work on loan in Haiti.

6. SUSTAINABLE DEVELOPMENT AND ENVIRONMENT

Hemispheric Roundtable with Civil Society and Other Social Actors in the Second Inter-American Meeting of Ministers and High-level Authorities on Sustainable Development - Santo Domingo, Dominican Republic – November 17, 2010

Declaration of the Participating Civil Society Organizations

We thank you for the opportunity to share with you our recommendations and we urge you to consider and include in the Declaration of Santo Domingo the following:

First, it is crucial that governments design, fund and implement concrete actions regarding the commitments you will now take under the Declaration of Santo Domingo.

We, representatives of civil society organizations from the entire region, are willing and committed to collaborate with you in the implementation of this Declaration. With regards to climate change and disaster risk management, it is of utmost importance to work closely with local communities, indigenous communities, women and youth.

For this purpose, it is fundamental to ensure citizen and public access to information, as well as participation in the decision-making process of the aforementioned topics.

The first phase would involve educational media campaigns to increase awareness among citizens, as well as related activities, particularly aimed at local communities. Indigenous knowledge on these topics should be included. Particular attention should be placed on the relation between gender and climate change.

Governmental partnership with the media and civil society is required to ensure a massive outreach. We need people to be informed so they can assume the role of active stakeholders in climate change and disaster risk management.

We consider it important to highlight the situation of Haiti. It is necessary to implement an information, sensitization and education campaign for the Haitian people with regards to climate change, disasters and sanitation, particularly at the local and regional levels. At this time, we would like to express our solidarity with the people of Haiti at this critical moment.

We urge the governments to request the OAS to develop the Inter-American Sustainable Development Program 2010-2014 that incorporates the following elements:

- Draft and approve legislation that promotes economic incentives for the care of natural resources, for example, payments for environmental services and clear incentives for the decrease in carbon emissions. It is also important to ensure the application of the principle of non-regression in environmental norms.
- Implement and utilize strategic management tools, such as the Strategic Environmental Assessment, and Land Use Planning. Develop and update land use plans that incorporate the need to maintain a balance between tourism development and agriculture, assuring the protection of archaeological, cultural and environmental heritage.
- Formulate and develop energy public policies with emphasis on renewable energies, and with the participation of the different social sectors as a mechanism that contributes to the reduction in the impacts of climatic change and natural disasters.

- Effectively apply Principle 16 of the Rio Declaration on the promotion of the internalization of environmental costs to production and trade, promoting change in the patterns of production and consumption and incorporate sustainability criteria in purchases and public contracts.
- Strengthen planning, national, regional and local coordination so that there is unification in the action strategies against climate change, with civil society participation. Promote dialogue on the impacts of the climatic change with a focus of national safety and incorporating the need to protect environmental refugees.

Consultation with Civil Society from South America “Towards Sustainable Development in the Americas” – Buenos Aires, Argentina – August 19, 2010

Follow-up to the Declaration of Santa Cruz +10 and the Inter-American Program for Sustainable Development (PIDS) 2006-2009

- Review the progress of the PIDS 2006 – 2009, defining the areas that should be strengthened.
- Maintain the PIDS as a continental strategy of development promotion. Update, enrich, and strengthen its implementation in Member States.
- Establish baselines of the elements to prioritize in order to define indicators and targets.
- Urge governments that the content of the agreements and declarations to which they subscribe are effectively incorporated into national policies.
- Foster the development of human resources directed towards climate change, natural disasters, and risk management.
- Create conditions for greater and effective enforcement of environmental regulations.
- Urge governments to apply the principle of non-regression in environmental regulations, with the goal that any change does not involve a decline in environmental standards.
- Urge governments to work together in the sustainable use of shared resources, considering the impacts that poor management and the use of those resources by another country can have on others.
- Encourage actions aimed at preventing the environmental impact on the most vulnerable sectors.
- Promote effective public participation and access to information by the sectors most vulnerable to the effects of climate change and disasters.
- Urge governments to explore the use of all renewable energies such as wind, solar thermal, as all those are more effective and generate less impact on the environment.

Vulnerability in the Context of Sustainable Development

- Promote reflection by governments regarding the scope of sustainable development to find a coherent action in the implementation of multisectorial policies that target the objectives of sustainable development.
- Implement the necessary institutions and bodies to ensure the exercise of rights of access to information, participation, and justice in environmental matters, placing special attention on creating conditions for vulnerable communities to exercise these rights.
- Integrate citizen participation horizontally to all the components of the PIDS and ensure the implementation of participatory forums and dialogues between communities and the private sector to create equal conditions for all parties.
- Consider the impacts of extractive industries and generate public planning policies and civil society participation.

- Implement and use strategic management tools such as the Strategic Environmental Assessment and Land Use Planning, designed as a continuous public management process of technical regulatory procedures that are transparent, systematic, inclusive, and easily understood by the public.
- Analyze the impact of biofuels and developing policies to encourage the use of renewable energy.
- Strengthen the principles of subsidiarity and complementarity between the different levels of government to achieve a greater efficiency in the implementation of policies, plans, and programs associated with sustainable development.
- Establish easily measured and comparable benchmarks or minimum indicators across countries that will allow identification of levels of progress, setbacks, and pending challenges in the implementation of a sustainable development model on the continent. Aiming to have the same criteria for assessing and communicating results.
- Prepare technical studies for building bases for the development of public policies and investment of resources in programs and projects that facilitate their establishment.

Institutional and Governance Issues in Climate Change Adaptation

- Coordinate adaptation policies at the highest level considering their cross-cutting aspects (for example, through councils or presidential advisors that promote institutional and governance aspects in climate change adaptation).
- Promote the use and interpretation of the law to strengthen adaptation to climate change, complying with the current regulations at all levels (local, national, and international).
- Complement international agendas, preventing them from conflicting while promoting policies which reduce vulnerability to climate change.
- Reinforce standards and promote respect to the principle of non-regression of laws and regulations.
- Identify economic, environmental, and social vulnerabilities in relation to the effects of climate change and encourage cooperation between countries with regards to common and border areas.
- Create initiatives or measures capable of reducing vulnerabilities of natural and social systems in relation to current and expected effects of climate change.
- Generate specific and common policies for environmental refugees in relation to the effects and impacts of climate change.
- Promote the exchange of experiences and information between countries to formulate and implement climate change adaptation policies.
- Promote dialogue on the impacts of climate change with a focus on national security.
- Recognize the value of the environment and the cost of both mitigation and adaptation to climate change by encouraging the use of cost-benefit analysis across all levels: local, national, regional, and international.
- Effectively implement Principle 16 of the Rio Declaration on Environment and Development and promote the internalization of the environmental costs in production and trade.
- Promote changes in the production and consumption patterns to make them more sustainable and incorporate sustainability criteria in public purchases and contracts.
- Support the mobilization of resources necessary for policy and adaptation measures.

Consultation with Civil Society from Central America, Mexico and the Dominican Republic “Towards Sustainable Development in the Americas” – San Jose, Costa Rica – August 19, 2010

Follow-up to the Declaration of Santa Cruz +10 and the Inter-American Program for Sustainable Development (PIDS) 2006 – 2009

- Strengthen environmental groups and associations and promote alliances with environmental NGOs and technical governmental agencies.
- Include recognition of environmental groups or associations in legislation.
- Raise awareness and training in integrated resource management, particularly integrated water resources management (IWRM), exchanging experiences and developing regional partnerships.
- It is necessary to strengthen community capacity to participate, influence, and decide on the use of resources.
- Create and/or strengthen national institutions for better management of assets.
- Encourage mechanisms that can enable the efficiency of natural resource management programs – the decentralization of local programs.
- Give attention to the aspects related to accountability, as well as the evaluations of natural resource management plans.
- Promote the empowerment of society and its communities. Youth must be a player in this process.
- Encourage the cooperation of international institutions, as well as developed countries, in each of the themes of environmental conservation; this in order to have interoperability and make good use of best practices.
- Promote legislation that considers economic incentives for the protection and preservation of the environment, such as taxes, high interest and credit rates, and administrative management where the environment is seen as highly vulnerable.
- Encourage awareness and valuing of natural resources.
- Diminish the polarization of political and economic interests within environmental decision-making.

Vulnerability in the Context of Sustainable Development

- Ensure that institutions act as compact organs that are so interconnected in each of their action areas that form a set of layers that is highly resilient to phenomena that generate risk in our countries.
- It is necessary to initiate a quantification of vulnerability to be able to measure the effects and materialize these as tangible in the long term, therefore, we must move from the qualitative to the quantitative.
- The comprehensive land management for the reduction of vulnerability must be sustainable. This will increase security and quality of life. It implies concerted development planning and land use, the sustainable management of natural resources, and the utilization of opportunities for local economic development.
- It is imperative to establish action plans that incorporate the relationship between water resources and fluvial dynamics in relation to climate change. The river network is a basic element of the natural environment.
- Aim for decision makers to be informed on the vulnerability of their territories during decision-making, with the purpose of preventing urbanization in areas that increase future vulnerability.
- Invite government to continue guaranteeing public policies focused on social spending, principally health, education, and basic sanitation. Climate change makes societies more vulnerable in social areas.

- Promote land use management in countries of the region as a fundamental component to reduce vulnerability of the population in the face of climate change.
- Increase the resilience of ecosystems to carry and confront constant changes generated by nature.
- Promote the development of renewable energies and secure that these practices are environmentally sustainable.
- Emphasize the need for national mechanisms to confront vulnerability and climate change adaptation.

Institutional Aspects and Governance in Climate Change Adaptation

- Strengthen instances of planning, national, regional, and local coordination so as to allow for the unification of action strategies against climate change.
- Strategies that guarantee interoperability and cooperation between the different institutions at the local, regional, national, and international levels are needed. These strategies should seek to reduce the social, environmental, and economic impacts, as well as take advantage of opportunities.
- Encourage governments and environmental authorities to exert pressure on large industries that affect the environment.
- There is a need for informational mechanisms in society and its varying levels to make the decision-making process more efficient and with more lasting effects. The systemization and the analysis of information the adequate decision-making is fundamental to the process of building resistance.
- Ensure that the governments of the region include clear incentives for the reduction of emissions that affect the environment in their climate change legislation.
- Promote conservation plans in a collective, as opposed to an individualist, manner.
- Create and/or support integral information systems for decision-making in terms of climate change; take into account community and local government needs.
- To achieve human sustainable development and adaptation to climate change, the existence of new institutionalism and good governance is required, for which the following will be important: a rereading of the territory (regional, national, local) and of institutionalism; active participation of civil society and its organizations; the capacity of the community and civil society organizations to achieve a relatively stable balance among political, economic, social, culture, etc. systems (participation, inclusion, and equity).
- New institutional policies are needed to regulate and mitigate the effects of climate change. It is necessary to improve the distribution, analysis, and creation of environmental information systems to strengthen the pillars of new decisions that will rule new governmental practices.
- It is necessary that the measures and actions taken to reduce the vulnerability and adaptability to climate change allow for public matters to be conducted in a transparent and quality way, as well as in a fair, harmonious, effective and efficient way so as to benefit the well-being of all.

Caribbean Civil Society Forum “Towards Sustainable Development in the Americas” – Castries, Saint Lucia – July 5, 2010

Follow up to the Declaration of Santa Cruz and Implementation of the Inter-American Program for Sustainable Development

- Take effective steps to preserve ecosystems for the benefit of future generations.

- Dedicate resources to acquiring and utilizing technical applications and equipment for the purposes of mapping and developing data sets which can then be made available for use in research and planning by government, civil society and academia.
- Promote and strongly focus on the advancement and implementation where feasible, of renewable energy through research, testing and pilot projects, to move away from our detrimental dependence on fossil fuels.
- Establish a more participatory approach in developing and implementing energy policies.
- Follow through with and develop implementation strategies to fulfill the promises made in the Santa Cruz +10 Declaration.
- Establish a Gender Constituency on Climate Change within the hemisphere.
- Place greater focus on and mainstream cross-cutting issues in all sectors and programs to reduce or avoid the duplication of work and efforts; and reduce unnecessary spending so that all stakeholders are aware of each other's roles, plans and activities.
- Bring national attention to food systems development.
- Promote economic opportunities through the sustainable use of local fruit and produce.
- Value the input of local communities and indigenous knowledge in all planning and policy development processes, and strengthen the capacity of these communities to contribute to these processes.
- Ensure effective public education on sustainable development issues by dedicating adequate resources to ensure dissemination through various media (live, print, social networks).

Vulnerability in the Context of Sustainable Development

- Adopt a balanced approach to the development of tourism and agriculture, as there seems to be a heavier focus on the development of tourism in the region while the agriculture sector is experiencing decline.
- Ensure that physical development does not encroach on the natural environment and coastal bays and that archeological sites and ecosystems are preserved.
- Reduce the timeline between research and the use of its findings in the implementation of policy.
- Require all developers to include in their development plans adequate measures to mitigate land-based pollution, and generally to reduce adverse impacts of tier development projects on human health and the health of the environment.

Institutional Aspects in Climate Change Management

- Communicate to constituents the threat of climate change on their livelihoods by disseminating information via print and electronic media.
- Increase public education and awareness by ensuring that concepts are understood by all. Focus on issues such as sea level rise, more intense and frequent hurricanes, depletion of fish stocks, scarcity of fresh water as opposed to focusing on climate change.
- Pay closer attention to the policy development process of government and advocate for the inclusion of community or civil society groups.

Civil Society Hemispheric forum in preparation for the XL regular session of the OAS general assembly: "Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- That Member States make particular emphasis on the application and compliance of existing legislation in terms of environmental, social and economic sustainability, and seek mechanisms to ensure the continuity of these factors.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

- Promote green (solar, wind, ocean thermal and geothermal) and/or locally produced energy to achieve energy independence and security. Reduce electricity theft through wireless usage meter. Provide training opportunities to sustain a workforce prepared to install and maintain alternative energy solutions.

7. TRADE AND ECONOMIC DEVELOPMENT

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Strengthen solidarity economy as a mechanism for the development of people.
- Member States should commit to building economic independence and equality to ensure a high level of autonomy and freedom of our peoples based on respect for private property, compliance with the law, and the formation of an integral education to fight citizen insecurity in a structural manner, promoting the respect for the rule of law.

Caribbean Civil Society Forum “Towards Sustainable Development in the Americas” – Castries, Saint Lucia – July 5, 2010

Follow up to the Declaration of Santa Cruz and Implementation of the Inter-American Program for Sustainable Development

- Ensure equity in concessions and incentives granted for local and foreign development projects.
- If development projects should involve state-owned property or require concessions, Governments should consider such inputs as equity in such projects.
- Strengthen the development planning process generally but more especially as it relates to tourism.
- Assess the potential impact of climate change (especially sea level rise) on tourism as many tourism properties and activities are located on the coasts of Caribbean countries.
- Stimulate development in rural cottage industries throughout the hemisphere.
- Highlight the contribution of rural communities to national economic development.

Civil Society Hemispheric forum in preparation for the XL regular session of the OAS general assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- That the OAS encourage Member States to honor the Monterrey Consensus of the International Conference on Financing for Development, where developed countries committed to devote 0.7% of GDP for official development assistance.
- Proposed new text for Article 9: add the word “multilateral” to the text.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

- Set an ambitious but concrete and quantifiable goal for the short and medium run, particularly in terms of GDP growth (6% per year or more) and reduction of poverty.
- Work with donors to formally engage the Diaspora in the implementation and follow up of measures and recommendations for recovery and reconstruction. As such, create a platform for exchanging information and ensuring that (i) the Diaspora is updated on business opportunities as well as other developments and (ii) at the same time that the GOH is aware of resources available in the Diaspora (financial and human).
- Publicize eligibility and selection criteria for donor-funded projects and ensure greater participation of Haitian small and medium-sized enterprises (SMEs) and Diaspora investors. Moreover, create streamlined/expedited processes for business formation and license applications including a single point of entry for business proposals where investors can get responses from relevant authorities on firm timetables.
- Recognize dual nationality. Although the Diaspora understands that there are no legal impediments to investments, dual nationality will create greater inclusion and incentive.
- Strengthen the role of the Investment Facilitation Center (Centre de Facilitation des Investments - CFI) and institute self-contained, automated regional branches to facilitate the establishment of corporations and investments directly outside the Port-au-Prince metropolitan area. Also, amplify the database within CFI of potential partners by sector.
- Create a mechanism to promote Haiti as a tourism destination even in the short term and to address all aspects of tourism security. Provide training opportunities to sustain a workforce prepared to install and maintain a thriving hospitality industry.
- Have a subaccount for the apparel industry within the framework of the Guarantee Fund which is currently being created. Moreover, create a mechanism to make credit readily available for the productive activities, particularly in the agricultural sector.
- Increase productivity by strengthening vocational training and targeting skills demanded by the market, while promoting the employment of women. This would include an assessment of available skills and needs by sector.
- Encourage innovation through the strengthening of intellectual property rights.
- Transform the rural landscape by promoting local farming to better compete with agricultural imports, by aggressively pursuing food security and promoting agro-exports and agro-industry (including vertical integration). Specifically, promote rural units of integrated production including aquaculture, livestock, light manufacturing, services, etc.
- Identify each region's comparative advantage and invest accordingly. Provide for appropriate financing of development activities, particularly through the widening of the tax base.
- Prioritize projects based on their contribution to decentralization, deconcentration, and the participation of women.

IV. INTERNATIONAL LAW

1. ACCESS TO JUSTICE

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS "Citizen Security in the Americas" – April 25-26, 2011

- Member States are urged to offer protection and facilitate the work of activists, human rights defenders and representatives of organizations that defend human rights, and whistleblowers.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

Economic Development

- Increase accountability, transparency and oversight of all funds with detailed reporting through a public information system and a reformed/strengthened judicial system.

Strengthening Governance

- Combat impunity and review immunity provisions in order to prosecute to the full extent of the law officials who have been perceived to abuse their privileges.
- Establish an independent judiciary and accelerate the reform of Haiti's criminal laws and procedures, including the correctional system, and increase the number of judges, prosecutors, police and corrections officers, and other court personnel.
- Reform the country's justice system, and strengthen the capacity of its Ministries, including the Ministry of Justice and Public Security, to support national government institutions operating in local communities, and to develop and train a core of middle managers to assume leadership roles within their organizations.

2. AFRO-DESCENDANTS

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly "Citizen Security in the Americas" in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

Representing civil society organizations of people of African descent, the civil society representative spoke about the International Year of People of African Descent in 2011, recognized by the United Nations and the OAS. He noted that most people of African descent live under conditions of poverty, inequality, and insecurity. He argued that the states and civil society together should more urgently develop programs and policies with a differentiated approach, so as to facilitate affirmative action for the most vulnerable populations such as people of African descent, indigenous peoples, women, young people, and children. He recommended creating public policies that ensure access to education, with programs for inter-cultural education, health from the perspective of African descendants, support for the campaign for a convention on sexual and reproductive rights, the implementation of measures to control the alcohol trade, drug trafficking, and the bearing of arms. The civil society representative also suggested the need for public policies aimed at strengthening law enforcement and reducing impunity. He urged the governments of Guatemala, Honduras, and Chile to incorporate a category for people of African descent into the next census exercise. The representative of organizations of people of African descent also encouraged Member States to speed up negotiations and adopt the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, and to allocate the funds needed by the IACHR's Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination to operate effectively.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- Member States should make the commitment to politically and financially support the work of the Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination of the Inter-American Commission on Human Rights (IACHR).
- Recognize the nature of Afro-descendant people as citizens in their respective countries and generate affirmative action programs and the implementation of public policies that contribute to their human development.
- Member States of the OAS should recognize the right of Afro-descendants to land and territory and facilitate the technical and financial resources for the demarcation and titling of their territories.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The representative of the network of afro-descendant organizations in the region affirmed the commitment of these organizations to actively contribute to strengthen the work of the OAS with regard to the fight against discrimination, racism and intolerance in the hemisphere. She expressed the need for the Member States to make financial contributions to the implementation of United Nations resolution "International Year for People of African Descent" and to advance in the adoption of the Inter-American Convention against Racism and All Forms of Discrimination and Intolerance.

Furthermore, the afro-descendant representative stressed the need for Member States to commit to politically and financially supporting the work of the Rapporteurship on the Rights of Afro-descendants and against Racial Discrimination of the Inter-American Commission on Human Rights. In this regard, she called for Member States to continue their fight against racism, discrimination and intolerance and to include Afro-descendants as a central theme because this group has been historically excluded from human prosperity in the Americas, which does not allow for peace, security and cooperation in the societies of the region. She noted that public policies and special programs must be implemented with a gender perspective that allows for the improvement of integral health and education systems in order to reduce poverty. She also stated that Member States should fully recognize the economic and social contributions of indigenous and Afro-descendent peoples, and promote the visibility and inclusion of those communities.

3. YOUTH AND CHILDREN

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly “Citizen Security in the Americas” in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The representative of more than 400 university students who participated in the Model OAS General Assembly (MOAS), held from May 18 to 21 in San Salvador, presented the conclusions of the issues discussed including the promotion of democratic values and citizen participation, protecting the human rights of migrant children and youth, preventing and dealing with violence, and strengthening democratic processes. He noted that in the Declaration they adopted, the MOAS participants proposed education on democratic values, ethics, and dialogue as a tool to prevent youth violence and promote social inclusion, as well as the use of technology and social networks to increase citizen

participation in government decision-making processes, in order to ensure transparency in social and economic public policies. He also remarked that the MOAS had passed a resolution for the reincorporation of Honduras into the OAS before the OAS Member States did so, and this reaffirmed the importance of respect for the constitutional order, the democratic institutional system, and democratic values in the Hemisphere. Model OAS General Assemblies, he explained, teach the youth civic principles and policy dialogue, and allows them to build networks with other young leaders. He said the dream of young people is for the Member States to consider their ideas, and he reiterated the young people's commitment to adding their voices in order to improve living conditions for the citizens of the Americas. After his remarks, he presented the Foreign Minister of El Salvador with a publication of resolutions adopted by the MOAS, for his consideration.

The representative of young entrepreneurs in the Dialogue with Youth, organized by Young Americas Business Trust (YABT), commented that the young people agreed with the Member States on the impact of violence and insecurity on their countries. He stressed the need for moral values as well as mental and physical health to be taught, with monitoring by government authorities and civil society, and for greater regulation of media content. He also spoke about the lack of job opportunities for young people, and proposed the inclusion of entrepreneurship, innovation, and social and environmental responsibility from early childhood. In addition, he proposed the creation of technical and professional institutions to promote practical skills to prepare young people to enter the labor market. He emphasized the right to equal education, especially for persons with disabilities, and access to technology for all. He further recommended the creation of sources of funding for projects by young entrepreneurs. He noted young people's willingness to partner with governments to implement their proposals, and asked the Member States for their support to continue creating opportunities for young people to participate in the OAS and in the Summits of the Americas process.

The representative of civil society organizations engaged in children's and youth issues, stressed the importance of promoting integral development programs with a focus on the rights of children and adolescents, as well as on investing in education and health programs and implementing initiatives for primary and secondary prevention, integration and reintegration into society and into the work force, in order to contribute to their integral development. She stressed as well the urgent need to eliminate repressive measures targeting children and adolescents, such as forced recruitment and militarization. As well, she suggested creating disaggregated and reliable indicators on the situation of children and youth, to facilitate information about their status and to guide policies, programs, and strategies to improve their condition. Finally, she encouraged the Member States to consider migration as a contributing factor in insecurity related to child and adolescent victims of trafficking, abuse, and exploitation.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- We consider that all trafficking of humans is illegal, for which we recommend removing the word “illicit” in the Declaration when referring to trafficking in general.
- Develop programs with the participation of children and adolescents in dealing with insecurity issues.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The representative of the XXVIII Model General Assembly of the Organization of American States (MOAS) that took place at the University of San Martín de Porres in Lima, Peru from May 12 to 15, 2010 and brought together approximately 500 students from 43 universities from around the Americas stated that during the simulation, the student participants were able to come to agreements despite their countries' differences, demonstrating how through dialogue we can shape common positions.

Mirroring the Fortieth OAS General Assembly's theme of "Peace, Security and Cooperation in the Americas," he shared that the students debated and approved resolutions on the prevention of political crises, the participation of women in political, social, and economic decision-making, transparency in the acquisition of arms, the role of civil society in handling environmental issues, and changes in the methodologies for paying quotas in the OAS. The MOAS representative stressed that the youth who participated in the simulation felt more united and better prepared as future leaders. After presenting the resolutions of the XXVIII MOAS to Minister Vilchez and the Assistant Secretary General, he closed by emphasizing the important role that young people can play in the implementation of programs that promote peace and democracy.

The representative of the youth network thanked to the OAS General Secretariat for facilitating a youth dialogue on June 4, 2010 in the framework of the XL OAS General Assembly, which allowed young people to have a voice in the decision-making process to promote the development of the hemisphere. He stated that young people are grateful to the OAS for the chance to demonstrate their capacity as leaders. He also expressed his wish for the youth to be considered separately as a group distinct from the civil society sector and commented that the young people are preparing themselves for the Sixth Summit of the Americas that will take place in Colombia in 2012. Finally, the youth representative emphasized that the National Secretariats for Youth could be strategic partners in carrying out awareness campaigns to motivate youth in social entrepreneurship.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – Washington, D.C. - March 21 – 23, 2010

- Adopt the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption (Hague Adoption Convention), which aims to prevent the abduction, sale or traffic of children, and prioritize the adoption of children by Haitian families in Haiti and the Diaspora. Further, work with identified partners to develop culturally congruent education and training for those wishing to care for Haitian children in order to minimize additional trauma and maximize adaptive outcomes consistent with Haitian culture and values.
- Support family preservation to prevent child abandonment, by offering support services to families and/or extended families to care for their own children. Moreover, phase out the orphanage system through the re-integration of children into family/extended family like settings (i.e. foster care models).
- Create a central database of all children in out-of-family placement, where progress and services are recorded and tracked ---modeled after best practices.

4. PERSONS WITH DISABILITIES

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly "Citizen Security in the Americas" in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The representative of the the Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families (RIADIS) said the focus of the main theme of the General Assembly must be comprehensive. He asked the OAS to adopt physical accessibility and communication measures to facilitate participation by persons with disabilities in its activities. He added that violence involved excluding persons with disabilities from employment and education and caused citizen insecurity, and thus required the OAS and its Member States to invest more in ensuring their inclusion in the workforce. The civil society representative said that states should change the medical-oriented concept underlying the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, to remove provisions on the prevention of disability and the non-discriminatory nature of interdiction. He also called on the states to implement formal mechanisms for selecting members of the Committee on the Elimination of All Forms of Discrimination against Persons with Disabilities, to ensure that they are independent and are not members of government, and to review the status of experts. The representative of civil society working in disability issues appealed to the countries' representatives to allocate the necessary resources to the Technical Secretariat for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (SEDISCAP) and to adopt measures to include the mainstreaming of the issue of disability in all areas of the OAS.

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS “Citizen Security in the Americas” – April 25-26, 2011

- All policies, declarations, resolutions and other documents and actions should make reference to the special focus on persons with disability from a human rights and socioeconomic development perspective.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The civil society representative who spoke on behalf of disability organizations of the Americas began by noting that that are 104 million people with disabilities in the Americas and that 80% of them live in poverty and extreme poverty; more than 90% of school-aged children do not attend school; and 80% of people with disabilities are unemployed. Also, he presented a proposal to Member States to raise the issue of disability within the Declaration of Lima, in which it requests that the OAS finance, from its regular fund, the activities of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities and to provide resources to the technical secretariat in relation with the Decade of the Americas for the Rights and Dignity of Persons with Disabilities.

He expressed that there are three international treaties in this area, for which civil society calls for compliance by Member States in accordance with national and international norms. He also stressed the need for public investment in education, health, rehabilitation, employment and accessibility, in proportion to the population that people with disabilities represent in the context of inclusive development. The representative of people with disabilities cited the example that Peru registered an economic growth over the last number of months that is not reflected in the conditions of the disabled, offering the example that of the 900,000 school-aged children with disabilities, only 48,000 attend school.

Finally, the representative of organizations that work in the area of disability argued that currently we live in a world in which governance, democracy and pluralism do not mean persons with disabilities necessarily benefit from these elements. The national and international political class led to the situation in which persons with disabilities live "far from development." In this sense, he called for political and citizen participation of persons with disabilities among other issues with electoral quotas.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: "Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

General Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- In the context of the theme of "Peace, Security and Cooperation," and based on Article 44 of the United Nations Convention on the Rights of Persons with Disabilities, which refers to regional organizations, we encourage the inclusion of this item on the agenda of the General Assembly, so that OAS accession to the Convention may be formally approved.

5. FIGHT AGAINST RACISM, DISCRIMINATION AND INTOLERANCE

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly "Citizen Security in the Americas" in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The representative of the Coalition of Lesbians, Gays, Bisexuals, Transvestites, Transsexuals, Transgender and Intersexuals expressed her Coalition's concern relating to the issue of citizen security with full respect for human rights. She said that LGBTTTI individuals were victims of aggression from state security bodies or from individuals, and were excluded from the education system, from access to decent work, health, and social security, and from the most basic rights of citizens, particularly sexual and reproductive rights. The most serious issue affecting citizen security concerned the population of transsexual, transvestite, and transgender men and women. She called for clearly defined provisions for hate crimes to be punished effectively and for the abolition of laws criminalizing same sex relations. As well, she urged states to establish mechanisms to recognize the legal identity of transsexual, transgender, transvestite, and intersex persons according to their name and perceived gender identity, gender, without the need for genital reassignment or for pathologizing requirements. She also recommended implementing adequate, comprehensive policies to combat stigma, exclusion, violence, and segregation of that population because of their sexual orientation or gender identity. The representative of the LGBTTTI Coalition encouraged the adoption of the draft resolution on "Human Rights, Sexual Orientation, and Gender Identity."

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS "Citizen Security in the Americas" – April 25-26, 2011

- Member States should commit to create and adopt policies to combat discrimination, hate crimes and all forms of discrimination and intolerance against LGBTTTI people, indigenous people, Roma people, women, youth, children, migrants, refugees, stateless persons, religious minorities, persons with disability, and persons living with HIV/AIDS.

- Ensure greater participation of LGBTTTI people, persons with disabilities, Afro-descendants, indigenous peoples, women, among others in the forums and the Assemblies, to support the protection of human rights, including those of people living with HIV/AIDS.
- Member States should commit to fighting racism, discrimination and intolerance and should include as a cross-cutting theme of the discussions the different sectors that have traditionally been discriminated and excluded in the Americas and who are affected by violence by both state and non-state actors; we refer to Afro-descendant communities, indigenous peoples, Roma people, women, youth, children, persons with different sexual preferences or gender identity, migrants, refugees, stateless persons, religious minorities, people with disabilities and people living with HIV/AIDS.
- Member States should accelerate the approval process of the Draft Inter-American Convention against Racism and All forms of Discrimination and Intolerance, currently in discussions in the OAS Committee on Juridical and Political Affairs (CAJP).

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

The representative of the organizations working in the area of rights of lesbian, gay, bisexual, transvestite, transsexual, transgender and intersex (LGBTTTI) persons, expressed concern that the Declaration of Lima does not relate the theme of peace and security with the protection and promotion for human rights and non-discrimination. She stressed that socio-economic development policies should be linked to human rights. In this regard, she mentioned her concern about the existence of laws that infringe on the rights of people based on issues of sexual orientation and gender identity. Additionally, she stated that peace and security are not possible if individuals are not able to develop a life plan and do not enjoy the full protection of their fundamental rights and freedoms.

She demanded that English-speaking Caribbean countries reject any law that criminalizes consensual relations between same-sex adults; that Member States adopt laws to promote equality between people, regardless of sexual orientation, gender identity and expression; promote laws against domestic violence; and reform education policy, especially in primary education, in order to prevent acts of violence due to gender, sexual orientation and identity. With regard to the XL General Assembly, she requested the approval of the draft resolution presented by Brazil, "Human Rights, Sexual Orientation, Gender Identity and Expression," for which she expressed civil society support, as well as the Draft Resolution "Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance." Finally, she mentioned her concern for Member States' inaction and omission in protecting and promoting physical, sexual, psychological and reproductive integrity of the LGBTTTI community and in guaranteeing access to justice and legal security.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- That Member States accelerate the approval the Draft Inter-American Convention against Racism and all Forms of Discrimination and Intolerance currently under discussion in the Committee on Political and Juridical Affairs of the OAS.

Proposed New Paragraphs to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

- Their commitment to security, respect for human rights, and non-discrimination of groups, such as children, adolescents, women, indigenous peoples, afro-descendants, persons with disability, gays, lesbians, bisexuals, transgendered, transsexuals and intersex, migrants and their families, and the elderly.
- Their commitment to combat racism, discrimination and intolerance, including a cross-cutting focus of the discussions on the various sectors that have been traditionally discriminated against and excluded from peace and security; we refer to communities of afro-descendants, indigenous peoples, Roma people, women, youth and children, migrants, refugees, stateless persons, religious minorities, the elderly, or people who face discrimination due to their sexual orientation or gender identity or expression.

6. PUEBLOS INDÍGENAS

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly “Citizen Security in the Americas” in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

The representative of indigenous peoples stated that indigenous peoples do not consider themselves part of civil society, because they have their own life systems and social organization in harmony with nature, which allow participation of the entire community: children, youth, women and men, and the elderly. The indigenous peoples’ representative asked the Member States’ Heads of Delegation to really consider the problem of climate change and defilement of Mother Earth from the perspective of the aboriginal peoples, taking into account their knowledge and practices that foster development in harmony with nature. He reiterated indigenous peoples’ wish to be recognized as distinct from civil society and for mechanisms to be created for indigenous people’s participation in the OAS system, as recommended by the second and third Inter-American Summit of Indigenous Peoples. He urged the states to continue negotiating and to approve the Draft Declaration on the Rights of Indigenous Peoples.

V. SUMMIT OF THE AMERICAS

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- Recommend that the OAS convene a meeting bringing together the various working groups on issues of integral development that are held with in the Summits of the Americas process, thus providing the opportunity to share ideas and recommendations and to address these issues collectively.

VI. CIVIL SOCIETY PARTICIPATION

Dialogue of Heads of Delegation and the Secretary General with Representatives of Civil Society on the Theme of the General Assembly “Citizen Security in the Americas” in the Framework of the XLI General Assembly – San Salvador, El Salvador – June 5, 2011

Representing civil society organizations engaged in democracy and citizen participation, the civil society representatives reaffirmed their commitment to democracy; proposed the creation of a

special rapporteurship on democracy; and encouraged the Member States to adopt the draft resolution on "Promotion of the Rights of Freedom of Assembly and Association in the Americas." They also proposed that mechanisms be established for accountability and transparency in OAS programs in the area of citizen security, administration of police forces, and prison systems. Among other proposals, they recommended creating a system for access to public information within the OAS, with civil society participation. Both representatives stressed the importance of ensuring the independence of the judiciary to defend democratic rule of law, free from pressure from other branches of government. They also proposed the creation of a special rapporteurship on the independence of the judiciary, within the Inter-American Commission on Human Rights (IACHR).

VIII Civil Society Hemispheric Forum in Preparation for the XLI Regular Session of the General Assembly of the OAS "Citizen Security in the Americas" – April 25-26, 2011

- Request Member States to assign the financial, technical and methodological resources for civil society participation in citizen security and human rights matters, in particular in strengthening the existing fund for this purpose.
- In the Plan of Action of San Salvador, there is no mention of civil society participation. A commitment to civil society participation in security issues should be added to point 12.
- Promote greater civil society participation in the discussion and decision-making of public policies of citizen security.
- Promote greater coordination between local, regional and national agencies through local development strategies and policies that involve the actions of the State, private sector, citizens and their organizations.
- Promote the work of civil society in conjunction with the States and international organizations in topics related to education.
- Generate a specific fund for civil society that allows for financing initiatives aimed at disseminating the Charter in a decentralized manner at the local level, among social, grass-roots organizations, such as workshops working with appropriate materials and language for different audiences.

Consultation with Civil Society from Central America, Mexico and the Dominican Republic "Towards Sustainable Development in the Americas" – San Jose, Costa Rica – August 19, 2010

Follow-up to the Declaration of Santa Cruz +10 and the Inter-American Program for Sustainable Development (PIDS) 2006 – 2009

- Strengthen legislation in countries to ensure access to water and natural resources in an institutional manner, so as to broadly ensure the thoughts and input from civil society in the agendas of the decision makers of Central America, the Caribbean, and Mexico.
- In terms of governance, it is necessary to have open spaces for young people and different sectors of society to take part in the decision-making process.
- Establish clear links between the government and civil society with the goal of generating intelligent negotiations, taking into account conservation priorities and resource management.
- Take into consideration the mandates of the Summit of Rio and the Summit of Santa Cruz, where it was emphasized that environmental management should be done through social participation. To advance in the proposal of citizen participation.

Vulnerability in the Context of Sustainable Development

- It is necessary that the interactions between different actors in society have a comprehensive approach to sustainable development and particularly in the case of Latin American and Caribbean civil society where there exist great challenges in their relationships with OAS Member States.

Institutional Aspects and Governance in Climate Change Adaptation

- Promote the formulation and implementation of climate-change strategies with the participation of civil society and incorporate these strategies into national development plans.

Caribbean Civil Society Forum “Towards Sustainable Development in the Americas” – Castries, Saint Lucia – July 5, 2010

Follow up to the Declaration of Santa Cruz and Implementation of the Inter-American Program for Sustainable Development

- Ensure greater involvement and representation of civil society in decision-making processes, and effectively implement the rule of law, policies and good governance at all levels.

Dialogue between the Heads of Delegation and Representatives of Civil Society on the Theme of the General Assembly “Peace, Security and Cooperation in the Americas” – Lima, Peru – June 6, 2010

On behalf of the civil society organizations that work on the fight against corruption, a civil society representative spoke on the role of civil society within the framework of the OAS. She established three concrete recommendations: First, she called for a rejection of a proposed resolution that would put conditions on the participation of civil society organizations in the OAS based on national legislation. Secondly, she affirmed that access to information allows citizens to be educated participants in the democratic process and advocated for the passing of the Model Inter-American Law on Access to Information. Thirdly, the civil society representative stated that it is time to move from recognizing the right to participate to an effective participation by civil society guaranteed through permanent consultation mechanisms in the OAS. To this end, she urged Member States to approve the “Draft Strategy for Strengthening Civil Society Participation in the Activities of the Organization of American States.

Civil Society Hemispheric Forum in Preparation for the XL Regular Session of the OAS General Assembly: “Peace, Security and Cooperation in the Americas OAS – Washington, D.C. – May 5-6, 2010

- We urge States to adopt a proposal for civil society participation that is open, inclusive and systematic.
- It is essential to eliminate the right of states to veto civil society organizations from being part of the registry that comply with the conditions established in resolution CP/RES. 759 (1217/99) “Guidelines for the Participation of Civil Society Organizations in OAS Activities”.
- Guarantee civil society participation, delivering draft declarations and resolutions in advance so as to allow time for their analysis and the development of recommendations.
- Create a fund to ensure the systematic participation of civil society in all OAS processes and that reflects the diversity of civil society.

- The establishment of an observatory that serves as a permanent forum for civil society to influence and track progress and compliance of the commitments made by States in the framework of the Inter-American System.
- Strengthen opportunities for discussion within the OAS and create spaces that encourage a real dialogue and discussion within the States. To request the OAS to open new channels of dialogue between CSOs and governments.

Specific Recommendations to the Draft Declaration of Lima (AG/CP/GTDL-1/10 rev. 1):

Paragraph 10: Their decision to create and promote opportunities for dialogue between governments and civil society, and implement prevention mechanisms, foster a culture of peace and to promote education for peace among the countries of the region that will enable us to devote more resources to the wellbeing of the population and to address the problems generated by violence and the criminal activities that impair the development of our populations and their security.

Haitian Diaspora Forum: Contributing to a Strategic Plan for Reconstruction and Development in Haiti – March 21 – 23, 2010

- Have an updated and publicly available inventory of all NGOs operating in the national territory and a mapping of their activities and their sources of funding.