

AG/RES. 2958 (L-O/20)

STRENGTHENING DEMOCRACY<sup>1/</sup>

(Adopted at the fourth plenary session, held on October 21, 2020)

THE GENERAL ASSEMBLY,

REAFFIRMING the norms and general principles of international law as well as those contained in the Charter of the Organization of American States (OAS);

AWARE that the Charter of the Organization of American States establishes in its preamble “that representative democracy is an indispensable condition for the stability, peace and development of the region” and that one of the essential purposes of the Organization is “[t]o promote and consolidate representative democracy, with due respect for the principle of nonintervention”;

RECALLING resolution AG/RES. 2931 (XLIX-O/19) and all previous resolutions adopted on this topic;

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly June 2019-October 2020” (AG/doc.5691/20 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP); and

CONSIDERING that the programs, activities, and tasks set out in the resolutions under the purview of the CAJP help to further the essential purposes of the Organization enshrined in the Charter of the Organization of American States,

I. ACTIVITIES OF THE COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

RESOLVES:

1. To instruct the Permanent Council, the General Secretariat, and the other bodies referred to in Article 53 of the Charter of the Organization of American States (OAS) to continue working on the implementation of the applicable current mandates set out in previous General Assembly resolutions assigned to the Committee on Juridical and Political Affairs, except as stated otherwise in any resolution.

2. To urge member states to continue contributing to the attainment of the objectives established in said resolutions through the development and execution of activities, submission of reports, exchange of information, and adoption of measures and policies, as well as through cooperation, support, and mutual assistance; and to instruct the General Secretariat to provide necessary support to those ends.

i. Public Management Strengthening and Innovation in the Americas

CONSIDERING that democracy is essential for the social, political, and economic development of the peoples of the Americas and that effective public management, promotion of transparency, openness, digital inclusion and combating corruption are vital components of the full exercise of democracy;

---

1. Antigua and Barbuda considers that the Bolivarian Republic of Venezuela is not a member state of the Organization of American States since, on 27 April 2017, the Government of the Bolivarian...

EMPHASIZING the importance of public institutions being transparent and effective and having mechanisms for public participation and accountability;

REAFFIRMING the commitments made in the Lima Commitment adopted by our Heads of State and Government at the Eighth Summit of the Americas,<sup>2/</sup> held in Lima, Peru, in April 2018, especially those relating to strengthening democratic institutions, promotion of policies on integrity and transparency, open government, e-government, open data, public procurement, equity and gender equality, empowerment of women, and the involvement of various vulnerable groups in the definition of measures to strengthen governance and combat corruption [paragraphs 1, 7, 8, 14, 17, 20, 27, 33, and 50 of the Lima Commitment (CA-VIII.doc.1/18)]; and recognizing as well the importance of creating synergies involving the various forums that exist for the topic;

RECOGNIZING the importance of pursuing the activities of the Department for Effective Public Management, when appropriate, in coordination with the Inter-American Commission of Women, in consideration of the promotion and protection of women's rights and gender equity and equality;

REAFFIRMING ALSO the importance of transparency in government and of a culture of lawfulness as essential requirements in the fight against corruption, as well as the commitment of member states to continue to promote strengthening them by means of measures and actions to prevent, detect, punish, and eradicate acts of corruption;

AWARE of the adverse effects that the COVID-19 pandemic has had on the citizens of our region, especially women and girls; and given that information and communication technologies (ICTs) are an essential tool for governments to respond effectively to the crisis caused by the COVID-19 pandemic by facilitating care and accessibility for citizens and for public services to be able to operate remotely; and

CONSIDERING that the principles of open government – that is, transparency, accountability, collaboration, and participation, in the public arena – are fundamental to increasing public trust in government and to strengthening democracy,

#### RESOLVES:

1. To urge the member states to promote codes of conduct with high standards of ethics, probity, transparency, and integrity in the public sector by supporting public awareness and training efforts in these issues, and taking as reference the recommendations contained in the “Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas.”

2. To instruct the General Secretariat to continue to support the efforts of member states that so request, including through its School of Governance, to strengthen government institutions at the national and local levels, by means of educational and training programs geared towards strengthening democratic and inclusive governance, institutional transparency practices, access to justice, public participation, and accountability to citizens.

3. To instruct the General Secretariat, through the Department for Effective Public Management, to continue supporting the member states that so request in the implementation of policies for open government, e-government, open data, fiscal transparency, administrative streamlining, open budget, electronic public procurement and contracting systems, and public registry of state suppliers, taking

---

2. The Government of the Republic of Nicaragua advised the Heads of State and Government present at the Eighth Summit of the Americas that Nicaragua did not approve the Lima Commitment...

into account the fact that these issues are critical to COVID-19 pandemic response and recovery calling for the participation of civil society and other stakeholders.

4. To request the Department for Effective Public Management to continue to support the efforts of member states to strengthen their public management institutions by means of exchanges of experience through the Inter-American Cooperation Mechanism for Effective Public Management (MECIGEP).

5. To request the Department for Effective Public Management, as Technical Secretariat of the MECIGEP, to develop, in coordination with the Technical Secretariat of the MESICIC, in keeping with their respective areas of competence, measures to help identify opportunities and offerings of technical cooperation among the states party to the MESICIC that so request, by making the most of the MECIGEP's capabilities.

6. To urge member states to enhance their efforts at making their responses to the COVID-19 pandemic more transparent and inclusive by opening up priority disaggregated data, as deemed appropriate by each member state, and involving civil society organizations and other social actors in the design, implementation, and evaluation or assessment of responses to the pandemic.

7. To instruct the General Secretariat, through the Department for Effective Public Management, to continue supporting efforts by member states that so request in implementing the open government principles of transparency, accountability, collaboration, and citizen participation in the region.

8. To request the General Secretariat, through the Department for Effective Public Management as technical secretariat to the Inter-American Network on Government Procurement (INGP), to continue promoting the policies required for establishing public procurement as a strategic area for meeting the sustainable development goals and fulfilling the 2030 Agenda, in the light of national circumstances and capabilities.

9. To instruct the General Secretariat to continue supporting efforts being undertaken by member states to strengthen the capacity of public purchasers as key players in the design and implementation of public procurement policies and in the use of technological systems or tools to support public procurement, for them to perform their functions with greater integrity, transparency, efficiency, and innovation.

10. To recognize that government procurement and contracting are a critical area of support for preventing and combating corruption and commit to taking the necessary actions to implement and/or strengthen the use of data analytics and/or new technologies as complementary tools, that allow to strengthen the mechanisms of transparency and effectiveness in their national public procurement systems.

ii. Strengthening Cadastre and Property Registry in the Americas in the face of COVID-19

CONSIDERING the sections "Strengthening cadastre and property registry in the Americas" in AG/RES. 2927 (XLVIII-O/18) and AG/RES. 2931 (XLIX-O/19), "Strengthening Democracy," which recommend that the General Secretariat, through the Department for Effective Public Management, continue supporting efforts by member states that so request to strengthen their cadastre and property registry management and to share experiences and good practices that will advance the regional agenda on this matter;

MINDFUL of the multidimensional effects of the COVID-19 pandemic, including the need to contend with a diminished local economy, and provision of public services to citizens, including cadastre and property registry;

TAKING NOTE of the 2019 activities report of the Inter-American Network on Cadastre and Property Registry (RICRP), delivered at its Fifth Assembly in Buenos Aires, Argentina on October 9, 2019, and at the meeting of the Committee on Juridical and Political Affairs in Washington, D.C. on December 5, 2019; and

THANKING the Government of Argentina for holding in 2019 the Fifth Conference and Assembly of the RICRP, organized in collaboration with the World Bank and the OAS General Secretariat, as well as Peru, as Chair, and Chile, Costa Rica, Ecuador, and Dominican Republic, as representatives on the Executive Committee of the RICRP for 2020,

RESOLVES:

1. To instruct the General Secretariat, through the Department for Effective Public Management (DEPM), to continue its support in its role as Technical Secretariat of the Inter-American Network on Cadastre and Property Registry (RICRP), promoting activities, programs, and projects to strengthen cadastre and property registry in the Americas in the face of COVID-19 and creating partnerships and cooperation to implement them, including training for cadastre and property registry agencies in the region and the exchange of experiences and knowledge among them, and the exchange of experience on the theme of remote care for citizens and the virtualization of cadastres and registers.

2. To reaffirm the importance of augmenting efforts for promotion and sharing of experiences among national cadastre and registry agencies with a view to advancing cadastre and registry management. Together with the effort to improve territorial cadastre-registry databases, considering the maintenance and constant updating of cadastres and registries in the region; and urging member states to contribute to the creation of basic regional guidelines to support them on property formalization and urban cadastre, and the DEPM to support the creation of those guidelines.

3. To urge cadastre and registry institutions in member states to participate in the development of initiatives to meet the objectives set forth in this resolution, through the sharing of experiences to strengthen cadastre and registry management in the face of COVID-19; and to instruct the Department for Effective Public Management to conduct the biannual survey of cadastre and property registry and to report its findings to the Committee on Juridical and Political Affairs.

4. To renew the invitation for all member states to attend the Sixth Annual Conference and Assembly of the Inter-American Network on Cadastre and Property Registry, which is to be held virtually from December 1 to 4, 2020, with support from the Commission for the Formalization of Informal Properties (COFOPRI) of Peru as RICRP Chair.

iii. Rights of Children and Adolescents<sup>3/</sup>

REAFFIRMING that the principles of active participation by children and adolescents, nondiscrimination, and their best interest and their right to life, survival, and development, enshrined in the Convention on the Rights of the Child, are basic components in building a responsible citizenry; and

---

3. The United States protects and promotes the rights of the child. However, the United States notes that countries have a wide array of policies and actions that may be appropriate in promoting the...

NOTING with appreciation the progress made in this regard by the Inter-American Children's Institute (IIN), particularly the holding of the Third Pan-American Child Forum (Cartagena 2019); and the coordination under way with the Inter-American Commission on Human Rights (IACHR) and Inter-American Court of Human Rights aimed at enhancing their communication with children and adolescents,

RESOLVES:

1. To acknowledge the contribution made by the work of the Inter-American Children's Institute (IIN) in promoting the participation of children and adolescents and the exercise of their freedom to seek, receive, and disseminate information, and in maintaining channels for intergenerational dialogue by practicing coexistence based on democratic values that respect diversity of opinions and encourage equality, equity, and non-violence, freedom, justice, and peaceful settlement of disputes.

2. To reaffirm the need to establish an environment of respect, diversity, and inclusion for the ethnic and cultural identity of all children and adolescents that is a prerequisite for the existence and reproduction of a pluralist dimension in democratic society.

3. To welcome the progress made with the mandate to expand and consolidate bodies within the OAS in which children and adolescents participate, and to encourage further work along those lines.

iv. Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas

BEARING IN MIND that "cooperation among authorities with responsibilities in the area of justice" is one of the priority areas of the OAS, and that "the REMJA has consolidated itself as the hemispheric political and technical forum in the areas of justice and international legal cooperation," which is essential for the development of justice systems and consolidation of the rule of law in the region; and that at the Summits of the Americas, the Heads of State and Government have supported the work carried out through the process of Meetings of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA) and the implementation of its conclusions and recommendations,

TAKING NOTE WITH APPRECIATION of the "Conclusions and Recommendations" approved by consensus during the plenary session held on October 16, 2015, in the framework of the last Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA-X) held in Bogotá, Colombia, on October 15-16, 2015; and

RECALLING that, during that session, REMJA-X agreed to amend provision 5 of the "Document of Washington" to provide that "Barring exceptional circumstances, the REMJA shall be held every two years,

RESOLVES:

1. To express its satisfaction at the progress made, with support from the Department of Legal Cooperation of the Secretariat for Legal Affairs in its capacity as the Technical Secretariat to the Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA), in the implementation of the mandates contained in the Conclusions and Recommendations of REMJA X (REMJA-X/doc.2/15 rev. 2), including the organization of regional training workshops on cybercrime for judges and public prosecutors.

2. To give instructions for REMJA-XI to be convened in a timely fashion, bearing in mind that REMJA-X was held five years ago, and that, as stipulated by provision 5 of the Document of Washington, due to exceptional circumstances REMJA-XI has not taken place, and subject to the

availability of financial resources in the Organization's program-budget and other resources, as well as to the circumstances stemming from the COVID-19 pandemic.

3. To urge the REMJA Chair, with the support of the Technical Secretariat and in accordance with provisions 6, 7.c, and 8 of the Document of Washington that governs the REMJA process, to convene the first preparatory meeting of REMJA-XI well in advance, so that experts from the ministries of justice or other ministries or offices of attorneys general of the Americas can make recommendations to strengthen the REMJA process and identify possible justice-related issues of hemispheric importance for discussion at REMJA-XI.

4. To instruct the REMJA Technical Secretariat to continue to: provide support, legal advice, and technical assistance to the REMJA process and to its working groups and technical meetings; prepare documents and studies to support follow-up and implementation of their recommendations; carry out programs, projects, and technical cooperation activities in pursuit thereof; manage and maintain the networks created in the REMJA area for which it is responsible; take steps to secure funding for the activities of the REMJA process; strengthen coordination and collaboration with the secretariats of other international cooperation agencies, entities, and mechanisms in areas that concern the REMJA; and consider discharging the other functions assigned to it in the Document of Washington.

v. Follow-up on the Inter-American Democratic Charter

SHARING the conviction that democracy is one of our region's most valued accomplishments and that the peaceful transfer of power through constitutional means and in strict compliance with the constitutional rules of each of our states is the product of a continuous and irreversible process in which the region admits no interruptions or stepping backward;

BEARING IN MIND that the Charter of the Organization of American States establishes that representative democracy is an indispensable condition for the stability, peace and development of the region, and that one of the purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of nonintervention;

REAFFIRMING that "Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms; access to and the exercise of power in accordance with the rule of law; the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government";

RECOGNIZING that democracy, constitutional order, and the rule of law are necessary conditions for ensuring unrestricted respect for fundamental freedoms and full respect for human rights during the emergency caused by the novel coronavirus, COVID-19, and that strengthening democratic institutions is key to providing an effective and timely response to citizens during the pandemic;

CONVINCED that a comprehensive response to the enormous challenges posed to our States by the COVID-19 pandemic should, perforce, be implemented in strict compliance with the democratic commitments and principles enshrined in the Inter-American Democratic Charter including the full and equitable participation of women in the political structures of their countries;

TAKING NOTE of the document "The Inter-American Democratic Charter: A Guide to Political Action to Address the COVID-19 Pandemic," published by the General Secretariat;

EMPHASIZING that 2021 marks the twentieth anniversary of the adoption by acclamation of the Inter-American Democratic Charter at the special session of the OAS General Assembly held on September 11, 2001; and

REAFFIRMING ALSO all the mandates contained in resolution AG/RES. 2835 (XLIV-O/14), “Promotion and Strengthening of Democracy: Follow-up to the Inter-American Democratic Charter,”

RESOLVES:

1. To reaffirm the obligation of the OAS member states to promote and defend democracy in the region as essential for the social, political, and economic development of the peoples of the Americas.

2. To continue to promote efforts to strengthen democratic institutions, values, practices, and governance, the fight against corruption, the consolidation of the rule of law, the achievement of the full enjoyment and effective exercise of human rights, and the reduction of poverty, inequality, and social exclusion, through cooperation measures in these fields among member states.

3. To request the General Secretariat to continue implementing training programs to promote the principles, values, and practices of a democratic culture, on the basis of Articles 26 and 27 of the Inter-American Democratic Charter, and to improve awareness and promote the application of this inter-American instrument in the countries of the Hemisphere that so request.

4. To reaffirm the validity of the Inter-American Democratic Charter as an instrument for promoting and defending the values and principles of representative democracy in the region; and to instruct the Permanent Council to promote the holding of a special preparatory meeting for the commemoration of the twentieth anniversary of the adoption of the Inter-American Democratic Charter, with emphasis on reflection on this instrument in the face of new challenges, and to report to the General Assembly at its fifty-first regular session on the results of that special meeting.

5. To request the CAJP collaborate with the CISC to help organize, in coordination with the Summit of the Americas Secretariat, a special joint session during the first quarter of 2021 on “Democratic Resiliency, the Role of the Inter-American Democratic Charter, and the Summits Process,” with a goal of sharing possible recommendations for consideration with the Summit Implementation Review Group (SIRG) in advance of the Ninth Summit of the Americas.

6. To promote women’s political participation, including as elected leaders, technical experts in elections, engaged civil society leaders and informed voters.

vi. Follow-up on the Inter-American Convention against Corruption and on the Inter-American Program for Cooperation in the Fight against Corruption

BEARING IN MIND the commitment of the member states to prevent and combat corruption, set forth in the Comprehensive Strategic Plan of the Organization and in the mandates of the Summits of the Americas, especially those contained in the Lima Commitment: “Democratic Governance against Corruption,”<sup>4/</sup> adopted in Lima, Peru, in April 2018, related to the Inter-American Convention against Corruption and to the Mechanism for Follow-Up on Implementation of the Inter-American Convention against Corruption (MESICIC), as well as the Inter-American Program for Cooperation to Fight Corruption [AG/RES. 2275 (XXXVII-O/07)]; and the “Recommendations of the Fourth Meeting of the Conference of States Parties to the MESICIC” (MESICIC/CEP-IV/doc.2/15 rev. 1),

---

4. See footnote 2.

RESOLVES:

1. To reaffirm the commitment of member states to decisively prevent and fight corruption, further transparency in public management and in public-private relations, promote accountability, and continue effectively implementing the recommendations of MESICIC.
2. To welcome the successful outcome of the Fifth Round of Review of the Committee of Experts of the MESICIC at its Thirty-Fourth Meeting held in March of this year at OAS headquarters in Washington, DC, as well as its adoption at said meeting of the Hemispheric Report on the Fifth Round of Review of the Committee of Experts of the MESICIC and the decisions required to initiate the Sixth Round of Review.
3. To instruct the Department of Legal Cooperation of the Secretariat for Legal Affairs, in its capacity as the Technical Secretariat of the Mechanism for Follow-Up on Implementation of the Inter-American Convention against Corruption (MESICIC), to continue implementing the mandates contained in the “Recommendations of the Fourth Meeting of the Conference of States Parties to the MESICIC,” in accordance with the resources allocated in the program-budget of the Organization and other resources.
4. To likewise instruct the MESICIC Technical Secretariat to continue, within the sphere of its competence, among other activities, providing technical support and legal advice to the Conference of States Parties and the Committee of Experts of the MESICIC and facilitating the sharing of best practices and cooperation, with a view to meeting the objectives of the Inter-American Convention against Corruption and to continue providing technical support, as necessary, to the Inter-American Program of Cooperation to Fight Corruption, maintaining the Anticorruption Portal of the Americas and pursuing efforts to raise funds to finance regional cooperation activities, including legal cooperation, in the fight against corruption.
5. To also urge the Technical Secretariat of the MESICIC to continue strengthening its coordination and collaboration with the secretariats of other international cooperation agencies, entities, and mechanisms active in that area; promoting synergies and an anti-corruption culture; and discharging its various other functions under the Document of Buenos Aires and the Rules of Procedure of the Conference of States Parties to the MESICIC and of its Committee of Experts.
6. To request the Technical Secretariat of the MESICIC to take steps, in coordination with the Department for Effective Public Management, within the spheres of their respective competence, to continue developing measures to facilitate the identification of opportunities and the offering of technical cooperation to the states party that so request, through the use of the capacities of the Inter-American Cooperation Mechanism for Effective Public Management (MECIGEP).
7. To take note of the contributions made by the Technical Secretariat of the MESICIC, in coordination with the Department of Effective Public Management, the Technical Secretariat of the MECIGEP, in identifying opportunities to offer technical cooperation to states party to MESICIC on matters of transparency in public procurement, as well as training programs on preventing and fighting corruption.
8. To request that the MESICIC, within the sphere of its competence and in accordance with the resources assigned in the Organization’s program-budget and other resources, continue implementing the mandates assigned to it by the Lima Commitment: “Democratic Governance against Corruption,”<sup>5/</sup>

---

5. See footnote 2.



adopted at the Eighth Summit of the Americas held in April 2018 in Lima, Peru, and, through the Chair of the Committee of Experts, present a report to the Permanent Council on the progress made with that implementation, before the fifty-first regular session of the General Assembly.

9. To recognize the progress made by MESICIC in implementing the mandates mentioned in paragraph 8, in particular the consideration of proposed indicators to stamp out impunity with regard to acts of corruption and the increase in activities to promote synergies with other international anti-corruption mechanisms, such as those of the United Nations (UN), the Group of States against Corruption (GRECO) of the Council of Europe, the G-20 Anti-Corruption Working Group (ACWG), and the Organization for Economic Cooperation and Development (OECD).

10. To urge member states to take effective measures to recover stolen assets and combat tax evasion and avoidance, and combat money laundering, and illicit financial flows deriving from corruption, and to identify beneficial owners.

11. To encourage the member states and permanent observers to cooperate and support the funding of the MESICIC in order to ensure that it meets its objectives, recognizing the difficulties an OAS budget shortfall can place on MESICIC's work.

vii. International Commission against Impunity in El Salvador (CICIES)

TAKING INTO ACCOUNT the significant contribution made by the different special missions of the Organization of American States (OAS) deployed in various of its member states, especially in times of pandemic;

RECALLING the importance of the fight against corruption in the Hemisphere and the various efforts that countries are making to eradicate this scourge from our societies;

CONSIDERING that Article 2 of the Inter-American Convention against Corruption establishes that one of its purposes is for each State Party to promote and strengthen the mechanisms needed to prevent, detect, punish, and eradicate corruption;

EMPHASIZING the creation of the International Commission against Impunity (CICIES) as a result of the agreement signed by the Government of the Republic of El Salvador and the General Secretariat of the OAS on September 20, 2019; and

CONSIDERING the need to guarantee the complete and adequate functioning of CICIES in an autonomous, independent, neutral, and transparent way in order to achieve the objectives of working with strengthening the capacities of the Government of El Salvador and its institutions in their fight against corruption,

RESOLVES:

1. To recognize the endeavors of the various OAS special missions and the decisive role that they have played in helping to bring about stability, peace, security, dialogue, and development for the peoples of the Americas.

2. To support and promote the work that the International Commission against Impunity (CICIES) has been doing to provide technical support to the Salvadoran government and its institutions in their efforts to fight corruption in the country.

3. To invite member states and permanent observers to render financial support for the work of CICLES, ensuring funding to enable it to meet its goals and objectives.

4. To instruct the General Secretariat to continue supporting the work of CICLES until the goals set out in the agreement with the Republic of El Salvador are achieved.

viii. Open and Transparent Digital Government

ACKNOWLEDGING the Commitment of Buenos Aires of the Thirteenth Annual Meeting of the Network of e-Government Leaders of Latin America and the Caribbean (GEALC Network), recognized as the Inter-American Digital Government Network pursuant to resolution AG/RES. 2931 (XLIX-O/19), held on October 30, 2019 in the Autonomous City of Buenos Aires, in the Argentine Republic, particularly with regard to fostering the participation of all OAS member states in the GEALC Network;

BEARING IN MIND that strengthening democracy is an ongoing task that our states are committed to fulfilling every day and that open data are a fundamental tool for promoting transparency and combating corruption from the standpoint of the right of access to information and accountability and for helping citizens to have more information about public affairs, which will enable them to participate in a more informed way in the design, development, and implementation of public policies, and that AG/RES. 2931 (XLIX-O/19) adopted the Inter-American Open Data Program (PIDA) to combat corruption,<sup>6/</sup>

ACKNOWLEDGING that the COVID-19 pandemic has rattled many of the certainties previously felt in our societies and accepting that any crisis creates exceptional circumstances that are designed to restore a social order providing public safety, responses, and care for our citizens, which pose both a risk and an opportunity for democracies. Recognizing furthermore that preventing and addressing COVID-19 demands comprehensive responses from States embodying transparency, cooperation, and accountability, in a setting shaped by expedited digital governance;

ASSERTING that in times of crisis, transparency and accountability are fundamental principles for generating trust; access to information, accompanied by the release of public data regarding procedures and policies for addressing the pandemic, the number of cases and of tests carried out, budgets, procurement, and hiring are key actions for building trust and state-citizenry relations, combating corruption, and producing the evidence needed for more effective government interventions to achieve comprehensive recovery;

CONVINCED that the digitization and simplification of procedures and services directly or indirectly related to the pandemic is now essential for making the most of the tools available to States, promoting innovation in management, and facilitating multisectoral cooperation: all with a view to providing effective services through safe and transparent procedures guaranteeing the exercise of citizens' rights; and

BEARING IN MIND that the pandemic facing the world in 2020 not only unleashed a health crisis with severe economic, social, and cultural impacts, but also a reassessment of the role of the State as a whole in democratic societies and a new opportunity: namely to turn open government and digital government into tools for achieving true inclusion and for strengthening democracy,

RESOLVES:

---

6. The United States notes that international human rights law does not provide a right of access to information. The right to freedom of expression includes freedom to seek, receive, ...

1. To invite OAS member states to participate in the GEALC Network, as an Inter-American Digital Government Network.

2. To instruct the General Secretariat, through the Department of Effective Public Management, to strengthen the GEALC Network as a mechanism for systematic horizontal technical cooperation serving to promote, multiply, bolster, and drive exchanges aimed at developing, disseminating, and implementing best e-Government practices in the Americas, and to promote policies and the use of digital technologies to advance transparency, participation and accountability, accessibility, citizen-focused digital services, less bureaucracy, and the simplification of red tape.

3. To request the OAS General Secretariat to promote, through the Department of Effective Public Management, training and regional exchanges on open government, digital government, and innovation in public management, among other initiatives, and provide technical support to countries so requesting with a view to implementing citizen digital participation – e-participation – solutions that will lead to more transparent, effective, creative, innovative, and responsible governance, catering to the needs of society.

4. To urge the OAS General Secretariat to provide, through the Department of Effective Public Management, advisory services, mentoring, technical support, and, as appropriate, earmarked fund management to countries that so request for the gradual implementation of the Inter-American Open Data Program (PIDA) to combat corruption, adopted by resolution AG/RES. 2931 (XLIX-O/19), the aim of which is to strengthen information openness policies and increase governments' and citizens' capacity to prevent and combat corruption through open data.

5. To strengthen the Department of Effective Public Management within the structure of the Organization of American States and, in encouraging other initiatives in the same field, such as the Open Government Partnership (OGP), which provide valuable opportunities for regional dialogue and coordination regarding open government, in order to identify future opportunities for cooperation on projects geared to strengthening democracy.

6. To urge the OAS General Secretariat, through the Department of Effective Public Management as the Technical Secretariat of the GEALC Network, to foster actions designed to promote access to public information, digital transformation, and citizen's digital participation – e-participation – in the member states to address the COVID-19 pandemic.

7. To call upon member states to work towards a regional standard for data on the various dimensions of public policy directly or indirectly affected by the pandemic in order to generate public evidence that can be systematized and used to draw comparisons among countries in the region, in support of national development and inter-state cooperation projects, in consideration of the different legal frameworks of the participating countries. To continue to create opportunities for dialogue and exchanges of best practices and experiences, including those that include a gender perspective and require equal participation by women in decision-making processes, in response to COVID-19 and making full use of the principles of open government.<sup>7/</sup>

ix. Strengthening the activities of the Inter-American Judicial Facilitators Program

CONSIDERING that the judicial facilitators services fostered by the Inter-American Judicial Facilitators Program are citizen participation mechanisms for preventing and settling conflicts that broaden

---

7. The United States believes that different Sates have different means of promoting women's full and meaningful participation in decision-making processes, and the United States does so by...

access for vulnerable populations in Argentina, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and Paraguay, even in exceptional crisis situations; and

RECALLING General Assembly resolution AG/RES. 2931 (XLIX-O/19), which acknowledges the important part played by the Inter-American Judicial Facilitators Program in increasing access to justice for the most vulnerable populations in the Americas,

RESOLVES:

1. To recognize the work done by judicial facilitators who, during the COVID-19 pandemic, have continued facilitation and efforts to reduce conflicts within their communities, as well as the work of the Inter-American Judicial Facilitators Program (IJFP) to promote at both the national and regional level the role of judicial facilitators in empowering, informing, and supporting members of their communities during states of emergency.

2. To take note of the commitments entered into in the Declaration of San José, signed on September 24, 2019 by Costa Rica, El Salvador, Guatemala, Nicaragua, and Panama during the First Inter-American Meeting of National Judicial Facilitators Services.

3. To strengthen the IJFP with a view to finding mechanisms that ensure institutionalization of the role of the judicial facilitator in the relevant countries and its sustainability, including the establishment of strategic partnerships with, among others, academia and both national and local entities in order to build capacity and strengthen the skills of judicial facilitators in beneficiary States.

4. To urge the General Secretariat to continue supporting the member states benefiting from the Program by strengthening the provision of judicial facilitators services during and after the COVID-19 pandemic, as well as to continue supporting those member states that seek to establish the Service and train its operators through the IJFP, by attempting to obtain specific funds and backing efforts to garner voluntary contributions for consolidating and expanding IJFP services.

x. Technical Cooperation and Electoral Observation Missions

EMPHASIZING the fundamental contribution of the Organization of American States (OAS) in the strengthening and development of electoral processes and systems in the Member States, through OAS electoral observation missions and technical cooperation in electoral matters, as requested by Member States and consistent with the Inter-American Democratic Charter, and the Declaration of Principles for International Observation of Elections and the Code of Conduct for International Election Observers;

RECOGNIZING the staff of the Department for Electoral Cooperation and Observation, whose professionalism and dedication have allowed the Organization of American States to maintain the deployment of electoral observation missions during the COVID-19 pandemic;

TAKING NOTE of the document “Guide to organize elections in times of pandemic”, published by the General Secretariat;

RECALLING resolution AG/RES. 2905 (XLVII-O/17), “Strengthening Democracy,” which lifts the restrictions that prevent the Regular Fund of the Organization from being used to cover costs related to electoral observation missions; and

REAFFIRMING all the mandates contained in resolution AG/RES. 2931 (XLIX-O/19), “Promotion and strengthening of democracy: Technical cooperation and electoral observation missions,”

RESOLVES:

1. To request the General Secretariat to continue disseminating the measures contained in the “Guide for organizing elections in times of pandemic” to the member states that so request.
2. To invite donors to continue supporting to allow the deployment of electoral observation missions and for the implementation of the recommendations contained in the reports of said missions.
3. To instruct the General Secretariat to continue its efforts to raise funds to ensure the financial sustainability of the electoral observation missions, and to continue strengthening, in that context, the principles of reasonableness, transparency, austerity, and accountability.

xi. Access to Public Information and Protection of Personal Data

RECALLING the mandates of previous OAS General Assembly resolutions on access to public information and the protection of personal data and, in particular, those contained in resolution AG/RES. 2905 (XLVII-O/17), “Strengthening Democracy”;

CONSIDERING that the assembly of the Transparency and Access to Information Network (RTA), meeting in Mexico City on November 12, 2019, declared at its XVIII Gathering that guaranteeing access to public information was a fundamental core issue in a democratic state, conducive to social control, responsible accountability, and promotion of citizen participation for the exercise of good governance. In view of the foregoing, it was emphasized that states needed institutions in place to ensure access to public information and to promote transparency and that these needed to be given independence and resources to enable openness in public management, in order to strengthen public trust in institutions.

CONSIDERING that in 2017 the General Assembly, in resolution AG/RES. 2905 (XLVII-O/17), requested the Department of International Law, in consultation with the focal points for the Inter-American Program on Access to Public Information in the member states and taking into account input from civil society, to identify thematic areas in which it considers it necessary to update or broaden the Model Inter-American Law on Access to Public Information and to forward its findings to the Inter-American Juridical Committee to pursue; and

BEARING IN MIND that the Department of International Law, after holding the aforementioned consultations, prepared and submitted to said body a preliminary draft Model Law 2.0; and, that the Inter-American Juridical Committee, after considering said preliminary draft, decided, by resolution CJI/RES. 255 (XCVI-O/20) of March 6, 2020, to approve the “Proposal on an Inter-American Model Law 2.0 on Access to Public Information” (CJI/doc.607/20) and to refer it “to the General Assembly for due knowledge, consideration, and approval,”

RESOLVES:

1. To urge the governments of the region to support the agencies specialized in access to information and transparency and to consolidate public policies that foster participatory democracy through the effective exercise of this citizen right.
2. To urge the national governments of the region to work together with local governments to ensure that the basic principles that give substance to the right of access to public information are uniform nationwide, regardless of where that right is exercised, without impinging on autonomy at the

local level (provincial, state, or municipal) given that access to public information is a human right, as established by the Inter-American Court of Human Rights.

3. To urge the governments of the region to consider as a matter of necessity the nature of access to public information as a human right, even though steps need to be taken to contain the current health emergency, so as to prevent implementation of measures which in practice absolutely nullify the exercise of this right but rather, in the public interest and in the interest of law and order, to promote measures for transparency in the area of access to public information during the health emergency and in particular those related to the pandemic created by the SARS-CoV2 virus (COVID-19) and the protection of other rights such as those related to health, work, and education, among others.

4. To adopt Inter-American Model Law 2.0 on Access to Public Information and to request the Inter-American Juridical Committee and the Department of International Law—the latter in its capacity as technical secretariat to said Committee—to disseminate Model Law 2.0 as widely as possible among the various stakeholders and continue supporting the efforts of member states that so request to adopt or adjust legislation, as appropriate, to ensure access to public information, using Model Law 2.0 as reference.<sup>8/</sup>

## II. FOLLOW-UP AND REPORTING

### RESOLVES:

1. To instruct the General Secretariat, through the areas responsible for follow-up and implementation of activities connected with the purpose of this resolution, to submit in due course its 2020-2021 plan of activities for consultations or proper oversight by member states.

2. To request the Permanent Council to report to the General Assembly at its fifty-first regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

---

8. The United States recalls that transparency is critical for effective governance and democracy, and that laws ensuring appropriate public access to government information are an essential element of...

## FOOTNOTES

1. ... Republic of Venezuela properly notified the Secretary-General of its denunciation of the Charter in accordance with Article 143 of the Charter of the Organization of American States and the Charter ceased to be in force with respect to the Bolivarian Republic of Venezuela which ceased to belong to the organization on 27 April 2019.

Antigua and Barbuda did not support resolution CP/RES 1124 (2217/19) of April 9, 2019 which sought to appoint Mr. Gustavo Tarre as the National Assembly's Representative to the OAS and did not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at the 49<sup>th</sup> and 50<sup>th</sup> Regular Sessions of the General Assembly.

Therefore Antigua and Barbuda notifies all member states and the General Secretariat of the Organization of American States that, as it did at the 49<sup>th</sup> Regular Session of the General Assembly, and until further notice, it will not consider itself bound by any declaration or resolution of the 50<sup>th</sup> Regular Session of the General Assembly or any future declarations or resolutions of any Council or organ of the Organization that includes the participation of any person or entity purporting to speak for or act on behalf of the Bolivarian Republic of Venezuela and in which 18 votes are attained with the participation of a purported representative of the Bolivarian Republic of Venezuela.

2. ...”Democratic Governance against Corruption” or any other documents, declarations, communiqués, or resolutions issued by said Summit because it was not involved in their negotiation.

3. ... progressive realization of economic, social, and cultural rights. In addition, the Convention on the Rights of the Child (CRC) does not create the “right to survival and development” but rather an obligation that “States Parties ensure to the maximum extent possible the survival and development of the child.

6. ... and impart information.

7. ... promoting equal opportunity for all.

8. ... transparency whose importance cannot be overstated. However, there is no right of access to information under international human rights law. Moreover, the United States has some concerns about the details of Model Law 2.0 on Access to Public Information, including that it appears to significantly underestimate the practical burdens involved in implementing an information-access program, in ways that could so overburden administrative systems that it would undermine the goal of advancing transparency; that the rather vague provisions proposing application of the model law not only to governmental but also to private entities, including political parties, unions, and NGOs, at least to the extent that they receive public funds, give significant pause in a region where there are a number of countries with a challenging record with respect to the operating space of civil society, and where implementation would raise concerns about privacy and freedom of expression, among other issues; and that various adjustments may be warranted on other aspects of the Model Law 2.0, such as regarding the scope of authorities of the Guarantor Body, and regarding what can be exempted from release, to strike the right balance between transparency and protecting the legitimate interests of the government and of third parties.