



CIVIL SOCIETY PARTICIPATION IN THE SUMMITS
OF THE AMERICAS PROCESS
Sub Regional Civil Society Forum
February 6 - 7, 2009
San Martín de Porres University
Lima, Perú

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RECOMMENDATIONS OF CIVIL SOCIETY ON THE DRAFT DECLARATION –
FIFTH SUMMIT OF THE AMERICAS

SOUTH AMERICAN CIVIL SOCIETY SUB REGIONAL FORUM
IN PREPARATION FOR THE FIFTH SUMMIT OF THE AMERICAS –
“SECURING OUR CITIZENS’ FUTURE BY PROMOTING HUMAN PROSPERITY, ENERGY
SECURITY AND ENVIRONMENTAL SUSTAINABILITY”

(February 6 - 7, 2009 - Lima, Peru)

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On February 6 and 7, 2009, more than 150 civil society participants from the South American countries met at the Faculty of Law of the University of San Martin de Porres in Lima, Peru, to formulate recommendations for the Fifth Summit of the Americas, “Securing Our Citizens’ Future by Promoting Human Prosperity, Energy Security and Environmental Sustainability,” which will be held in Trinidad and Tobago in April 2009. This is the third and final sub regional forum organized by the Summits of the Americas Secretariat and the Department of International Affairs of the Organization of American States (OAS) in preparation for the Fifth Summit.

During the two days of discussions, four open thematic sessions were held in which the respective Working Groups engaged in open dialogues addressing the topics covered by the Draft Declaration of Commitment of Port of Spain: promoting human prosperity, environmental sustainability and energy security, strengthening democratic governance and multidimensional security, and strengthening the Summits of the Americas process and civil society participation. In addition, on February 5, an informative meeting was held as an introduction to the Summits process.

The recommendations arising from each of the Working Groups dialogues refer to the articles of the Draft Declaration of Commitment of Port of Spain, [GRIC/DC-V/doc.1/08](#). The list of participants who attended the South American Subregional Civil Society Forum is included as an annex to this document.

RECOMMENDATIONS

HUMAN PROSPERITY

General recommendations:

The title of the Declaration of Commitment should be “*Securing Our Citizens’ Future by Guaranteeing Human Development, Energy Security, and Environmental Sustainability*”

States should guarantee development as a human right by meeting all the commitments assumed under the American Convention on Human Rights and all conventions and conferences that work to improve quality of life for the entire population, without any discrimination or exclusion.

We note our concern regarding the one-dimensional treatment given to the concept of human prosperity because it restricts the state’s intervention to addressing precarious conditions in Latin America from what is primarily an economic perspective and with an approach based on the

provision of services that belongs to the past. This is a step backwards from a more comprehensive and multidimensional reading of human rights.

Guaranteeing human development.

In light of the global financial crisis affecting our societies, particularly the most vulnerable sectors, we suggest that instead of committing to reduce social spending, the States should commit to increasing it, in order to guarantee real human development. To attain this goal, state policies must be consolidated in our countries in order to overcome poverty, inequality, and the different manifestations of discrimination, thereby promoting sustainable development.

Conceptual recommendations:

Bearing in mind the *Declaration on Human Rights, Sexual Orientation and Gender Identity*, adopted by the OAS General Assembly in Medellín (2008), we are concerned by the levels of violence, disparity, quality of life, labor and education conditions, inequality, and hate crimes faced by those sectors. We therefore remind the States of their commitment to developing comprehensive public policies for individuals with minority sexual orientations and gender identities.

Similarly, clear references must be made to Afro-descendant populations throughout the document, because governments often take classifications of ethnic groups as referring only to indigenous peoples.

A similar treatment is given to women, who are identified as a sector when they account for half of the population. References to vulnerable sectors should be aware that they comprise men and women who are impacted by exclusion and poverty in different ways for reasons of gender inequality.

When the document refers to women as a sector, it must be made clear that it refers to organized women (from different groups and areas of organized civil society), who must also be included, on an equal footing, in participatory processes and decision-making bodies, and their presence therein must be guaranteed.

The member states must speed up the approval of the preliminary draft of the *Inter-American Convention against Racism and All Forms of Discrimination and Intolerance*, which is currently being discussed by the OAS Committee on Juridical and Political Affairs.

We urge the states to comply with the reports and to implement the various conventions and rapporteurs' recommendations.

Specific recommendations

1. Paragraph 5: Efforts to implement social protection programs must recognize and include the contributions of nongovernmental organizations and universities that work for development and for combating poverty.

Instead of vulnerable groups, it should read: "*groups living in a situation of vulnerability.*" In addition, after all men and women, add: "*of all ages, ethnic groups, races, social classes, creeds, disabilities, orientations, sexual preferences, and gender identities and expressions,*"

2. Paragraph 6: Where it says exchange information, add: *“implement, measure the impact with active citizen participation to adapt policies, experiences, and good practices to the different local and national realities that exist.”*
3. Paragraph 7: In speaking of attaining higher levels of economic growth, replace with *“continuous economic growth, in equity and with environmental awareness.”* At the end of the paragraph, include promoting business development *“with social responsibility.”*
4. Paragraph 8: The informal sector of the population must be included in Social Security and social protection, as well as in the outsourcing of labor by the State.
5. Paragraph 9: At the end of the paragraph we suggest adding: *“in accordance with human rights and respecting the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (of 1990).”*
6. Paragraph 10: We agree with the proposal, made at the central American Forum, to split this into two paragraphs in order to avoid including women and children in the same situation.
7. Paragraph 11: Change the original text to: *“We call on the regional Banks and international cooperation agencies to fund the execution of (nonreimbursable) social projects and (reimbursable) productive projects by the formal private sector in pursuit of the socioeconomic development and inclusion of the direct and indirect beneficiaries among the economically active population.”*
8. Paragraph 16: We suggest changing the text to: *We recognize that problems of inequality and discrimination in access to basic healthcare persist among the most socially vulnerable population groups, particularly women, children, adolescents, and young people. Attend to the health needs of Afro-descendant and indigenous populations, people with disabilities, and those with sexual orientations and preferences and gender identities and expressions.* Original paragraph continues.
9. Paragraph 17: Another similar article should be added, addressing death and illness rates among women as a result of pregnancy, childbirth, puerperium, and unsafe abortions.

In this paragraph, and throughout the document, there is an error in the abbreviation used for the Pan American Health Organization (PAHO); in Spanish it should read *OPS* and not *PAHO*.
10. Paragraph 20: Include sexual and *“reproductive”* health. After approaches to prevention, add: *“promotion, attention, and rehabilitation.”*
11. Paragraph 21: After all the peoples of the Americas, add: *“promoting the consumption of natural and indigenous products and protecting and encouraging them by 2015.”* Paragraph continues.
12. Paragraph 24: Add, following political priority: *“which can only be achieved with inclusive, quality education that embraces mother tongues and respect for cultural diversity,”*

13. In paragraph 25, where it says “ethnic,” it should read: “*ethnic and racial.*”
14. Paragraph 26: After indigenous peoples, add: “*and those individuals with sexual preferences and orientations and gender identities and expressions.*”

Add, at the end of the paragraph: *We suggest that the Heads of State call on agencies such as the World Bank, the CAF, and the IDB, to support the States with grant funding so that, in partnership with organized civil society, training institutes, and universities, they can carry out training and capacity-building programs in transformational leadership and ethical principles, ensuring at all times the secular nature of the State.*
15. Paragraph 27: Change our young people to: “*continue investing in children, adolescents, and young people.*”
16. Paragraph 28: At the end of the paragraph, after communities, add: “*particularly in rural and marginalized urban areas.*” Also, add: “*Similarly, we ask them to actively support efforts toward integration, at both the national and regional levels, through the implementation of advanced academic network infrastructure.*”
17. Paragraph 29: After reducing conflicts, add: “*racism, xenophobia, and all forms of discrimination and intolerance.*” Add, at the end of the paragraph: “*Develop public policies that promote the generation of forums for communication so that society as a whole can have access to the media.*”

We propose adding the following paragraphs and items:

1. We, the member states of the Organization of American States, commit to ratifying and implementing Convention 159 and Recommendation 168 on employment and disabilities of the *Inter-American Convention against Racism and All Forms of Discrimination and Intolerance* through public policies, social programs, and public investments in quality education, health, and rehabilitation services, the promotion of employment and self-employment, the construction of accessible towns and cities, and political and citizen participation. All this within a perspective of human rights and of modern, inclusive development.
2. In connection with the foreign and domestic debt of the region’s countries, we commit to developing responsible strategies that will prevent indebtedness with our peoples from increasing.

We, the member states, in guaranteeing human development, will create forums and tools for consensus-building and dialogue to ensure conflict resolution, the eradication of cultures of violence, and the construction and sustainability of peace.

We, the member states, commit to giving a responsible and decent response to the phenomenon of migration in the Hemisphere.

Guarantee legal defense under conditions of equality for all citizens; a shortage of resources should not lead to priorities being imposed on the matters to be attended or failures to attend to any and all violations of rights.

ENERGY SECURITY AND ENVIRONMENTAL SUSTAINABILITY

General recommendations:

We recommend that the member states undertake actions to tie energy policies in with those for the socioeconomic development of the region's Afro-descendant and indigenous communities.

Governments, the OAS, and civil society should conduct studies into the benefits and problems of biofuel production and use.

The situation of each country as regards biofuel production and use should be analyzed to assist the decision-making process.

Guarantee civil society access to the media (TV, radio, press, internet) in contents and quality, to promote awareness of public health and education in universal human values, such as service to society, love, justice, honesty, integrity, tolerance, truth, peace, virtue, nonviolence, thereby strengthening values such as the family, as a key element in the construction of healthy communities and to foster practical knowledge in order to prepare students for the Hemisphere's future economic and social demands.

In order to save energy resources, it is urgent that we encourage States to adopt legislation with provisions that lead to timely actions and investments to build and repair roads and urban transport infrastructure, thereby producing efficient public transport systems to ward off environmental decay.

Governments must agree to establish clearer provisions for investors.

With regard to energy security, governments agree to secure the best possible advice from civil society.

Consider the use of nuclear energy and radioactive materials, duly labeled in the standard fashion, in the Americas.

The governments of the South should demand the following from the governments of the North:

- Transfers of clean technology.
- Reduce their emissions to 30% and respond to the commitments of Bali and Poznan.

Specific recommendations:

1. Paragraph 24: Including basic education is a right of children and the duty of the State.
2. Paragraph 28: Scientific education is a right of everyone and the only way to reduce technological dependence.

3. Paragraph 30: After accessible and sustainable, add: *“that foster respect for human rights and sustainable human development.”* Include, at the end of the paragraph, *“Facilitate and accelerate the process with models appropriate to each region.”*
4. Paragraph 34: Add that the States will promote public policies to ensure that safety and environmental protection rules are obeyed by all sectors of society.
5. Paragraph 35: After “We commit... our nations,” add: *“Energy security must serve to promote energy justice, ensuring that energy is available to economically, geographically, and culturally marginalized populations to improve their quality of life. This international cooperation must take into account the social responsibility of States and energy justice between States. The governments commit to preparing transparent national strategies to deal with matters relating to energy and environmental sustainability.”*
6. Paragraph 36: Include in the paragraph the States’ commitment toward introducing vigorous teaching and training programs focused on promoting energy security and justice at all levels, from primary school to higher education. These programs must respect local culture and cover all sectors of society.

Replace 2012 with 2010.

7. Paragraph 39: The OAS member states commit to the implementation of international agreements on climate and climate change, as well as of *ILO Convention 169*.

In addition, add at the end of the paragraph: *“such as the Bali commitments, the Kyoto Treaty, and the Basel Convention.”*

8. Paragraph 40: Change the word *“eventual,”* with the aim of ensuring stabilization.
9. Paragraph 44: Amend paragraph to read: *“We will also work towards promoting sound environmental governance by strengthening national environmental laws and building institutional capacity for the democratic management of natural resources, guaranteeing citizens access to environmental information, to participation in decision-making processes, and to mechanisms for environmental justice. In addition, the governments commit to developing a system of environmental indicators geared toward monitoring environmental information and justice, in coordination with civil society.”*

We propose adding the following paragraphs and items:

1. We agree to demand that the private sector abide by national environmental protection rules, and to encourage the enforcement of applicable international standards and practices of corporate social responsibility.
2. We agree to establish and/or implement legislation to enforce the rights of prior consultation, popular consultation, and/or referenda in cases involving territorial concessions and/or cases of eminent domain, thereby respecting the rights of indigenous and Afro-descendant peoples.

3. We agree to encourage local participation in decisions and to deal with concerns related to equality, including gender equality and income disparities, and to forge alliances involving the public and private sectors, nongovernmental organizations, and local communities.

STRENGTHENING DEMOCRACY AND MULTIDIMENSIONAL SECURITY

General recommendations:

We propose that conflicts and social protests that respect human rights and the democratic rule of law be embraced by the States as an opportunity to strengthen our democracies.

We suggest that the States promote systems to prevent and resolve conflicts using simple and effective mechanisms. They should also strengthen the independence of the judiciary and effective access to justice.

For this we must establish targets, deadlines, and systems to assess progress toward those goals.

We suggest that the States commit to:

- Interpret their multidimensional security commitments within the international legal framework.
- Strengthen the democratic rule of law through respect for the independence of the judiciary.
- Allow collaborative public policies, where CSOs can participate in prevention and education policies and ensure the State's role in punishing and prosecuting crime, without transferring the responsibilities of the State to the citizenry.
- Respect the presumption of innocence.
- Set specific targets, goals, and deadlines, as in other sections of the draft Declaration.
- Submit an annual report on progress with this proposal and review its achievements at the next Summits.
- Strengthening the States' cooperation and joint efforts in human trafficking (including trafficking in organs) in order to prevent this crime and effectively prosecute the international networks that commit those offences in the region.
- Trade mechanisms to strengthen crime prevention and the effective social reincorporation of prison inmates. In particular, reassert the importance that civil society can have in this process.
- Request that the countries and other power centers respect national sovereignty.

Conceptual recommendations:

We suggest, as the title for this section: "Strengthening democratic governance, respect for human rights, and the promotion of peace."

Commit to strengthening democratic governance. States should agree to develop effective mechanisms for implementing the Inter-American Democratic Charter and for involving civil society in monitoring States' compliance with it."

Commit to strengthening simple and effective mechanisms for conflict resolution within society.

Strengthen the inter-American human rights protection system as an international mechanism that protects the members of civil society, facilitating their ability to participate and report violations. In particular, the States should commit to investigating, prosecuting, and punishing human rights violations committed against human rights defenders.

The OAS must strengthen its missions that observe democratic processes.

Speed up the approval process of the preliminary draft of the *Inter-American Convention against Racism and All Forms of Discrimination and Intolerance*.

Assume the commitment of supporting the work of the IACHR's Special Rapporteur on the Rights of People of African Descent and Racial Discrimination.

Strengthen the transparency, monitoring, and internal democracy of political parties through oversight with the participation of civil society, and of the kinds of funding they receive.

Specific recommendations:

1. Paragraph 48: Amend: "*We are determined to persevere in our efforts to prevent and combat terrorism and organized crime, in particular trafficking in human lives for sexual exploitation and other purposes, which has become the new slavery of the 21st century. And we commit to protecting the victims and prosecuting the criminals, in accordance with international law, including human rights.... and organized crime.*"

Add, at the end of paragraph 48: "*organized.*" Educational rather than police mechanisms must be developed, and the social fabric must be strengthened, in coordination with civil society, in order to foster a culture of peace. Encourage tolerance and positive leadership to facilitate peaceful solutions to conflicts and violence.

We suggest including a section in this paragraph stating: "the decriminalization of social protests when they are conducted through peaceful means and without undermining human rights."

2. Paragraphs 48 and 49: Add, where it says combat terrorism: "*and corruption.*"

Add to Article 49: "*economic resource*"; and add "*confirmed terrorists and criminals.*"

3. Paragraph 53: Include: "*the protection of victims and witnesses must be ensured.*"
4. Paragraph 50: Meetings of experts must include experts from civil society and, in addition to the planned meetings, promote exchanges of knowledge among experts.

Delete: "*giving special attention to young people.*" In addition, avoid restricting the topic of "criminal gangs" to their relationship with young people.

5. Paragraph 50: Amend: *“In the conviction that attaining harmonious development that respects our rights and differences requires solid democracies that guarantee the social rule of law, respect for human rights, the independence of the branches of government, social justice, and fundamental freedoms, our governments renew their commitment toward strengthening our democratic institutions and upholding the principles and values enshrined in the Inter-American Democratic Charter and the Declaration of Principles on Freedom of Expression.”*
6. Paragraph 51: Include: *“to guarantee the legal recognition and effective exercise of the basic rights of access to public information, freedom of expression, and citizen participation in matters of public interest.”*
7. Paragraph 52: Strengthen the commitment to *“increasing the mechanisms for transparency, integrity, and accountability”*; also renew the commitment to the *“Convention against Corruption, by developing and enforcing policies to punish such offences.”*

We recommend including the development of monitoring systems in coordination with civil society.

Add: *“improve criminal laws and internal controls, or strengthen independent or judicial systems for prosecuting crimes in the State,”* also incorporating mechanisms for exchanges of information among the states parties.

Include, as an additional paragraph: *“Promote access to justice and alternative conflict resolution methods as key tools for creating effective governance, through programs with civil society aimed at promoting dialogue among social players.”*

8. Paragraph 53: Add, at the end of the paragraph: *“Our governments also commit to create streamlined and effective mechanisms for compliance with the resolutions and judgments of the bodies of the inter-American human rights system, without affecting democratic, economic, political, and social stability.”*

State their commitment to respecting and implementing the decisions of the Inter-American Court of Human Rights and to provide the system with an adequate budget to ensure its efficiency, and to promote a fund for helping victims participate in the system.

In addition, promote the independence of branches of government and the strengthening of institutions.

9. Paragraph 55: Add: *“Our States commit to work toward a code of ethics for our civil servants, and to apply administrative sanctions to any form of discrimination and intolerance.”*
10. Paragraph 57: Add: *“We recognize the important role played by the OAS in the peaceful resolution of our differences and in seeking to overcome armed conflict.”*

Also add: *“culture of peace.”*

We propose adding the following paragraphs and items:

1. Add the following after 48: *“The States commit to review and improve their immigration control systems and their border controls, so they respect people’s human rights and those hemispheric and international integration agreements that facilitate the free movement of individuals.”*
2. *“The OAS member states commit to develop population protection plans to prevent and/or mitigate the effects of terrorism through public awareness and training actions and with funding.”*
3. Also include the following text: *“In seeking to prevent and combat terrorism, we agree to avoid the stigmatization and adverse effects that our security policies may have on vulnerable groups.”*
4. *“We commit to guarantee and promote the right of association, operation, and freedom of civil society organizations (CSOs), so they can develop effective mechanisms for participation in decision-making forums, in access to information, in citizen oversight, and in joint responsibility in development, growth, and human prosperity.”*
5. *“In order to uphold the right to equality, we commit to develop public quota policies that reflect positive differentiation with the aim of ensuring equality for groups that have historically been excluded.”*
6. In defense of civil society, *“We commit ourselves to the development of a convention for the defense and promotion of the work of civil society agents that guarantees the right of free association, reduces the risks faced by civil society, and reduces attacks on organizations and activists, enabling the region’s civil society organizations and agents to operate freely.”*
7. *“We will promote the collective defense of democracy, ensuring that the OAS bodies act in compliance with their statutory mandate and with the Inter-American Democratic Charter. In particular, we will make every effort to consolidate an early-warning system to analyze potential risks and alterations of the democratic order, advising the Secretary General and the Permanent Council regarding the situation. In this undertaking, we will acknowledge and seek out civil society participation.”*
8. *“We commit to the development of effective electoral observation mechanisms and to the presence and obligatory observation of the OAS in all elections organized by States’ electoral agencies in the Americas. We also commit to the financial and technical strengthening of the OAS’s electoral observation missions.”*

STRENGTHENING THE SUMMITS PROCESS AND CIVIL SOCIETY PARTICIPATION

General recommendations:

We ask the member states to commit to the creation of a Permanent Consultative Council for civil society within the OAS and to guarantee the funding needed for its operations.

We propose opening a virtual window on the civil society web page (OAS) that would offer a forum for exchanges of resources, information, etc. among civil society organizations.

Civil society consultation and participation processes at the Summits' hemispheric, subregional, and thematic forums must continue to analyze and follow up on the commitments assumed by the governments. The OAS must guarantee all sectors of civil society access to forums and information mechanisms about the human rights situation and agreements.

The governments must commit to providing financial resources for strengthening civil society participation in the inter-American agenda, the Summits Process, and the OAS, in compliance with Resolution 864.

We suggest that the governments commit to creating greater levels of coordination between the foreign ministry offices responsible for the Summits process and civil society organizations, to facilitate and support the process of following up on and implementing their commitments.

The mandate compliance monitoring, follow-up, and evaluation tools must receive technical and financial support from the OAS in order to ensure a sustained evaluation and information mechanism for improving the influence that civil society can have.

In line with the resolutions adopted by the General Assembly in previous years for increased civil society participation, we ask the member states to share the "updated" documents being discussed, including the Declaration of Commitment of the Fifth Summit, by the Summit Implementation Review Group.

We propose the creation of pan-American roundtables.

Specific recommendations:

1. Paragraph 58: "We recognize... *have a political, social, economic, and rights-based framework.*"
2. Paragraph 60: Add to paragraph: "*We commit to facilitate civil society participation in the SIRG for the continued maturation of coordination processes with civil society players.*"
3. Paragraph 61: Add: "*and the provision of sufficient funds for the OAS to fully carry out its duties.*"
4. Paragraph 64: "*We commit to enabling, as of now, the active participation of civil society in the investigation, design, execution, and evaluation of development policies, plans, programs, and projects by providing technical and financial assistance to strengthen, plan, and develop civil society's ability to participate and fully interact within the inter-American system at the national and regional levels.*"

ANNEX

LIST OF PARTICIPANTS

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