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Cámara de Senadores



Building Partnerships to Strengthen Democracy and Promote Human Rights

20th ParlAmericas Plenary Assembly

8th Gathering of the Open Parliament Network



May 8, 2024

Asuncion, Paraguay

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Parliamentary Mechanisms for the Effective Promotion and Protection of Human Rights

Session 2



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Session 2

Yonder Salas Durán

Member of the Legislative
Assembly, Costa Rica
President of the Committee on
Disability and the Elderly



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PARTICIPATION AND CONSULTATION

Key for the exercise of human rights

What does this mean?

Participation of and consultation with the population of persons with disabilities is an **instrument for respecting the lived experiences and needs** of this population, and **public policies should not be created without broad consultation** and active collaboration with the affected populations. It is for this reason that the Legislative Assembly of the Republic of Costa Rica has become an **open parliament**, in which the **informed consent** and **right of access to information** by the population with disabilities carries weight.



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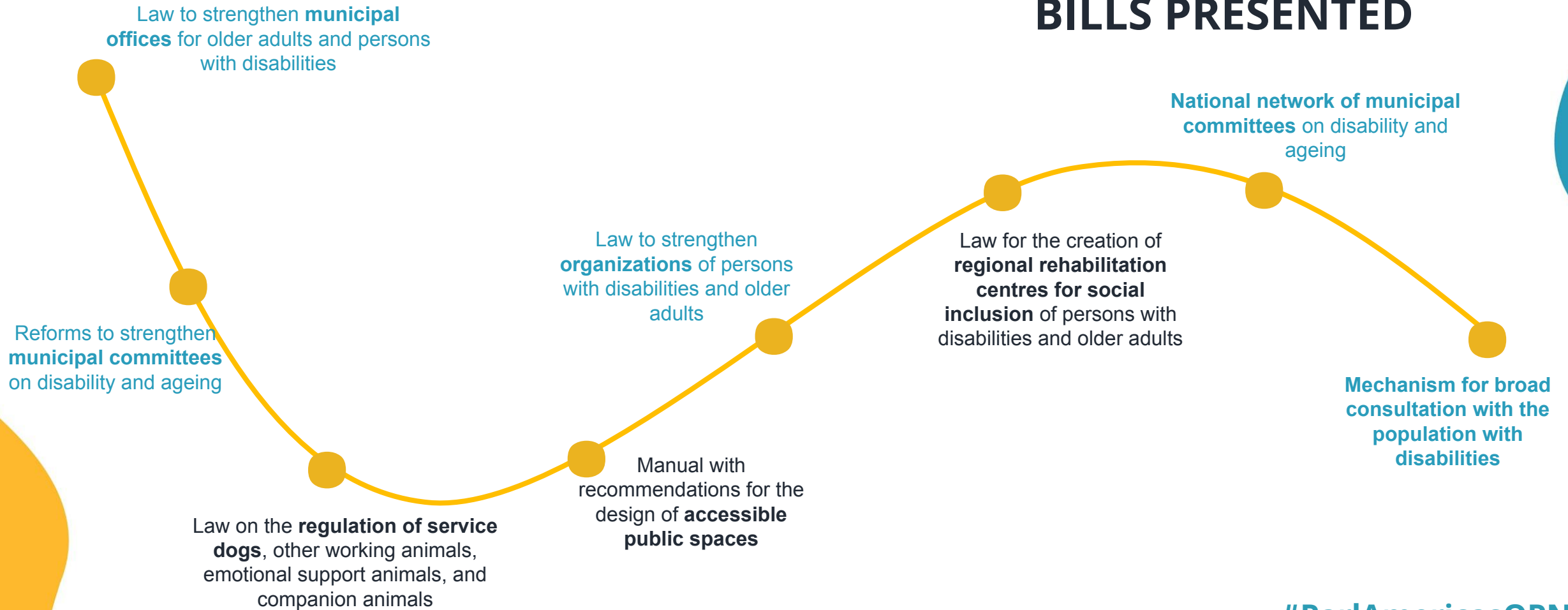
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BILLS PRESENTED



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MECHANISM FOR CONSULTATION WITH PERSONS WITH DISABILITIES

A GOOD LEGISLATIVE PRACTICE

LEGAL BASIS

Based on paragraph 3) of Article 4 of Law No. 8661, titled “**Adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol**”

WHAT IS IT?

A legal instrument that regulates and provides guidance on the administrative steps to follow for bills promoted by the legislative branch or private members bills, when these are susceptible to affect collective rights, to **obtain prior, free, and informed consent and/or agreement** from representatives of organizations of persons with disabilities, in a manner that is **accessible and easy to understand**. It seeks to **avoid collective harm**.

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MECHANISM FOR CONSULTATION WITH PERSONS WITH DISABILITIES

A GOOD LEGISLATIVE PRACTICE

WE MUST ENSURE

- Transparency in decision making
- Accessible and adequate information
- Ongoing participation
- Freedom of expression
- Accessible processes and equality of conditions
- Support and funding for participation
- Access to support persons
- Institutional oversight over compliance with the mechanism

RIGHTS

- Timely participation in public affairs
- Access to information
- Right to freedom of expression and real listening by the highest authorities
- Representation
- Autonomy and dignity

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Session 2

Donna Cox

Honourable Senator, Trinidad
and Tobago
Minister of Social Development
and Social Services



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Parliamentary Mechanisms for the Effective Promotion and Protection of Human Rights

Sen. The Hon. Donna Cox

May 08 2024

Overview



- ▶ **Presenters**

- **Sen. the Hon. Donna Cox-** Minister of Social Development and Family Services

- ▶ **Legal Framework – the Universal Declaration of Human Rights**

- ▶ **Promoting human rights- the work of Parliaments**

- ▶ **Good Practice in the work**

- ▶ **Parliamentary mechanisms for the protection of Human Rights, Equality and Diversity**

Legal Framework



The Universal Declaration of Human Rights

The Role of Parliament



The Committee System provides overall oversight in relation to human rights

Many achievements have been made for the rights and dignity of persons with disabilities across various sectors including education, public health care, housing, public infrastructure, personal mobility and public transportation.

The Role of Parliament



Other oversight mechanisms used by Parliament are:

- ▶ Private Members Motions
- ▶ Questions on Notice
- ▶ Urgent Questions
- ▶ Matters on the Adjournment
- ▶ Engagement with Civil Society Organisations and NGOs through the Committee System

The Role of Parliament



EVIDENCE OF GOOD PRACTICE IN PROMOTING AND PROTECTING HUMAN RIGHTS -

- ▶ Focus on Social Security
- ▶ Education
- ▶ Treatment of Children Offenders
- ▶ Access to Justice
- ▶ Human Rights in the Prison System



Case study- Joint Select Committee on Human Rights, Equality and Diversity

UNUDHR- Article 26- Education

Five Education specific reports conducted resulting in The Ministry of Education (MOE) agreement to develop a standard mechanism to categorise and record certain types of behaviour that fall within the definition of sexual harassment.



Case study- Joint Select Committee on Human Rights, Equality and Diversity



- ▶ **Provisions for the Education of Children who require Special Education Programmes and Services in Public Primary and Secondary Schools with the MOE establishing multi disciplinary Leadership multidisciplinary comprising School supervision, curriculum planning and development, student support services, other ministries, NGOs, private organisations, NGOs and international organisations.**
- ▶ The MOE undertook to draft a Circular Memorandum to be issued to principals to ensure that children are not denied entry into public schools based on the perception of a disability.

Case study- Joint Select Committee on Human Rights, Equality and Diversity



UNUDHR- Articles 9,10,11- Access to Justice

Six Justice specific reports resulting in Legislation specific to the treatment of Detainees at the Immigration Detention Centre

The Trinidad and Tobago Police Service undertook to advocate through the Minister of National Security, for the relevant legislation to be amended to include provisions to permit the use of CCTV cameras to monitor detainees inside holding cells

Case study- Joint Select Committee on Human Rights, Equality and Diversity



- ▶ Status of the Implementation of the recommendations of the Third Report of the Joint Select Committee on Human Rights, Equality and Diversity into the Treatment of Child Offenders resulting in the Office of the Prime Minister undertaking to operationalize the National Children Registry **by 2022**



Case study- Joint Select Committee on Human Rights, Equality and Diversity



UNUDHR Articles- 1, 22 and 25- Focus on social security

Nine reports focused on the social safety net conducted during the 11th and 12th Parliaments resulting in the commencement on the worst affected areas of the of the First Peoples Heritage Village on January 16, 2023 and was scheduled to be completed by May 2023.

- ▶ Additionally The Ministry of Social Development and Family Services undertook to build an Integrated Social Enterprise Management System to facilitate the transformation of the Ministry's Social Services.

Case study- Joint Select Committee on Human Rights, Equality and Diversity



- ▶ **Rights to Education, Employment and Protection from Sexual Exploitation resulting in** The Labour Inspection Unit undertook to work with the Counter-Trafficking Unit to conduct joint inspections to protect the rights of migrant workers and a work plan to ensure consistency of joint exercises.



Case study- Joint Select Committee on Human Rights, Equality and Diversity



Other reports

11th Parliament

- ▶ 2nd Report **Challenges faced by Persons with Disabilities with Specific focus on Access to Services and Employment**
- ▶ 4th Report **Systems in Place to Protect Children from Abuse**
- ▶ Twelfth Report **Sexual Exploitation of Children in Trinidad and Tobago with specific focus on Child Prostitution and Child Pornography**

12th Parliament

- ▶ Third Report **Discrimination faced by persons with mental illness and the ability to access quality mental health, Third Session (2022/2023), Twelfth Parliament**
- ▶ Fifth Report **Implementation of the Recommendations of the Report by the Independent Investigation Team appointed by the Cabinet of the Republic of Trinidad and Tobago to Investigate Reports of Child Abuse at Children's Homes**
- ▶ Sixth Report **Implementation of the Recommendations of the 18th Report, 11th Parliament on an Inquiry into the Treatment of Migrants with Specific Focus on the Right to Education, Employment and Protection from Sexual Exploitation**





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Session 2

Catherine Juvinao

Honourable Representative,
Colombia
Vice-President for South
America of the ParlAmericas
Open Parliament Network



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PARLIAMENTARY MECHANISMS FOR THE EFFECTIVE PROMOTION AND PROTECTION OF HUMAN RIGHTS

ParlAmericas' 20th Plenary Assembly and 8th Gathering of the Open Parliament Network

Building Partnerships to Strengthen Democracy and
Promote Human Rights



About the Legal Committee on Human Rights and Hearings



- Promotes the defence of human rights beyond the context of **internal armed conflict** que has plagued the country.
- Carries out **public hearings** in which different **sectors of society are welcome** to put forward their cases.
- Carries out **ongoing political oversight of the entities responsible for the protection, compliance and promotion of human rights**

About the Legal Committee on Human Rights and Hearings



- **Receives comments from citizens** or other stakeholders on bills or legislative statutes being examined.
- **Shares work, experiences, meeting spaces, and knowledge** with national and international non-governmental organizations as well as with state and international bodies

In the committee we have addressed topics like:

- Gender-based violence
- The security situation related to the internal armed conflict in territories
- Overcrowding in prisons



In the committee we have addressed topics like:

- Political oversight of the ministries of defence, justice, the interior, peace commissioners, director of state entities, among others
- Political violence
- The situation of human rights defenders
- The exercise of the right to protest





Experiences, lessons learned, and strategies for institutional mechanisms to promote and protect human rights

While it is difficult to be immersed in the issues of violence that the country faces, this exercise allows us to **intervene on behalf of citizen and territorial protections, putting forward official complaints and putting a spotlight on events ignored** on the public agenda.



Experiences, lessons learned, and strategies for institutional mechanisms to promote and protect human rights

Thanks to participating in this type of committee, **I put forward a complaint against the expansion and strengthening of armed groups, and consequently, the development of the Total Peace policy was put under scrutiny.**

Colombian Congress

There are multiple forms of promotion and monitoring of the human rights situation in the country, as well as on specific related topics, both in the upper chamber and in the lower chamber.

The chambers share the Legal Committee on Human Rights and Hearings and the Committee on Peace.



Colombian Congress

There are other types of specialized committees, for example:

- The Legal Committee on Monitoring of the Application of Law 1448/2011, the “Victims and Land Restitution” law
- The Committee on Monitoring of Development Programs with a Territorial Focus (PDET, in Spanish), and the Voluntary Substitute Program for Crops for Illicit Use (PNIS and land, in Spanish)
- The Committee on Monitoring of the implementation of the Peace Agreement



Difficulties:

- The lack of commitment of entities responsible for political oversight so that they attend the debate sessions
- The lack of penalization mechanisms once complaints have been put forward



Advantages

- Multi-partisanship
- Requirement of entities to send information expeditiously and completely
- Ability to visibilize situations and put them on the public agenda
- The power to escalate the reported occurrences to higher levels of investigation and control
- Facilitate the articulation of responses between nation and territorial authorities, as well as with NGOs.





Good legislative practices for the promotion and protection of the rights of women, children, and adolescents:



Although the path has not been easy and these are issues that still raise diverse opinions, some with a sexist tinge, the truth is that the work of several colleagues in the Congress of the Republic of Colombia must be recognized.



Good legislative practices for the promotion and protection of the rights of women, children, and adolescents:

At least three issues that we have worked on are advancing through legislative avenues.



Promotion of women's leadership and political participation (law on the prevention, attention and punishment of political violence against women; law on increasing the political representation of women in positions of power)

Bill 349/2023c (#ParityNow) through which “measures are adopted to guarantee the equal participation of women in the different branches and bodies of public power.” We authored this initiative together with 16 congresspeople. I was the speaker on this bill in the House of Representatives. The bill passed four debates, two in the House of Representatives and two in the Senate.



Promotion of women's leadership and political participation (law on the prevention, attention and punishment of political violence against women; law on increasing the political representation of women in positions of power)

The approved bill proposes that, **as of 2026, at least 50% of the positions at the highest levels of decision making and other decision making levels be held by women in national and local governments.** In addition, it proposes that the Government and Congress of the Republic should include 50% women in the delegations of Colombians that attend diplomatic conferences, meetings, international fora, expert committees, and other events of a similar nature.



Promotion of women's leadership and political participation (law on the prevention, attention and punishment of political violence against women; law on increasing the political representation of women in positions of power)

On May 2, 2024, we learned that the **Constitutional Court declared the bill constitutional!** In a previous review of the bill, the high court argued that:

- These quotas in favour of women comply with the constitutional principle of equality.
- The bill does not contradict the rules that have already been established regarding women's political quotas.



Specialized justice for quick and timely attention for women (JEM, in Spanish)

Another initiative that I want to highlight is the **Special Jurisdiction for Women (JEM)**, bill 407/2024C, authored by Representative Carolina Arbelaez and supported by more than 50 Representatives. Through this bill we seek to “establish a Special Jurisdiction for Women (JEM) that guarantees quick and efficient access to justice, ensuring the right of women to live free from gender-based violence.”



Specialized justice for quick and timely attention for women (JEM, in Spanish)

- Domestic violence (according to Legal Medicine): between 2022 and 2023, it went from 47,771 cases affecting women to 49,247 cases (increased)
- Legal medical exams for alleged sexual crimes: between 2022 and 2023, it went from 22,376 cases of women to 20,774 cases (decreased)
- Intimate partner violence (according to Legal Medicine): between 2022 and 2023, it went from 35,657 affected women to 36,768 affected women (increased)
- Femicides (according to the Colombian Femicide Observatory): in 2022 there were a total of 619 femicides, while in 2023 there were 525 (decreased). However, in January 2023 there were 49 femicides, while in January 2024 there were 64 (increased).



Specialized justice for quick and timely attention for women (JEM, in Spanish)

In the political oversight of the situation of femicides and violence against women that we led and carried out in the Chamber of Representatives in December 2023, **we presented quantitative and qualitative data that evidenced the alarming situation of gender violence, especially domestic violence, sexual violence, intimate partner violence, and femicide.**

Data from entities such as the Attorney General's Office show that, **in Colombia there is more than 90% impunity for sexual and domestic violence and femicides, and women do not not report because at least 84% of the processes remain in investigation and are subsequently closed.**





It is important to note that this law does not set out rules regarding its structure, operation and specific powers, rather that it will be a matter for future regulation. However, **this bill represents a crucial step which is the institutional creation and inclusion of jurisdiction in State structures.** The message is clear and legal, but above all political: **No more impunity for these acts of gender violence.**




Given such critical circumstances, the initiative of the Special Jurisdiction for Women is timely and fundamental. It consists of 6 articles, through which the structure of the judicial branch of Colombia is modified, in order to include this new jurisdiction. The special jurisdiction for women is autonomous, with exclusive and preferential jurisdiction to hear, as priority, cases in which women have been victims based on their gender.



Prohibition of child marriage and early forced unions in Colombia


In the Plenary on April 30, 2024, Bill 155/2023C was approved in second debate; it prohibits child marriage and early forced unions (Miut, in Spanish). This bill, authored by Representative Jennifer Pedraza, is of UTMOST IMPORTANCE.






There are three key reasons to support the bill:

1. The bill recognizes a historical problem, with a gender lens, which is unfortunately present in the country. Between January 1, 2019 and July 31, 2022, 451 Administrative Processes for the Reestablishment of Rights (PARD, in Spanish), were opened in favour of girls, boys and adolescents for “early union or marriage.” 98% correspond to girls and adolescent women, who are more often victimized by acts of sexual violence, and of which the population most affected is between 12 and 17 years old.



There are three key reasons to support the bill:

2. **Child marriage is contrary to multiple fundamental rights:** it has serious effects in three essential areas: education, health and protection. In the case of education, 73% of girls abandon their studies to dedicate themselves to housework and care of children, or are encouraged to do so; in health, there is a great probability of having premature pregnancies and contracting sexually transmitted diseases; finally, in the case of protection, the risk of suffering abuse, exploitation, violence and discrimination increases.



There are three key reasons to support the bill:

3. **The bill includes a preventative and pedagogical focus which is essential in the topic of child marriage:** Most of these interventions, which have a strong component of education, have been mobilized on a large scale by the education sector of countries, for the most part. Such interventions have demonstrated positive results on postponing first marriage (ICRW, 2016). Some evaluations suggest that girls and adolescents who benefit from these educational programs are 40% less likely to marry or enter a union at an early age.



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Parliaments in Action – Addressing Current Challenges Linked to Democracy and Human Rights

Session 3



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Session 3

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THE PULSE OF DEMOCRACY IN THE AMERICAS: RESULTS FROM THE 2023 AMERICASBAROMETER

May 2024



AmericasBarometer
Barómetro de las Américas

The AmericasBarometer

2023

26 countries

~1,500 interviews/
country

Face-to-Face interviewing, except for Haiti and Nicaragua (CATI), and the US and Canada (Web)

The most scientifically rigorous comparative survey in the region

2004-2023:
380K + interviews in 34 countries

Nationally representative samples, stratified by region and rural/urban residence

Face-to-face and phone interviews in **8 languages** using mobile devices

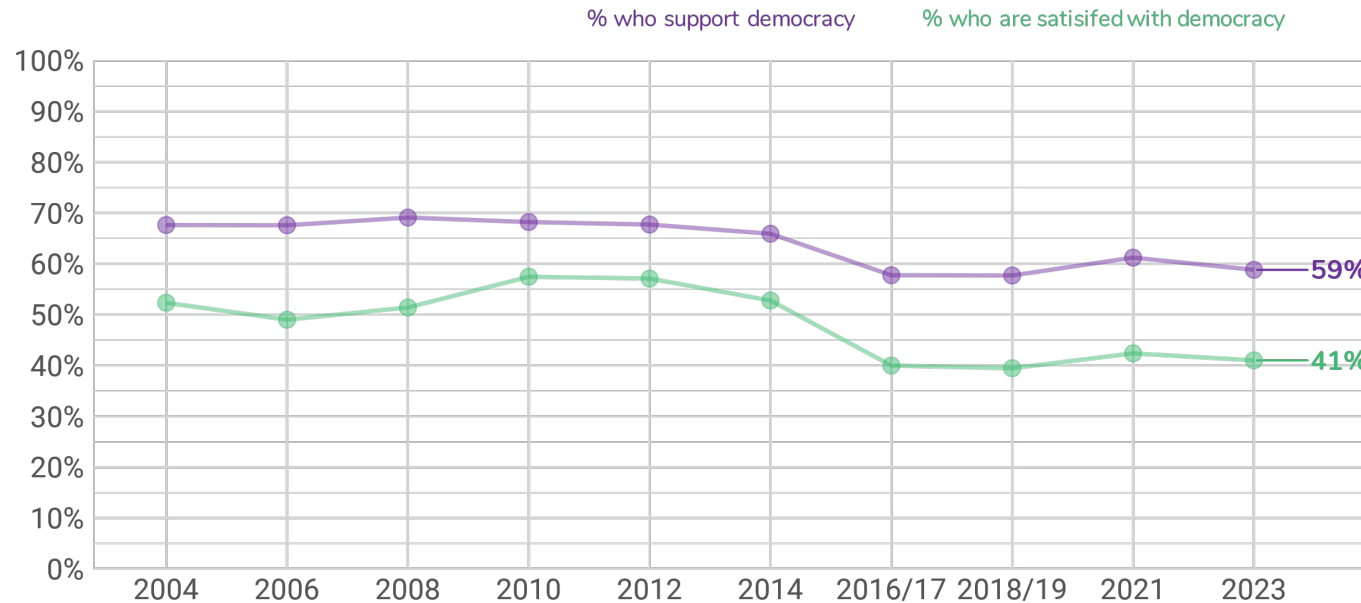
Topics: democracy, rule of law, state capacity, trust in institutions, the economy, corruption, security, emigration, and more

Data and reports available for free at:
www.vanderbilt.edu/lapop

The project is made possible by support from
USAID through DIMS III

Following significant declines, views about democracy have remained stable at a new, lower equilibrium

Support for and satisfaction with democracy have stabilized at lower levels than a decade ago



Source: LAPOP Lab, AmericasBarometer 2004-2023

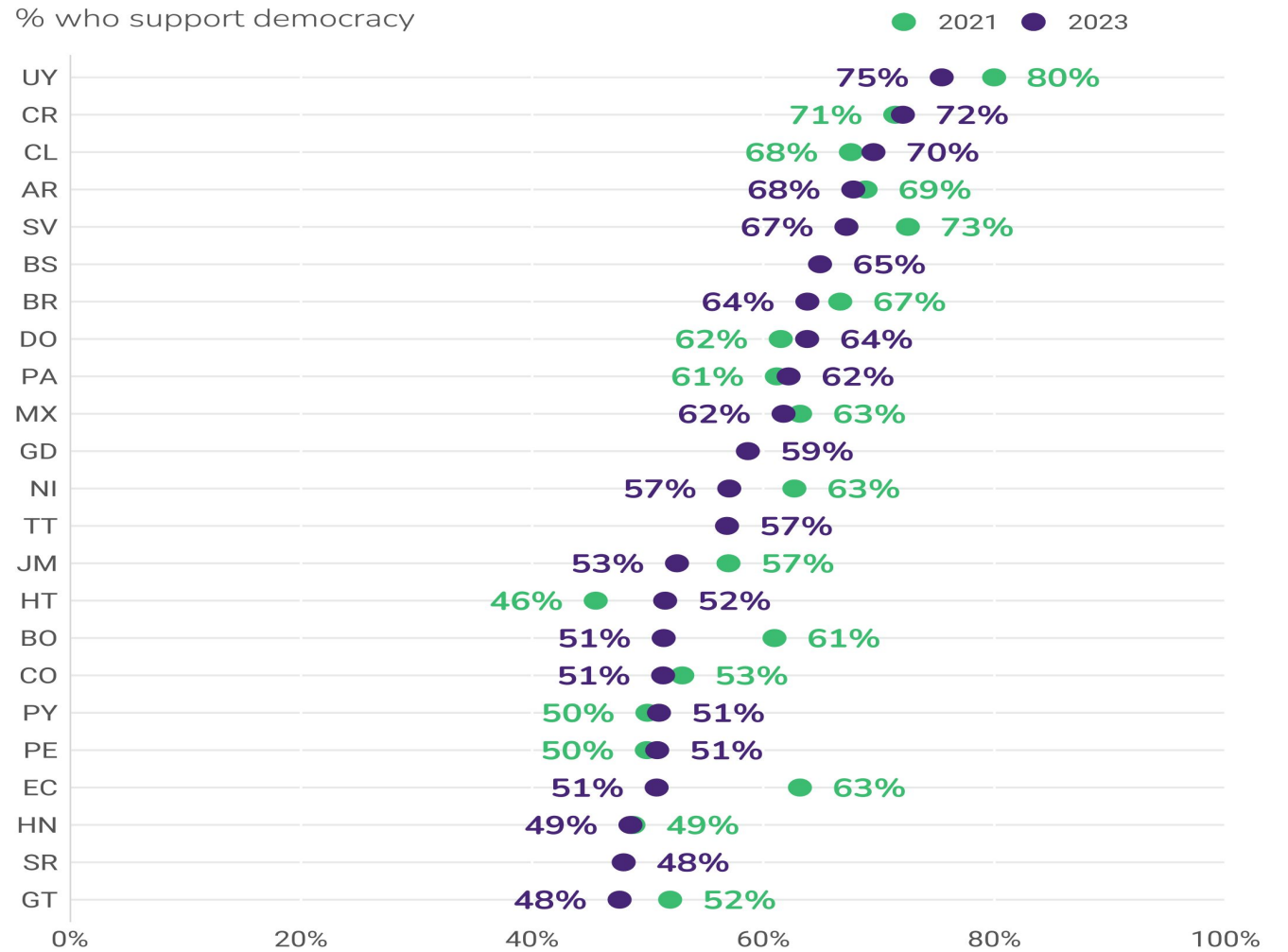
Democracy may have problems, but it is better than any other form of government. To what extent do you agree or disagree with this statement?

Figure shows the % who responded 5 to 7 on a 7-point scale.

In general, would you say that you are very satisfied, satisfied, dissatisfied or very dissatisfied with the way democracy works in (country)?

Figure shows the % who responded satisfied or very satisfied.

Since 2021, support for democracy has remained stable or declined in most LAC countries



Source: LAPOP Lab, AmericasBarometer 2021-2023

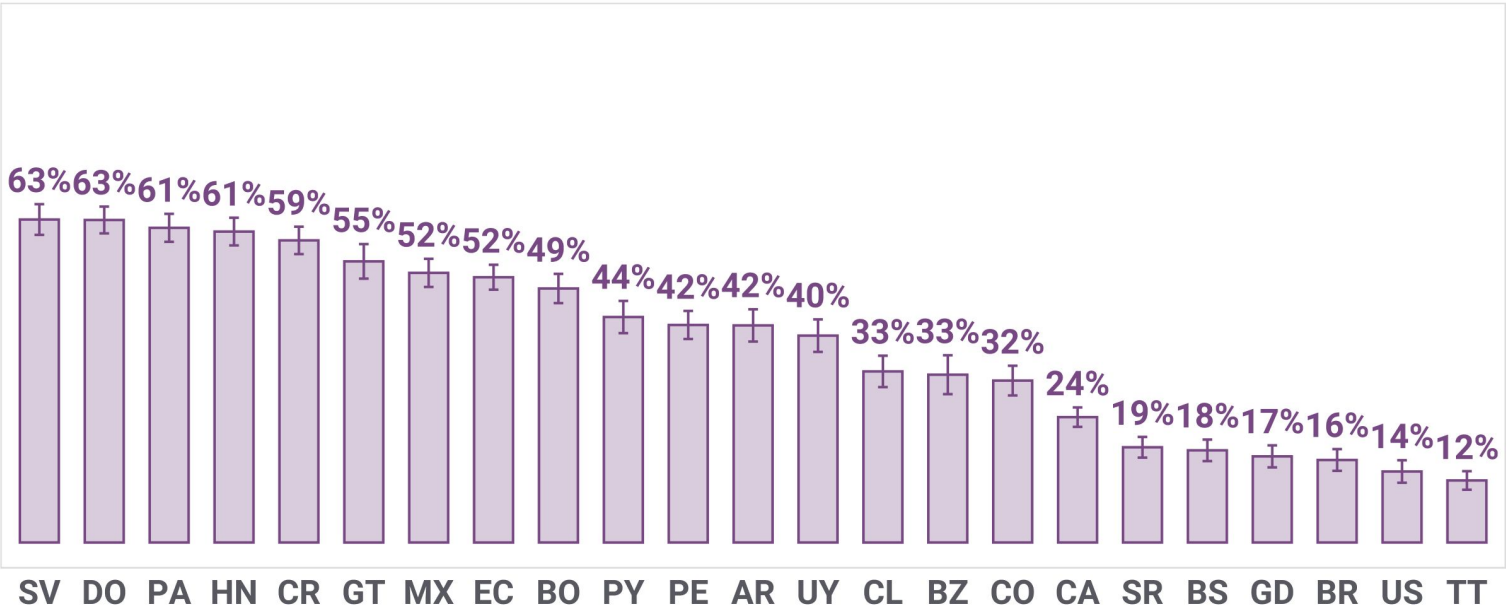
Democracy may have problems, but it is better than any other form of government. To what extent do you agree or disagree with this statement?

Figure shows the % who responded 5 to 7 on a 7-point scale.

In nearly a third of the countries of the LAC region, a majority would justify leaders acting outside of the law

Most in El Salvador, the Dom. Republic, Panama, Honduras, Costa Rica, Guatemala, Mexico, and Ecuador would justify extralegal acts

■ % who think it is justified to act outside the law to deliver on promises |—| 95% confidence interval

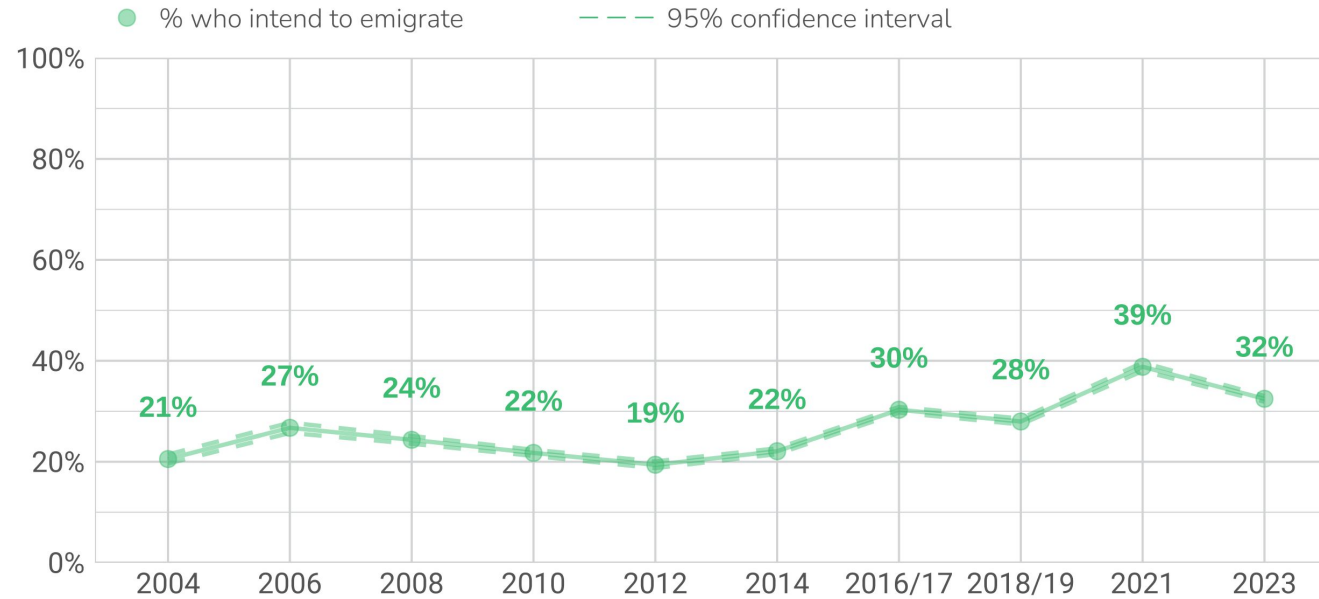


Source: LAPOP Lab, AmericasBarometer 2023

In order to deliver on promises to the people, it is justifiable for politicians to act outside the law.

Though emigration intentions peaked in 2021, the 2023 level is higher than the pre-pandemic level recorded in the 2018/19

On average in the LAC region, there has been an upward trend in emigration intentions since 2012



Source: LAPOP Lab, AmericasBarometer 2004-2023

Do you have any intention of going to live or work in another country in the next three years?

A challenge to building institutional trust is persistent and increasing perceptions of poor national economic conditions

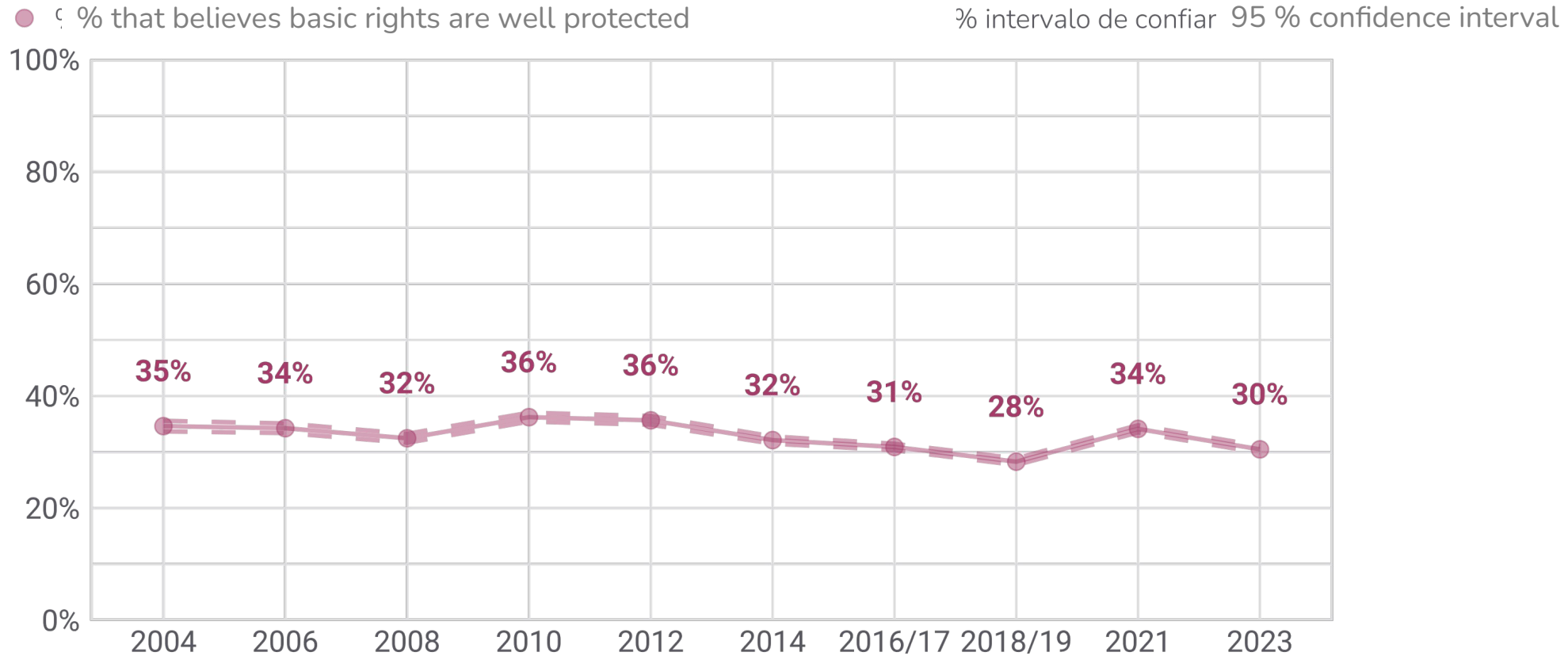
Pessimism about national economic conditions is at an all-time high



Source: LAPOP Lab, AmericasBarometer 2004-2023

Do you think that the country's current economic situation is better than, the same as or worse than it was 12 months ago?

There is a widespread belief of unprotection among citizens of the Americas

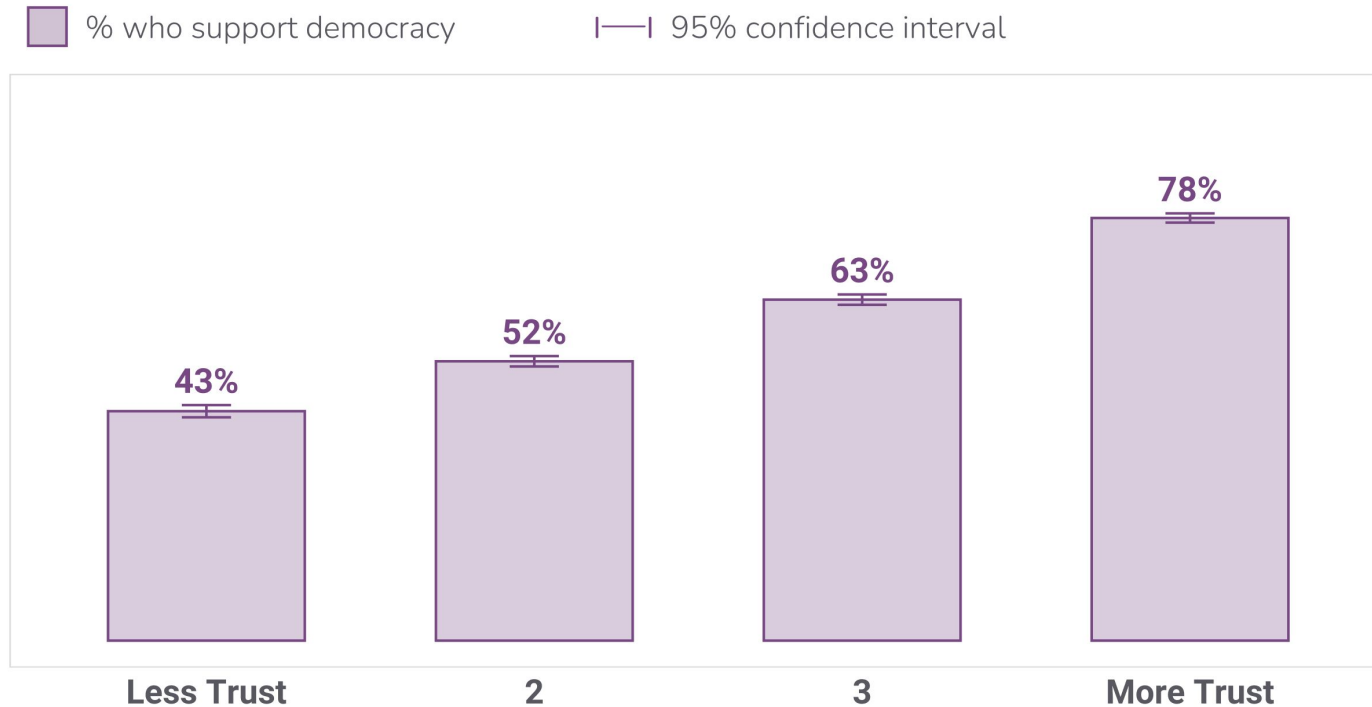


Source: LAPOP Lab AmericasBarometer 2004-2023

To what extent do you believe that citizens' basic rights are well protected by the (country) political system?

Building trustworthy institutions is critical to public commitment to democracy in Latin America and the Caribbean

Higher trust in institutions is strongly associated with higher support for democracy



Source: LAPOP Lab, AmericasBarometer 2023

Democracy may have problems, but it is better than any other form of government. To what extent do you agree or disagree with this statement?
Figure shows the % who responded 5 to 7 on a 7-point scale.

There are reasons to be optimistic about the region's demand for democracy:

Today's young adults are more committed to democracy than were their predecessors

