

# **INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS**

## **ANNUAL REPORT JANUARY-DECEMBER 1996**

**UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT  
Grant No. LAG-O591-G-00-2049-00**

### **I. INTRODUCTION**

In accordance with the regulations of Grant LAG-0591-G-00-2049-00 (Grant 2049) of the United States Agency for International Development (USAID) to the Inter-American Institute of Human Rights (IIHR or the Institute), the IIHR submits its annual report on the activities that took place during the 1996 calendar year that were in whole or in part funded by USAID. The overall period of Grant 2049 is from July 1992 to June 1997.

### **II. IIHR-BACKGROUND**

The Inter-American Institute of Human Rights is an autonomous international institution of an academic nature that is devoted to human rights education, training, research and promotion. The Institute was created in 1980 under an agreement between the Inter-American Court of Human Rights and the Republic of Costa Rica, where its headquarters are located.

The Institute's mission is to promote and strengthen democracy and respect for human rights throughout the Americas by means of specialized training, research, education, political mediation and technical assistance for governmental and civil society bodies and international organizations within an institutional framework that promotes participative democracy.

The IIHR views human rights as independent and inter-related principles and believes that guarantees of civil and political rights must be accompanied by the full realization of economic, social and cultural rights. Its activities are carried out by interdisciplinary teams, which permit specialists from different geographical and professional areas to make complementary contributions to the analysis and resolution of the principal problems confronting the region.

The IIHR's governing body is its Board of Directors, which is comprised of twenty-seven experts in the field of human rights who come from sixteen countries of the Americas and who are elected in their individual capacity. The Executive Directorate and the technical and administrative staff of the IIHR are responsible for the execution of the programs adopted by the Board.

## **SPECIFIC OBJECTIVES**

- Provide an interdisciplinary and pluralistic inter-American forum at which the broad human rights situation in Latin America and the Caribbean can be discussed.
- Increase the knowledge and dissemination of concepts, instruments and mechanisms that make up the systems of human rights protection in the region.
- Furnish technical and professional assistance to human rights activists in the understanding and use of domestic and international instruments of human rights protection.
- Aid in the holding of free and fair elections in Latin America by means of technical assistance to electoral bodies, observer missions and seminars on electoral matters.
- Promote the incorporation of human rights into the curricula of different levels of education in key countries of Latin America.
- Disseminate information on the organs of the inter-American system for the protection of human rights and their procedures to public institutions, especially the judiciary, NGOs and other organizations in Latin America and the Caribbean.
- Contribute to the protection of human rights of women in the hemisphere, particularly with regard to questions of power and equality that affect women and children.
- Provide a forum for the exchange of experiences among the different sectors in the hemisphere that work in human rights.
- Contribute to the training and consolidation of groups and NGOs that defend human rights in the broadest sense as well as in protecting especially marginated and discriminated against groups, such as indigenous, feminine and refugee populations.
- Contribute to the strengthening of the consolidation of democracy by promoting economic, social and cultural rights, which includes a concept of development with special emphasis on the protection of the environment.

## **PROGRAM AREAS OF THE IIHR**

### **a. Education**

This basic area of the Institute is comprised of the **Center for Educational Resources (CRE)**, which has a two-fold mission: serve those outside the IIHR as well as the programs of the Institute itself through technical assistance in teaching materials, methodology and educational projects in general; the **Educational Operations Program**, which designs, executes and evaluates the annual Interdisciplinary Course, principal academic activity of

the IIHR, and the Specialized Regional Courses; the **Information Unit**, which administers the Library and Documentation Center in coordination with its counterparts of the Inter-American Court of Human Rights; and the **Editorial Unit**, which produces and distributes IIHR publications.

#### **b. Center for Electoral Assistance and Promotion (CAPEL)**

This program, through its work with electoral bodies, parliaments and political parties, helps to strengthen the full observance of political rights in the different countries of the hemisphere.

CAPEL is made up of three components:

- 1) **Technical Assistance**, which contributes to the strengthening of the institutionality of the electoral bodies that are members of the Protocols of Quito and Tikal; improves the operation of the Electoral Registries and fortifies the electoral bodies through horizontal cooperation;
- 2) **International Cooperation**, which carries out observation missions for elections in the region; oversees, as Executive Secretariat, compliance of the agreements and resolutions emanating from the Associations of Electoral Organizations of South America and Central America and the Caribbean and the Inter-American Union of Electoral Organizations; plans the production and publication of academic materials on electoral matters;
- 3) **Political Participation**, which promotes representative democracy by means of research projects on constitutional and legal matters regarding the electoral process on its own or in collaboration with academic and research institutions; designs and executes the biannual Course on Politics and Elections; consolidates the growth and modernization of the political systems of the region and conducts technical electoral assistance for emerging groups of civil society of the countries of the hemisphere.

#### **c. Public Institutions**

The Latin American context has changed in the last decade. Having passed through the "electoral" phase, it is now clear that, without stronger public institutions, democracy and the protection of human rights will only be illusory. For this reason, the Institute has created an innovative Area of Public Institutions that has concentrated on three main programs:

- 1) **Security, Human Rights and Democracy**, which holds seminars and conducts technical missions in order to integrate the subject of human rights and the principles of democracy into the educational system of military and police schools, and to train officials who sometimes have to resort to the use of force to maintain social order;

**2) Administration of Justice**, which provides advisory services to judiciary schools in Central and South America; training for judges on the practical application of international and constitutional human rights provisions in domestic law and the modernization of the structure, organization and functioning of the judicial branch;

**3) Ombudsman Program**, which is devoted to the specialized training of governmental human rights officials, so that they might better perform their functions, and the establishment of the Office of Ombudsman in those countries where it does not exist.

#### **d. Civil Society**

This Area focuses its efforts on the study of the principal human rights problems that affect civil society and on strengthening the organizational and institutional capabilities of civil society organizations. It is made up of the following programs:

**1) Program for the Strengthening of Civil Society Organizations**, which provides technical assistance and training to organized groups within civil society in order to strengthen their participation in the promotion and protection of human rights.

**2) Gender and Human Rights Program**, which conducts research into the major issues involved in women's rights and contributes to the development of education, promotion and training mechanisms and actions that foster equality and respect for women's rights.

**3) Program for Migrant Populations**, which contributes to the search for integrated legal solutions and to protection and assistance efforts for social groups whose human rights are affected by internal migration and emigration caused by political and social violence.

**4) Indigenous Peoples Program**, which focuses its efforts on technical assistance for indigenous organizations and NGOs committed to the development and protection of the rights of these peoples.

The **Integrated Projects Unit** is currently responsible for two projects:

The **Project for the Prevention of Torture and the Treatment of Victims of Torture** uses creative approaches to promote the reinsertion and rehabilitation of survivors of political and police violence.

The **Education for Life in Democracy Project** is developing and testing a model for the teaching of this subject and works on human rights promotion and education at the local level.

## **EXAMPLES OF THE IMPACT OF IIHR ACTIVITIES**

The IIHR carries out an average of 150 activities per year -including courses, seminars and workshops- with a total of approximately 6000 direct participants, who have been selected primarily for their potential as agents who can multiply the effects of the activity by influencing the human rights situation in their respective countries. The participants represent, in great part, institutions of the public sector and of civil society. The implementation of such a large number of activities is made possible by the support of donors such as the United States Agency for International Development, as well as by a support network composed largely of IIHR alumni, through whom it enjoys access to human rights-linked sectors throughout the hemisphere. The Interdisciplinary Course, which has been held on an annual basis for the past 14 years, is most noteworthy in that it has been attended by more than 1650 participants selected from a total of 8883 applicants. Through this Course, the IIHR brings together officials from Ministries of Foreign Affairs, Justice, Education and Defense, governmental Offices of Human Rights, academics and representatives of different sectors of civil society to learn about and discuss human rights issues. The IIHR has had an impact in almost all the countries of the hemisphere through its educational and training projects and through the many publications that it issues each year. As a result, the IIHR reaches a broad audience in countries where its specialized services are in great demand. The resources that the Institute receives are maximized by means of multiplier-agents throughout the hemisphere.

Latin American governments have sought technical assistance from the IIHR. For example, Nicaragua has recently asked for and was provided with technical assistance in reforming the Basic Law of the Judiciary and its subsequent promotion in order to be passed by the Legislature; Colombia requested assistance regarding internally displaced persons and the IIHR has been asked to examine the administration of justice in both Paraguay and Bolivia. This latter would include an analysis of the level of independence and autonomy of the judiciary, its relationship with the other branches of government, the laws that regulate it and the adaptation of the domestic legislation of those two countries to the international human rights treaties ratified by them. Agreements were signed in 1995 with the respective Ministers of Education of Central America for the IIHR to give technical assistance to the educational systems of the isthmus.

The IIHR has been a pioneer in mediating among or bringing together different sectors and groups in the interest of furthering respect for human rights. The Institute is called upon by international organizations to provide its services and share its experience in specialized areas of human rights. For instance, the United Nations High Commissioner for Refugees (UNHCR) asked the IIHR to act as mediator between government agencies and refugee groups in Central America (1991-92) and to host a hemisphere-wide meeting related to the tenth anniversary of the Protocol of Cartagena (1994). The directors of 25 Central American non-governmental organizations sought the IIHR's assistance in preparing an agenda for future action (1993). The Institute has also volunteered its facilities and assistance to encourage human rights dialogue with groups such as the Latin American military and police. The IIHR hosted the first meeting of Central American Defense and

Public Security Ministers (May 1992) with the purpose of setting up a human rights training program for the region's security forces, which was followed by the Second Inter-Regional Conference on Democracy, Human Rights, Military Forces and Police (Quito, 1994). It also co-sponsored with the Southern Command of the US Army a high-level regional seminar on "The Role of the Armed Forces in the Protection of Human Rights" (Miami, 1996).

Various well-respected international organizations make use of the consistently high quality of services performed by the IIHR. For example, the UNHCR has chosen the IIHR as a custodian of its documentation; the Partnership for Democratic Development in Central America (PDD) has asked the IIHR to conduct all its human rights and election-related technical studies; the United Nations Mission to El Salvador (UNOSAL) commissioned an evaluation of its human rights education activities; and international donors have requested evaluations of governmental and non-governmental human rights education programs in Colombia, El Salvador and Guatemala. The Regional Office of UNICEF for Central America has asked for technical assistance for a project to evaluate the implementation of the Convention on the Rights of the Child in the region (1995). In addition, the Institute organized a meeting of NGOs prior to the Regional Preparatory Conference for the World Congress on Human Rights in order to plan strategies for the Vienna meeting (1993). In 1994 it did the same for the Fourth World Conference on Women, which was held in Beijing, China.

The IIHR executive staff and Board members have been directly involved in the peace process of the region. For instance, the President of the IIHR Board was a United Nations Advisor on El Salvador (1992-93); the Vice President formed part of the civilian mission set up to mediate in Haiti (1991-92); the Honorary President was a member of the UN Truth Commission in El Salvador (1992-93); and the Executive Director has a well-deserved reputation within the human rights community, not only in the hemisphere but throughout the world, based on his experience in the promotion and protection of human rights.

The impact of certain IIHR programs can be easily evaluated, especially in the area of campaigns carried out by the IIHR Center for Electoral Assistance and Promotion (CAPEL) as part of its programs or its efforts to "get out the vote," which were very successful in Chile and Nicaragua, among other countries.

Perhaps one of the chief impacts that the IIHR will have in the region will come from the request of the Governments of Brazil and Canada that it be the technical agency for the follow-up of the agreements on human rights and democracy taken by the Summit of the Americas.

The IIHR has also played an important role in the establishment of governmental human rights offices: it has contributed directly to the creation and consolidation of such offices in Guatemala, El Salvador, Costa Rica, Colombia, Bolivia, Honduras and Paraguay. CAPEL's achievements in strengthening Electoral Tribunals in Latin America are also well

recognized. Additionally, the IIHR has exerted intensive efforts to promote the American Convention on Human Rights.

In general terms, no one can deny that respect for human rights in Latin America has grown: members of the military have gone on trial for human rights violations in Honduras; the Human Rights Ombudsman was chosen by consensus to fill the office of the President in Guatemala; the current President of Honduras served as a judge on the Inter-American Court of Human Rights and was Vice President of the IIHR Board of Directors during its first six years; and the Vice President of Bolivia has been an active contributor to the IIHR's indigenous programs. According to reports of independent international organizations, respect for human rights in Latin America has increased markedly in recent years. The IIHR has made a decisive contribution to this change.

The IIHR's achievements have given it a leadership role that permits it to bring together different sectors, which have often been antagonists. However, many obstacles to the consolidation of democratic institutions remain and violations of fundamental rights still occur. Unfortunately, the nations of Latin America are not yet in a condition to pay for the essential services that the Institute provides, although some countries contribute to the IIHR. The Institute, therefore, is dependent on external funding from those in developed areas who realize the importance of the observance of basic human rights for all people.

The funds that the IIHR receives from a broad range of international donors are subject to a strict accounting by internationally recognized auditors.

### **III. USAID FUNDED ACTIVITIES DURING 1996**

#### **A. EDUCATION AND TRAINING**

##### **1. Fourteenth Interdisciplinary Course on Human Rights**

This annual Course, which is perhaps the principal activity of the IIHR, is both inter-sectorial and interdisciplinary. It has been held on annual basis since 1983 and is widely recognized as the most important academic forum on human rights in the hemisphere.

The main source of funding for the Course is USAID, which has supported the Course from its inception. The Ford and MacArthur Foundations and the Government of Denmark provide additional support. Other important contributions were made by the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF), which provided lecturers to speak on their respective areas.

There were almost 1,000 applicants for the Fourteenth Course, which took place June 11-21, 1996 in San José, Costa Rica, of which 119 professionals from the hemisphere were selected. The number of applications that were received this year -from throughout the Americas- as well as from the Gambia, Great Britain, Belgium and Denmark is proof of the

prestige that the Course has earned as an academic forum. Each year a careful study is made to determine which countries are encountering difficulties in the consolidation of its institutions in order to give priority to applicants from those countries. In 1996 priority was given to those from Colombia, Mexico, Guatemala, Peru and El Salvador.

Because the Course is based on pluralism and a broad representation and in view of the goal to disseminate the basic principles of human rights throughout the hemisphere, the selection process seeks to obtain the greatest possible diversity among the participants according to, among other factors, their field of work, geographical region, ethnicity and sex. Thus, for example, participants from governmental offices, legislative and judicial branches, NGOs, Ombudsmen, Electoral Tribunals, staff from international organizations, university professors and military officers attended this year's Course.

This year as a condition for acceptance to the Course, participants were required to submit a report on the situation in their region with regard to these specific topics: the Lack of Political Representation and Participation; Impunity and Limitations to the Administration of Justice; and Poverty and its Consequences. Each report was to include a human rights case that had occurred in the participant's country within the past year, summarizing the facts, the impact that it had on the community, the rights involved, the protagonists and their arguments, the judicial decision (if any) and its effects, and the reasons the participant selected the case in question. These reports were systematized and formed the basis for discussions in the workshops.

The Fourteenth Interdisciplinary Course was inaugurated by the President of Costa Rica, José María Figueres. In addition, a lecture open to the general public was given at the National Theater in San José by Patricio Aylwin Azocar, former President of Chile, on the Experience of the Truth and Reconciliation Commission in Chile. The closing ceremony was held in the Auditorium of the University of Costa Rica Law School and featured an address by noted Uruguayan author Eduardo Galeano.

The first week of the Course was devoted to introductory human rights topics in order to give participants an overview of the subject, particularly those with no legal training or academic experience in the field. During the second week the lectures dealt with more specific topics. To ensure a degree of thematic consistency, four core topics were identified, around which the presentations would revolve: Democracy and Human Rights; Development and Human Rights; Administration of Justice; and Security of the Citizenry.

For this year's Course, modules were organized to help students broaden their knowledge on four specific topics: General Aspects of the Concept of Human Rights; the International Protection of Human Rights; the International Law of Human Rights and how it relates to Domestic Legislation; and the Domestic Protection of Human Rights. The methodology employed was as follows: two speakers presented the contents of a module during the period set aside for lectures and the participants then divided up into four groups to discuss the topics in greater depth.

The participatory activities, subdivided into case studies and workshops, allowed theory to confront reality, what was learned from what is, and a sharing of experiences. It was thus possible, in a more direct way, for the participants to intervene, share, debate and question current topics or problems.

The Course is designed to develop practical skills in the use of the different mechanisms for the protection of human rights. Thus, in case studies the participants were given hypothetical cases chosen by the IIHR because they represent the main source of violations of human rights in the Americas. The participants were divided into twelve groups to analyze the cases and their possible solutions, based on the application of the relevant norms and, where applicable, the jurisprudence of the Inter-American Court of Human Rights.

The four workshops revolved on an exchange of information and experiences among the participants, education in human rights, discrimination and, as an innovation, the jurisprudence of the Inter-American Court of Human Rights, which was held at the seat of the Court.

Bibliographic material, such as a Basic Anthology and the Basic Documents on Human Rights, diverse IIHR publications and an interdisciplinary bibliography in human rights with over 600 bibliographic notes related to topics dealt with at the Course, was distributed to the participants in order to reinforce the information provided by the academic activities.

As a complement to the above, a series of activities were carried out that were met with great enthusiasm: training on the Internet to introduce the participants to that culture so as to have access to the plenitude of existing resources relating to human rights; and activities in the areas of gender and indigenous rights.

Twenty-four papers were received from participants who wished to obtain the academic certificate that the IIHR awards to those students of the Course who present a paper on a human rights topic. All but one of the presentations received the approval of the Academic Committee of the IIHR.

Four complementary methodologies were employed to evaluate the Fourteenth Course: a daily questionnaire; meetings to learn the opinions of the participants; direct observation by the organizers and the person charged with the evaluation; and a final questionnaire.

To measure the impact of the Course, the participants were contacted six months later and were asked to indicate which concrete activities or projects they have initiated since the training; the population that has benefited and the academic studies that they had written, among others.

## **1.b. Other Courses: Target Groups**

### **1.b.1 Regional Conference "The Role of the Armed Forces in the Protection of the Human Rights" (Miami, February 1996)**

The respect and prestige that the IIHR enjoys in the hemisphere in the field of human rights found concrete expression in the invitation to co-sponsor with the Southern Command of the Armed Forces of the United States, the Regional Conference on "The Role of the Armed Forces in the Protection of Human Rights," which was held February 5-7 1996 in Miami, Florida. This Conference was part of the follow-up to the agreements of the Summit of the Americas (December 1994) and the Meeting of Defense Ministers in Williamsburg, Virginia (1995) and was attended by 190 representatives of the armed forces, Defense Ministers, academics and representatives of organizations of civil society of our region, as well as observers from Europe (Defense Ministry of Spain and ICRC of Geneva), to analyze the role of military institutions in the post-cold war period regarding the protection of human rights and the transition to and consolidation of democracy. The Secretary-General of the OAS, César Gaviria Trujillo, addressed the Conference.

Speakers from the IIHR on the topic of human rights included Thomas Buergenthal, Pedro Nikken, Sonia Picado, Antonio Cançado Trindade, Margaret Crahan, Allan Brewer-Carías and Rodolfo Cerdas Cruz. Gonzalo Elizondo and Marcelo Varela also attended as part of the Conference logistical team. The IIHR co-sponsored the Conference at the personal invitation, delivered at the seat of the Institute, of General Barry R. McCaffrey, then Commander in Chief of the Southern Command of the US Army. Also participating in the Conference were representatives of human rights organizations (for example, Amnesty International/US Section) and Francis Amar, representative of the ICRC in Geneva, and a representative of the UN High Commissioner for Human Rights.

### **1.b.2 International Conference "Multilateral Approaches to Peacemaking and Democratization"**

In accordance with the general objective of the IIHR to contribute to the process of transition to and consolidation of democracy in our hemisphere and in light of the recognition and support that the OAS has given to the Institute, staff of the Security, Human Rights and Democracy Program attended the international conference on "Multilateral Approaches to Peacemaking and Democratization," organized by the North-South Center of the University of Miami. This conference took place April 11-13 in Miami.

The Conference was convoked to deal with the establishment of peace and democratization as research priorities for our hemisphere. This was a follow up to the interest manifested at the Summit of the Americas (December 1994) in the increasingly important role of multinational actors in the establishment of peace, democracy and institution-building throughout the hemisphere.

Three areas of study were established to analyze and develop the central topic of the Conference:

a) multilateral missions and their role in peacemaking and democratization with special attention to civil aspects and their relationship with civil and military actors. A specific group within this area dealt with electoral observer missions and their contribution -or lack thereof- to the consolidation of democracy.

b) the impact of non-governmental agencies, both local and international, in the creation and development of institutions and their inter-relationships, and

c) the future, with special attention to possible scenarios that would improve human rights protection and multilateral approaches to political transitions.

Fifty individuals participated in the Conference, among them academics, diplomats, experts in missions of pacification and the maintenance of peace, UN and OAS staff and military personnel.

### **1.b.3 Ombudsman Workshop, May 6-7, 1996, Sao Paulo, Brazil**

The IIHR, as the Technical Secretariat of the Ibero-American Federation of Ombudsmen (FIO), convoked the Seminar of Support for the Ombudsman for Police Matters of Sao Paulo at the headquarters of the Latin American Parliament in Sao Paulo.

Two hundred thirty participants, among them staff of the Ombudsman for Police Matters and members of the security forces of Sao Paulo, attended the workshop, which was designed to support the institutional consolidation of the recently-created Office of Ombudsman for Police Matters of Sao Paulo through an exchange of experiences with the Ombudsmen of other Latin American countries. There was also an analysis of mechanisms of practical application for the protection of the basic rights of the citizenry regarding the security forces, particularly the police.

The workshop analyzed national experiences in the area of citizen security, a subject addressed by the President of the FIO Jorge Madrazo, who is also President of the Mexican National Commission of Human Rights. The IIHR Executive Director, Antonio Cançado Trindade, spoke on the international protection of human rights with special attention to the problems inherent in federal states. The Vice President of the International Commission of Jurists, Dalmo Dallari, also spoke as did members of the Association of Judges for Democracy, Attorneys General of the State of Sao Paulo and the Ombudsman for Police Matters of Sao Paulo, Benedito Mariano. In this first activity of the Ombudsman and Human Rights Program in Brazil, the Coordinator of the Program, Jaime Ordóñez, and Ombudsmen Carlos Weis and Flavia Piovesan also took part.

The institution of Ombudsman for Police Matters in Sao Paulo is the first of its type in Brazil. The workshop was an example of technical-academic support in the consolidation

of democratic values through a new culture in the relations between society and security forces and one in which human rights must be understood and respected by both sectors.

At the close of the workshop, the IIHR Executive Director and the Ombudsman of Argentina signed a wide-ranging Cooperative Agreement between the two organizations.

#### **1.b.4 Human Rights Education Project in Argentina**

This project was carried out by the IIHR Center for Educational Resources (CRE) in coordination with the Centro de Estudios Legales (CELS) of Buenos Aires. Its goals were both to promote human rights education at the level of general basic education and to contribute to the strengthening of democracy through the production of educational materials.

Two activities of technical assistance were conducted, one in June and the other in November of 1996, with the purpose of adapting the Latin American Portfolio of Didactic Materials of the Center for Educational Resources to the reality of Argentina. As a result of these visits and subsequent conversations, the initial version of the materials was prepared, which includes the contributions of the experts of CELS and several educators of the Province of Buenos Aires.

All of the documentation has been reviewed and systematized. The educational material of the CRE is now being prepared for publication.

Educators of the Province of Buenos Aires will conduct a practical review of the text at a Workshop in June 1997.

## **2. OUTREACH PROGRAMS**

The institutional publications financed by the USAID grant are those that are issued on a regular basis in the area of education and promotion of human rights and related topics. These publications contribute to institutional strengthening as they inform on the activities of the Institute.

### **Revista Nos. 21 and 22 and Boletín/Newsletter Nos. 41, 42, 43 and 44**

The Boletín/Newsletter, issued quarterly in separate English and Spanish editions, has as its objective the dissemination and promotion of the activities of IIHR programs. During the period under consideration, Nos. 41, 42, 43 and 44 were published.

The IIHR Revista, a bi-annual publication, contains both articles by human rights specialists and informs on the activities of the mechanisms of control of the inter-American system for the protection of human rights and those of the UN with respect to the countries of the hemisphere. The number of copies has been raised to 1200, due to an increase in requests by universities in the Americas and in Europe.

Also published was the fifth, sixth and seventh volumes of the series *Estudios Básicos en Derechos Humanos*, designed to promote and disseminate the modern doctrine of human rights in Latin America.

### **Catalogue of publications**

The IIHR has issued this catalogue to make known its editorial production during the past two years. It contains information on the approximately 60 books, documents, etc. that were published during the administration of Antonio Cançado Trindade, who has returned to his academic post in the University of Brasilia.

### **3. CENTER FOR ELECTORAL ASSISTANCE AND PROMOTION (CAPEL)**

The Center for Electoral Assistance and Promotion is the Institute's specialized division that fosters the transition to and the consolidation of democracy in the Americas. Funds from the USAID grant were used to help pay the salaries of CAPEL staff and for other administrative costs.

#### **3.a Technical Assistance Programs**

##### **Project of support for the institutional strengthening of political parties in Panama**

IIHR/CAPEL, together with the Center for Latin American Studies "Justo Arosemena" (CELA) of Panama participated in the bidding process convoked by the Electoral Tribunal of Panama for the contracting of consultants for this project.

This project has three main objectives: a) provide the necessary technical assistance so that Panamanian political parties begin a process of modernization, reorganization and internal democratization; b) sensitize the political class and those who influence public opinion in general, on the importance of establishing adequate and stable relations among the branches of government, between the government and political parties and between the latter and the citizenry, in order to reach levels that would guarantee political-institutional stability in the country; and c) promote broad discussion on the electoral reforms proposed by the Commission on Reforms of the Electoral Tribunal and encourage the political leaders to accept the modifications that should be incorporated.

#### **3.b Exploratory missions**

Exploratory missions for projects were carried out to El Salvador, Honduras, Ecuador, Peru and Paraguay, which led to working sessions with members of the electoral bodies and grass-roots organizations linked to political-electoral aspects of each country, with the purpose of exploring, preparing and negotiating the terms of reference of potential projects of interest in which IIHR/CAPEL might conduct activities of electoral technical assistance and support in the near future.

### **3.c Secretariat of Electoral Associations**

#### **Tenth Conference of the Association of Electoral Organizations of Central America and the Caribbean**

On the occasion of the Tenth Conference of the Association of Electoral Organizations of Central America and the Caribbean, representatives of the member organizations of the Protocol of Tikal met May 2-4 in Managua, Nicaragua. Paulo Roberto Saraiva, member of the Superior Electoral Tribunal of Brazil, also attended as an observer.

The participants in the Conference arrived at the following principal agreements: a) encourage the member countries to adopt a law that would protect the careers of the staff of electoral organizations; b) continue with the programs of professionalization and training of electoral organization staff; c) support the Executive Secretariat in the development of programs and activities that promote internal democracy within political parties and groups as well as programs that would study the Civil and Electoral Registries and the offices that issue identification cards; d) recognize the initiative of the Executive Secretariat to implement a network of electoral organizations through a home page on the Internet; and e) authorize the Executive Secretariat to represent the members of the Association in the presidential summits of the region, whenever possible and suitable.

#### **Third Conference of the Inter-American Union of Electoral Organizations**

The Third Conference of the Inter-American Union of Electoral Organizations took place July 3-5 in Mexico City.

This meeting marked the official entry of the Federal Electoral Institute and the Federal Electoral Tribunal of Mexico and the State Election Commission of the Commonwealth of Puerto Rico into the Inter-American Union of Electoral Organizations.

Among the important resolutions adopted at the Third Conference were those relating to the strengthening of the Inter-American Union and the need to continue the practice of inviting observer missions to monitor elections, the continued publication of the Union's *Boletín Informativo* and the appointment of a liaison official to the Executive Secretariat.

The participants also stressed the need to continue horizontal cooperation among the member organizations and the role of the Secretariat as a facilitator and negotiator of human and financial resources.

Agreement was also reached on the need to promote the institutional strengthening of the electoral organizations and the professional development of their staff. The participants agreed to press for the enactment of legislation in their respective countries that would create a professional career structure for electoral officials as a legal guarantee for their professionalization. They also pledged support for the efforts of the Executive Secretariat

to create a Senior Staff Management Program for the training of the permanent technical personnel of electoral organizations.

With regard to the modernization of the electoral infrastructure, the participants recommended that the members of the Union begin to seek mechanisms that would make it possible to standardize, as far as practicable, their Civil and Electoral Registry and citizen Identification systems. They were also agreed on the need to further develop the technical control of the Civil Registry and press for the Electoral Registry to be made permanent and continuously purged and updated.

With respect to the relationship between electoral organizations and civil society, it was recommended that the organizations themselves promote civic and democratic education, in coordination with other government entities.

### **Sixth Conference of the Association of South American Electoral Organizations (Protocol of Quito)**

The Sixth Conference of the Association of South American Electoral Organizations (Protocol of Quito), organized jointly by the Superior Electoral Tribunal of Brazil and IIHR/CAPEL, in its capacity as the Executive Secretariat, was held in Brasilia on December 9 and 10.

The core topic addressed during the activity was the right to political participation, given the need to promote a democratic political culture in which our peoples understand the importance of exercising their right to vote.

The agreements adopted at this Conference are designed, among other things, to increase participation in electoral processes, modernize electoral organizations and train their permanent technical staffs, and promote civic education and democratic values.

### **Working Group of the countries of MERCOSUR**

During the Fifth Conference of the Association of Electoral Organizations of South America, a working group was formed of the electoral bodies of the member countries of MERCOSUR. During the month of February, it held its first meeting and in December a second meeting. The working group dealt with the following matters: political parties, electoral campaigns and systems of representation. It was also able to compile the main electoral legislation of the member countries of this group (Argentina, Brazil, Chile, Paraguay and Uruguay).

### **3.d Observation Missions**

#### **Presidential Elections in Guatemala, Second Round**

The second round of the Presidential elections took place on January 7, 1996. IIHR/CAPEL organized a Mission that was composed of Rodolfo Piza and Margaret Crahan, members of the IIHR Board of Directors; Daniel Zovatto, then Director of CAPEL; Rachel McCleary, professor at Georgetown University; Luis Alberto Cordero, Head of Technical Assistance of CAPEL and Eduardo Núñez, Project Chief.

Among the activities undertaken by the Observation Mission were meetings with the Supreme Electoral Court; President Ramiro De León, the principal candidates for the Presidency, Alfonso Portilla and Alvaro Arzú, and the mass media.

#### **Presidential elections in the Dominican Republic, Second Round**

An observer mission led by Pedro Nikken, the President of the IIHR Board of Directors, was dispatched to the Dominican Republic for the second round of presidential elections, which were held on June 30, 1996. Other members of the delegation included Mariano Fiallos, a member of the IIHR Board of Directors, and members of electoral bodies of Puerto Rico, Paraguay, Uruguay and El Salvador.

Activities of the Observer Mission got underway with a formal welcoming for international observers organized by the Central Electoral Board. The activity also included an analysis of the political context of the presidential elections by Enrique Baloyra.

Meetings were held with the Citizens' Network of Electoral Observers and the *Participación Ciudadana* Movement, and with Dominican academics. The Mission also met with journalists from the country's mass media. Other meetings were held with the Chancellor and Vice Chancellor of the Pontificia Universidad Católica y Madre Maestra; presidential candidates, Jacinto Peynado (PRSC); Leonel Fernández (PLD); and José Francisco Peña Gómez (PRD).

#### **Presidential elections in Ecuador, Second Round**

IIHR/CAPEL dispatched an Observation Mission to the second round of the presidential elections in Ecuador that took place on July 7.

The members of the Mission were Paulo Roberto Saraiva Da Costa Leite, judge of the Superior Electoral Tribunal of Brazil, Fernando Mayorga, Judge of the National Electoral Council of Colombia and IIHR /CAPEL official Andrés Araya.

During their stay in Quito, the Mission's work schedule included meetings with members of the Supreme Electoral Tribunal, academics, the media and the two presidential candidates.

## **General elections in Nicaragua**

IIHR/CAPEL dispatched a mission of observers to monitor the general elections in Nicaragua on October 20. The IIHR was represented by four members of its Board of Directors -Margaret Crahan, Robert K. Goldman, María Elena Martínez and Rodolfo Piza-, Executive Director Juan E. Méndez, Director of Research and Development Roberto Cuéllar, and the Acting director of CAPEL Luis Alberto Cordero. The representatives of electoral bodies in the Americas were: Alvaro Chocano; President of the National Electoral Tribunal of Peru; Jorge Díaz, President of the Supreme Electoral Tribunal of el Salvador; Mario Aguilar, President of the National Electoral Tribunal of Honduras; Carlos Pardo, President of the Supreme Electoral Tribunal of Ecuador; Carlos Urruty, Minister of the Electoral Court of Uruguay; Jorge Lazarte, a member of the National Electoral Court of Bolivia; Jorge Otaño, Secretary of the National Electoral Chamber of Argentina; and Fernando Mayorga, Judge of the National Electoral Council of Colombia. The following political analysts also took part: Harold Forsyth, a Peruvian congressman; Rachel McCleary, a political scientist from the University of Georgetown; and Oscar Alvarez, a political scientist from Costa Rica.

During its stay in Nicaragua, the Mission met with Violeta Barrios de Chamorro, President of Nicaragua; Cardinal Miguel Obando y Bravo; Commandant Joaquín Cuadra Lacayo, Commander in Chief of the Army; the members of the Board of Directors of the Ethics and Transparency Group; presidential candidates of the Liberal Alliance, the Conservative Party, the *Movimiento Renovador Sandinista* and the *Camino Cristiano Nicaragüense* Party. The observers also held discussions with the directors of several media organizations and met with Gustavo Parajón and Gilberto Aguirre, President and Executive Director, respectively, of the Council of Evangelical Churches (CEPAD).

### **3.e Specialized Research Projects**

#### **Comparative Electoral Research Project**

This Project continues to compile and systematize the electoral laws of Latin America and the Caribbean in order to facilitate international cooperation and promote academic research in this area. Studies have been completed on such topics as general analyses of the electoral systems of the region as well as specific topics such as voting procedures and election day activities.

#### **Financing Political Parties and Electoral Campaigns Project**

Research has begun on the comparative legislation of the countries of Ibero-America regarding the financing of political parties and electoral campaigns.

## **Elections and Democracy Project 1991-1996**

The research project Elections and Democracy 1991-1996 is a continuation of the activity that resulted in the publication of "Elections and Democracy 1988-1991: an Unfinished Task." The thematic content of this work is divided into a retrospective and prospective analysis of political-electoral processes in three regions: Central America, the Andean region and the Southern Cone, as well as a country-by-country analysis covering the period in question.

### **3.f Legislative Development Program-PRODEL**

IIHR/CAPEL and the Legislative Assembly of Costa Rica signed a Cooperative Agreement to give continuity to the Legislative Development Program (PRODEL), the objective of which is to provide technical assistance consisting of research and the drafting of legislative bills: offer training to the Assembly staff; foster institutional communication, including publications of interest to lawmakers and develop activities to promote a political culture. This agreement, initially focused on the Legislative Assembly of Costa Rica, has the additional purpose of extending this model to other Central American countries through mechanisms that permit horizontal cooperation among the parliaments of the region and the development of programs of mutual interest.

### **3.g Reporting Mechanisms (Publications)**

#### ***Boletín Electoral Latinoamericano***

During the period in question, the following *Boletines* have been published: No. XIV (July-December 1995) and XV (January-June 1996). These semi-annual newsletters contain articles on elections held during the period of the report in addition to essays of interest on the topic of elections. There is also a Section on Documents, news of electoral organizations and their respective Associations and a Calendar of Elections.(Ins Spanish)

#### **Directory of Electoral Organizations 1996**

This is an annual publication that contains the statutes of the Association of Electoral Organizations of Central America and the Caribbean, the Association of Electoral Organizations of South America and the Inter-American Union of Electoral Organizations. It up-dates one of the publications of IIHR/CAPEL that has had a great demand among electoral organizations and academics interested in electoral matters. It contains information on the membership of electoral bodies, members of the Associations, addresses, telephone numbers, etc. (In Spanish)

## **Boletín Informativo of the Inter-American Union of Electoral Organizations**

This Newsletter is intended to keep the various members of the Union informed on their respective activities. IIHR/CAPEL, as the Executive Secretariat of the Union, published Boletín Informativo No. 6 and 7. (In Spanish)

### **CAPEL Cuaderno No. 39**

In this issue of the *Cuadernos de CAPEL* series, David Fleischer analyzes electoral casuistry as a practice that is widely used by governments to manipulate electoral legislation in order to maintain their majority and remain in power. The study focuses on the manipulation of electoral and constitutional provisions in Brazil (a country with a long tradition of "electoral engineering") since 1964, first by the military and subsequently by civilians. (In Spanish)

### **CAPEL Cuaderno No. 40**

Number 40 in the *Cuadernos de CAPEL* series presents a study by Víctor Ramírez, a Costa Rican political commentator. The author argues that democracy is a culture rather than a product of the legal framework of a society. He also maintains that public opinion, particularly through polls, has become the reality in today's world. He points up the enormous influence exerted by public opinion in an open society, and suggests that the difference in views on the influence of public opinion stems from the study of its nature and content, and the circumstances that contribute to its formation or transformation. (In Spanish)

### **CAPEL Cuaderno No. 41**

This edition contains the lectures of the well-known analysts Dieter Nohlen ("The trilogy: system of government, electoral system and political party system"), Giovanni Sartori ("The limits of constitutional engineering") and Seymour Martin Lipset ("Democratic order from a comparative perspective"), presented at the Third Conference of the Inter-American Union of Electoral Organizations. (In Spanish)

### **Reports of the Observation Missions**

IIHR/CAPEL published reports on the following missions: general elections of May 14, 1995 in Argentina; municipal elections of December 3, 1995 in Bolivia and the presidential elections of May 16 and June 30, 1996 in the Dominican Republic.

### **Publications of the Program for Legislative Development-PRODEL**

PRODEL published a book entitled *Elementos de la Técnica Legislativa*. This work, together with earlier PRODEL publications on the language and style of legislation, is a

collection of basic instruments for improving Costa Rican legislation and is intended primarily for use by Deputies and legislative assistants.

The book addresses two fundamental issues: in Part One, Hugo Alfonso Muñoz examines the main aspects involved in drafting legislation, such as the presentation of the reasons for a bill, its content and the problems related to transitory law, repeal of laws and parliamentary reports. In Part Two, Enrique Pedro Haba analyzes the exactness of juridical language, an issue debated in the Theory of Law.

### **3.h Exploratory and Negotiating Missions**

During the period covered by this report a series of exploratory and negotiating missions were conducted in El Salvador, Honduras, Ecuador, Peru and Paraguay. The missions included working meetings with members of electoral and grass roots organizations concerned with the political-electoral aspects of each country in order to explore, prepare and negotiate the terms of potential projects of electoral technical assistance for IIHR/CAPEL in those countries.

## **4. SPECIALIZED CONFERENCES**

### **Seminar in Washington on "The Future of Human Rights on the International Plane"**

The IIHR and the International Rule of Law Institute of George Washington University co-sponsored a high-level meeting of experts on the "Future of Human Rights on the International Plane," which was held May 20-21 in Washington D.C. The discussions centered on current problems involving the international implementation of human rights and their perspectives. Also dealt with were topics such as international individual responsibility for violations of human rights, democracy and the rule of law, human rights and development, women's rights and minority rights.

The meeting, presided by Professor Thomas Buergenthal, Honorary President of the IIHR, brought together the following experts: Philip Alston, Anne Bayefsky, Antonio Cançado, Douglass Cassel, Christine Chinkin, Andrew Drzemczewski, Robert Goldman, Claudio Grossman, Hurst Hannum, Zdislaw Kedzia, Stephen Marks, Kelly McBride, Cecilia Medina, Charles Moyer, Pedro Nikken, Manfred Nowak, Diane Orentlicher, Sonia Picado, Fausto Pocar, Nigel Rodley, Erika Schlager, Michael Singer, Louis Sohn, David Stewart, Danilo Turk and Leo Zwaak. In addition, the OAS Secretary General, César Gaviria, spoke on "The OAS and Human Rights" and Mark Schneider of USAID spoke on "Lessons of the Haitian Case."

The two co-sponsoring institutions will publish a Report on the Meeting of Experts, which will play a prominent role in the debate on the future of the international protection of human rights. Preparatory work of the Washington Seminar was handled by Professors Thomas Buergenthal, Antonio Cançado and Michael Singer. With the holding of this Meeting of Experts, the IIHR, with the co-sponsorship of the International Rule of Law

Institute of George Washington University, extended its academic activities to North America.

## **5. LIBRARY, DOCUMENTATION CENTER AND DATA BASE**

The IIHR Information Unit is comprised of its Documentation Center and the Joint Library, which it administers with the Inter-American Court of Human Rights. The library has the most complete collection of materials on human rights in Latin America. The main objective of the Unit is the acquisition, systematization, exchange and dissemination of information regarding human rights. Its principal activities during 1996 were the following:

### **5.1 Library**

#### **5.1.1 Acquisitions**

Forty-one books were purchased in areas that needed strengthening: Parliamentary Law, Procedural Law, International Economic Law, Environmental Law, Criminal Law, Rights of the Child, Women's Rights and Ombudsmen. Five new periodicals have been ordered: American Journal of International Law, Revista Internacional de Ciencias Sociales, Revista Española de Derecho Constitucional, Revista del Centro de Estudios Constitucionales and the Harvard Human Rights Journal.

#### **5.1.2 Renovation of computer equipment**

The computers of the Library were up-to-dated through the purchase of memory cards, monitors, CPU, UPS, mouse and keyboards. This will enable an improved processing of information into the data bases of the Library.

#### **5.1.3 Service to the public**

During 1996 there has been a significant increase in the use of the periodical collection as well as consultations from internal users (IIHR staff and Judges of the Inter-American Court) and from external users.

#### **5.1.4 Systematization of information**

In order to offer the external and internal users of the Library current information with a high degree of reliability, two professionals in library sciences and documentation have been contracted for the analysis, description and input of information into the data base of periodicals and books in the SIABUC program.

## 5.2 Documentation Center

The Documentation Center continued to develop its bibliographic data base during 1996. There were 2900 entries, which include recent materials added to its collection, bringing the total to 8100. The MODEL data base was completely brought up-to-date and as of June has been available through the Internet. A server was purchased for the computerized network of the Center and Joint Library as well as a tape backup. An inventory was made of the publications awaiting processing and a definitive inventory of the bibliographic collection of the Center was initiated. The micro-filming of the press clippings on electoral processes, with more than 50,000 images was carried out.

Specialized bibliographies, such as those for the XIV Interdisciplinary and the Regional Course held in Guatemala and the Peace Process in Central America, were made. In addition, special reports were drafted on the situation of human rights in Cuba and the countries of Central America, on humanitarian law in Nicaragua and El Salvador, the international protection of women, the reform of the inter-American system for the protection of human rights and other topics as requested by the staff and members of the Board of the Institute. In addition, the Center gave technical support in the organization of the specialized library of the Office on Human Rights of the Archbishopric of Guatemala.

Under the area of Human Rights Maps, reports were written on the economic, political, social and human rights situation in eleven countries: Cuba, Haiti, Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Colombia, Peru, Bolivia and Paraguay. A data base is being prepared in *Microisis* with summaries of news and reports.

New books and periodicals were acquired on matters of governability, armed forces, the situation of children, transition to democracy and the international law applicable to refugees, among other topics. Subscriptions to news publications that the Center receives were renewed.

Some 1200 specialized inquiries from both IIHR staff as well as from NGOs were also attended.

## INSTITUTIONAL SUPPORT

The Institute carries out a wide variety of projects, many of which have already been summarized in this report and others that are funded from other, mainly European, sources. The IIHR itself may be looked at as a larger project that serves as a point of reference for the region. Thus, for example, individuals from throughout the Americas and from both the public and private sector visit the Institute to make inquiries, to obtain information on the progress of research, to pick up the latest publications, to promote a new project or a new idea for the region, to establish contact with the IIHR or with other human rights organizations.

The institutional part of the IIHR supports all of its specific projects. For this reason, the items of Institutional Support and Institutional Development were included in Grant 2049. Thus, funds from USAID contribute, both directly and indirectly, to all of the projects and activities of the Institute.

In the year covered by the report, institutional funds were employed to assure the efficient and honest administration of the IIHR, as verified by the external audit performed by *Peat Marwick*. This guarantees to the donors that the funds given to the institution are used in accordance with the rules established in the respective agreements of cooperation and -what is more important-are linked to the objectives for which the Institute exists.

These funds also serve for the ordinary functioning of headquarters, which includes expenses for office and computer supplies, advertisements, security, transportation, cleaning and bank and insurance charges.

They also permitted a continuation of procedures to improve the internal functioning of the Institute, such as systems controls, personnel evaluations and policies, reduction of overhead, etc.

### **Institutional Development**

The IIHR is a dynamic institution that does not have the luxury of a guaranteed budget, which necessitates a constant search by its Directors and Heads of Programs to obtain new and renewed grants for its activities aimed at the advancement of democracy and human rights.

Relations with donors are, however, only one side of the coin. A dialogue is also required with the projects' beneficiaries, who range from individuals with great political influence to others who are subject to repression. These relations with government officials and those of organizations of civil society, whose involvement is indispensable for the consolidation of democracy in Latin America, advance the work of the Institute.

That is why institutional missions are carried out by the Institute. By virtue of these missions, meetings are held to obtain funds for the management of programs and to negotiate agreements for projects in the countries in which it hopes to work. Especially important during the period of the report were institutional missions of the Executive Directorate to various countries to renegotiate the agreements of financial support for the Institute.

Through institutional funds, USAID also contributes to the holding of the annual meeting of the IIHR Board of Directors and meetings of its Permanent Commission, which establish the academic and policy guidelines for the activities of the Institute. The importance that the members of the Board give to the work of the Institute is reflected in the 100% attendance at last year's meeting.