



**11th PSI INTER-AMERICAS REGIONAL CONFERENCE AND RELATED MEETINGS
MEXICO CITY, 20 - 24 APRIL, 2015**

**REGIONAL ACTION PLAN 2015 - 2020
MOVING FORWARD WITH TRADE UNIONS IN THE FIGHT FOR QUALITY PUBLIC
SERVICES!**

JUDICIAL WORKERS MEETING, 21 AND 22 APRIL, 2015

During the days that encompassed the sectorial meeting, 18 delegates of the Inter-Americas judicial sector from Mexico, Guatemala, Nicaragua, Costa Rica, Venezuela, Peru, Chile and Argentina were present.

Once the working document prepared by the working group of Valparaiso summarizing the proposals discussed in Managua and Lima during 2014 was revised, judicial workers made a few more adjustments to it, mainly to its shape and not so much to its content:

- 1- It presents this first part as the rationale for such work, which will be performed in the sector over the next five years and it also informs that the sector finds it consistent and concurrent with the action plan of the Inter-Americas region.
- 2- The sector indicates that the debate on the oral hearing methods is widespread in the region and there is the need to discuss the scope of such system and its final impact on the working conditions of judicial workers.
- 3- The themes that were presented to the plenary were discussed and approved.

Priority issues defined for the plenary session interview:

- 1- Social dialogue and the fight against corruption
- 2- Quality of justice and equitable growth

MAIN OBJECTIVE

The workers of the judicial sector of the Inter-Americas region are integrated in a single organization, which allows them to develop their strategic plans, coordinate the defense of human and trade union rights, fight against privatization, achieve continental integration and contribute to growth with equal opportunities.

SPECIFIC OBJECTIVES:

To identify, discuss and agree on continental mechanisms that provide judicial workers in the Americas with a regional integration that is broad, democratic and participatory.

To draw together and in an articulate fashion an action plan for the consolidation of decent work, advocacy, fight against privatization, corruption and tax justice.

To discuss and evaluate the impact of oral hearing methods in the provision of justice services.

To plan the sector's intervention in global governance scenarios: OAS, ILO, UNASUR, IACHR and others.

JUSTIFICATION:

Relevant changes and trends in the sector

There are two legal traditions among the 33 member countries of the OAS that have not been suspended, as in the Honduras case, or excluded, as in the case of Cuba. 18 of these nations (16 Spanish speakers, plus Brazil and Haiti) count on a judicial system based on the Continental European Tradition. The remaining 15 (Canada, United States and the English-speaking Caribbean islands) are governed by common law.

Procedures Reform - Among the countries with a legal system based on the European continental tradition, one of the most important transformations in the last 15 years has been the reform of criminal justice, which has changed or is changing, in some cases, the firmly rooted inquisitorial systems on the continent by other of criminal justice, in 16 countries in Latin America. The study "Monitoring the Criminal Procedure Reform Project" performed by the Justice Studies Center for the Americas since 2001, constitutes a contribution to the evaluation of these reform processes.

Moreover, in countries that are part of the common law, it is important to implement a gradual consolidation of the Caribbean Court of Justice, which jurisdiction has expanded to more countries in the region and is expected to gradually replace the Judicial Committee of the Privy Council.

Also, in this period, it is possible to note the genesis of possible amendments to the Civil Procedure, following the experiences of the criminal procedure reforms, understanding that the current procedures do not match the current reality of our societies. Examples of this new context are Chile, Nicaragua and Colombia, where a draft of the new Code of Civil Procedure is pending in Congress. The cases of Peru, Costa Rica and Uruguay, which reformed their civil procedures in the 1980s, are also worth mention.

Although in many of these countries workers' organizations have not been left out of the reform process, they are now concerned that the work of administering justice becomes a business, denying justice to all premises of rule of law.

Therefore, we see as significant the fact that, in some countries, the prison system is being privatized as well as the notification work (i.e. Colombia, Ecuador and Nicaragua), an activity that could be perceived exclusively as a support activity and that has always been related to the judicial process and to the due process in general.

The above mentioned is exacerbated by the reduction of the allocated budget experienced in some countries (i.e. Colombia), which is very limited. In that sense, the organizations claims that this percentage is consistent with their needs and sufficient to comply with the constitutional and legal provisions established in some countries in the region that establish this amount as the minimum possible in face of national public spending.

From the point of view of working conditions, there is a consensus on the need to create an effective judicial career, which means: the regulation of temporary contracts in the sector, more and better capacity training and education and better work and wage conditions.

TOPICS:

Strategic approaches and Action Plan

Social Dialogue and Decent Work - generate intervention strategies to influence governments to ratify Conventions 151 and 154 in countries that haven't done so, as well as to regulate it in countries where the agreement has already been ratified.

Fighting corruption - foster the development of a network gathering workers from monitoring and judicial bodies to work together on initiatives to address corruption led by workers. Implement the Corruption 0 Campaign, the revision of corporate social responsibility plans and the activation of public and private ethic codes.

Quality of Justice - in the context of the analysis performed by the organizations on promoting policies to regulate the capital-labor ratio in the judicial sector, it is proposed first, the adherence to the global movement for Tax Justice (Robin Hood tax), and generation of a series of measures to:

- Encourage employee's participation in the formulation stages of the annual judiciary budget.
- Promote the participation of workers in negotiations with the Ministry of Finance and/or relevant legislative bodies.
- Fight as to guarantee an appropriate percentage of the national budget for the judiciary.
- Fight for the autonomy of the judiciary for the implementation of the annual budget to deliver quality justice, by providing a direct service with efficient staffing, eliminating all types of outsourcing to better serve citizens requiring justice services.

- Provide support – from the Confederation - to the design of policies governing the capital-labour relationship, by increasing the provision of additional labour and social security courts, in order to achieve an efficient and timely justice for workers.
- Organize a comparative study on wages.

Fight privatization - In order to fight privatization, the judicial workers agree to develop a regional strategy and take advantage of the available tools to reduce the coordinated process of privatization by transnational corporations and propose to:

- join the global campaign against the TISA treaty.
- start a campaign against any form of privatization of the judiciary and of the administration of justice, according to the reality of each country.

Independence of the judiciary- Starting a campaign called "Democratic access to justice" designed to obtain the independence of the judiciary concerning the appointment of its members at all levels and consider the participation of employees in the design of access and promotion policies, according to the local reality.

Special technical and administrative career - Pursuing a career that includes all promotion responsibilities and progressiveness of judicial workers, in order to reduce the discretionary access in all its levels was set as a general agreement. As urgent demands: a public clarification around the need for regulation of a special civil service career for the technical and administrative levels; the promotion of debates in the national and correspondent international levels to push forward comparative studies on employment systems for the judicial sector; the elaboration of bylaws that condense, in a thorough manner, the special technical and administrative career.

Growth with Equality - Promoting opportunities for our members to develop capacity and tools to organize more workers and strengthen the justice sector in terms of establishing training programs aimed at young people in the sector. In that sense, we propose the involvement and integration of young people in campaigns that encourage membership from the sector, the implementation of activities to deepen the partnerships between the many Inter-Americas youth judicial committees.

Global Policy – There is the need to share this plan of action with all sub-regions of Inter-Americas, starting from the debate generated in the different instances. The Inter-Americas judicial workers actively participate in global politics scenarios, such as ILO, UNASUR, labor ministers meeting in Latin America and others. It is necessary to adjust the plan with members of the Latin American Confederation of Judicial Workers, soon to happen in Mexico.