

ELEVENTH MEETING OF MINISTERS OF JUSTICE OR  
OTHER MINISTERS OR ATTORNEYS GENERAL OF  
THE AMERICAS

REMJA XI

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CONCLUSIONS AND RECOMMENDATIONS TO REMJA XI\*

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\* This “Conclusions and Recommendations” were approved by consensus during the plenary session held on May 19, 2021, in the framework of the Eleventh Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA-XI) held virtually.

## CONCLUSIONS AND RECOMMENDATIONS TO REMJA XI

The Eleventh Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA XI) was held online, with Ecuador hosting, on May 18 and 19, 2021, in accordance with the Document of Washington, OAS General Assembly resolution AG/RES. 2958 (L-O/20), and OAS Permanent Council resolution CP/RES.1167 (2312/21).

REMJA XI highlighted the benefits that the use of new information and communication technologies (ICTs) has for the effectiveness of the administration of justice and international legal cooperation, especially at critical times such as those faced by all our States of the Hemisphere and those of the rest of the world, as a result of the COVID-19 pandemic. In this regard, its importance was underscored that on this occasion, the Dialogue of the Heads of Delegation focused on *new technologies at the service of justice and international legal cooperation in the Americas: policies and experiences regarding the modernization of justice beyond the pandemic to promote justice for all in the hemisphere*.

Bearing in mind the content and scope of the Dialogue of the Heads of Delegation and the information received on developments since the previous REMJA, at the conclusion of its discussions REMJA XI adopted by consensus the following conclusions and recommendations, which will be conveyed to the OAS General Assembly at its Fifty-First regular session:

### **I. THE USE OF TECHNOLOGIES FOR THE MODERNIZATION AND EFFECTIVENESS OF THE ADMINISTRATION OF JUSTICE**

REMJA XI considered that information and communications technology (ICTs) make it possible, to improve access to justice by bringing it closer to citizens, among other advantages for the modernization and effectiveness of the administration of justice. It also makes it possible to streamline the delivery of justice services by optimizing the work of justice systems and the productivity of their professionals; and to strengthen the transparency of those systems, by enabling them to be audited, facilitating them to clearly disseminate their actions in real time and be accountable for the use of their resources and results in discharging their responsibilities.

REMJA XI also found that the use of ICTs in the administration of justice, in addition to allowing it to be managed more efficiently, expeditiously and securely, makes it possible to streamline the procedures that must be carried out in justice systems and to reduce costs, including environmental costs associated with them, or to obtain information held by the State.

REMJA XI also considered the challenges that situations, such as the one caused by the COVID-19 pandemic, impose on the justice systems of the States of the Hemisphere, as a result of which it is even more urgent for them to take advantage of ICTs to minimize the need for citizens to carry out actions before them in person.

Bearing in mind the foregoing considerations and the studies and programs that organizations of the inter-American system, such as the Justice Studies Center of the Americas (JSCA), have been carrying out to support the countries of the regions in achieving the goal of transforming justice through, among other things, the use of ICTs, as well as bearing in mind the existence of important obstacles, such as the “gender gap” and “digital divide” that exist in our communities and issues on the legal validity of justice system formalities that could be carried out by virtual means, REMJA XI recommends:

1. To urge OAS member states to analyze the use of ICTs in their justice systems in the different branches of law, by all individuals, in particular, how people living with disabilities, women and girls,

indigenous people, and persons living in remote communities have accessed and used ICTs., in order to identify the areas, procedures, or activities where the use of ICTs could be extended to optimize their development; and to evaluate the way in which that use has to date operated, in order to identify the aspects that need to be corrected or improved to make proper use of it and to identify the necessary legal and institutional adjustments, especially to properly safeguard the fundamental rights of victims and defendants.

2. To urge OAS member states to analyze the use they have made of ICTs, particularly in Alternative Mechanisms to Judicial Process (AMJP), such as mediation, conciliation, arbitration, and others, in order to identify, first, unmet legal and justice needs; the areas, procedures, and activities to which the use of ICTs could be extended in order to optimize their development; and to evaluate the way in which that use has to date operated by all individuals, in particular, how people living with disabilities have accessed and used ICTs, as well as by women and girls, indigenous people and persons living in remote communities in order to identify the aspects that need to be corrected or improved in order to make proper use of it and to identify the legal and institutional adjustments necessary to achieve that purpose.

3. To encourage OAS member states to promote digital inclusion; use gender-responsive and intercultural approaches and emphasize the need for gender-sensitive human rights training in the context of justice to all relevant national actors to ensure equality before the law and equal protection of women and girls by the law; develop or continue implementing the legal provisions and/or measures and institutional reforms necessary to support or validate the use of ICTs to simplify, facilitate, and expedite the administration of justice, through both judicial and administrative channels, such as online legal services, virtual tools for communication and conflict resolution between parties (OCR – Online Conflict Resolution), online or hybrid hearings, electronic notifications, and electronic case files.

4. To urge OAS member states to use or continue to use ICTs to support organizations in their efforts to educate citizens about how to access justice systems, to educate citizens about how to access justice systems through both judicial and administrative channels, the competencies of those systems, and how they operate, as well as to ensure effective interaction between citizens and justice systems, so the public can obtain guidance on the procedures and actions they are required to pursue. To achieve this, member states must avail themselves of the support of the education system and take into account, in particular, the needs of persons in vulnerable situations and groups.

5. To urge OAS member states to use or continue to use ICTs to publicize legal provisions and/or measures that provide the basis for access to justice and to educate citizens about the rights derived therefrom and about the mechanisms and procedures in place to assert them.

6. To encourage OAS member states to consider using or continuing to use ICTs to facilitate citizens' access to justice, such as the filing of complaints, claims, and petitions with the agencies responsible for administering justice through electronic means such as the internet, and to enable them to interact with those agencies during the proceedings they pursue.

7. To encourage OAS member states to develop awareness-raising programs aimed at the general public, so that they understand the advantages of using ICTs to access justice systems, and to prepare and make available to citizens electronic forms or templates to carry out procedures or actions before the justice system, designed in such a way that they can be easily filled out; signed, when required, by electronic or digital signature; and submitted to justice systems through electronic means.

8. To encourage OAS member states to make electronic equipment and devices, such as tablets and computers, including sufficiently high speed Internet, within available resources, available to citizens in places that are easily accessible to the general public, such as community centers, neighborhood courts, conflict resolution centers, government citizen-service offices and public libraries, so they can use them to

conduct proceedings before justice systems that can be carried out virtually, taking into account, in particular, the needs of vulnerable persons and groups.

9. To urge OAS member states to use or continue to use ICTs to disseminate among professionals of the justice system, the substantive and procedural rules governing the different branches of law, as well as the amendments and repeals that are made with respect thereto and any decisions affecting their validity, to ensure those professionals real-time awareness of the substantive and procedural rules in force in the different branches of law.

10. To encourage OAS member states to use or continue to use ICTs to simplify, facilitate, and expedite the administration of justice, through judicial or administrative channels, by implementing, *inter alia*, the virtual presentation of petitions, claims, complaints, and documents before justice systems; electronic signatures; the digital management of formalities and procedures by those systems; the creation of databases and digital archives; the electronic development of proceedings, through electronic case files, virtual and hybrid hearings, electronic notifications, and online channels of communication between the participants; online legal services; and virtual tools for communication and conflict resolution between parties (OCR – Online Conflict Resolution).

11. To encourage OAS member states to use or continue to use ICTs to conduct the taking of evidence in proceedings and actions in which it is required, such as taking statements by videoconference from complainants, witnesses, and victims, among others, and the recognition of documentary evidence received by electronic means, while observing at all times the appropriate safeguards and due process of law, and the fundamental rights of defendants to full answer and defense.

12. To encourage States Parties to the American Convention on Human Rights to take into account the specific situation in which the use of videoconferencing is not recommended, bearing in mind Article 7 of the American Convention on Human Rights, which urges States Parties to prefer, as a rule, that custody hearings be conducted in person, to ensure the effective prevention of torture or cruel, inhuman, or degrading treatment.

13. To encourage OAS member states to provide the entities and agencies that make up their justice systems with the necessary infrastructure and computer tools, within available resources, for them to make full use of ICTs, in order to streamline and simplify the justice administration, by implementing, *inter alia*, multiplatform systems, such as web portals and mobile applications, that enable them to conduct their proceedings and formalities digitally, and by providing them with the necessary equipment and electronic devices, such as computers.

14. To encourage OAS member states to adopt coordination mechanisms and implement the relevant programs so that the entities and agencies that make up their justice systems can, in a direct and streamlined fashion, exchange information, send documents, and interact in the proceedings and formalities where this is required, by installing, *inter alia*, the corresponding interconnections, integrations, and links in their respective digital platforms. These measures are especially relevant within the penitentiary system, particularly for obtaining copies of judgments and other documents needed to speed up the release of those that have served their sentence.

15. To encourage OAS member states to develop training programs to equip professionals of the justice systems with the knowledge and skills necessary to fully utilize ICTs in their work, especially for conducting litigation hearings and trials effectively, and support said actions in virtual or hybrid proceedings, developed in a virtual or hybrid way, relying on the educational system for this purpose and on the JSCA's technical cooperation programs, within the available resources.

16. To encourage OAS member states to use or continue to use ICTs, and in particular Artificial Intelligence (AI), to facilitate the systematization, analysis and dissemination of jurisprudence emanating from their justice systems in the different branches of law, as well as the findings in their studies and analysis, to make it easier for those rendering decisions and so that those with a special interest in the administration of justice, such as attorneys, law schools, and legal study centers, as well as civil society and the general public, can clearly appreciate the criteria for interpreting the law, as well as the rationale and contexts, contained in that jurisprudence and its evolution.

17. To encourage OAS member states to implement digital archiving and electronic document management systems that enable professionals of the justice systems to easily and promptly obtain the information and documents they require to discharge their duties, as well as to easily and promptly provide citizens with the information and documents they request in exercise of their right of access to public information, without prejudice to the fact that such a system must have the necessary safeguards to protect information that is deemed confidential in accordance with law.

18. To encourage OAS member states to adopt the necessary measures to ensure that the entities and agencies that make up their justice systems disclose, through their web pages or other digital channels, in a web content accessible format, the information on their actions that they are required to publish, as well as information on the results of the performance of their functions, so as to facilitate their accountability and assess those actions and results with due transparency.

19. To support and encourage the work that the Justice Studies Center of the Americas (JSCA), an institution created within the framework of the REMJA, has been pursuing to support the process of justice modernization in the region and, in particular, its studies, analyses, and programs related to the use of new information and communication technologies (ICTs) in the justice systems of the countries of the Hemisphere, and the tools it has developed for that purpose, such as the Index of Online Access to Judicial Information (IAcc), and the Index of Online Judicial Services (ISJL).

20. To encourage OAS member states to make voluntary contributions to the JSCA to ensure the viability of the aforementioned studies, analyses, and technical cooperation programs related to the use of new information and communication technologies (ICTs) in the justice systems of the countries of the region, as well as to facilitate the information and coordination those activities require.

## **II. THE USE OF TECHNOLOGIES TO MAKE INTERNATIONAL LEGAL COOPERATION MORE EFFECTIVE, EFFICIENT, AND EXPEDITIOUS**

REMJA XI has determined that new information and communication technologies (ICTs) are very useful tools for strengthening international legal cooperation in the various branches of law, and they are an ideal means for facilitating states to establish mechanisms for contacts, collaboration, and coordination among the various authorities responsible for processing requests for legal cooperation and reciprocal assistance in the various areas of law.

At the same time, just as ICTs are indispensable for the continued provision of justice services in the countries of the Hemisphere in situations such as the one caused by the COVID-19 pandemic, they are also indispensable for international legal cooperation to continue in those circumstances.

Taking into account the above considerations, and convinced that the use of ICTs in international legal cooperation in the various branches of law will make that cooperation more effective, efficient, and expeditious, REMJA XI recommends:

1. To urge OAS member states to adopt the necessary measures to take advantage of ICTs to establish channels of direct communication and permanent contact between central authorities or those authorities responsible for reciprocal cooperation in assistance in the different branches of law, and to expedite procedures and reduce or eliminate the factors that contribute to delays in the transmission and execution of cooperation requests.

2. To encourage OAS member states to adopt the necessary measures to promote the use of ICTs, such as the electronic processing of mutual legal assistance requests, including the acceptance of official documents bearing electronic or digital signatures, and videoconferencing, in a secure and responsible manner, to make international legal cooperation in the Americas more effective, efficient, and expeditious.

3. To urge OAS member states to adopt the necessary measures to recognize the validity of evidence taken in other states, using ICTs for that purpose, such as taking statements from complainants, witnesses, and victims by videoconferencing, among others, and recognizing documentary evidence received by electronic means, observing all necessary safeguards and at all times ensuring the due process of law.

4. To encourage OAS member states to exchange experiences and best practices regarding the use of ICTs in their justice systems, including the use of adaptive and accessible technology, in aspects such areas as their use to bring justice closer to citizens, to expedite the administration of justice, and to make justice systems more transparent, as well as to make international legal cooperation in the different branches of law more effective, efficient, and expeditious.

5. To urge OAS member states to adopt the necessary measures to establish and ensure that the operations of the central authorities or those authorities responsible for reciprocal cooperation in assistance in the different branches of law, in addition to having the human and financial resources necessary to enable them to perform their functions, also have the infrastructure, equipment, and software necessary to take advantage of ICTs in their work, including the use of adaptive and accessible technology, so that those functions can be performed effectively, efficiently, and expeditiously.

6. To encourage OAS member states to develop training programs for the authorities responsible for processing requests for legal cooperation and mutual assistance in different areas of law, so they have the knowledge and skills necessary to make full use of ICTs in discharging those tasks.

7. To convene the Working Group on Legal Cooperation on Criminal Matters to update and consider the proposed “Protocol to the Inter-American Convention on Mutual Assistance in Criminal Matters Related to the Use of New Communication Technologies and Hearings by Videoconference” (PENAL/doc.31/15 rev. 3).

8. To endorse the recommendation made by the REMJA Working Group on Legal Cooperation in Criminal Matters, at its Seventh Meeting, to continue to support and update the Network for Legal Cooperation in Criminal Matters, which the OAS General Secretariat maintains within available resources. In this regard:

- a) Request that states inform the REMJA Technical Secretariat whenever there is any change in the information contained about them in the Network for Legal Cooperation in Criminal Matters or in the composition of their authorities and points of contact in this area, and to convey the respective documents, names, and data, so that it can update that information.
- b) Urge member states, in light of the usefulness and benefits provided by the Network, to consider making voluntary contributions to continue its update, maintenance, and adaptation.

9. To endorse the recommendation made by the REMJA Working Group on Cybercrime, at its Ninth Meeting, for those states that have not yet done so, to consider joining the G-7's 24/7 High Tech Crime Contact Network as soon as possible.

10. To endorse the recommendation made by the REMJA Working Group on Cybercrime, at its Ninth Meeting, for the REMJA Technical Secretariat to continue consolidating and updating the Inter-American Cooperation Portal on Cybercrime (hereinafter "the Portal") on the OAS website. To that end:

- a) Continue completing and updating the information on the Portal with regard to its public and private components, in coordination with the Working Group.
- b) Request the OAS General Secretariat, in line with available resources, to continue advancing on the development of new virtual spaces for the exchange of information, experiences and best practices among the governmental experts with responsibilities in cybercrime and in the area of international legal cooperation for investigation and prosecution of cybercrime.
- c) Ask the States to respond to the requests made by the REMJA Technical Secretariat to complete or update the information disseminated on the Portal.
- d) Give due consideration to the use of other technological tools to facilitate the exchange of information between governmental experts on cybercrime and in the area of international legal cooperation in investigating and prosecuting it. In addition, promote exchanges of information among agencies that conduct investigations and gather evidence about cybercrime, such as universities and research centers that promote the development of new ICTs, in such a way they can include in their design a perspective of usefulness and relevance for justice administration systems.
- e) Continue establishing reciprocal links between the Portal and the internet pages that the units or bodies that the States have established or establish in the future for the investigation and prosecution of cybercrimes, and that any manuals or other information that is considered useful for facilitating cooperation in the areas of their responsibility be published thereon.

11. To urge OAS member States to adopt all measures necessary to secure computer and ITC systems against malicious cyber activity, and also recognize the importance of continuing with international technical cooperation initiatives, with the support of OAS, in strengthening the capacities of national institutions for prevention, investigation and criminal prosecution for combating cybercrime.

### **III. INTERNATIONAL LEGAL COOPERATION IN THE AMERICAS**

REMJA XI reaffirms that international legal cooperation is essential for the development of justice systems and the consolidation of the rule of law in the region, and that it demands continued promotion of the effective enforcement of the valuable Inter-American legal heritage contained in the various treaties developed under the aegis of the OAS.

Moreover, REMJA XI reiterates the usefulness and effectiveness in attaining this goal of, *inter alia*, the various practical cooperation mechanisms developed under the REMJA umbrella through meetings, networks, and other methods for exchanging information, experiences, training, and technical cooperation; of other numerous agreements set down in the recommendations of the REMJA process and its working groups and technical meetings and of the procedures created for following up on their implementation; and of strengthening cooperation with other regional, subregional, and international organizations and agencies on the various topics dealt with by the REMJA process and its working groups and technical meetings.

To continue strengthening international legal cooperation in the Americas, REMJA XI recommends:

1. That the OAS member states that have not yet done so consider signing and ratifying or acceding to the following conventions, as appropriate and as promptly as possible, to facilitate the efficient cooperation provided therein:

- a) The Inter-American Convention on Mutual Assistance in Criminal Matters and its Optional Protocol.
- b) The Inter-American Convention on the Serving of Criminal Sentences Abroad.
- c) The Inter-American Convention on the Execution of Preventive Measures.
- d) The Inter-American Convention on Proof of and Information on Foreign Law.
- e) The Inter-American Convention on the Taking of Evidence Abroad and its Additional Protocol.

2. That the Working Group on Legal Cooperation on Criminal Matters updates and considers the proposed “Protocol to the Inter-American Convention on Mutual Assistance in Criminal Matters regarding Joint Investigation Teams” (PENAL/doc.42/18), in order to evaluate the possibility of incorporating in it the use of ICTs, as appropriate, and that the OAS member states study the possibility of initiating formalities with the appropriate bodies so that in the future, consideration may be given to its adoption.

3. That OAS member states continue to give due consideration to proposals related to the development of legal instruments that complement those that already exist, to strengthen international legal cooperation, bearing in mind the recommendations made by the REMJA working groups and technical meetings.

4. That efforts be made for the continued strengthening of exchanges of information and cooperation between REMJA and other subregional, regional and international organizations, forums, mechanisms, or agencies, in the area of assistance in the different branches of law, as well as in the recovery of assets.

5. That the OAS General Secretariat continue to support member states in the creation and improvement of specific products for strengthening international legal cooperation in the different branches of law, such as agreements and model laws, good practice guides, databases, and internet sites with legal information.

#### **A. LEGAL COOPERATION IN CRIMINAL MATTERS**

1. To express its satisfaction at the holding of the Seventh Meeting of the Working Group on Legal Cooperation in Criminal Matters (hereinafter in this section, “REMJA Working Group”), held in Washington, D.C., on December 10 and 11, 2018, in keeping with the provisions contained in the Document of Washington, the Conclusions and Recommendations of REMJA X (REMJA-X/doc.2/15 rev. 2), and OAS General Assembly resolution 2927 (XLVIII-O/18), respectively.

2. To approve the recommendations adopted at the Seventh Meeting of the REMJA Working Group (PENAL/doc.44/18 rev. 1), and, in connection therewith, to request that the Group follow up thereon and meet in advance of the next REMJA to consider, *inter alia*, the progress made with their implementation, and to report, through the respective Chair, to REMJA XII on the results obtained with respect to those recommendations.



3. To request the REMJA Technical Secretariat's cooperation in urging the member states to review, on an annual basis, the information relating to them published through the Network for Legal Cooperation in Criminal Matters, in order to ensure that the data are always up to date.

4. To express its satisfaction with the organization of the virtual forum on Legal Cooperation Against Cybercrime that took place on June 8, 2020, which was part of a series of virtual sessions organized by the Secretariat for Legal Affairs on Inter-American Law in the Times of Pandemic, during which experts underlined the importance of legal cooperation in criminal matters and discussed the tools available to combat cybercrime in the context of the ongoing pandemic.

## **B. LEGAL COOPERATION AGAINST CYBERCRIME**

1. To express its satisfaction with the results of the Ninth Meeting of the REMJA Working Group on Cybercrime (hereinafter in this section, "REMJA Working Group"), held at OAS headquarters on December 12 and 13, 2016, in keeping with the provisions contained in the Document of Washington, the Conclusions and Recommendations of REMJA X (REMJA-X/doc.2/15 rev. 2), and OAS General Assembly resolution 2894 (XLVI-O/16), respectively, as well as the actions carried out since the holding of said meeting to the present, to strengthen hemispheric legal cooperation in this matter, which were presented by the Chair of said REMJA Working Group in the preparatory meetings for REMJA XI.

2. To adopt the recommendations made by the REMJA Working Group at its Ninth Meeting (CIBER-IX/doc.3/16 rev. 1) and, in connection therewith, request that progress continue being made in their implementation and that said Group follow up thereon and meet in advance of the next REMJA to consider, inter alia, the progress made with their implementation, and to report, through the respective Chair, to REMJA XII on the results obtained with respect to those recommendations.

3. To urge the Chair of the REMJA Working Group to convene its Tenth Meeting in the first quarter of 2022, in order to develop effective and inclusive strategic approaches to fight cybercrime, bearing in mind the relevance of the Budapest Convention on Cybercrime in this regard; to develop national and regional cybercrime coordination, cooperation and training strategies and policies in OAS countries; and, to develop key principles for mainstreaming gender and inclusion into cybercrime capacity building efforts.

4. To recommend that the OAS member states that have not yet done so, consider evaluating to accede to the Council of Europe's Convention on Cybercrime, and adopt the legal and other measures required for its implementation.

5. To strengthen, through the REMJA Working Group, four aspects of international cooperation: (i) capacity building, (ii) cybercrime evidence gathering, (iii) legal cooperation in cybercrime, and (iv) legislative developments.

6. To express its satisfaction with the organization of a virtual forum on the Adaptation of Legislation to International Standards Against Cybercrime that took place on August 24, 2020, which was part of a series of virtual sessions organized by the Secretariat for Legal Affairs on Inter-American Law in the Times of Pandemic, during which experts underlined the importance of legal cooperation and discussed the tools available to combat cybercrime in the context of the ongoing pandemic.

## **IV. JUSTICE STUDIES CENTER OF THE AMERICAS (JSCA)**

1. To congratulate the JSCA on the work it has carried out in the Americas since REMJA X, under the leadership of its new Executive Director, particularly in evaluating criminal justice reform processes; providing technical support for the implementation of reformed criminal justice systems in Mexico, Guatemala, El Salvador, Costa Rica, Panama, Colombia, Ecuador, Peru, Brazil, Paraguay, Uruguay, Chile,

and Argentina, promoting new models for the management of prosecutors' offices with the development of capacities for criminal analysis and strategic criminal prosecution; identifying and disseminating best practices in the investigation of complex crimes; fostering the improvement of criminal defense standards; promoting pre-trial services; and developing skills for criminal litigation, for the conduct of hearings, and for appraising evidence, together with court and case management models.

2. Similarly, to congratulate the JSCA and its Executive Director and to thank the Government of Canada, through Global Affairs Canada (GAC), for having reached an agreement and signed an accord for the execution of the new multiyear project "Improving Access to Civil Justice in Latin America." This regional project has allowed the JSCA to support Latin American countries in the design, improvement, and implementation of civil (non-criminal) justice models that improve access and incorporate collaborative mechanisms and formal justice. The JSCA has developed comparative and baseline studies of models of reformed civil justice, has conducted five editions of the Inter-American Training Program for Civil Justice Reform for people who operate and promote change in their countries, has accompanied local replication exercises in the Inter-American Program graduates' home countries, has organized internships and exchanges with Justice Canada, and has organized pilot projects in interested countries. In parallel to this, the JSCA has developed the Observatory on Conflict and Access to Civil Justice (OCCA) with the participation of local civil society organizations, to identify neglected legal and justice needs and the obstacles to be overcome by the transformation models. All of the above has integrated gender equality using crosscutting and targeted approaches. The project ran initially between 2015 and 2020 and has been extended to 2022.

3. To congratulate the JSCA and the Government of the United States on the agreement reached through the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the United States Department of State to collaborate on the project Technical Support for the Implementation of the New Adversarial Criminal Justice System in Argentina's Federal Justice System through the program Training Program on Criminal Investigation and Litigation in an Accusatory System for Justice Officials (Salta, Jujuy, and Santa Fe). Project implementation began in 2018 and has been extended to 2023.

4. To endorse the appointment of Attorney Jaime Arellano Quintana as Executive Director of the JSCA for the 2014–2017 period, as well as the renewal of his mandate for the 2018–2021 term, as agreed by its Board of Directors at its 28th regular meeting, held on November 15, 2013, and its 33rd regular meeting, held on August 15, 2017, in accordance with the JSCA's Statutes and Rules.

5. To congratulate the JSCA on the launch and dissemination of the new version of the Index of Online Access to Judicial Information on the Internet (IAcc) and the commencement of information gathering for the Index of Online Judicial Services (ISJL), which contribute to the transparency of justice systems and to their accessibility for the region's citizens.

6. To promote a greater and more effective participation by the OAS member states in the programs and activities of the JSCA, particularly in those areas related to access to justice in civil matters, and to encourage the states and organs and institutions with ties to the inter-American system to consider deepening their working relations and exchanges of information with the JSCA in the areas in which it has competence.

7. To invite the JSCA, in accordance with the resources it has available and the objectives set out in its Statute, to consider including the conclusions and recommendations of the REMJA process in its work plans.

8. To instruct the JSCA, in collaboration with all OAS member states, to draft a plan of action to identify and share innovations and best practices to promote an accessible and people focused approach to justice, which will highlight both grassroots efforts and justice system efforts - including lessons learned on how to measure the impacts of these efforts, in order to respond to the needs of vulnerable populations and strengthen due process of law.

9. To thank the State of Chile for its ongoing support of the JSCA through its annual voluntary contribution—uninterrupted since the Center’s inception—and to encourage it to increase its contribution to the initial historical amount and to once again contribute a building suitable for the operation of the JSCA’s headquarters.

10. To extend a special call for the OAS member states to make voluntary contributions to enable the Center to continue with its renowned work, as agreed on by REMJA VI and approved by the thirty-sixth regular session of the OAS General Assembly.

11. To urge the OAS member states to undertake training initiatives with the support of the JSCA, such as the training events held in Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Haiti, Colombia, Ecuador, Peru, Brazil, Paraguay, Uruguay, Argentina, and Chile.

## **V. SYNERGIES BETWEEN THE REMJA, THE MISPA, AND THE MESICIC**

Bearing in mind that there are other cooperation processes within the OAS framework that address matters of interest for the justice and international legal cooperation policies overseen by REMJA, such as the Meetings of Ministers Responsible for Public Security in the Americas (MISPA) and the OAS Anticorruption Mechanism (Follow-up Mechanism to the Inter-American Convention against Corruption, MESICIC), it would be useful to promote synergies between them and the REMJA process, to achieve coordination and collaboration that allows for mutual benefit of their developments and avoid the duplication of efforts. REMJA XI recommends:

### **A. SYNERGIES BETWEEN THE REMJA AND THE MISPA**

1. To promote synergies between the REMJA and the MISPA process (Meeting of Ministers Responsible for Public Security in the Americas) in the interrelated areas within the purview of each of those processes, such as policies for advancing public security, joint criminal investigations, and international cooperation, and recommend, for this purpose, that the Secretariat for Legal Affairs (SLA), through the Department of Legal Cooperation in its capacity as the Technical Secretariat of the REMJA, and the Secretariat for Multidimensional Security (SMS) of the OAS, through the Department of Public Security, which holds the Technical Secretariat of the MISPA, coordinate and collaborate in implementing the recommendations of the REMJA and MISPA processes, in the areas in which they are interrelated.

2. To facilitate awareness among the authorities that participate in the MISPA, particularly among those that integrate the Subsidiary Technical Group on Police Management, of the developments within the REMJA framework and its Working Group on Legal Cooperation in Criminal Matters, with respect to the strengthening of hemispheric legal cooperation on extradition, as well as that, for this purpose, the continued exchange of information between the SLA and the SMS on these developments.

3. To facilitate awareness to the Technical Secretariat of the SMS of the proposals for inter-American legal instruments that are considered within the framework of the REMJA Group on Legal Cooperation in Criminal Matters for strengthening hemispheric cooperation on extradition, such as the one that the last meeting of the Group agreed to develop for the drafting of a model law on this matter, so that it can make the contributions it deems pertinent in relation to such proposals.

4. To request that on the web page of the SLA on REMJA and other related forums, links be established to the webpage of the SMS, and of its networks and virtual communities created in the framework of MISPA to disseminate all developments to the authorities that participate in the REMJA regarding police cooperation, cybercrime, criminal justice reform, and other relevant matters to REMJA that are addressed by the MISPA and its subsidiary technical groups, in order to facilitate awareness of the

links between these two processes and make better use of those developments.

5. To recommend that on the web page of the SSM on the MISPA and other related forums, links be established to the web page of the Hemispheric Network on Legal Cooperation in Criminal Matters, which disseminates all developments in the framework of the REMJA process and its Working Group on Legal Cooperation in Criminal Matters, *inter alia*, extradition and mutual assistance in criminal matters, in order to facilitate awareness of these developments by the authorities that participate in the MISPA and other related forums.

6. To reiterate the request of the authorities of MISPA, reflected in the paragraph 19 of the Quito Recommendations for Strengthening International Cooperation in the area of Public Security, Preventing and Fighting Transnational Organized Crime (MISPA VII/doc.3/19 rev.2), ratified by the General Assembly in its Fiftieth Regular Session (paragraph 27 of AG/RES. 2950), that the Permanent Council of the OAS convene a joint meeting of the REMJA and MISPA considering the importance of jointly addressing several issues within the ambit of both processes and request, for this purpose, that the Committee on Juridical and Political Affairs, in consultation with the Committee on Hemispheric Security, identifies possible topics pertaining to the REMJA process as agenda items for that joint meeting that also relate to the MISPA process; and to draft a report on those thematic areas to facilitate consideration of this proposal by the Permanent Council.

7. To facilitate awareness, within the framework of the MISPA, of developments within the REMJA process and its Working Group on Legal Cooperation on Cybercrime to strengthen hemispheric cooperation in combating these crimes, so that they can be taken into account and used, as appropriate, by the authorities of the member states that participate in the MISPA.

#### **B. SYNERGIES BETWEEN REMJA AND THE OAS ANTICORRUPTION MECHANISM (THE FOLLOW-UP MECHANISM TO THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION, MESICIC)**

1. To promote synergies between the REMJA and MESICIC in the interrelated areas of common interest of both those processes, such as justice policies for combating corruption in criminal matters and international legal cooperation in that area, and to request that, to that end, the Department of Legal Cooperation (DLC) of the Secretariat for Legal Affairs (SLA), in its capacity as Technical Secretariat of both processes, provide the necessary coordination for the mutual benefit of the developments in those areas, in the aspects that are interrelated.

2. To promote, through the DLC, exchanges of information between REMJA and the MESICIC on developments within the framework of the REMJA Working Group on Legal Cooperation in Criminal Matters that could be useful for combating corruption, and developments within the framework of the MESICIC Committee of Experts that could be useful for the adoption of justice policies related to the criminalization of acts of corruption and the strengthening of the bodies responsible for their investigation, prosecution, adjudication, and punishment, aspects on which the Committee has made specific recommendations to the states.

3. To facilitate awareness, on the part of the REMJA Working Group on Legal Cooperation in Criminal Matters, of the legal cooperation tools developed by the MESICIC Committee of Experts that are applicable in the criminal justice area, such as legislative guides on the obligation to report acts of corruption and the basic elements to be contained in rules on mutual assistance for their investigation, prosecution, and punishment, along with the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses.

4. To make available to the REMJA Working Group on Legal Cooperation in Criminal Matters, once they have been adopted by the MESICIC Committee of Experts, the Committee's new legal cooperation tools that are applicable in the criminal justice area, such as the set of indicators to prevent, detect, and eradicate impunity in acts of corruption and the methodology for exchanges of experiences on practical cases of corruption of international relevance.

5. To facilitate awareness, on the part of the REMJA Working Group on Legal Cooperation in Criminal Matters, of the best practices for preventing and combating corruption that the states have been exchanging within the MESICIC Committee of Experts, as the hemispheric forum for that purpose, that are applicable in the criminal justice area, such as those related to the criminalization of acts of corruption including domestic and transnational bribery.

6. To facilitate awareness, on the part of the MESICIC Committee of Experts, of the legal cooperation tools developed by the REMJA Working Group on Legal Cooperation in Criminal Matters that could be useful for combating corruption, such as the Model Law on Mutual Assistance in Criminal Matters, the Best Practices Handbook for the gathering of statements, documents, and physical evidence, and the Best Practices Handbook for mutual legal assistance in relation to the tracing, freezing, and forfeiture of assets that are the proceeds or instrumentalities of crime.

7. To make available to the MESICIC Committee of Experts, once they have been adopted by the REMJA Working Group on Legal Cooperation in Criminal Matters and approved by the competent OAS bodies, those new inter-American legal instruments that could be useful for combating corruption arising from the proposals of that Working Group, such as the proposed Protocol to the Inter-American Convention on Mutual Assistance in Criminal Matters Relative to the Use of New Communication Technologies and Hearings by Videoconference.

8. To establish links between the DLC webpage on which REMJA developments in legal cooperation in criminal matters are published and the DLC webpage on which MESICIC developments are published, so that states can more easily appreciate the relationship between the issues of legal cooperation in criminal matters addressed by the two processes, within the scope of their competencies, and thus make better use of those developments.

## **VI. STRENGTHENING THE REMJA**

1. To recommend that the annual OAS Regular Fund consider providing the necessary resources for holding the meetings that are to be organized within the REMJA process, to ensure that those resources are made available in a timely manner to defray the costs that those meetings require.

2. To recommend the establishment of a voluntary contribution fund into which states can make voluntary contributions to finance programs and projects in the areas covered by the REMJA process, to ensure that this cooperation process receives the financial support necessary to strengthen its role as a hemispheric political and technical forum in the area of justice and international legal cooperation.

3. To highlight the importance of the mandates set out in the Conclusions and Recommendations of REMJA XI, and, with respect to the tasks arising from those mandates whose execution falls within the purview of the OAS, to recognize that their implementation is subject to the availability of the resources required for the purpose, while respecting the Organization's necessary budgetary sustainability.

4. To modify provision 8 of the Document on the REMJA process (Document of Washington) to specify that the first of the preparatory meetings referred to in this paragraph shall be held at least four months in advance of each REMJA and shall include experts from the ministries of Justice or other ministries or offices of Attorneys General of the Americas to identify possible justice-related issues of hemispheric importance for discussion at that REMJA.

5. As per provision 15 of the document of Washington, to create a working group of experts from the Ministries of Justice or other Ministries or the offices of Attorneys General of the Americas with the mandate to develop recommendations on or actions to strengthen the REMJA process, in order to engage in timely and appropriate follow up on the recommendations and conclusions adopted by REMJA.