

HUMAN RIGHTS DEFENDERS UNIT

QUESTIONNAIRE FOR THE STATES IN PREPARATION FOR FOLLOW-UP REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN THE AMERICAS

For several decades, the Inter-American Commission on Human Rights (IACHR) has been particularly interested in the situation of human rights defenders in the region, whose essential role in the universal implementation of human rights and the consolidation of democracy and the rule of law in the Americas has been emphasized time and again. However, human rights defenders continue to be subjected to attacks and harassment and their work continues to be affected by challenges and obstacles in an effort to silence and inhibit them. This in turn denies thousands of people the ability to obtain justice for human rights violations.

This questionnaire has been prepared by the IACHR Human Rights Defenders Unit pursuant to the recommendations made in 2006 in its *Report on the Situation of Human Rights Defenders in the Americas* and as part of the mandate entrusted to the IACHR by the OAS General Assembly through its Resolutions AG/RES.2280(XXXVII-O/07), AG/RES. 2412 (XXXVIII-O/08), and AG/RES. 2517 (XXXIX-O/09). The information to be provided will be analyzed in a report that seeks specifically to monitor compliance with the recommendations made in 2006 for increased and better protection of human rights defenders, to identify new problems they face, and to promote the full utilization of the international standards used as a guideline for the States on the lines of action to be followed to effectively protect the rights of human rights defenders.

The Inter-American Commission invites OAS Member States to respond to this questionnaire and to provide as much information as possible for analysis in the context of the drafting of the follow-up report, which will cover the period from 2006 to the present. Responses to the questionnaire may be submitted to the following address until April 1, 2011:

Inter-American Commission on Human Rights
Organization of American States
1889 F Street, NW
Washington DC 20006
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Questionnaire

1. **Regarding activities to promote a culture recognizing the work of human rights defenders:**
 - a. Does your country have some public policy, regulations, entity, or any other mechanism designed to encourage within society and the agencies of government a culture recognizing the role of human rights defenders?
 - b. Does your country have some public policy, regulations, entity, or any other mechanism focusing on training for administrative authorities or agents of justice regarding the role of human rights defenders that helps to facilitate their work?

- c. What are the acts of public recognition carried out by the State with respect to the activity to promote and protect human rights performed by human rights defenders?

What are the concrete actions taken by the State to promote in society a culture recognizing the role exercised by human rights defenders for democracy and the rule of law?

- d. What are the education, training, and dissemination activities directed to public officials, including agents of justice, that the State has carried out to raise their awareness of the importance and validity of the work done by human rights defenders and their organizations?
- e. What actions has the State taken to punish and prevent public officials from making statements that delegitimize the work of civil society organizations or any of their members?

2. What are the opportunities for dialogue between the State and human rights organizations regarding public policies and problems that human rights defenders face in adequately carrying out their work? If any, indicate:

- a. How often does such dialogue occur?
- b. Who participates?
- c. What are the legal foundations?
- d. What agreements have been reached?
- e. What human and financial resources are dedicated to this task?

3. Regarding the protection of human rights defenders at risk:

- a. Does your country have some public policy, regulations, entity, or any other mechanism specifically intended for the protection of human rights defenders?
- b. Does the country have a mechanism or entity that specializes in evaluating risk and implementing preventive protection schemes for human rights defenders who are at risk when they are not beneficiaries of precautionary or provisional measures of the Inter-American Commission and Court, respectively? If so, indicate:
 - i. How does the mechanism operate? (requirements for being a beneficiary, procedures, etc.).
 - ii. What parameters are used to evaluate risk?
 - iii. What type of protection schemes does it provide? Is agreement reached with the beneficiary on the type of scheme to be implemented?
 - iv. What are the entities involved in implementing the security schemes?
 - v. What are the legal foundations governing their operations?
 - vi. What monitoring activities are carried out to verify the effectiveness of the protection scheme?
 - vii. How is the advisability of lifting protective measures evaluated? Is the

beneficiary involved in the decision-making process for lifting or maintaining the measure?

- c. Does the country have a mechanism or entity that specializes in implementing precautionary measures and provisional measures issued by the Inter-American Commission and Court, respectively, for the protection of human rights defenders? If so, indicate:
 - i. How does the implementation mechanism operate?
 - ii. What type of protection schemes does it provide? Is agreement reached with the beneficiary on the type of scheme to be implemented?
 - iii. What are the legal foundations governing its operations?
 - iv. What are the human resources and the percentage of budgetary resources allocated for its operations?
 - v. What monitoring activities are carried out on the status of protection schemes implemented during the period during which a measure is in effect?
- d. Indicate whether the country has identified groups of human rights defenders (for example, defenders of the right to a healthy environment, union members, defenders of the rights of the LGBT community) who may be particularly vulnerable. If so, what are these groups? What concrete actions has the State taken to guarantee their lives and personal integrity as well as the full exercise of work in defense of human rights carried out by the members of that group in particular?

4. Regarding investigations and trials related to attacks committed against human rights defenders:

- a. Does the country have some public policy, regulations, entity, or any other mechanism designed to combat impunity for violating the rights of human rights defenders?
- b. Does the country have a unit or prosecutor's office that specializes in handling cases of threats, harassment, intimidation, or attacks on life or personal integrity suffered by human rights defenders? If so, indicate how it is organized, how it operates, and its legal foundations.
- c. Describe the procedure for investigating and prosecuting cases of threats, harassment, or attacks suffered by human rights defenders.
- d. Has the State ensured withdrawal from the military jurisdiction for the prosecution of crimes committed by agents of the State against civilian human rights defenders?

5. What concrete measures has the country taken to ensure that the punitive powers of the State and its agencies of justice are not used

by the authorities and third parties for the purpose of harassing human rights defenders?

6. Regarding public demonstrations:

- a. Does the country have specific requirements that must be met for holding public demonstrations? If so, indicate:
 - i. What are the requirements and what authorities are responsible for authorizing them?
 - ii. What legal foundations govern those requirements?
 - iii. Is there any remedy for challenging a decision to deny authorization to hold a public demonstration? What authorities are competent to decide the appeal?
- b. Explain the regulatory framework under which the State regulates the use of force in public demonstrations.

7. Indicate whether the State carries out intelligence activities with respect to human rights defenders and their organizations. If so, indicate:

- a. What are the legal foundations governing such activities?
- b. What are the objectives pursued?
- c. Is there a mechanism allowing the periodic and independent review of intelligence files?
- d. How often are these files purged?
- e. Are human rights defenders able to access intelligence files that contain data regarding them? How?

8. Regarding the operation and legal recognition of civil society organizations:

- a. Describe and explain the procedure followed in the country to register a human rights organization. Indicate the authorities competent to grant registration.
- b. Is there a remedy for challenging a decision to deny registration to, suspend, or dissolve an organization? If so, specify the authorities competent to decide the matter.
- c. Are there legal, administrative or other restrictions with respect to civil society organizations that obtain financial funds in the context of international cooperation?

9. Are there any legal or administrative restrictions in the State for the foreign citizens who want to work on the promotion or defense of human rights? If so, please describe those restrictions and the legal framework they are based on.

10. What activities has the State developed to strengthen the mechanisms for the administration of justice and guarantee the independence and impartiality of the agents of justice?

11. Indicate whether the country has a statistical registry of acts committed against human rights defenders. If so, provide information with respect to the last four years on the number of offenses against human rights defenders, with reference to:

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- a. Extrajudicial executions and murders
- b. Forced disappearances
- c. Physical assaults, threats, and harassment
- d. Unlawful entry of civil society organizations and other arbitrary or abusive interference
- e. Illegal intelligence activities directed against human rights defenders
- f. Abusive use of law enforcement in social protest demonstrations

12. Indicate whether the State has in the last four years identified and, if applicable, penalized any pattern used by agents of the State or third parties against human rights defenders in the commission of:

- a. Extrajudicial executions, murders, and forced disappearances;
- b. Physical assaults, threats, and harassment;
- c. Unlawful entry and other arbitrary or abusive interference;
- d. Abuse of the system for the administration of justice to obstruct the work of human rights defenders.

13. Indicate whether the State has taken other concrete actions to comply with the recommendations contained in the Inter-American Commission's *Report on the Situation of Human Rights Defenders in the Americas* published in 2006. Indicate as well any other information that the State considers relevant for purposes of preparing the follow-up report.