

HUMAN RIGHTS DEFENDERS UNIT

QUESTIONNAIRE FOR CIVIL SOCIETY 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 human rights defenders and civil society organizations 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
cidhdefensores@oas.org

Questionnaire

1. Indicate if your country has information and, as applicable, provide information for the last four years regarding the number of cases and facts related to obstacles to the work of human rights defenders, such as:

- a) Murders, extrajudicial executions, and forced disappearances;
- b) Assaults, threats, and harassment;
- c) Unlawful entry and other arbitrary or abusive interference (for example, tapping telephone lines).

2. Identify and describe whether there is some systematic pattern that state or non-state agents follow against human rights defenders in the commission of:

- a) Murders, extrajudicial executions, and forced disappearances;
- b) Assaults, threats, and harassment; and
- c) Unlawful entry and other arbitrary or abusive interference.

3. Do you know of illegal intelligence activities conducted against human rights defenders? If so, how do they operate?

4. Do you think campaigns have been carried out in your country by the authorities or third parties to denigrate the work done by human rights defenders? If so, indicate what the campaigns consist of and their source.

5. Does the country have institutional opportunities intended for dialogue between human rights defenders and the government?

6. Regarding public demonstrations:

- a) What are the legal requirements for holding a public demonstration?
- b) Is there a remedy for challenging a decision denying a permit to hold a public demonstration? What authorities would be responsible for resolving the situation?
- c) Can you identify an abusive use of law enforcement to suppress social protest? If so, indicate the facts of the cases you know about.

7. Can you identify any administrative, financial, or any other type of arbitrary or abusive control that makes it difficult to establish a civil organization for the defense of human rights or that impedes the normal operations thereof? If so, indicate:

- a. What are these obstacles?
- b. What are the legal or administrative foundations underpinning that control?
- c. Is there some remedy to challenge a decision suspending the operation, dissolving, or denying the registration of a civil organization? Who is the authority responsible for deciding the case?
- d. Does your country have legal, administrative, or other restrictions impeding or preventing organizations from obtaining foreign funds in the context of international cooperation?

8. Do you consider that in your country exist legal or de facto limitations to the work of human rights defense and promotion by foreign citizens? If affirmative, which are the limitations? (for example: legal restrictions to foreign citizens to express in public their opinions on the human rights situation of the country, or the removal of residence permits of the human rights defender as a result of his or her work).

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

- a) Describe the investigation and trial procedure in your country in the case of threats, harassment, intimidation, or attacks suffered by human rights defenders.

- b) Does your country have some public policy or regulations designed to combat impunity for violating the rights of human rights defenders?
- c) Does your country have an authority that specializes in handling cases of threats, harassment, intimidation, or attacks suffered by human rights defenders? If so, indicate how it is organized and operates.

10. Do you think there has been any abusive use of the penal system against human rights defenders in your country? If so, indicate:

- a) What are the facts and how many cases do you know of where human rights defenders are criminalized?
- b) What are the criminal categories used to obstruct the work of human rights defenders? Specify the legal foundations on which accusations made against them are based.
- c) Can you identify the use of the military jurisdiction to prosecute cases against human rights defenders? If so, describe under what circumstances this has happened and under what legal foundations it operates.

11. Regarding the agents of justice:

- a) How do the agents of justice (particularly judges, prosecutors, and public defenders) conduct themselves with respect to complaints filed for crimes committed against human rights defenders?
- b) Can you identify patterns of assault, threats, harassment, extrajudicial executions, or forced disappearances against agents of justice (particularly judges, prosecutors, and public defenders)? If so, indicate the facts related to those actions.
- c) Can you identify some public policy, legal obstacle, or other obstacle used by state and non-state agents to impede the proper function of the bodies charged with the administration of justice?

12. Regarding activities to promote a culture recognizing the work of human rights defenders:

- a) Indicate whether your country has some public policy, regulations, or entity designed to encourage within society and the agencies of government a culture recognizing the role of human rights defenders.
- b) Indicate whether your country has some public policy, regulations, or entity focusing on training for authorities or officials regarding the role of human rights defenders that helps to facilitate their work.

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

- a) Indicate whether your country has some regulations, policy, or entity for the protection of human rights defenders.
- b) Does your country have a specialized entity or mechanism for implementing preventive and emergency protection schemes for human rights defenders at risk who are not the beneficiaries of precautionary or provisional measures from the Inter-American Court and Commission, respectively, If so, indicate how that mechanism is organized and operates and its legal foundations.
- c) Does your country have some entity or mechanism for implementing precautionary and provisional measures from the Inter-American Commission

and Court, respectively? If so, indicate how it is organized, how it operates, and under what legal foundations.

d) Are there groups of human rights defenders who could be considered particularly vulnerable compared to other groups of defenders? What would these groups be (for example, environmental rights and union rights defenders, etc.)? What are your reasons for considering them to be particularly vulnerable?

e) Is there some mechanism created by civil society designed to protect its own members?

14. Does your country have mechanisms for accessing public information? If so, what are their legal foundations and how effective are they?

15. Indicate if you know of concrete measures adopted by the country between June 2006 and the present to implement the recommendations contained in the Inter-American Commission's *Report on the Situation of Human Rights Defenders in the Americas*. Mention any other information you think could be relevant for inclusion in the *Follow-up Report on the Situation of Human Rights Defenders in the Americas*.