

## **ODIHR assessment visit focusing on the situation of human rights defenders**

### **Questionnaire for the State authorities**

#### **PART 1: INSTITUTIONAL FRAMEWORK, MANDATE AND CO-OPERATION WITH CIVIL SOCIETY**

1. Please describe the work of your institution related to civil society affairs, protection of human rights defenders (HRDs) and facilitation of their work (online and offline).
  - What is the mandate of your institution with regards to civil society affairs, protection of HRDs and facilitation of their work?
  - What are mechanisms, programmes and projects pertaining to civil society affairs and the protection of HRDs that your institution is in charge of, i.e. developing, implementing, monitoring and/or evaluating?
  - What measures does your institution undertake/implement to ensure that gender, disability and diversity considerations and needs of HRDs at risk are reflected in your policies and programmes? Please provide examples.
  - What measures does your institution undertake to facilitate the work of HRDs online and ensure their digital security?
  - What relevant good practices you can share?
  - What are the key challenges that your institution faces in your work on civil society affairs and the protection of HRDs?
2. Do you co-operate with other State bodies in implementing your activities, programmes and mechanisms pertaining to the protection of HRDs and facilitating their work? If yes, what are those bodies? Is your co-operation with them regular? What are major challenges in this area?
3. Please describe co-operation of your institution with HRDs and civil society at large (journalists/media, NGOs, religious or belief communities, think tank and research organizations, etc.)
  - Does your institution consult with HRDs and civil society organizations in developing policy priorities, laws and other mechanisms that affect their work and situation? If yes, are such consultations regular and inclusive?
  - Are these consultations institutionalized?
  - Please provide examples of good practice. What are concrete outputs/results of such consultations?
  - How do you ensure inclusivity and access to such consultations for HRDs with disability?
  - Are there examples of online consultations that your institution held? Are there any challenges or good practices that you would like to share with us in this regard?
  - Are there any other ways of co-operation between your institution and civil society organizations?
  - What are key challenges that your institution faces in this area?

#### **PART 2: LEGISLATIVE FRAMEWORK**

1. What are relevant laws that govern the work of your institution in the area of protection of HRDs and facilitation of their work? Are there any gaps in legislation in this regard or areas for

improvement? Are there provisions in law that specifically enhance/facilitate your work in the area of protection of HRDs?

### **PART 3: ASSESSMENT OF THE SITUATION OF HRDS: PHYSICAL INTEGRITY, LIBERTY, SECURITY AND DIGNITY OF HRDS**

#### ***a. General***

1. What is your assessment of the situation of HRDs in your country?
  - What are the challenges that HRDs face in your country? (Including journalists, HRDs with disability, HRDs belonging to and/or working to protect the rights of Roma, LGBTI, migrants; HRDs working on anti-corruption issues, among others)
  - Are there specific challenges faced by HRDs in relation to sexual and gender-based violence (SGBV)? Are HRDs a target of SGBV? If yes, how different HRDs are targeted by SGBV? Are there any cases known [to your institution], that have taken place since January 2020? Please provide details.
  - Are there challenges that HRDs face [and that you are aware of] in relation to their use of technology, digital and online tools?
  - What is your assessment of the environment in which HRDs work, including online environment?
  - In your assessment, are the overall measures aimed at the protection of HRDs in your country effective? Are there any gaps?
2. What is your overall assessment of relevant legislative framework pertaining to safety, security and liberty of HRDs?
  - Are there specific laws that you would like to bring to the attention of ODIHR in this area, as examples of good practice?
  - Are there specific laws that regulate issues related to safety and security of human rights defender online and their digital security?
  - Are there any areas for improvement or gaps in legislation that, in your opinion, need to be addressed?

#### ***b. Protection from threats, attacks and other abuses***

3. Are there any protection policies, programmes or mechanisms to guarantee or promote the safety and security of HRDs (for example, provision of physical protection, temporary relocation and other protection measures and support services as may be required)?
4. Are there any protection policies, programmes or mechanisms to guarantee or promote the safety and security of HRDs online, as well as their digital safety and security (for example, online threats, security of personal and professional data of HRDs, etc.)?
  - If yes, please give concrete examples of such programmes, mechanisms.
  - If no, does your institution/Government plan to develop such measures? Are such measures gender-sensitive?
  - Do they take into account disability considerations, as well as special needs of HRDs belonging and/or working to protect groups at risk (such as HRDs working on/belonging to Roma, LGBTI communities and working on anti-corruption issues)?

5. Since January 2020, have there been any cases of intimidation, attacks, threats or harassment against HRDs and/or their families (including online threats and digital attacks on personal data/website of HRD/organization, etc.), by State or non-State actors?
  - If yes, please provide the details of such cases and the response of relevant State bodies in your country.
  - Were relevant gender consideration taken into account in State response(s)? If yes, please describe how.
  - Were disability considerations relevant to the case(s)? If yes, please specify.
6. Have any crimes committed against HRDs been investigated or prosecuted as bias-motivated crimes, on account of their association with or work to support specific groups (e.g., based on ethnicity, nationality, political opinion, religion, sexual orientation, gender, etc.)?
  - If yes, please provide the number of such cases since January, and describe the details of such cases.

***c. Protection from judicial harassment, criminalization, arbitrary arrest and detention***

7. What are legal and other safeguards to protect HRDs and their activities from judicial harassment, criminalization, arbitrary arrest and detention?
8. Since January 2020, have there been any complaints of fair-trial rights violations affecting HRDs, including of unjustified legal or administrative proceedings for acts related to their human rights work?
9. Since January 2020, have there been any complaints and/or allegations of unlawful detention, torture or other ill-treatment?
  - If yes, please provide the number of such cases, and describe the details of such cases.

***d. Confronting stigmatization and marginalization***

10. Please provide information about efforts undertaken by your institution, between January 2020 to May 2022, to promote positive portrayal of HRDs, including as a response to negative portrayals or stigmatization of HRDs and their work.

**PART 4: SAFE AND ENABLING ENVIROMENT CONDUCIVE TO HUMAN RIGHTS WORK**

***e. Freedom of opinion and expression***

1. Please outline the legal and other safeguards to protect journalists from criminal prosecutions in connection to their reporting.
2. What are safeguards to protect freedom of expression online?
3. Since January 2020, have there been any criminal prosecutions or civil cases brought against journalists in connection to their reporting? If yes, please provide details of such cases.

***f. Freedom of peaceful assembly***

4. Please outline the legal and other safeguards to ensure that HRDs can enjoy their freedom of peaceful assembly and monitor and report on human rights during and in the context of assemblies.
5. Since January 2020, have there been any complaints or allegations of restrictions [known to your institution] on assemblies, as well as administrative sanctions, investigations, prosecutions, affecting the ability of HRDs to enjoy their freedom of peaceful assembly? If yes, please indicate the details of any such cases, and identify the legal provisions under which the sanctions came into force.
6. Are there specific measures undertaken by your institution/Government to facilitate the effective exercise of freedom of peaceful assembly by HRDs and other people with disability?

***g. Freedom of association and the right to form, join and participate effectively in NGOs***

7. Please outline the legal and other safeguards to ensure that HRDs can form, join and participate effectively in NGOs.
8. Since January 2020, have there been any cases [known to your institution] of administrative sanctions, investigations, prosecutions and/or closures of NGOs carrying out human rights work? If yes, please indicate the details of any such cases, and identify the legal provisions under which the sanctions came into force.

***h. Freedom of movement and human rights work within and across borders***

9. Please outline the legal and other safeguards to ensure HRDs' freedom of movement without undue restrictions (including HRDs with disability).
10. Since January 2020, have any HRDs been subjected to travel bans or other restrictions on their freedom of movement in your country, including their freedom to leave or enter the country and/or move within the country? If yes, please provide details of such cases.
11. Since January 2020, has your country supported any HRDs from other countries, where they faced risks due to their human rights work? If yes, please indicate the details of any such cases, where possible.

***i. Right to private life***

12. Please outline the legal and other safeguards to ensure that HRDs can enjoy their right to private life, without undue interference.
13. What are legal and other safeguards to ensure that HRDs enjoy their right to private life online, without undue interference (surveillance, interception and data collection)?
14. Are there any measures undertaken by your institution/State to promote the use of innovative information and communication technologies by HRDs in their human rights work (including HRDs with disability; women, men and HRDs of other genders; Roma HRDs and others)?
15. Since January 2020, have there been any complaints or allegations [known to your institution] in your country of unlawful or arbitrary interference with the privacy, family life, home or correspondence of HRDs? If yes, please specify the dates and details of any such alleged incidents, as well as State responses.

***j. Right to access and communicate with international bodies***

16. Since January 2020, have there been any complaints by HRDs [known to your institution] in your country of being prevented from co-operating with international bodies, including through restrictions on their meeting with international bodies (domestically or internationally) by State or non-State actors? If yes, please indicate the details of any such cases, as well as State responses.

**PART 5: FRAMEWORK FOR IMPLEMENTATION OF THE GUIDELINES**

***k. National implementation***

1. Have any steps been taken towards strengthening the national human rights institutions [if applicable] and their mandate to protect HRDs and facilitate their work?
2. Have any steps been taken towards developing and implementing national strategies to enhance the protection of HRD?
3. Are the ODIHR Guidelines on the Protection of HRDs known in your institution to staff working with/on HRDs? Would relevant state bodies be interested in capacity building for staff on standards pertaining to the protection of HRDs? etc.).

***l. Protection of HRDs in other OSCE participating States and third countries***

4. Are there any initiatives or mechanisms in your country that aim at supporting HRDs and their work in other OSCE participating States, as well as in other countries outside of the OSCE region?
5. Since January 2020, has your country raised instances of threats, attacks, arbitrary arrests and other serious human rights violations against HRDs in other State/s with the authorities concerned? If yes, please kindly provide details.

***m. International co-operation and human rights mechanisms***

6. Does your Government co-operate with any local, regional or international organizations or mechanisms on the issue of the protection of HRDs? Please indicate any such mechanisms, and the ways of co-operation.