**CONSULTATION QUESTIONNAIRE FOR THE ELABORATION OF A THEMATIC REPORT**

**DOMESTIC SYSTEMS FOR THE IMPLEMENTATION OF IACHR DECISIONS: GOOD PRACTICES GUIDE**

**I. PRESENTATION**

The Inter-American Commission on Human Rights (IACHR) is conducting a thematic investigation on the mechanisms and systems that the States of the Americas have established at the national level to comply with the recommendations and decisions of the IACHR in particular, and of the Inter-American Human Rights System and other international human rights protection systems in general.

The IACHR, through its different mechanisms of action –(i) the petitions, cases and precautionary measures system, and (ii) the monitoring system-, adopts decisions and recommendations directed to States, in order for them to protect the human rights of the persons that live in their territories, in compliance with their international obligations. The decisions issued by the IACHR have different scopes and natures, and as a general rule bind several authorities at the national level simultaneously, within the different branches and levels of public power, to carry out actions articulately in order to comply with each specific recommendation or decision. These may consist, for example, in the adoption of legislation, the payment of compensations, the establishment of systems to provide services such as health or education, the reopening and finalization of criminal investigations, the conduction of public ceremonies to recognize responsibility and ask for forgiveness, the establishment of public policies or governmental programs, or the issuance of manuals and the conduction of training workshops for public servants, inter alia.

Several States of the region are implementing national mechanisms and systems to comply with the decisions of international human rights bodies, and in particular of the Inter-American system and the IACHR. For purposes of the present questionnaire, the notion of “mechanism” or “system” is used in a broad sense, to encompass all of the different institutional arrangements through which States comply with international human rights decisions, including the adoption of legislation and other rules, the creation of public policies, the creation of State entities, systems or structures, etc.

Some possible models of national implementation systems and mechanisms, which are present in the current practice of States in this and other regions of the world, are: permanent, high-level inter-ministerial working groups and committees; permanent parliamentary human rights commissions; the adoption of legislation to systematically structure implementation procedures and mechanisms; or judicial precedents, and judicially established procedures or means to give effect to the decisions of international systems, among others. These systems and mechanisms also include the human rights and civil society organizations that actively participate in the Inter-American Human Rights System, as well as national human rights institutions. These organizations have frequently established and apply protocols for victim support, for gathering and treatment of information, for compilation and presentation of reports to the IACHR, for international reporting through shadow or alternative reports, or for public incidence, among others.

Domestic implementation structures and systems play a vital role in the process of compliance with IACHR decisions, for several reasons, including: (i) the provision of specific channels to which victims and beneficiaries can resort in order to achieve state compliance with what is recommended, facilitating accessible implementation routes or procedures; (ii) as implementation processes become institutionalized, a compliance culture is generated, which strengthens the future prospects of implementation of decisions; (iii) even though the political will of State actors to comply with decisions is fundamental, an effective institutional capacity is required to set in motion the complex processes required by compliance; (iv) they prevent decision implementation from being carried out in a case-specific or ad-hoc manner, thus progressively constructing permanent and stable structures to respond to international human rights decisions; (v) they prevent problems that usually arise in case-specific or ad-hoc decision implementation processes, such as the lack of coordination of many different public entities involved in the compliance process, or deficient communication among them; (vi) they avoid duplication of efforts or disarticulation, which result in non-compliance with decisions; (vii) they facilitate the preparation of reports to the IACHR, and in general of different types of reports to international bodies, because they allow for the accumulation of experiences and specialized knowledge, as well as for the obtainment of specific and updated information, which is required to carry out the reporting function; and (vii) they facilitate access by victims to the different State structures in charge of implementation, providing a direct channel for interaction and communication, lacking which the beneficiaries of decisions must face a true institutional labyrinth; among other benefits. Insofar as implementation is a process that involves several political actors in the achievement of complex products, national implementation systems and mechanisms permit a better planning, structuring and organization of the State response to international decisions, generating synergies and positive feedbacks which result in the effective enjoyment of the rights protected by each decision.

The present questionnaire and the answers thereto form an integral part of this investigation on the national mechanisms and systems established by the States of the region to comply with the decisions of the IACHR, the Inter-American System and other international human rights bodies. This questionnaire is addressed to State authorities, as well as to civil society organizations, national human rights institutions, and academic actors, among others.

**II. OBJECTIVE**

This questionnaire is a means to gather information for the preparation of a Good Practices Guide, as a tool that shall guide the States of the Americas in the design, establishment and operation, at the national level, of institutional mechanisms to implement international decisions that protect human rights. Through this Guide, the IACHR shall offer the OAS Member States a catalogue of institutional arrangement models which can facilitate and optimize compliance with the decisions adopted, in particular, by the IACHR.

**III. INSTRUCTIONS**

1. The questionnaire may be partially or totally answered, depending on the information available to the respondent;

2. Any studies, reports and other previously prepared and/or published documents, that may be relevant to the subject at hand, may be submitted;

3. The questions may be answered with respect to the domestic implementation systems, depending on available information, from the perspective or working approach of the OAS Member States, civil society organizations, the academia or inter-governmental entities, as well as of any person interested in submitting information in response to the questions.

4. Please submit questionnaire responses prior to **January 6, 2020**, by e-mail to: cidhseguimiento@oas.org. Please write “Questionnaire on National Systems for Implementation of IACHR Decisions – (Name of Country)” in the subject line of the e-mail. Please do not submit duplicates. In the event that it is not possible to send an e-mail, the questionnaire responses can also be faxed to+1 202 458 3650, or by ordinary mail to:

*Sección de Seguimiento de Recomendaciones*

*Comisión Interamericana de Derechos Humanos*

*Organización de Estados Americanos*

*1889 F Street, NW*

*Washington, D.C., 20006, Estados Unidos*

5. In relation to all those figures, mechanisms, systems or structures described in the answers to the following questions, please pay special attention to, and explain, the following aspects:

(i) Approximate time lengths taken by the functioning of each mechanism, procedure or system, both in its legislative description and in practice;

(ii) Formalization in a rule, manual, curriculum, policy or public agenda;

(iii) Modalities of participation by the victims, beneficiaries, civil society organizations, and society in general, allowed for by each mechanism;

(iv) Forms of facilitating access to the relevant information by the interested actors and the public;

(v) Tangible results achieved in specific cases through the operation of the respective mechanism;

(vi) Measures adopted for the sustainability of the mechanism;

(vii) Reporting mechanisms, forms and periodicity (presentation of reports) to the IACHR or other international human rights organs.

**IV. QUESTIONNAIRE**

1. Do there exist in your national jurisdiction one (or more) mechanism(s), system(s) or procedure(s) of a general scope, for implementing IACHR decisions? In case that they exist, please describe in detail, specifying aspects such as: date of creation, manner of establishment (legislation, decree or other regulation), institution responsible for its functioning and coordination, whether it corresponds to certain types of reparation measures, what are its associated challenges, etc.

Regardless of whether there exists or not a general mechanism, system or procedure legally established, as per the prior question, please respond in detail the following questions:

2. At the level of the Executive Branch:

2.1. How is the response to a recommendation by the IACHR or another international human rights body implemented/coordinated?

2.2. Are there any inter-ministerial committees, ministerial offices, State representative’s offices, special agencies, or other administrative arrangements in charge of implementing said decisions?

2.3. To whom is the function of presenting reports to the IACHR and other international human rights bodies assigned, and how is it carried out?

2.4. Who provides the central impulse of the implementation process?

2.5. In the case of federal states, how is the implementation of human rights decisions structured and coordinated between the central government and the state/provincial governments?

2.6. In case of international human rights decisions that call for the payment of economic or in-kind compensations, does the State have any domestic mechanism for their effective implementation?

3. At the level of the Legislative Branch:

3.1. How are the IACHR decisions, or other international human rights bodies’ decisions, implemented?

3.2. Is there an implementation mechanism within the framework of the Legislative branch?

3.3. Are there any mechanisms, or does the Legislative branch participate in any mechanisms, of inter-institutional coordination with the Executive power for purposes of implementing human rights decisions?

3.4. Are there permanent parliamentary commissions in charge of these affairs?

3.5. Are any reporting or accountability mechanisms applied to the process of implementing international human rights decisions?

3.6. Are there, or have there been, legislative bills or initiatives related to the creation of a system, mechanism or route of implementation of international human rights decisions in your country?

4. At the level of the Judiciary and its auxiliary organs, including the Prosecutor’s Office:

4.1. What routes, procedures or channels of action exist to comply with international human rights decisions that involve the judicial branch, such as those related to the conduction of criminal investigations, trials and sanctions in specific cases, the reopening of closed procedures, amnesties, the inapplication of legislation on statutes of limitation in criminal matters, or other similar issues?

4.2. Does there exist a conventionality control mechanism? If so, please describe it.

4.3. Is there any system for monitoring the implementation of international decisions at the level of the Judicial Administration and/or the auxiliary organs of the Judiciary?

4.4. Is there a system of precedents or case-law recognizing the legal value, at the domestic level, of decisions by international human rights bodies? Which has been the prevailing interpretation?

4.5. Is there a procedure in your country to execute, by judicial means, international human rights decisions? Have other procedures or procedural figures been applied to this end?

4.6. Are there any inter-institutional mechanisms to implement international human rights decisions?

5. In relation to all the branches of public power:

5.1. Are there systems in place to disseminate information on IACHR decisions binding the State among public officials?

5.2. How are public officials trained on the Inter-American System of Human Rights, its actions and its decisions?

5.3. Are there domestic systems to monitor implementation of international human rights decisions?

5.4. How do victims, beneficiaries and/or their representatives, civil society organizations, and society in general, participate in the implementation of international human rights decisions?

6. What role do national human rights institutions play in the process of implementing IACHR decisions?

7. What role do civil society organizations play in the process of implementing IACHR decisions?

8. Which are the obstacles, challenges and difficulties faced during the process of implementing decisions by the IACHR or other international human rights bodies?

9. In case there is any important aspect of the process of implementation of IACHR decisions at the domestic level that has not been addressed in the foregoing questions, please provide a detailed description.