



QUESTIONNAIRE FOR THE STATES AND CIVIL SOCIETY FOR PREPARATION OF A REPORT ON THE SITUATION OF JUSTICE OPERATORS IN THE AMERICAS

For some years now, the Inter-American Commission on Human Rights (IACHR) has been devoting particular interest to the situation of justice operators in the region and has recognized how fundamental their work is to ensuring effective access to justice. Nevertheless, the Commission has also observed that a number of justice operators have been the targets of attacks and harassment and in some states their work continues to encounter obstacles and challenges aimed at diminishing their independence and impartiality, thereby jeopardizing democratic stability and possibly denying thousands of victims their right to justice and to reparations for violations of their rights..

The IACHR's Executive Secretariat has prepared this questionnaire to compile relevant information from the States and from civil society for the preparation of a "Report on the Situation of Justice Operators in the Americas". The purpose of the report is to identify the problems that justice operators encounter in their work and to promote the international standards that will provide guidance to the States concerning the independence and impartiality.

The Inter-American Commission is inviting the States and civil society to answer this questionnaire and provide as much information as they can so that it can be analyzed in the preparation of the report. The deadline for sending the replies to the questionnaire will be February 15, 2013. They are to be sent to the following address:

On February 27, 2013, the IACHR announced the deadline to respond to this questionnaire was postponed to March 15, 2013

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Organization of American States
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QUESTIONNAIRE

1. Identify the principal challenges and obstacles that you believe affect the independence and impartiality of judges, public prosecutors and public defenders in performing their functions.
2. Please indicate what measures the State has taken to prevent other branches of government from interfering in the work of judges, public prosecutors and public defenders.
3. Please describe the process followed and the criteria used to select and appoint: i) judges (including those on the highest court in matters of constitutional law); ii)

prosecutors, and iii) public defenders. Kindly specify whether the appointments are subject to a probationary period followed by confirmation or ratification by some authority.

4. Please indicate whether the State has taken any measures to guarantee that a healthy cross-section of society is represented in the judges, prosecutors and public defenders selected. Specifically, please indicate whether criteria such as gender, race or ethnicity are taken into account to ensure that the population is properly represented.

5. Please indicate the established term for the following: i) judges (including those on the highest court in matters of constitutional law), ii) prosecutors, and iii) public defenders. In particular, kindly indicate how the provisional appointment system operates. Indicate the number and percentage of those serving under provisional appointments and those with permanent appointments.

6. Specify whether the Judicial Branch, the Public Prosecutor's Office and the Public Defender's Office participate in the preparation and discussion of their respective budgets and, if so, how.

7. Kindly indicate what procedures and criteria are applied in practice to promote or transfer i) judges, ii) prosecutors, and iii) public defenders.

8. Describe the procedure of dismissal and suspension of: i) judges (including those on the highest court in matters of constitutional law), ii) prosecutors, and iii) public defenders. Please specify the grounds on which these sanctions can be enforced, the authorities who preside over the proceedings, the means to challenge a decision, and whether these individuals have specific immunities.

9. Please indicate whether i) judges (including those on the highest court in matters of constitutional law), ii) prosecutors and iii) public defenders have adequate offices, logistical and technical resources at their disposal, and support from staff like assistants and technicians.

10. Please identify the principal security problems faced by: i) judges, ii) prosecutors and iii) public defenders encounter. Please specify the source of these problems, how they operate and whether specific patterns have been identified.

11. Provide statistical figures for the last three years on the number of complaints filed concerning i) judges, ii) prosecutors and iii) public defenders who have been murdered, threatened or been the victims of crimes, and the number of persons convicted for crimes committed against judges, magistrates, prosecutors and public defenders.

12. Please specify whether the State has any public policy of protecting judges, magistrates, prosecutors and public defenders from threats, intimidation and harassment.

13. Please indicate what measures the State has taken to remove corruption within the ranks of justice operators. If possible and available, kindly provide reports on the performance and efficiency of justice operators in the last three years.

14. Kindly indicate whether judges, magistrates, prosecutors and public defenders receive judicial training. Please indicate whether the State has judicial training schools or

centers, whether training is a requirement for a permanent position or a promotion, and the frequency with which such training is offered.

15. Please describe the best practices identified in government to safeguard the justice operators' independence and impartiality in the performance of their functions, and the main challenges still to be surmounted.

16. Please describe the role that the Ombudsperson has played in enabling victims of human rights violations in the country to get access to justice.