

## **QUESTIONNAIRE: UN SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS**

*Theme: "Large-scale development projects and human rights defenders"*

**To human rights defenders and national institutions** - Concise answers will be very much appreciated. Please provide examples to illustrate as much as possible and send additional materials if felt necessary.

- 1. Please indicate what you see as the main challenges and opportunities of a human rights-based approach to development, with particular attention to large-scale development projects and the role, protection and effective participation of human rights defenders. What do you think are the best measures to mitigate the challenges? Kindly provide examples of good practices in this respect.*
- 2. Please explain how, in your view, large-scale development projects can best be elaborated in order to the effective participation of human rights defenders. Please describe participation/consultation mechanisms in place and provide examples of good practices.*

ANSWER TO QUESTIONS 1-2: Act CXI of 2011 on the Commissioner for Fundamental Rights specifies as part of the ombudsman's functions and powers that "In the course of his or her activities the Commissioner for Fundamental Rights shall cooperate with organisations aiming at the promotion of the protection of fundamental rights. The traditional ombudsman type activities (handling complaints, carrying out inquiries) were supplemented with several project-activities focusing on different fundamental rights related topics. In order to achieve success in the comprehensive investigations carried out in the framework of these projects, it is essential to consult and cooperate with civil experts and representatives of advocacy organizations

Regarding good practices, it should be mentioned that in the course of conducting the specific inquiries, the framework of cooperation is given substance by the civil society experts of the relevant fields, the involvement of non-profit organizations, consultations and workshop discussions, conferences, exhibitions and, in an institutionalized form, by the so called Civil Advisory Body, created by the Ombudsman in 2011. The civil Advisory Body is a standing advisory group for the utilization of the skills of specialists, who are also public figures, with considerable experience and high-level professional knowledge in order to facilitate the assertion of constitutional fundamental rights.

In 2012, (almost) each program or event organized in the Ombudsman's Office was, (and still is) connected on some points to civil society: either because of its subject or agenda, or because of the participants invited, at some level there is always civil society involvement in these programs. The Office of the Commissioner for Fundamental Rights hosted the meetings of civil environmental and nature conservation associations and, in the course of their work, the ombudsman's staff had also attended several consultations with notable representatives of the civil society.

As an example, events organized especially for the civil society included a round table discussion for experts on disability issues and panel discussions on the environmental impact

assessment of settlement planning tools. We must also mention the ombudsman's contribution to the publication of the Hungarian Ecovillage Network's Bulletin as part of our long term cooperation with local communities striving for sustainable development.

Following the previous consultation practices of former ombudsmen, the commissioner and his staff maintain strong relationship with representatives of civil advocacy groups and legal defence organizations. They attended several training seminars and conferences of EQUINET Antidiscrimination Network and the *European Union Agency for Fundamental Rights* (FRA); held litigation consultations on Roma education and segregation issues with representatives of civil organizations concerned.

*3. How do you think that human rights defenders can effectively monitor the impact of large-scale development projects? Please provide examples of successful experiences/ mechanisms in this regard and kindly address the issues below.*

- a. Kindly indicate how relevant information about large-scale development projects is made available and accessible to the public. Provide concrete examples if applicable.*

ANSWER: Answering this question does not fall within the competence of the Office of the Commissioner for Fundamental Rights.

- b. How can defenders complain if they feel that human rights are unduly restricted or violated in the context of the implementation of large-scale development projects? Kindly provide concrete examples of mechanisms in place to seek redress at every stage of the process, that is, assessment, design, implementation, monitoring and evaluation.*

ANSWER: Defenders or civil organizations may submit complaints to the Commissioner for Fundamental Rights if they feel that fundamental rights were gravely infringed by an authority or organization specified in Act CXI of 2011 on the Commissioner for Fundamental Rights. In 2012, the Office of the Commissioner for Fundamental Rights received around 100 complaints submitted by civil organizations and in 60-70 cases the Ombudsman initiated an investigation based on a civil request.

- c. How do you ensure that human rights defenders can peacefully voice their opposition to development projects without fear of intimidation or violence of any sort?*

ANSWER: Answering this question does not fall within the competence of the Office of the Commissioner for Fundamental Rights.

*4. How, in your view, can business and corporations involved in large-scale development and investment projects be best monitored regarding corporate social responsibility principles and their engagement with human rights defenders? What is, in your view, the role of defenders in this process and how could their capacity to engage be strengthened?*

Answering this question do not falls within the competence of the Office of the Commissioner for Fundamental Rights.

5. How, in your view, should development cooperation programs integrate the role of human rights defenders and the notion of a safe and enabling environment in recipient countries? How do you think can the expertise of human rights defenders on the ground be best used to design, implement, monitor and evaluate development cooperation programs? How should security/ protection concerns be addressed when necessary?

ANSWER: Answering this question does not fall within the competence of the Office of the Commissioner for Fundamental Rights.