



Resolution 1660 (2009)¹

Situation of human rights defenders in Council of Europe member states

Parliamentary Assembly

1. The Parliamentary Assembly pays tribute to the invaluable contribution that human rights defenders make to the protection of human rights, the rule of law, democracy and the prevention of conflicts, sometimes at the risk of their own personal security.
2. The Assembly considers that human rights defenders are all those persons who, individually or together with others, act to promote or protect human rights. It is their activities in this field that define them as human rights defenders.
3. States have the obligation and responsibility to protect human rights defenders and their work by providing an enabling environment and, if necessary, protection mechanisms to ensure the physical integrity of defenders who face specific threats. Parliamentarians have a major responsibility for shaping the political context and the working environment of human rights defenders in an appropriate way and monitoring human rights developments.
4. In many countries, human rights defenders are generally well protected in law and practice. The Assembly deplores, however, that, in some Council of Europe member states, human rights defenders are sometimes confronted with a difficult environment and face numerous obstacles and restrictions. The latter range from physical violence to more subtle and insidious measures, such as administrative obstacles. In a number of Council of Europe member states, defenders face defamation campaigns aimed at discrediting them or are accused of being unpatriotic, traitors, “spies”, or “extremists”. In the most extreme cases, human rights defenders receive death threats, are abducted, face arbitrary arrests and detention, as well as unfair trials, and are ill-treated or even murdered. In some cases, their family and professional entourage are also targeted.
5. The Assembly is particularly concerned by the situation of human rights defenders who are most exposed to attacks and abuses because of their identity and/or because they work on “unpopular” or sensitive issues. At special risk are those fighting against impunity for serious crimes and against corruption, as well as those working on economic, social and cultural rights, on the rights of lesbian, gay, bisexual and transgender people, and for the rights of migrants and national or ethnic minorities. Women human rights defenders also face distinct risks and obstacles. The situation of human rights defenders in the Caucasus region is especially critical, where some of them face the most violent repression, including murder, abduction, arbitrary arrests and detention.
6. The Assembly considers that all attacks on, and violations of, the rights of human rights defenders in Council of Europe member states, whether carried out by state or non-state actors, are unacceptable and should be firmly condemned. It stresses that freedom of expression and freedom of assembly and association, which are of crucial importance for the work of human rights defenders, are fundamental rights protected by the European Convention on Human Rights (ETS No. 5).

1. *Assembly debate* on 28 April 2009 (12th Sitting) (see [Doc. 11841](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Haibach). *Text adopted by the Assembly* on 28 April 2009 (12th Sitting). See also [Recommendation 1866 \(2009\)](#).



7. The Assembly recalls the United Nations Declaration on Human Rights Defenders, adopted in 1998 by the General Assembly, and welcomes the recent establishment of the Office for Democratic Institutions and Human Rights (ODIHR) Focal Point of the Organization for Security and Co-operation in Europe (OSCE) for Human Rights Defenders and the European Union Guidelines on Human Rights Defenders.
8. The Assembly urges the Council of Europe, Europe's leading guardian of human rights, through its unique array of instruments and bodies, to further increase its contribution to the protection of human rights defenders and their work in a long-term perspective, as well as in specific cases requiring urgent action.
9. Consequently, the Assembly warmly welcomes the Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted by the Council of Europe Committee of Ministers on 6 February 2008, which mandates the Council of Europe Commissioner for Human Rights to strengthen the role and capacity of his office in order to provide strong and effective protection for human rights defenders and to intervene in serious situations where there is a need for urgent action. The declaration also calls on other Council of Europe bodies to pay special attention to issues concerning human rights defenders.
10. Given the key responsibility of parliamentarians to create an enabling environment for human rights defenders, the Assembly intends to step up its support for human rights defenders across the continent, to complement – without overlapping – the role of the Council of Europe Commissioner for Human Rights. In this respect, the Assembly recalls that it has recently established an annual Parliamentary Assembly Human Rights Prize to reward outstanding civil society action in the defence of human rights in Europe.
11. Finally, the Assembly stresses that a broad range of protection measures is often the most effective response to ensure adequate protection for human rights defenders. These measures must involve the political and judicial authorities, national human rights structures, human rights defenders themselves and their networks, international human rights mechanisms, the diplomatic community and the media.
12. Against this background, the Assembly urges member states to:
 - 12.1. fully implement the relevant provisions of the European Convention on Human Rights, as interpreted by the European Court of Human Rights, especially the right to life, to freedom from arbitrary arrest and detention, from torture and ill-treatment, to freedom of expression and freedom of assembly and association, as well as the right to a fair trial and to an effective remedy;
 - 12.2. fully implement the United Nations and Council of Europe declarations on human rights defenders, which call for an enabling environment for their work, as well as their promotion and protection, including by:
 - 12.2.1. publicly and firmly supporting their activities and guaranteeing in all circumstances their physical and psychological integrity;
 - 12.2.2. swiftly and firmly condemning, at the highest level, threats to, or attacks on, human rights defenders, their organisations and/or relatives, putting an end to such unacceptable behaviour and ensuring that law-enforcement bodies carry out effective, impartial and transparent investigations and prosecute the perpetrators;
 - 12.2.3. ensuring the effective access of human rights defenders to international protection mechanisms, in particular to the European Court of Human Rights;
 - 12.3. immediately abolish requirements for registration of non-governmental organisations (NGOs) or other bureaucratic barriers that may impair the effective enjoyment of the right to form, join and participate in NGOs, associations or groups working to defend human rights or that may otherwise obstruct their work.
13. The Assembly also calls upon member states to:
 - 13.1. set up appropriate infrastructures and assistance programmes for human rights defenders at risk;
 - 13.2. establish humanitarian visa schemes or take any other appropriate measure for human rights defenders facing imminent danger or in need of respite as a consequence of persistent persecution in third countries, or at least facilitate the issue of emergency visas for them in such situations;
 - 13.3. make full use, if they are European Union member states, of the European Union Guidelines for Human Rights Defenders in third countries, and to implement the principles contained therein within their own borders.

14. More specifically, the Assembly calls upon national parliaments of Council of Europe member states to:
 - 14.1. take relevant measures to implement, at parliamentary level, the United Nations and Council of Europe declarations on human rights defenders; parliaments should in particular ensure that legislation relating to defenders and their work is in conformity with international standards;
 - 14.2. adopt and implement non-legislative texts, such as national action plans or strategies, on the protection of human rights defenders, requiring, *inter alia*, the government to strengthen the protection of human rights defenders in its internal and foreign policies and ensure scrutiny of government policies and action to guarantee that the work of human rights defenders is both protected and promoted;
 - 14.3. develop and maintain regular contacts with human rights defenders;
 - 14.4. provide public recognition for the work of human rights defenders, by organising hearings and parliamentary debates and by establishing awards for human rights defenders;
 - 14.5. support assistance and protection measures for human rights defenders at risk, such as the issue of emergency visas, trial observation and involvement in networks of parliamentarians in support of human rights defenders;
 - 14.6. provide publicity for existing protection mechanisms, the United Nations and Council of Europe declarations on human rights defenders, and in particular for the new mandate of the Council of Europe Human Rights Commissioner to protect human rights defenders in the Council of Europe member states;
 - 14.7. ensure that effective action is taken at the national level to follow up on Council of Europe work and recommendations;
 - 14.8. place the situation of human rights defenders at the top of the agenda at international parliamentary meetings, such as the annual meeting of the human rights committees of parliaments of European Union member states.
15. The Assembly pays tribute to the work of the Council of Europe Human Rights Commissioner in support of human rights defenders and calls on him to:
 - 15.1. fully carry out his reinforced mandate and use his resources to support and protect human rights defenders in the Council of Europe member states, which requires monitoring and reporting activities, interventions in urgent cases of human rights defenders at risk, public awareness raising and creating networks, as well as co-operation and co-ordination with key partners and actors;
 - 15.2. recognise and make full use of the specific contribution of the Assembly and parliamentary diplomacy, both in a long-term perspective to improve the working conditions of human rights defenders and in serious situations where there is a need for urgent action.
16. The Assembly further resolves to:
 - 16.1. fully support the Council of Europe Human Rights Commissioner in his efforts to carry out his reinforced mandate;
 - 16.2. remain seized of the matter, in close co-ordination with the Human Rights Commissioner, in order to complement and reinforce his work in this field;
 - 16.3. continue to support the development of vibrant civil societies and the work of human rights defenders in Council of Europe member states, notably through the newly-established annual Parliamentary Assembly Human Rights Prize, through involving human rights defenders in its work and, as appropriate, through the mechanism of parliamentary diplomacy.