Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 12957
11 June 2012

The situation of human rights defenders in Council of Europe member States

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Ms Mailis REPS, Estonia, Alliance of Liberals and Democrats for Europe

Summary

The Committee on Legal Affairs and Human Rights considers the situation of human rights defenders in Europe and concludes that it is far from satisfactory. In particular, in some Council of Europe member States, human rights defenders are the victims of serious crimes, ranging from abduction and torture to murder; this is all the truer when they champion sensitive issues such as fighting the impunity of State officials for serious offences, or promoting the rights of oppressed minority groups. In some member States, they are often victims of arbitrary arrests, judicial, administrative or fiscal harassment or defamation campaigns initiated by State or non-State players.

In the draft resolution, the committee points out that responsibility for promoting and protecting human rights defenders lies first and foremost with member States and calls on them to make sure that human rights defenders are able to carry out their activities without any hindrance, reprisals or threat thereof. Member States should also put an end to the impunity of perpetrators of violations against human rights defenders and involve the latter in the process of drafting legislation that concerns them.

1. Reference to committee: Bureau decision of 11 May 2009, Resolution 1660 (2009).

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Ms Reps, rapporteur 4
1. Procedure to date 4
2. The situation of human rights defenders in general and the obstacles they face 4
3. Examples of hindrances and restrictions to the work of human rights defenders 5
3.1. Threats and attacks on physical integrity 5
3.2. Judicial harassment and arbitrary arrests and detention 6
3.3. Administrative obstacles, restrictions on access to funds and other hindrances 7
3.4. Restrictions on freedom of assembly, freedom of association and freedom of expression 7
3.5. Defamation campaigns 8
3.6. Impunity 9
3.7. The situation of human rights defenders dealing with specific issues 10
3.8. Origin of hindrances and restrictions 11
4. Initiatives taken at the international level to strengthen the protection and promotion of human rights defenders 11
4.1. Initiatives taken within the United Nations system and in Europe 11
4.2. The role of the Council of Europe 11
4.3. Inter-mechanisms meetings 12
5. The role of national parliaments and the Parliamentary Assembly 12
6. Conclusion 13

A. Draft resolution[2]

1. The Parliamentary Assembly pays tribute to human rights defenders, whose dedicated and selfless work is highly appreciated. Regrettably, in some member States of the Council of Europe, they risk their own personal security, especially when they champion sensitive issues such as fighting the impunity of State officials for serious crimes including murder, torture and corruption or promoting the rights of oppressed minority groups.

2. The Assembly welcomes the fact that, in most member States, human rights defenders are able to work unimpeded and enjoy the protection of the law.

3. It strongly condemns all attacks on human rights defenders that have nevertheless occurred, irrespective of whether they were carried out by agents of the State or others. It deplores the fact that some of the most serious attacks on human rights defenders in some countries, including murders, abductions, and torture, have still not been properly investigated.

4. The Assembly recalls its Resolution 1660 (2009) on the situation of human rights defenders in Council of Europe member States and the Committee of Ministers' Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities, of 6 February 2008. It recalls that the responsibility for promoting and protecting human rights defenders lies first and foremost with States.

5. The Assembly therefore calls on the member States of the Council of Europe to:

5.1. ensure full observance of the human rights and fundamental freedoms of human rights defenders as guaranteed by the European Convention on Human Rights (ETS No. 5);

5.2. put an end to any harassment of human rights defenders and ensure, in all circumstances, that they are able to carry out their activities without any hindrance, reprisals or threat thereof;

5.3. create an enabling environment for their work, including appropriate infrastructures and assistance programmes for defenders at risk;

5.4. comply with international instruments on human rights defenders, especially the United Nations "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" and the "Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities";

5.5. put an end to the impunity of perpetrators of violations against human rights defenders, in line with the Guidelines of the Committee of Ministers on eradicating impunity for serious human rights violations;

5.6. stop accusing human rights defenders of being extremists or agents of foreign powers and subjecting them to administrative, fiscal and judicial harassment;

5.7. encourage and support the development of vibrant civil societies and provide public recognition for the work of human rights defenders.

6. The Assembly calls on national parliaments and their members to ensure that:

6.1. legislation relating to human rights defenders and their work is in conformity with international standards, and to refrain from adopting laws imposing undue restrictions and administrative burdens on human rights defenders, or if appropriate to repeal such laws;

6.2. human rights NGOs and defenders are involved in the process of drafting legislation concerning them through proper public consultations.

7. The Assembly recognises the crucial role played by the Council of Europe Commissioner for Human Rights in protecting and supporting human rights defenders and reiterates its willingness to pursue its co-operation with him.

2. Draft resolution adopted unanimously by the committee on 21 May 2012.

B. Explanatory memorandum by Ms Reps, rapporteur

1. Procedure to date

1. This report stems from the motion for a resolution presented by Mr Txueka and others.[3] After the departure from the Parliamentary Assembly of the previous rapporteur, Mr Holger Haibach (Germany, EPP/CD), the committee appointed me at its meeting in Strasbourg on 13 April 2011.[4]

2. Following my appointment as rapporteur, I met many non-governmental organisations (NGOs), human rights defenders, their lawyers and journalists and took part in the "Round table on Human Rights Defenders in the Council of Europe area", organised by the former Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg, in Strasbourg on 27and 28 October 2011. This event was an excellent opportunity to gather first-hand information from human rights defenders from more than 20 member States, to have discussions with them and learn about their current problems.

3. Furthermore, on 26 January 2012, the committee held an exchange of views with the participation of the following:

– Mr Thomas Hammarberg, Council of Europe Commissioner for Human Rights;

– Ms Tanya Lokshina, Deputy Director, Human Rights Watch, Moscow Office, Russia;

– Ms Brigitte Espuche, General Delegate, Anafé (Association nationale d'assistance aux frontières pour les étrangers/National Association of Assistance for Foreigners at the Borders), Paris, France;

– Mr Milan Antonijevic, YUCOM (Lawyers' Committee for Human Rights), Belgrade, Serbia.

4. I am grateful to our experts for their contribution, which has enabled me to better understand the situation of human rights defenders, in particular in Russia and the Western Balkans, and the situation of those protecting the rights of vulnerable groups such as migrants, lesbian, gay, bisexual and transgender persons (LGBT persons) or members of national minorities. I am also grateful to Mr Thomas Hammarberg for having taken part in this exchange of views. His experience in defending the rights of human rights defenders is most valuable and I appreciated discussing this subject with him on several occasions in Strasbourg. Moreover, I would like to pay tribute to the work accomplished by my predecessor, and in particular his 2009 report on the "Situation of human rights defenders in Council of Europe member States",[5] which remains a reference in this field.

2. The situation of human rights defenders in general and the obstacles they face

5. There is no established legal definition of a "human rights defender", but it is now generally agreed that "human rights defenders are those who, individually or together with others, act to promote and protect human rights".[6] They may be individuals, groups, NGOs, lawyers, journalists – what characterises a human rights defender is not the legal qualification, but the nature of his or her work.[7]

6. Although in most European countries human rights defenders are generally well protected in law and practice, they often face obstacles in their daily activities.[8] Therefore the 2011 round table organised by the Commissioner for Human Rights focused on "hindrances to the work of human rights defenders and possible solutions". In 2009, my predecessor, Mr Haibach, noted that human rights defenders had been confronted – occasionally or on a more regular basis – with obstacles or a hostile environment, in particular in Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Russian Federation, Serbia, Turkey and Ukraine.[9] Today, in 2012, I am obliged to say that his findings are still valid. The situation of human rights defenders has even deteriorated in some of these countries.

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3. Doc. 10985.
4. Resolution 1660 (2009) on the situation of human rights defenders in Council of Europe member states, paragraph 15.2.
5. Doc. 11841.
6. *Key messages on Human Rights Defenders*, annexed to the first report of the United Nations Special Rapporteur on the situation of human rights defenders to the General Assembly, 14 August 2008, A/63/188. Paragraph 1.
7. For more details, see Mr Haibach's report, supra note 5, paragraphs 7-14.
8. See in particular the United Nations Special Rapporteur's "Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms":
www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf.

7. Human rights defenders face various obstacles to their work, including attacks on their physical and psychological integrity, arbitrary arrest and detention, unfair trials, including criminal prosecutions on trumped-up charges, administrative obstacles (in particular concerning the registration process of human rights associations), public defamation, restrictions on their freedom of movement and to access to funds, etc. The authorities of certain Council of Europe member States even put illicit pressure on legal representatives of applicants before the European Court of Human Rights. Moreover, human rights defenders face particular difficulties when they work on sensitive issues such as fighting impunity for serious crimes, exposing corruption, or defending the rights of LGBT persons, migrants, and members of national or ethnic minorities.

8. Below I will provide some concrete examples of the obstacles and restrictions human rights defenders face in Europe. I will focus in particular on: threats and attacks on life and health, judicial harassment (including arbitrary arrests and detention), administrative obstacles, defamation campaigns, various restrictions on freedom of assembly, freedom of association and freedom of expression and impunity of the perpetrators of attacks against them. The examples of hindrances mentioned in my report are not exhaustive; they were provided by NGOs specialising in monitoring the situation of human rights defenders (in particular the Observatory for the Protection of Human Rights Defenders – "the Observatory"),[10] from human rights defenders themselves and from the Office of the Council of Europe Commissioner for Human Rights. As regards the geographical scope of my report, I should like to explain that I will not cover the (very troubling) situation of human rights defenders in Belarus, as my mandate refers only to member States of the Council of Europe.

3. Examples of hindrances and restrictions to the work of human rights defenders

3.1. Threats and attacks on physical integrity

9. In his 2009 report,[11] Mr Haibach referred to abductions, ill-treatment and even murders of human rights defenders, including the journalists Hrant Dink in Turkey in 2007, Anna Politkovskaia in Russia in 2006 and Stanislav Markelov, a prominent Russian human rights lawyer, who was shot dead in Moscow together with a trainee journalist in 2009. Against this background, the Assembly was particularly shocked by the brutal murder in July 2009 of Natalia Estemirova, a highly respected human rights defender and leading member of the Human Rights Centre "Memorial" in Grozny (Chechnya). This murder took place before the committee's meeting of September 2009, to which Ms Estemirova had been invited as an expert to speak about impunity in the North Caucasus.[12]

10. Since then, new attacks and even murders have been documented in the North Caucasus region. At the committee's hearing in January 2012, Ms Lokshina presented the situation of human rights defenders, including lawyers and independent journalists, which caused special concern, notably in Dagestan.[13] In December 2011, Mr Ganzhimurad Kamalov, the publisher of a leading independent weekly, was murdered. The start of 2012 was marked by the killing of a lawyer (Mr Umar Saidmagomedov) and another local resident (Mr Rasul Kurbanov) by law enforcement officials in Dagestan. Recently, Amnesty International expressed concern about the intimidation of staff members of the human rights NGO "Mashr" in the Republic of Ingushetia (in particular about the placement of individuals in unacknowledged custody, without registering the detainees and notifying their families, and about allegations of torture and other ill-treatment of detainees in custody).[14]

11. The general situation of human rights defenders in other parts of Russia is worrying too. According to Human Rights Watch, activists in various Russian cities were attacked by unidentified people in the period between the December 2011 parliamentary elections and the presidential election of 4 March 2012.[15] Moreover, on 24 March 2012, an arson attempt was committed against the office of the NGO "Group of Free People" in Nizhny Novgorod.[16]

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9. Supra note 5, paragraph 15.
10. The Observatory is a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT).
11. Supra note 5, paragraphs 17-30.
12. See the statement of 16 July 2009 by Mr Dick Marty (Switzerland, ALDE), the then Committee Chairperson, Ms Herta Daübler-Gmelin (Germany, SOC) and Mr Haibach.
13. See also the Report by Thomas Hammarberg, then Commissioner for Human Rights of the Council of Europe, following his visit to the Russian Federation from 12 to 21 May 2011, CommDH(2011)21 of 6 September 2011, Section IV, https://wcd.coe.int/ViewDoc.jsp?id=1825257
14. www.amnesty.org/en/library/asset/EUR46/009/2012/en/c9b05d68-8004-417f-8342-fd9fe7f46580/eur460092012en.html

12. According to Mr Hammarberg, in 2011, the situation was also worrying in Turkey because of a number of attempts at intimidation, attacks and murders perpetrated against journalists and human rights defenders.[17] Moreover, cases of physical attacks or threats against human rights defenders working on sensitive issues have also been reported in south-eastern Europe, namely in Bosnia and Herzegovina and Serbia.[18] In Greece, some human rights defenders and lawyers received direct threats against their physical integrity and racist messages, following a complaint they had lodged about racist statements made by Greek coastguards.[19]

3.2. Judicial harassment and arbitrary arrests and detention

13. Human rights defenders sometimes face arbitrary arrests and detention and/or judicial harassment – unfair trials, including criminal prosecutions on trumped-up charges.

14. Again, several worrying cases have been reported in Russia, and in particular the North Caucasus region. For instance, a staff member of the Joint Mobile Group of human rights organisations in Chechnya (JMG), Mr Anton Ryzhov, was arbitrarily detained for several hours during the night of 21 January 2012 and his laptop containing files on human rights violations was seized.[20] Moreover, in January 2012 a criminal investigation for disclosure of State secrets was opened against Mr Igor Kalyapin, Chairperson of the Committee against Torture and winner of the Assembly's Human Rights Prize in 2011,[21] and head of the JMG. Fortunately, according to the JMG, a local court ordered the return of Mr Ryzhov's laptop and no criminal case has been opened against Mr Kalyapin. I will continue to monitor both cases, as well as that of Mr Oleg Orlov, Chairperson of the Executive Committee of the Human Rights Centre "Memorial". He was accused of slandering Mr Ramzan Kadyrov, President of the Republic of Chechnya, expressing his opinion on the responsibility for the murder of Natalia Estemirova. After two and half years, Mr Orlov was finally acquitted on 20 January 2012. As noted by the Observatory, during that time, Human Rights Centre "Memorial" was obliged to "use its resources and energy to defend the legitimacy of its fight for human rights before courts of law, instead of continuing their vital work".[22] That said, the judgments of several Russian courts in favour of embattled human rights defenders deserve to be commended.

15. Unfortunately, judicial harassment and arbitrary arrest or detention intensified after the crackdown on peaceful protests denouncing alleged manipulations of the parliamentary elections in December 2011 in Russia. This might be illustrated by the case of Ms Evgenia Chirikova, an environmental activist, who was searched and detained at Moscow airport without reason on her return from a trip abroad[23] or that of Mr Philipp Kostenko, a member of the Anti-Discrimination Centre "Memorial", who in December 2011 was placed in administrative detention because of his participation in a peaceful rally denouncing electoral irregularities.[24]

16. The situation of human rights defenders in Turkey calls for special concern too. For instance, Mr Halil Savda was prosecuted and imprisoned for being a conscientious objector to military service and for giving his public support to other conscientious objectors.[25] Another example might be that of Ms Pinar Selek, a writer and sociologist who actively supports the rights of women and disadvantaged communities, such as the Kurdish and Armenian minorities. According to the Observatory, since 1998, she has been subjected to ongoing judicial harassment, including a false accusation of planting a bomb in Istanbul's Egyptian bazaar. Although she had been acquitted three times, the General Prosecutor again requested the court to sentence her to life imprisonment. The proceedings are still pending.[26] In October 2011, a new wave of arbitrary arrests

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15. www.hrw.org/news/2012/03/01/russia-harassment-critics (of 1 March 2012).
16. www.hrw.org/news/2012/03/26/russia-apparent-arson-attempt-activists-office
17. CommDH(2012)1, 17 January 2012, *Annual Activity Report 2011* by Thomas Hammarberg, then Commissioner for Human Rights of the Council of Europe, p. 32.
18. CommDH(2011)36 of 19 October 2011, Human Rights Defenders in South East Europe. Round-table organised by the Office of the Commissioner for Human Rights of the Council of Europe. Sarajevo, 1 to 2 December 2010. Report, paragraphs 43-45.
19. "Impunity following threats and abusive and racist messages against Messrs Thanassis Tartis and Panayote Dimitras", www.fidh.org/Threats-and-abusive-and-racist. and www.fidh.org/Greece-Open-Letter-to-the (of 7 May 2012).
20. www.fidh.org/Nouvel-article (of 24 January 2012).
21. www.fidh.org/Judicial-harassment-against-Mr,11158 (of 19 January 2012).
22. www.fidh.org/RUSSIAN-FEDERATION-Human-rights (of 28 February 2012). See also the Observatory's "Analytical note Kadyrov vs. Orlov", www.fidh.org/IMG/pdf/obsrapportru28022012eng.pdf.
23. www.fidh.org/Acts-of-harassment-against-Ms (of 13 December 2011).
24. www.fidh.org/Assault-of-Philipp-Kostenko-RUS (of 8 March 2012).
25. www.amnesty.org.nz/files/06.Casesheet_Turkey.pdf.
26. www.fidh.org/Turkey-Judicial-harassment-of (of 22 March 2012).

and detentions targeted, in particular, members of associations of families of victims of abusive anti-terrorism policies who struggle for the right to obtain the truth on enforced disappearance cases and for a peaceful settlement of the Kurdish issue.[27]

17. Other cases of harassment against human rights defenders have been reported in Armenia,[28] Azerbaijan[29] (for example, the recent arbitrary detention and judicial harassment of Mr Ogtay Gulaliyev, an local activist of an organisation providing civil assistance to populations affected by environmental catastrophe[30]) and Ukraine (for example, in October 2010, searches and confiscation of case documentation and computer equipment in the office of Vinnitsa Human Rights Group).[31] A drastic example of such harassment is the sudden demolition of the house of human rights defender Ms Leyla Yunus in Baku (see paragraph 23 below).

3.3. Administrative obstacles, restrictions on access to funds and other hindrances

18. Administrative burdens, in particular ones that impose excessive administrative formalities, including reporting or translation requirements, may have a nefarious impact on the ability of NGOs and individuals to promote and defend human rights.[32] One example is the imposition of excessive formal requirements for the registration of NGOs, which will be examined in more detail below.

19. Administrative obstacles may be also aimed at limiting human rights defenders' and NGO access to funding, especially from abroad.[33] For instance, according to Human Rights Watch, there are plans in the Russian Parliament to introduce new restrictions on foreign funding for NGOs and the government may introduce a new inspection regime allowing "unplanned" inspections of NGOs.[34] At worst, human rights activists' bank accounts may be frozen and the transfer of foreign funds blocked.

20. Obstacles to freedom of movement may also hinder the work of human rights defenders. For example, Mr Oleg Orlov (Human Rights Centre "Memorial") was prevented from travelling to Strasbourg for the hearing in January 2012 due to the restrictions imposed because of the above-mentioned criminal proceedings for slander.

3.4. Restrictions on freedom of assembly, freedom of association and freedom of expression

21. Freedom of assembly, freedom of association and freedom of expression, which are essential to the work of human rights activists, are threatened in some member States, as their exercise is often criminalised.

22. As regards freedom of expression, the situation in Azerbaijan raises special concerns due to the harassment and selective prosecution of journalists and youth activists expressing critical opinions.[35] My committee colleague Mr Christoph Strässer, rapporteur on "The follow-up to the issue of political prisoners in Azerbaijan", will report on these cases in more detail. In Turkey, the above-mentioned case of Mr Halil Savda, who was sentenced to 100 days in prison for publicly supporting conscientious objection, is clearly an example of a violation of freedom of expression.[36] The criminal prosecution of non-violent expressions of support for conscientious objection (on the basis of Article 318 of the Turkish Criminal Code) has given rise to several condemnations of Turkey by the European Court of Human Rights and critical comments by the Commissioner for Human Rights.[37]

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27. www.fidh.org/New-wave-of-arbitrary-arrests-and (of 25 October 2011).
28. See the Annual Report 2011 of the Observatory for the Protection of Human Rights Defenders ("the Observatory"), pp. 432-433, www.fidh.org/IMG/pdf/obs_2011_uk-europecis.pdf.
29. Ibid., pp. 439-440.
30. www.fidh.org/Azerbaijan-Arbitrary-detention-of (of 16 April 2012).
31. Supra note 28, pp. 494-495.
32. Page 3 of the 2011 OSCE Human Dimension Implementation Meeting, Written contribution of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT) within the framework of their joint programme, The Observatory for the Protection of Human Rights Defenders, 27 September 2011, www.fidh.org/Written-contribution-of-the.
33. Supra note 28, p. 401.
34. Supra note 15.
35. CommDH(2011)33, Commissioner for Human Rights, Observations on the human rights situation in Azerbaijan. Freedom of expression, freedom of association, freedom of peaceful assembly, 29 September 2011: https://wcd.coe.int/ViewDoc.jsp?id=1839497.
36. www.amnesty.org.
37. The Commissioner's human rights comment of 2 February 2012: http://commissioner.cws.coe.int/tiki-view_blog_post.php?postId=205. See also his report of 12 July 2011, CommDH(2011)25 "Freedom of expression and media freedom in Turkey": https://wcd.coe.int/ViewDoc.jsp?id=1814085.

23. As regards freedom of association, numerous NGOs dealing with the protection of human rights face administrative obstacles, in particular concerning the registration process, due to restrictive laws. Various impediments to the work of national and international NGOs have been reported in Azerbaijan. For instance, the Human Rights House Association in Baku was closed in March 2011 as, following changes to the Azeri legislation on foreign NGOs; this organisation had not concluded an agreement with the Ministry of Justice. The European Commission for Democracy through Law (Venice Commission)[38] and the Expert Council on NGO Law of the Conference of International Non-governmental Organisations of the Council of Europe (INGOs)[39] found that the new legislation on NGOs did not meet international standards on democracy and human rights.[40] Moreover, on 11 August 2011, the property of Ms Leyla Yunus (a prominent human rights defender), used as the office of the NGO Institute for Peace and Democracy (IPD) and other NGOs, was totally demolished by bulldozers in the framework of the "embellishment" of the city of Baku.[41] Thus the situation in Azerbaijan gives, once again, rise to special concern.[42]

24. In 2011, in some member States, holding peaceful assemblies dedicated to human rights issues became more difficult (notably in Armenia and Ukraine) and human rights defenders taking part in them faced acts of violence from law enforcement authorities and were sometimes imprisoned or fined (in particular in Azerbaijan – in connection with protests held in Baku in March and April 2011[43] and in Georgia).[44] Moreover, the judicial harassment, arrest and, in some cases, arbitrary detention (like, as mentioned above, that of Mr Philip Kostenko[45]) and the beating up by police[46] of some protesters following the last two elections in Russia are other examples of restrictions to the freedom of assembly. It goes without saying that such acts discourage individuals, including human rights defenders, from exercising this fundamental freedom.[47]

3.5. Defamation campaigns

25. Human rights defenders also face attempts by the authorities and other actors to discredit their work publicly. They are often accused of being "enemies", "traitors", "spies" or "extremists", after reporting human rights violations, or having communicated with international organisations or domestic or foreign media; they are also accused of being financially dependent on foreign States or international organisations. Sometimes such accusations are followed by slander and libel suits.[48] In fact, human rights defenders have little recourse against such accusations, especially when the media are controlled or influenced by the State.[49]

26. In Russia, for instance, verbal attacks aimed at discrediting human rights defenders, also through the mass media, increased in the context of the recent elections. As reported by the Observatory, in November and December 2011, Golos ("the Voice"), a major Russian NGO specialising in election monitoring, became

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38. Opinion No. 636/2011 on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan, CDL-AD(2011)035 of 19 October 2011, adopted by the Venice Commission at its 88th Plenary Session (14-15 October 2011): www.venice.coe.int/docs/2011/CDL-AD(2011)035-e.pdf.
39. Conference of INGOs of the Council of Europe, Expert Council on NGO Law, Opinion on amendments in 2009 to the NGO Law in Azerbaijan and their application. Opinion prepared by Mr Jeremy McBride on behalf of the Expert Council at the request of the Standing Committee of the Conference of INGOs, OING Conf/Exp (2011)2, September 2011: www.coe.int/t/ngo/Source/OING_CONF_EXP_2011_2_opinion_NGO_law_Azerbijan_en.pdf.
40. In particular, the procedure for concluding agreements between NGOs and the Ministry of Justice for the purpose of ensuring compliance with the amended law remained unclear. According to the regulation, international organisations must respect "national and moral values" and not be involved in "political or religious propaganda". This may potentially hinder the possibility for these organisations to register. See in particular http://humanrightshouse.org/Articles/17215.html.
41. The demolition is said to have taken place without appropriate prior notice and in the absence of the owners. Neither Mrs and Mr Yunus nor an IPD employee, who was present in the building at that time, were – so I have been informed – allowed to take their belongings or professional documents from the premises. The demolition was condemned by numerous NGOs in Europe, see in particular at http://humanrightshouse.org/Articles/16879.html. See also the Commissioner's human rights comment of 13 September 2011, http://commissioner.cws.coe.int/tiki-view_blog_post.php?postId=178.
42. See also supra note 29.
43. Supra note 35, p. 3.
44. Supra note 32.
45. www.fidh.org/Continued-arbitrary-detention-and.
46. www.hrw.org/news/2012/03/13/russia-police-beat-detained-protesters (of 13 March 2012) and www.hrw.org/news/2012/03/20/russia-new-wave-detentions-peaceful-protests (of 20 March 2012).
47. www.fidh.org/Russian-Federation-Demonstrations.
48. CommDH(2012)21 of 29 March 2012, Human Rights Defenders in the Council of Europe Area. Round-table organised by the Office of the Commissioner for Human Rights of the Council of Europe, Strasbourg, 27 to 28 October 2011, Report, paragraph 12.
49. Ibid, paragraph 13.

the target of a State-organised defamation campaign and was accused of making money from and acting upon the instructions of foreign governments.[50] This defamation campaign was followed by cyberattacks and acts of judicial harassment.

27. In Serbia, according to Mr Antonijevic, the situation of human rights defenders is characterised by constant stigmatisation in the media and by some politicians. Although the harassment of human rights defenders by State actors had stopped as of 2008, several incidents of hate speech by members of the government and parliamentarians have been reported and intimidation of human rights defenders by non-State actors, including certain media, still persists.

3.6. Impunity

28. The continued impunity of the perpetrators of the most serious crimes against human rights defenders, such as the murders of Natalia Estemirova in Russia[51] and Hrant Dink in Turkey[52] is particularly shocking. The "lack of appreciable results" in the investigation into the murder of Natalia Estemirova was criticised by Mr Hammarberg[53] and the Assembly (including by my former committee colleague, Mr Dick Marty).[54] As stated by the Human Rights Commissioner during the January 2012 part-session of the Assembly, the conviction of only the immediate perpetrators of Hrant Dink's murder is not satisfactory, as further investigation into the case would be needed in order to shed more light on the background of the crime.[55]

29. As Ms Lokshina explained during the hearing in January 2012, impunity for murders of human rights activists in the North Caucasus (such as Natalia Estemirova, Zarema Sadulaeva and Alik Dzhabrailov[56]) still prevails. The murder of publisher Khadzhimurat Kamalov (in Dagestan, in December 2011),[57] and the beating of journalists Mikhail Beketov (in November 2008) and Oleg Kashin (November 2010) also still await elucidation.[58]

30. Recently, in March 2012, several NGOs were concerned about the closure of proceedings concerning an assault by police officers on Ms Sapiyat Magomedova, a lawyer dealing with human rights violations in Dagestan. In June 2010, Ms Magomedova was beaten by police officers when she was visiting a client and lost consciousness; the case against the accused officers was dismissed, as "no objective data has been produced to establish the truth", according to the public prosecutor.[59] Similarly, in February 2012, in Saint Petersburg, Mr Philip Kostenko was seriously beaten by unidentified individuals and then threatened by e-mail. The police nevertheless refused to conduct an investigation into the assault.[60]

31. As stated by Mr Antonijevic at the January 2012 hearing, investigations are still pending concerning the murder of certain independent journalists in Serbia. Although the new provisions of the Criminal Code allow the public prosecutor to initiate cases when human rights defenders' security is under threat, not a single case of that type has been reported so far.

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50. Supra note 47.
51. See for instance the statement of 15 July 2010 by Mr Dick Marty (Switzerland, ALDE) on the lack of elucidation of the murder of Natalya Estemirova, http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=5800.
52. Report by Thomas Hammarberg following his visit to Turkey from 27 to 29 April 2011, 12 July 2011: https://wcd.coe.int/ViewDoc.jsp?id=1814085.
53. See in particular, *Annual Activity Report 2011*, supra note 17, p. 31. See also the Commissioner's comment of 11 November 2011: http://commissioner.cws.coe.int/tiki-view_blog_post.php?postId=196.
54. Committee on Legal Affairs and Human Rights, "Legal remedies for human rights violations in the North-Caucasus region", report by Mr Dick Marty, Doc. 12276. See also press release of 15 July 2010: www.assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=5799.
55. http://news.am/eng/news/90904.html.
56. See also paragraph 35, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), "Honouring of obligations and commitments by the Russian Federation", Information note by the co-rapporteurs on their fact-finding visit to Moscow and Kazan (18-21 January 2011), Co-rapporteurs: Mr György Frunda (Romania, EPP/CD) and Mr Andreas Gross (Switzerland, SOC), AS/Mon (2011) 09 rev of 12 April 2011:
www.assembly.coe.int/CommitteeDocs/2011/amondoc09rev_2011.pdf.
57. http://humanrightshouse.org/Articles/17374.html.
58. See Amnesty International report "Beaten up for speaking out – Attacks on human rights defenders and journalists in the Russian Federation", 2011, pp. 14 and 18, www.amnesty.nl/sites/default/files/public/1110_rusland.pdf.
59. www.fidh.org/The-Russian-Federation-End-of.
60. www.fidh.org/Assault-of-Philipp-Kostenko-RUS (of 8 February 2012).

3.7. The situation of human rights defenders dealing with specific issues

32. Lawyers, in particular those working on politically sensitive cases or fighting against impunity for serious crimes or corruption, might also be the target of pressures and reprisals by those trying to escape being held to account, and of judicial harassment. In Turkey, a recent campaign against lawyers defending clients in anti-terrorism cases led to the arbitrary arrest and detention on remand of 40 (forty!) lawyers.[61] In Azerbaijan, some lawyers have been disbarred or publicly defamed (for example, Mr Elchin Sadikhov, one of Eynulla Fatullayev's defence lawyers).[62] Moreover, the authorities of some member States still[63] put illicit pressure on those who defend applicants and/or themselves before the European Court of Human Rights, or when they assist victims of human rights violations in exhausting national remedies before applying to the Court in Strasbourg (for example in Ukraine or Turkey).[64]

33. Human rights defenders dealing with "unpopular" issues, such as fighting discrimination and upholding the rights of LGBT persons, irregular migrants, women or members of national or ethnic minorities (including Roma), meet indirect obstacles to their work throughout Europe; I was made aware of particular cases in Belgium, Cyprus, France and Greece.[65]

34. In Cyprus, for instance, Mr Doros Polycarpou, Executive Director of KISA (an NGO combating social discrimination and racism and promoting aliens' rights), is being prosecuted on charges of rioting: in November 2010, his organisation organised a multicultural festival in Larnaca, whose participants were attacked by extreme nationalist demonstrators. As a result of this confrontation and insufficient preventive action by the police, several people were seriously injured. According to some NGOs, the proceedings against Mr Polycarpou are based on false accusations and have strongly affected the organisation's capacity to support migrants in critical situations.[66]

35. As stated at the January hearing by Ms Espuche, the situation of defenders of aliens' rights in France has also deteriorated recently. Since 2007, activists denouncing forcible expulsions of foreigners have been subject to criminal proceedings.[67] In Calais, the police used violence against activists and journalists and wounded some of the immigrants slated for expulsion. The situation is also worrying on the French island of Mayotte, where some activists defending aliens' and social rights have been subjected to judicial and administrative harassment, including non-prolongation of their residence permits.

36. As stressed by Mr Antonijevic at the hearing in January 2012, LGBT activists in Serbia face threats in their daily activities and their security is in danger. This animosity is often supported by certain political leaders and local authorities. In Turkey, a transgender human rights defender was tried in October 2011 in a general climate of violence against LGBT persons, which was also criticised by the former Commissioner for Human Rights.[68] Furthermore, in February 2012 in Saint Petersburg, six protesters, including the Chairperson of the Russian LGBT Network, Mr Igor Kotchenov, were arrested following their participation in a picket calling for the repeal of a controversial bill curtailing public LGBT activities.[69]

37. Women human rights defenders remain a particularly vulnerable group, especially in south-east Europe.[70] As stressed by Mr Antonijevic, they are particularly vulnerable in Serbia.

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61. See the appeal of the Observatory of 16 December 2011: www.fidh.org/Call-for-the-release-and-the-end. Some of them have been conditionally released: www.fidh.org/Provisional-release-of-Messrs.
62. "Running Scared. Azerbaijan's Silenced Voices", report compiled by Article 19, London 2012, p. 30.
63. See the report by Mr Christos Pourgourides on "Member States' duty to co-operate with the European Court of Human Rights" (Doc. 11183), which describes in some detail cases of reprisals against applicants from Chechnya.
64. Supra note 28, pp. 496 and 439.
65. Ibid, pp. 396-397.
66. Joint press release of 20 February of the Euro Mediterranean Human Rights Network (EMHRN), the Platform for International Cooperation on Undocumented Migrants (PICUM), the European Network Against Racism (ENAR) and Migeurop, at http://picum.org/en/news/picum-news/32198/. See also: www.fidh.org/CYPRUS-Judicial-harassment-against (of 7 May 2012). Note by the Secretariat: Mr Polycarpou was acquitted on 5 June 2012, see press release at: www.fidh.org/CYPRUS-FALSE-ACCUSATION-CONFIRMED.
67. For instance, Mr André Barthélémy, who had opposed the outrageous deportation of two persons from Congo, was fined €400 by the Paris Appeals Court in 2010 for having hindered the aircraft's departure. In 2009, several people protesting against deportations in Calais were convicted for having insulted security forces.
68. Report of 10 January 2012, CommDH(2012)2, "Administration of justice and protection of human rights in Turkey", paragraph 57:
https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2005423&SecMode=1&DocId=1842380&Usage=2.
69. The bill was introduced to the Legislative Assembly of Saint Petersburg in November 2011: www.fidh.org/Open-Letter-to-the-Legislative,11334 (of 17 February 2012).

3.8. Origin of hindrances and restrictions

38. In many cases, State authorities are directly responsible for impediments to the work of human rights defenders and their harassment. However, as stressed by my predecessor, such acts may also be committed by "a variety of 'non-State' actors (armed groups, organised crime, businesses such as transnational corporations, ultra-nationalist or other groups and individuals promoting hate and intolerance)".[71] As stressed by the Observatory in its 2011 Annual Report, human rights defenders in France are more often confronted with abuses of power by companies in a dominant position ("strategic lawsuit against public participation – SLAPP").[72] Media, especially those which are State-controlled, can also play a very detrimental role vis-à-vis human rights defenders, as they might tend to intimidate them in public for various political or other reasons (see above). Moreover, it was also reported during the October 2011 Round-table that so-called GONGOs (NGOs set up by and loyal to the government) can impede the work of human rights defenders, by creating serious rifts within civil society and spreading misinformation (for example, in Azerbaijan and in Georgia).[73]

39. Thus the situation of human rights defenders in Europe is still far from satisfactory and it is important for the international community to react swiftly to hostile acts directed against them.

4. Initiatives taken at the international level to strengthen the protection and promotion of human rights defenders

4.1. Initiatives taken within the United Nations system and in Europe

40. Several initiatives have been taken at the international and European level to protect human rights defenders in carrying out their activities and recognise the importance of their work. However, most of the adopted instruments, taking the form of "declarations" or "guidelines", are not legally binding.

41. In 1998, the United Nations General Assembly adopted the United Nations Declaration on Human Rights Defenders ("Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms"),[74] in recognition of the critical role of human rights defenders and the difficulties they face. This is the first United Nations instrument that acknowledges the importance and legitimacy of the activities engaged in by human rights defenders.

42. Other international regional organisations, such as the Organization for Security and Co-operation in Europe (OSCE) and the European Union have also taken steps to reinforce the protection of human rights defenders. In 2007, the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) established a Focal Point for Human Rights Defenders and National Human Rights Institutions,[75] which "closely monitors the situation of human rights defenders, identifies issues of concern, and seeks to promote and protect their interests". ODIHR also used to issue annual reports on human rights defenders in the OSCE region. In 2004, the Council of the European Union adopted "European Union guidelines on human rights defenders" (slightly revised in December 2008).[76] The purpose of these guidelines is to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries, within the context of the European Union Common Foreign and Security Policy. They also recommend strengthening existing regional mechanisms for the protection of human rights defenders.

4.2. The role of the Council of Europe

43. Through its bodies and institutions, the Council of Europe has well-established methods of co-operating with human rights NGOs and activists and an array of human rights instruments to create and promote an enabling environment for the work of human rights defenders.

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70. CommDH(2011)36 of 19 October 2011, Human Rights Defenders in South-East Europe. Round-table organised by the Office of the Commissioner for Human Rights of the Council of Europe Sarajevo, 1-2 December 2010. Report, paragraph 44.
71. Supra note 5, paragraph 17.
72. Supra note 28, pp. 409-410.
73. Supra note 48, paragraph 27.
74. Adopted by General Assembly Resolution 53/144 of 9 December 1998, www2.ohchr.org/english/law/freedom.htm.
75. For more details: www.osce.org/odihr/29028.
76. http://eeas.europa.eu/human_rights/guidelines/defenders/docs/16332-re02_08_en.pdf.

44. The Council of Europe Commissioner for Human Rights possesses a specific mandate to protect human rights defenders in the Council of Europe member States and to intervene in urgent cases, in particular through his country visits and a constant dialogue both with human rights defenders and the national authorities.

45. In February 2008, the Committee of Ministers of the Council of Europe took an important step towards the effective protection of human rights defenders by adopting the "Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities".[77] This declaration further reinforced the role of the Commissioner for Human Rights, who thus became "the regional mechanism" for the protection of human rights defenders in the Council of Europe member States. Moreover, in March 2011, the Committee of Ministers adopted its "Guidelines on eradicating impunity for serious human rights violations".[78] The guidelines aim at preventing and combating impunity, notably when it arises from inactivity of State institutions, including the judiciary. They stress that impunity should be fought "as a matter of justice for the victims",[79] including human rights defenders and their families.

46. Moreover, the Conference of International Non-governmental Organisations of the Council of Europe, the voice of the civil society within the organisation, includes more than 400 INGOs with participatory status and encourages dialogue between NGOs and members of parliament and local and regional authorities.

4.3. Inter-mechanisms meetings

47. In 2008 in Brussels, the Observatory for the Protection of Human Rights Defenders took the initiative to gather for the first time all holders of institutional mandates for the protection of human rights defenders: the United Nations Special Rapporteur on the situation of human rights defenders, the African Commission Special Rapporteur on the situation of human rights defenders in Africa, the Functional Unit on Human Rights Defenders of the Inter-American Commission on Human Rights, the Office of the Commissioner for Human Rights of the Council of Europe, the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe and the European Union.[80] The meeting was aimed at drawing a state of play of the existing means and techniques of protection and finding ways to enhance co-ordination and complementarities.

48. So far, four such meetings have taken place. On 8 and 9 March 2012, the fourth "inter-mechanisms" meeting was hosted by the Office of the United Nations High Commissioner for Human Rights in Geneva.[81] This year some of the discussions focused on how to ensure accountability for human rights violations against human rights defenders. They also focused on the right to receive and access funding, including foreign funding, reflecting renewed preoccupations about restrictions by States in this regard.[82]

5. The role of national parliaments and the Parliamentary Assembly

49. States have a primordial responsibility to protect human rights defenders' integrity and ensure their safety when they are at risk.[83] When other State powers – namely the judiciary, administrative bodies, the police and public prosecutors – fail to do so, it is up to parliamentarians to stand up in support of human rights defenders, notably by enacting legislation allowing them to carry out their activities in appropriate conditions and by monitoring developments on the ground, pointing out abuses and calling for accountability where necessary. Parliamentarians may also involve human rights NGOs and defenders in the process of enacting legislation that touches upon human rights issues, including "sensitive" ones like the rights of minority groups.

50. The issue of communication at national level between the government and parliament, on the one side, and human rights NGOs, on the other, was stressed during the January 2012 exchange of views before our committee and also at the October 2011 Round-table organised by the Office of the Commissioner for Human Rights. During the latter, several representatives of NGOs complained that they were not involved in drafting relevant legislation.[84] They stressed that human rights defenders' participation in drafting legislation was permitted only when it was politically expedient and that participation on a regular basis for the purpose of

77. Adopted on 6 February 2008, https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM.
78. Adopted on 30 March 2011, https://wcd.coe.int/ViewDoc.jsp?id=1769177.
79. See Section I item 3 of the guidelines.
80. www.humanrights-defenders.org/about/.
81. www.fidh.org/4th-inter-mechanisms-meeting.
82. Ibid.
83. See, for instance, the Committee of Ministers' Declaration of 6 February 2008, supra note 77.
84. Supra note 48, paragraphs 67-73.

improving human rights protection was more limited.[85] In some cases, public consultation was perceived as a "formal paper exercise", mostly last-minute, rushed and lacking genuine interest (for example in Bulgaria, Cyprus, Georgia and Hungary).[86] Human rights defenders are also sometimes effectively excluded from the consultation process because of the negative attitude of the authorities (for example in Azerbaijan), or not consulted on some delicate issues such as minority rights (for example, organisations promoting Roma rights in Hungary and Romania).[87]

51. It was proposed that NGOs dealing with human rights protection and human rights defenders should be more involved in the process of drafting legislation. A wide public consultation is a crucial element of drafting legislation in a democratic society, as human rights NGOs and activists are well placed to provide useful input. Therefore, they should be consulted at the earliest stage of drafting legislation, not only *pro forma* and with appropriate time limits. They should be consulted in particular on such delicate issues as the rights of minority groups, including LGBT persons, members of national minorities, aliens, Roma, etc. At the round-table, it was suggested that public hearings on specific pieces of legislation should be organised more often.[88]Moreover, it was proposed that in States, where public consultation is very limited, international organisations might "explore opportunities for increasing the participation of human rights defenders and civil society through international structures and mechanisms".[89]

52. At European level, parliamentarians may, through their membership in the Assembly, support and protect human rights defenders across the continent. This may be done in particular through:

– holding debates on relevant human rights topics;

– awarding the Assembly's Human Rights Prize;[90]

– involving civil society representatives, including human rights defenders in their work;

– making use of the mechanism of "parliamentary diplomacy", through contacts with their counterparts in other countries.

53. Our committee has a long tradition of co-operating with human rights defenders. Through its chairpersons, rapporteurs and/or through its Sub-Committee on Human Rights, it has always endeavoured to support human rights defenders in difficult situations, by inviting them for exchanges of views or "sponsoring" side events with their participation, issuing *ad hoc* statements, press releases and/or written interventions with the competent authorities. My predecessor regularly reacted to urgent appeals from human rights NGOs or individuals through confidential letters to the relevant authorities – these are examples of parliamentary diplomacy. Such initiatives have been taken in consultation with human rights defenders/NGOs concerned or persons in direct contact with them in order to avoid possible counter-productive results.

54. My predecessor's practice in this respect must be pursued, as I consider that early warning in cases of serious impediments to the work of human rights defenders is of crucial importance. Whether this be by me, as the current rapporteur, my successor, or even a newly appointed General Rapporteur, will still have to be determined. Parliamentarians, including the Assembly's (possibly General) Rapporteur on Human Rights Defenders should also alert their own networks (colleagues, Ministry of Foreign Affairs or embassy in the country concerned, etc.) in appropriate cases.

6. Conclusion

55. In its Resolution 1660 (2009) and Recommendation 1866 (2009) of April 2009, the Assembly considered that the Council of Europe should further increase its contribution to the protection of human rights defenders. Today, the situation of human rights defenders in Europe is far from satisfactory and it is important for the international community to react swiftly to hostile acts directed against them. Fortunately, many international organisations are aware of the gravity of the problem and have already taken steps to reinforce the protection and promotion of "those who work for the rights of the others". However, in the Council of Europe member States still more efforts must be made to protect human rights defenders and to remove

85. Ibid., paragraph 67.
86. Ibid., paragraphs 68-70 and 86.
87. Ibid., paragraphs 71 and 72.
88. Ibid., paragraphs 66 and 80.
89. Ibid., paragraph 82.
90. The first prize was awarded to the British Irish Rights Watch in 2009 and the second one, in 2011, to the Russian NGO Committee against Torture – in recognition of the organisation's key role in assisting victims of serious human rights abuses.

hindrances to their work, notwithstanding the seriousness of these obstacles. Whilst the situation of human rights defenders in some member States (especially in the North Caucasus region of the Russian Federation,[91] where it is also complicated by the issue of terrorism) cannot be compared with that of activists in other parts of Europe, this does not mean that the latter do not need further protection.

56. Impunity for those responsible for serious human rights violations against human rights defenders is an important issue of concern, as a number of serious human rights violations have not yet been elucidated. It is therefore useful to recall Assembly Resolution 1675 (2009) and Recommendation 1876 (2009) on the state of human rights in Europe: the need to eradicate impunity[92] and the Committee of Ministers' Guidelines on "Eradicating impunity for serious human rights violations" of March 2011. Impunity of State and non-State actors responsible for such violations must not be tolerated. It should also be stressed here that serious human rights violations committed against such defenders has a chilling effect on the activity of the others – for example, the murder of Natalia Estemirova had a chilling effect on the activities of North Caucasus NGOs.[93] But, as the example of Mr Polycarpou in Cyprus shows, judicial harassment may also have a chilling impact on the activities of human rights NGOs. As stressed by the President of the International Federation for Human Rights (FIDH), Ms Souhayr Belhassen, "Legal harassment is less spectacular than physical attacks, but it nonetheless participates in instilling fear and strengthening the system of impunity". This statement was corroborated by that of Mr Gerald Staberock, Secretary General of the World Organisation Against Torture (OMCT): "The chilling effect of these proceedings for human rights defenders can only be repaired by clear and unambiguous stands by the authorities on the legitimacy of critical human rights defenders' work. Instead of wasting legal resources on proceedings like this, efforts should concentrate on ensuring legal accountability for human rights violations, including the killing of human rights defenders".[94]

57. States, and national parliaments, should refrain from adopting laws that impose direct or indirect restrictions (through judicial and administrative requirements or obstacles) on human rights NGOs and defenders. Laws allowing such restrictions should be abolished. One example might be that of funding, which is fundamental for carrying out human rights defenders' activities. Since the right to "solicit, receive and utilize resources for the express purpose of promoting human rights" has been recognised in the United Nations Declaration of 1999,[95] human rights activists should continue to be allowed to receive external funding for their work and they should certainly not be criminalised for receiving such funds. As acknowledged by the Commissioner for Human Rights and the OSCE, a call for an international "Human Rights Defenders Fund" could be further investigated with the participation of various international actors.[96]

58. In order to reinforce the protection of human rights defenders, all member States should give appropriate follow-up to the "Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities" of 6 February 2008. The Council of Europe bodies and institutions should continue contributing to the creation of a favourable environment for human rights defenders, in particular through awareness-raising and training activities, notably those targeting law enforcement bodies and the media. Member States should also continue to give the necessary political and financial support to the institution of the Commissioner for Human Rights, the Council of Europe Conference of International Non-Governmental Organisations and the Expert Council on NGO Law. But all this is not new and therefore other ideas could also be considered. For example, the Council of Europe could examine the introduction of a systematic alert mechanism in the case of human rights defenders at risk. This idea was already mentioned in the report of my predecessor, Mr Haibach.[97] During the October 2011 Round-table, participants stressed once again the importance of raising individual cases of human rights defenders who are facing threats.[98] Thus, further consideration could be given to the idea of establishing an international mechanism of rapid response to serious violations perpetrated or threatened against human rights defenders. Moreover, member States could also improve the involvement of NGOs dealing with human rights protection in the process of enacting legislation, as their participation in this process could have a considerable impact on the quality of enacted laws.

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91. See, in particular, the Recommendation on the Protection of Human Rights Defenders in the Russian Federation, adopted on 27 January 2012 by the Conference of the INGOs of the Council of Europe, CONF/PLE(2012)REC2: www.coe.int/t/ngo/articles/conf_ple_2012_rec2_hrdefenders_en.asp.
92. Of 24 June 2009.
93. Supra note 13, p. 8.
94. www.fidh.org/RUSSIAN-FEDERATION-Human-rights.
95. Supra note 74, Article 13.
96. Supra note 48, paragraph 88.
97. Supra note 5, paragraph 74.
98. Supra note 48, paragraph 83.

59. I am convinced that the Parliamentary Assembly has an important role to play in promoting and protecting human rights defenders. Political attention paid by an international parliamentary body can increase the visibility and impact of their work, and can, when the need arises, result in swift and strong condemnations – by the international community – of any illegitimate action taken against human rights defenders. By so doing it may help prevent violence and hostility against human rights defenders, especially in countries that still have a poor track record regarding human rights observance. In this context, we, our committee and the Assembly as a whole, may need to reflect upon the need to put in place a General Rapporteur on Human Rights Defenders who could react rapidly – when the need arises – by means of "parliamentary diplomacy" to urgent appeals coming from human rights NGOs and activists all over Europe. The Assembly, through such a rapporteur, should reinforce co-operation with the Office of the Commissioner for Human Rights and the new Commissioner, Mr Nils Muižnieks. As our mandates are complementary, we must concentrate our efforts to support and consolidate the development of civil society, including the indispensable work of human rights defenders.