Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2095 (2016)[1]

Strengthening the protection and role of human rights defenders in Council of Europe member States

Parliamentary Assembly

1. The Parliamentary Assembly recalls its Resolutions 1660 (2009) and 1891 (2012) on the situation of human rights defenders in Council of Europe member States, 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, and Recommendation CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe.

2. The Assembly pays tribute to the invaluable work of human rights defenders for the protection and promotion of human rights and fundamental values.

3. The Assembly stresses that the responsibility for protecting human rights defenders lies first and foremost with States and that in some circumstances States may be held responsible for the action of non-state actors aimed at intimidating human rights defenders and for failing to carry out effective investigations into such action.

4. The Assembly notes that in the majority of Council of Europe member States human rights defenders are free to work in an environment conducive to their activities. However, it is deeply concerned about increased reprisals against human rights defenders in certain member States, including Azerbaijan, the Russian Federation and Turkey. There have also been alarming signs that the situation is deteriorating in some member States, including Georgia; namely public attacks, threats to release material that is allegedly compromising to prominent human rights defenders, and physical attacks, pressure and intimidation against lawyers, including lawyers working on politically sensitive cases. The Assembly is particularly worried about the situation in the annexed region of Crimea and in territories outside the control of State authorities. It notes that restrictive legislation on registration, funding, especially foreign funding, or on anti-terrorist measures is used to restrict human rights defenders' activities or even to arbitrarily arrest them, to bring serious criminal charges and to condemn them to long prison sentences. The Assembly condemns these practices and supports the work of human rights defenders, who put their security and personal life at risk for the promotion and protection of the rights of others, including those from the most vulnerable and oppressed groups (migrants and members of national, religious or sexual minorities) or to combat impunity of State officials, corruption and poverty.

5. The Assembly also deplores the fact that some of the most serious attacks on human rights defenders, including murders, abductions and torture, have still not been properly investigated. When human rights defenders themselves become targets of oppression, this sends a devastating message to those counting on their help.

6. The Assembly therefore calls on member States to:

6.1. refrain from any acts of intimidation of and reprisals against human rights defenders, and in particular from physical attacks, arbitrary arrests and judicial or administrative harassment;

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1. Assembly debate on 28 January 2016 (8th Sitting) (see Doc. 13943, report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Mailis Reps). *Text adopted by the Assembly* on 28 January 2016 (8th Sitting).
See also Recommendation 2085 (2016).

6.2. ensure an enabling environment for the work of human rights defenders and effective protection against acts of intimidation and reprisals against them, and conduct effective investigations into any such acts in order to effectively fight against impunity;

6.3. refrain from adopting laws that impose disproportionate restrictions on defenders' activities and that limit their access to funding, including foreign funding, or repeal such legislation;

6.4. ensure that human rights defenders are included, where possible, in the legislative process concerning human rights and fundamental values;

6.5. refrain from conducting smear campaigns against human rights defenders and condemn such campaigns conducted in the media or by other non-state actors;

6.6. refrain from placing human rights organisations and their members under unlawful surveillance;

6.7. take measures to raise awareness and promote knowledge about human rights defenders' work and its recognition by society;

6.8. actively support the development of vibrant civil societies and promote rather than restrict international contacts and co-operation at this level;

6.9. show solidarity with organisations and individuals that defend human rights by designating, in their relevant foreign missions, diplomats specifically responsible for keeping in contact with human rights defenders.