Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2225 (2018)[1]

Protecting 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 and its Resolution 2095 (2016) and Recommendation 2085 (2016) on strengthening the role and protection of human rights defenders in Council of Europe member States. It pays tribute to the invaluable work of human rights defenders for the protection and promotion of human rights and fundamental freedoms. Human rights defenders are "those who work for the rights of others" – individuals or groups who act, in a peaceful and legal way, to promote and protect human rights, whether they be lawyers, journalists, members of non-governmental organisations (NGOs) or others.

2. Nearly 20 years ago, on 9 December 1998, the General Assembly of the United Nations adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (United Nations Declaration on Human Rights Defenders). Moreover, on 6 February 2008, the Committee of Ministers adopted its Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities. Both documents reaffirm that the responsibility for promoting and protecting human rights defenders lies first and foremost with States.

3. 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 the development of their activities. Nevertheless, it notes that over the past few years the number of reprisals against human rights defenders has been on the rise. New restrictive laws on NGO registration and funding have been adopted. Many human rights defenders have been subject to judicial, administrative or tax harassment, smear campaigns and criminal investigations launched on dubious charges, often related to alleged terrorist activities or purportedly concerning national security. Some have been threatened, physically attacked or arbitrarily arrested, detained or imprisoned. Others have even been assassinated. As a result, the space for human rights defenders' action is becoming more and more restricted, exposing them to ever greater risks.

4. The Assembly condemns these developments and reaffirms its support for the work of human rights defenders, who often put at risk their security and life for the promotion and protection of the rights of others, including the most vulnerable and oppressed groups (migrants, refugees and members of minorities – national, religious or sexual), or in order to combat impunity of State officials and corruption. It particularly deplores the fact that some of the most serious attacks on human rights defenders, including murders, abductions and torture, have still not been effectively investigated.

5. The Assembly therefore calls on member States to:

5.1. respect the human rights and fundamental freedoms of human rights defenders, including their right to liberty and security, a fair trial and their freedom of expression, assembly and association;

---

1. *Assembly debate* on 26 June 2018 (22nd Sitting) (see Doc. 14567, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Egidijus Vareikis). *Text adopted by the Assembly* on 26 June 2018 (22nd Sitting).
See also Recommendation 2133 (2018).

5.2. refrain from any acts of intimidation or reprisal against human rights defenders and protect them against attacks or harassment by non-State actors;

5.3. ensure that human rights defenders have access to effective domestic remedies with respect to violations of their rights, especially those related to their work;

5.4. more actively propose friendly settlement under Article 39 of the European Convention on Human Rights (ETS No. 5) in cases of obvious violation, particularly of the rights of human rights defenders and of lawyers presenting applications before the European Court of Human Rights;

5.5. conduct effective investigations into all acts of intimidation or reprisal against human rights defenders, and especially cases of assassinations, physical attacks and threats;

5.6. ensure an enabling environment for the work of human rights defenders, in particular by reviewing legislation and bringing it into line with international human rights standards, refraining from organising smear campaigns against defenders and other civil society activists and firmly condemning such campaigns where organised by non-State actors;

5.7. encourage human rights defenders to participate in public life and ensure that they are consulted on draft legislation concerning human rights and fundamental freedoms, as well as that concerning the regulation of their activities;

5.8. refrain from arbitrary surveillance of human rights defenders online and other communications;

5.9. facilitate the granting of emergency visas, residence permits or asylum to human rights defenders who are at risk in their own countries and provide them with temporary refuge, if need be;

5.10. fully co-operate with the Council of Europe Commissioner for Human Rights in addressing individual cases of persecution and reprisals against human rights defenders;

5.11. evaluate the sufficiency, as measured by concrete results, of their efforts taken to protect human rights defenders since the adoption of the United Nations Declaration on Human Rights Defenders and the Committee of Ministers' Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities.

6. The Assembly welcomes and encourages parliamentary initiatives such as that by the German Bundestag providing for individual parliamentarians to look after cases of threats, intimidation or persecution of human rights defenders.