



Doc. 14772

05 December 2018

Protecting human rights defenders in Council of Europe member States

Reply to Recommendation¹: Recommendation 2133 (2018)
Committee of Ministers

1. The Committee of Ministers has carefully examined [Recommendation 2133 \(2018\)](#) – “Protecting human rights defenders in Council of Europe member States”. It has forwarded it to the Steering Committee for Human Rights (CDDH) for information and possible comments.
2. The Committee of Ministers reiterates its unswerving commitment to democracy, human rights and the rule of law. It would highlight the invaluable work of all human rights defenders, who help considerably to create an environment in which human rights, democracy and the rule of law are actively respected and promoted in Europe.
3. The Committee of Ministers would point out that human rights defenders are in need of special protection because their work often involves criticism of government policies and actions, for example by documenting and drawing attention to situations where States have committed human rights violations. In this context, the Committee of Ministers fully shares the Assembly’s concerns regarding acts of harassment, reprisal and assault committed against human rights defenders in the Council of Europe member States, either by the national authorities or by non-state actors. It notes that despite the progress made in some member States of the Council of Europe, there is a worrying deterioration in protection for such persons in several others. It therefore welcomes the recent appointment by the Parliamentary Assembly of a new General Rapporteur on the situation of human rights defenders.
4. The work of human rights defenders is based on fundamental rights such as freedom of thought, conscience and religion, freedom of expression and freedom of assembly and association, which are protected by the European Convention on Human Rights. In this connection, the Committee of Ministers welcomes the leading role of the European Court of Human Rights in interpreting the scope of the restrictions to which the exercise of these freedoms can be subject so that they do not undermine the work of human rights defenders and they do not exceed what is authorised by paragraph 2 of Articles 10 and 11 of the Convention.
5. The protection of human rights defenders in the Council of Europe member States is a priority for the Commissioner for Human Rights, who talks frankly about this in her regular exchanges with the Committee of Ministers and on her visits to member States. The Committee of Ministers highlights the major role of States in protecting human rights defenders, particularly in adopting appropriate legislation but also in co-operating with the Commissioner by facilitating her visits, giving her proper answers and discussing the situation of human rights defenders where necessary. It encourages States to take practical measures both to promote the full enjoyment of the rights of human rights defenders but also to protect them against violations of these rights.
6. In reply to the recommendation in paragraph 1.2, the Committee of Ministers would point out that it fully supports the work of the Commissioner for Human Rights, particularly by ensuring that her Office has sufficient financial and human resources despite the very difficult budgetary context. Protecting human rights

1. Adopted at the 1330th meeting of the Ministers’ Deputies (28 November 2018).



defenders is, moreover, one of the priorities of the incoming presidency of the Committee of Ministers. A round table on this theme will be organised by the Office of the Commissioner for Human Rights in Helsinki on 13 and 14 December 2018.

7. The specific question of alleged reprisals against defenders who interact with the Council of Europe is a priority for the Secretary General. In May 2017, the Secretary General set up a contact point in his Private Office to co-ordinate potential action in such cases on the basis of information provided by various Council of Europe bodies following direct contacts with defenders. This procedure is complementary and does not interfere with the aforementioned procedures (see in this connection the information provided by the Secretary General to the Ministers' Deputies, [SG/Inf\(2017\)26](#), 21 June 2017). The Committee of Ministers considers that further information from the Secretary General on the implementation of his proposal would be very useful.

8. In 2015, the Council of Europe set up a Platform to promote the protection of journalism and safety of journalists. The case for setting up a similar platform to protect human rights defenders and monitor reprisals, as suggested by the Assembly in paragraph 1.3 of the Recommendation, warrants careful consideration. The Committee of Ministers notes, however, that the Assembly has already recommended, in [Recommendation 2121\(2018\)](#) "The case for drafting a European convention on the profession of lawyer" that an early-warning mechanism should be set up to respond to immediate threats to lawyers' safety and independence. This proposal is being examined by the steering committees and bodies concerned. With regard to the proposal for a platform to protect human rights defenders, the Committee of Ministers will consider its merits at a later stage in the light of the practice of all the aforementioned existing procedures, including new mechanisms, and in consultation with the Assembly and civil society.

9. As to the recommendation in paragraph 1.6, the Committee of Ministers would like to point out that the draft recommendation on the need to strengthen the protection and promotion of the civil society space in Europe is being finalised by the CDDH and will be examined by the Committee of Ministers by the end of the year². The draft recommendation will be accompanied by a compilation and assessment of the main existing measures and practices in this field in the member States. The Committee of Ministers believes that this study will enable member States to familiarise themselves with existing activities and good practices set up in the member States of the Council of Europe to secure the protection of human rights defenders.

10. Lastly, with regard to the high-level seminar which the Assembly suggests should be held (paragraph 1.7), the Committee of Ministers announces that at the Finnish authorities' instigation and as part of their presidency of the Committee of Ministers, a workshop on the civil society space is planned at the 90th meeting of the CDDH, to be held in Strasbourg on 29 November 2018.

2. Recommendation CM/Rec(2018)11 was adopted by the Committee of Ministers on 28 November 2018.