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(Revised version)

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

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A. Draft Resolution

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 its 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 also 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 the development of 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. The Assembly is particularly worried about the situation in annexed Crimea and in other 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 at risk their security and personal life 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.

Amendment 2

Tabled by Ms Chiora TAKTAKISHVILI, Ms Dzhema GROZDANOVA, Ms Olena SOTNYK, Mr Pieter OMTZIGT, Ms Meritxell MATEU, Mr Emanuelis ZINGERIS

In the draft resolution, paragraph 4, after the first sentence, insert the following words: "However, there have been alarming signs of deterioration in certain member States, including in Georgia, namely public attacks, threats to release material allegedly compromising to prominent human rights defenders, and physical attacks, pressure and intimidation against lawyers, including lawyers working on politically-sensitive cases."

Sub-amendment 1 to amendment 2

Tabled by the Committee on Legal Affairs and Human Rights

In amendment 2, replace the words "after the first sentence" with the words: "after the second sentence", delete the word "however"; and after the words "there have", insert the word "also".

Sub-amendment 2 to amendment 2

Tabled by Ms Manana KOBAKHIDZE, Ms Eka BESELIA, Ms Hermine NAGHDALYAN, Ms Valentina BULIGA, Ms Guguli MAGRADZE, Mr Andrei NEGUTA

In Amendment 2, delete the words "including in Georgia".

Amendment 3

Tabled by Ms Chiora TAKTAKISHVILI, Ms Dzhema GROZDANOVA, Ms Olena SOTNYK, Mr Pieter OMTZIGT, Ms Meritxell MATEU

In the draft resolution, paragraph 4, at the beginning of the second sentence, replace the words "However, it" with the following words: "The Assembly".

Amendment 1

Tabled by Mr Sergiy VLASENKO, Mr Vladyslav GOLUB, Mr Leonid YEMETS, Mr Serhii KIRAL, Mr Volodymyr ARIEV, Mr Serhii SOBOLIEV, Mr Georgii LOGVYNSKYI, Mr Boryslav BEREZA

In the draft resolution, paragraph 4, third sentence, after the words "the situation in annexed Crimea and in", delete the following word: "other".

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;
 - 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 awareness-raising measures to 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.

B. Draft Recommendation

1. Referring to its Resolution ... (2016) on strengthening the protection and role of human rights defenders in Council of Europe member States, the Parliamentary Assembly recommends that the Committee of Ministers:
 - 1.1. enhance its dialogue with human rights defenders, in particular by holding regular exchanges of views with them in the framework of the work of its subordinate bodies;
 - 1.2. co-ordinate its work on this subject with the Council of Europe Commissioner for Human Rights, the Conference of International Non-governmental Organisations (INGOs) and the Assembly and hold regular exchanges of information with the Registry of the European Court of Human Rights on reprisals against lawyers;
 - 1.3. establish a platform, similar to that created for journalists, for the protection of human rights defenders;
 - 1.4. publicly and regularly, and at least once a year, report to the Assembly on cases of intimidation of human rights defenders co-operating with Council of Europe bodies, and in particular lawyers representing applicants before the European Court of Human Rights, and representatives of civil society co-operating with the Council of Europe monitoring bodies and the Commissioner for Human Rights;
 - 1.5. reflect on other ways and means of strengthening the protection of human rights defenders against acts of intimidation and reprisals coming from State and non-State actors;
 - 1.6. step up its co-operation on the protection of human rights defenders with other international organisations, in particular the European Union, the Organization for Security and Co-operation in Europe (OSCE) and the United Nations.

Amendment 4

Tabled by Ms Chiora TAKTAKISHVILI, Mr Boriss CILEVIČS, Mr Titus CORLĂȚEAN, Ms Adele GAMBARO, Mr David BAKRADZE

In the draft recommendation, after paragraph 1.6, insert the following paragraph:

"consider revising the mandate of the Commissioner for Human Rights, giving him powers to deal with individual cases of persecution of human rights defenders in member States, thereby turning that mandate into a fully functional regional mechanism for the protection of human rights defenders in Europe."

Amendment 5

Tabled by Ms Chiora TAKTAKISHVILI, Mr Boriss CILEVIČS, Mr Titus CORLĂȚEAN, Ms Adele GAMBARO, Mr David BAKRADZE

In the draft recommendation, after paragraph 1.6, insert the following paragraph:

"conduct a comprehensive evaluation of the implementation by member States of its Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities (adopted

by the Committee of Ministers on 6 February 2008), while involving human rights NGOs in this process;"