



Doc. 14567 – Compendium of written amendments
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(Revised version)

Protecting 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 State 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 are lawyers, journalists, members of non-governmental organisations 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 introduced. 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 of them have been threatened, physically attacked, 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 and less safe.
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), and 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 a fair trial and their freedoms of expression and assembly and association;
- 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. conduct effective investigations into all acts of intimidation or reprisal against human rights defenders, and especially cases of assassinations, physical attacks and threats;
- 5.5. 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;
- 5.6. encourage human rights defenders to participate in public life and ensure that they are consulted on draft legislation concerning human rights and fundamental values, as well as that concerning regulation of their activities;
- 5.7. refrain from arbitrary surveillance of human rights defenders' online and other communications;
- 5.8. 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;

Amendment 6

Tabled by Mr Boriss CILEVIČS, Mr Edmon MARUKYAN, Mr Stefan SCHENNACH, Ms Ioanneta KAVVADIA, Mr Georgios PSYCHOGIOS

In the draft resolution, paragraph 5.1, before the words "a fair trial", insert the following words: "liberty and security".

Amendment 3

Tabled by Mr Boriss CILEVIČS, Mr Andrii LOPUSHANSKYI, Mr Valeriu GHILETCHI, Mr Giorgi KANDELAKI, Mr Arkadiusz MULARCZYK

In the draft resolution, after paragraph 5.3, insert the following paragraph:

"more actively propose friendly settlement under article 39 of the European Convention on Human Rights in cases of obvious violation, particularly of the rights of human rights defenders and of lawyers representing applications before the European Court of Human Rights."

Amendment 7

Tabled by Mr Boriss CILEVIČS, Mr Edmon MARUKYAN, Mr Stefan SCHENNACH, Ms Ioanneta KAVVADIA, Mr Georgios PSYCHOGIOS

In the draft resolution, paragraph 5.6, replace the word "values" with the word "freedoms".

Amendment 1

Tabled by Mr Akif Çağatay KILIÇ, Mr Samad SEYIDOV, Ms Ganira PASHAYEVA, Mr

- 5.9. evaluate the sufficiency in practice, 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 threatened human rights defenders.

Mustafa YENEROĞLU, Mr Yıldırım Tuğrul TÜRKEŞ, Mr Yasin AKTAY

In the draft resolution, delete paragraph 5.8.

Amendment 10

Tabled by Mr Edmon MARUKYAN, Ms Tineke STRIK, Mr Boriss CILEVIČS, Ms Ioanneta KAVVADIA, Mr Georgios PSYCHOGIOS

In the draft resolution, after paragraph 5.8, insert the following paragraph:

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

Amendment 4

Tabled by Mr Boriss CILEVIČS, Mr Andrii LOPUSHANSKYI, Mr Valeriu GHILETCHI, Mr Giorgi KANDELAKI, Mr Arkadiusz MULARCZYK

In the draft resolution, paragraph 6, replace the word "threatened" with the words: "threats, intimidation or prosecution of".

B. Draft Recommendation

1. Referring to its Resolution ... (2018) on protecting human rights defenders in Council of Europe member States, the Parliamentary Assembly recommends that the Committee of Ministers:
 - 1.1. continue 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. establish a platform, similar to the Platform for the protection of journalism and the safety of journalists, for the protection of human rights defenders, or another mechanism for monitoring and reacting to cases of reprisals against human rights defenders in Council of Europe member States, as also called for in Recommendation 2121 (2018) on the case for drafting a European convention on the profession of lawyer;
 - 1.3. establish a mechanism for regularly reporting on and reacting to cases of intimidation of human rights defenders co-operating with Council of Europe bodies, and especially of lawyers representing applicants before the European Court of Human Rights;

Amendment 8

Tabled by Mr Edmon MARUKYAN, Mr Stefan SCHENNACH, Ms Eva-Lena JANSSON, Ms Tineke STRIK, Mr Boriss CILEVIČS

In the draft recommendation, after paragraph 1.1, insert the following paragraph:

"support the work of the Commissioner for Human Rights in the field of protecting human rights defenders, including by ensuring that sufficient financial and human resources are available to the mandate;"

Amendment 2

(If adopted, amendments 9, 5 falls)

Tabled by Mr Akif Çağatay KILIÇ, Mr Samad SEYIDOV, Ms Ganira PASHAYEVA, Mr Mustafa YENEROĞLU, Mr Yıldırım Tuğrul TÜRKEŞ, Mr Yasin AKTAY

In the draft recommendation, delete paragraph 1.3.

Amendment 9

(Falls if amendment 2 is adopted)

(If adopted, amendment 5 falls)

Tabled by Mr Edmon MARUKYAN, Mr Stefan SCHENNACH, Ms Eva-Lena JANSSON, Ms Tineke STRIK, Mr Boriss CILEVIČS

In the draft recommendation, replace paragraph 1.3 with the following paragraph:

"request information from the Secretary General on the implementation to date of his proposal to establish a mechanism for regularly reporting on and reacting to cases of intimidation of human rights defenders co-operating with Council of Europe bodies, and share this information with the Assembly;"

Amendment 5

(Falls if amendments 2, 9 are adopted)

Tabled by Mr Boriss CILEVIČS, Mr Andrii LOPUSHANSKYI, Mr Valeriu GHILETCHI, Mr

**Giorgi KANDELAKI, Mr Arkadiusz
MULARCZYK**

*In the draft recommendation, paragraph 1.3,
replace the word "intimidation" with the words:
"threats, intimidation or prosecution of".*

- 1.4. streamline its work in this area through better co-ordination with the Council of Europe Commissioner for Human Rights, the Conference of International Non-Governmental Organisations, the Secretary General, the Registry of the European Court of Human Rights and the Assembly;
- 1.5. adopt without delay the Declaration of the Committee of Ministers on the need to strengthen the protection and promotion of the civil society space in Europe, as prepared by the Steering Committee for Human Rights (CDDH);
- 1.6. organise a high-level seminar to mark the 10th anniversary of the Committee of Ministers Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities and the 20th anniversary of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms of 9 December 1998, as recommended by the CDDH;
- 1.7. strengthen 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.