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HUMAN RIGHTS DEFENDERS IN THE COUNCIL OF EUROPE AREA: Current Challenges and Possible Solutions

Round-Table with human rights defenders
organised by the Office of the Council of Europe Commissioner for Human Rights

Helsinki, 13-14 December 2018

REPORT

Table of contents

Introduction	3
1 Safety and Liberty of Human Rights Defenders	4
1.1 Reprisals against human rights defenders	4
1.2 Challenges faced by specific groups of human rights defenders	6
2 Restrictions upon Civil Society Organisations	7
2.1 Regulatory environment	7
2.2 Hindrances to civil society's participation in public affairs	8
3 Standards and Mechanisms for the Protection of Human Rights Defenders	9
3.1 European standards favouring the work of civil society organisations	9
3.2 Protection mechanisms for human rights defenders	11
4 Evolving Digital Environment: Challenges and Opportunities for Human Rights Defenders	13
Conclusions and Recommendations	15

Introduction

1. Human rights defenders have a central role in ensuring that state policies are consistent with human rights and in defending victims of violations. They take a stance against injustice, promoting human rights and other worthy principles like fair, egalitarian, and inclusive societies and sustainable development, and can be described as “ambassadors of light in the lives of many people.”¹
2. Human rights defenders are key partners of the Council of Europe Commissioner for Human Rights (hereinafter the Commissioner) and her Office. The Commissioner has a specific duty concerning the support of human rights defenders, their protection and the development of an enabling environment for their activities.² She provides advice and recommendations to member states with a view to assisting them in fulfilling their obligations vis-à-vis defenders. She raises issues related to the working environment of human rights defenders and cases of those who are at risk, both through her dialogue with authorities and publicly. She also intervenes before the European Court of Human Rights (hereinafter the ECtHR) in cases concerning human rights defenders. The Commissioner and her Office are in close contact with human rights defenders and organise regular consultations with them.³
3. The year 2018 marked the 20-year anniversary of the United Nations Declaration on Human Rights Defenders⁴ and the 70th anniversary of the Universal Declaration of Human Rights⁵. Ten years ago, the Council of Europe Committee of Ministers adopted its Declaration⁶ on action to improve the protection of human rights defenders and promote their activities. The Commissioner sought to take stock of the implementation of these landmark documents and to assess current challenges and emerging trends affecting the safety and work of human rights defenders from the Council of Europe area.
4. On 13 and 14 December 2018, the Office of the Commissioner organised a round-table with human rights defenders in Helsinki. The event gathered together more than 40 participants, including human rights activists, journalists, lawyers, representatives of human rights NGOs and independent experts from nineteen European countries. Representatives of international governmental and non-governmental organisations also participated in the event.
5. The round-table provided a forum for the exchange of experiences, including good practices and lessons learned, with a diverse group of defenders, and for reflecting upon practical solutions to the difficulties being encountered by many. Its main aims were to identify and assess current threats and emerging challenges affecting the safety and work of human rights defenders and civil society organisations throughout Europe, as well as to explore the potential risks and opportunities posed by an evolving digital and technological environment. The discussions allowed the Commissioner and her team to gain a more accurate understanding of the current situation, enabling her Office to better target future activities in support of human rights defenders. The event also provided an opportunity for networking and enhancing strategic cooperation between human rights defenders and key international stakeholders, as well as for reinforcing links and co-operation with the Commissioner’s Office.
6. The present report summarises the discussions held during the round-table.⁷ Section 1 addresses issues pertaining to the safety and liberty of human rights defenders, including threats and violent attacks against them, and administrative and judicial harassment of individual activists, journalists and lawyers defending human rights. It also assesses the situation of human rights defenders working on the protection of the

¹ Statement made by Ms Tarja Halonen, 11th President of the Republic of Finland 2000-2012, during her welcome speech on 13 December 2018.

² [Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities \(2008\)](#)

³ For more information, visit the Commissioner’s [webpage](#) dedicated to human rights defenders.

⁴ [UN Declaration on Human Rights Defenders \(1998\)](#)

⁵ [Universal Declaration of Human Rights \(1948\)](#)

⁶ See *supra* note 2.

⁷ This report summarises the information presented by participants on 13 and 14 December 2018 during the round-table and does not necessarily take account of subsequent developments. The practices described in some member states may be representative of broader trends present in other parts of Council of Europe area.

rights of particular groups, such as refugees, asylum seekers and migrants, national minority groups, women and LGBTI people. Section 2 outlines the existing and emerging regulatory trends and practices that tend to restrict independent civil society organisations or curtail their ability to carry out their legitimate work. Section 3 sets out the current legal and policy framework of standards, developed at European level, to ensure an enabling environment for civil society organisations. The existing instruments of protection operated by international and regional mechanisms, as well as the role of national human rights structures (hereinafter NHRs), are also addressed. Section 4 maps the challenges and opportunities for human rights defenders arising from the evolving digital environment.

7. This report concludes with a set of recommendations by the Commissioner derived from international and European human rights standards. The duty of Council of Europe member states to protect human rights defenders, support them and create an enabling environment for their activities is enshrined in the Council of Europe's legal framework, including treaties, soft-law standards, as well as recommendations made by the relevant institutions, including the Commissioner's Office. The recommendations should be understood as the minimum requirements to be respected. The Commissioner will reiterate them in her dialogue with government authorities and other actors, and will seek to stop or prevent any practices, policies and legislation that hinder human rights defenders and their activities.
8. The Commissioner wishes to express her sincere gratitude to the participants of this round-table for their valuable contributions to the discussions and to this report.

1 Safety and Liberty of Human Rights Defenders

1.1 Reprisals against human rights defenders: current trends and new challenges

Attacks against personal safety

9. In a growing number of European countries, individual human rights defenders, staff members of human rights NGOs, academics, activists, lawyers, and journalists, are increasingly being targeted due to their activities in the fields of human rights protection, the promotion of accountable governance or the fight against corruption.
10. Attacks against defenders continue to be a source of concern. Threats, acts of intimidation, physical violence, abduction and even killings continue to be reported in different European countries. The nature and seriousness of attacks varies greatly depending on the local context. Physical and verbal attacks are reportedly spreading in a growing number of EU member states. Participants observed that many threats and attacks against human rights defenders still remain unreported. In some cases, defenders do not recognise the seriousness of the threats against them and perceive the situation as "normal". In addition, it was noted that human rights defenders and civil society organisations do not necessarily have the knowledge and support networks to respond or prevent such attacks. The lack of effective and independent investigations for attacks against defenders and the resulting impunity remain as long-standing problems in certain regions, making the recurrence of violations almost inevitable.
11. Human rights defenders, including environmental activists and lawyers, continue to face physical violence when expressing criticism of government policies. Participants observed that human rights defenders in the Russian Federation operated in a hostile environment characterised by instances of physical violence in addition to persistent attacks in public discourse, smear campaigns and open threats against their work. This situation is particularly acute in the North Caucasus, where human rights defenders addressing impunity for serious human rights violations are exposed to serious risks. In Ukraine, human rights defenders, including anti-corruption activists, journalists, and activists working on the protection of LGBTI rights, have regularly reported physical attacks, intimidation, harassment, or threats.
12. The real and dangerous threats faced by journalists - including killings - are an alarming phenomenon in many European countries, demanding a strengthened State response to ensure accountability for such actions. Attention was drawn to the recent killings of investigative journalists Daphne Caruana Galizia in Malta as well as Ján Kuciak, and his fiancé Martina Kušnírová, in the Slovak Republic. Participants also

referred to the case of journalist Afgan Mukhtarli, who was abducted in Georgia in May 2017 and taken to Azerbaijan where he was detained and subsequently sentenced in January 2018 to six years prison as part of the state's crackdown on opposition and civil society.

13. In various parts of the Council of Europe area, the excessive or disproportionate use of force by law enforcement officials to restrict freedom of assembly has been observed over recent years, and human rights defenders incur high security risks when exercising the right to peaceful assembly.

Administrative and Judicial Harassment

14. Human rights defenders continue to face administrative and judicial harassment throughout the Council of Europe area in carrying out their work for the defence and promotion of human rights.
15. Participants agreed that unlawful arrests, detention, and criminal prosecution based on dubious or unfounded grounds, were increasingly used to silence, punish or dissuade human rights defenders from continuing their activities in the area of human rights in many European countries and from exercising their rights to freedom of association, expression and peaceful assembly. In the Russian Federation, the arrest and prosecution for alleged drug possession of Oyub Titiev, the leading member of the Russian Human Rights Centre Memorial in Chechnya, is clearly considered as part of a broader pattern of reprisals against human rights defenders in that region. Participants drew attention to the ongoing investigations and criminal prosecution of human rights defenders, journalists, academics and lawyers in Turkey as a result of the state's declaration of emergency in 2016. Defenders reported that little recourse against accusations and attacks was available during the country's state of emergency. The arbitrary detention of academics and activists in Turkey continues to be reported even after the lifting of the state of emergency, undermining defenders' legitimate work.
16. Arbitrary arrests, criminal prosecution and imprisonment of dissenting human rights activists have been part of a larger campaign to crack down on human rights defenders in Azerbaijan. Moreover, in some cases, additional charges have been brought against activists whose prison sentences were about to come to an end, in order to prolong their deprivation of liberty.
17. Various forms of administrative and judicial harassment are employed against human rights defenders. They include, *inter alia*, abuse of anti-terrorism legislation,⁸ blacklisting of defenders, and travel bans on political grounds.
18. Harassment against lawyers working on human rights cases is a newer tendency. In Azerbaijan, changes to the Code of Civil Procedure, the Code of Administrative Procedure and the Bar Act excluded lawyers from civil and administrative proceedings before courts unless they are members of the Bar Association, which independence is reportedly undermined and has recently limited the admission of lawyers working on human rights or with an NGO background. This move is perceived as part of an intensifying crackdown on a number of lawyers, impeding their possibility to exercise their profession. Since the end of 2017, lawyers working on sensitive cases have been reporting the use of false accusations and smear campaigns against them, with disbarment being yet another method of obstruction and retaliation. Judicial and administrative harassment has reportedly been experienced by lawyers working on the human rights-related matters in Crimea. Reference was also made to a number of lawyers placed under investigation after monitoring possible push-backs in the Evros region in Greece. Furthermore, it would appear that lawyers representing applicants before the ECtHR have themselves been subjected to harassment by law enforcement authorities in Greece. Participants also reported the fiscal harassment faced by lawyers working for the protection of human rights and engaged in litigation in certain countries.

⁸ For further information, see the [Report](#) of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, on the role of measures to address terrorism and violent extremism on closing civic space and violating the rights of civil society actors and human rights defenders, A/HRC/40/52, 18 February 2019.

1.2 Challenges faced by specific groups of human rights defenders

19. Civil society organisations working for the promotion of vulnerable groups and minority rights may be more likely to face threats. While in some Council of Europe member states there may not be an immediate danger to their personal safety, the environment in which they operate can still be hostile. Defenders dealing with the rights of refugees, asylum seekers and migrants, women, LGBTI persons, Roma and other national minority groups are in a particularly vulnerable position given the “unpopularity” of such issues in many countries. It was noted how distorted and harmful rhetoric has led parts of the population to openly manifest hatred towards those groups and towards civil society actors that promote and protect their rights.

Criminalisation of humanitarian assistance to refugees, asylum seekers and migrants

20. Defenders assisting refugees, asylum seekers and migrants are facing increasing pressure, restrictions and stigmatisation. The criminalisation of providing humanitarian assistance is yet another emerging tendency that can be identified in a growing number of European countries, including France, Italy, Greece, Belgium and Hungary.

21. Participants indicated that in France, a number of activists aiding migrants are being subjected to prosecution and high monetary fines for their acts of solidarity (“délit de solidarité”). Moreover, the misuse of slander and defamation laws against activists has apparently increased. In Belgium, several citizens have been accused of human smuggling after providing accommodation to migrants in search of shelter. The people concerned were confronted with preventive detention, house searches and intimidation. Participants also indicated that several citizens faced prosecution for human trafficking and membership of a criminal organisation. In Hungary, serious concerns remain about recent legislation that provides for criminal sanctions, including imprisonment, for those who allegedly “facilitate illegal immigration”, which encompasses legitimate activities carried out by activists and civil society organisations in support of asylum-seekers, refugees and migrants.

22. In the absence of more robust EU-coordinated search and rescue operations at sea, civil society organisations have assisted Council of Europe member states in upholding the principles of preserving human life and dignity enshrined in the law of the sea and international human rights law. It is underlined, however, that their efforts in saving human beings in distress are constantly being discredited. Participants indicated that NGO vessels present in the Mediterranean route are often being subject to smear campaigns and media attacks. In Italy, they have been accused by politicians of being a pull factor for migrants to attempt dangerous sea journeys and of acting as a “taxi-service” in tandem with smugglers and human traffickers. NGO vessels and their crews continue to face administrative and judicial harassment, to the detriment of their human rights activity. Participants reported that some NGO vessels have been forced to halt their operations based on their purported infringement of administrative regulations, which seems to be a further attempt by governments to silence and punish NGOs, and to prevent their work.

Human rights defenders protecting the rights of national minority groups, women and LGBTI persons

23. Hostile attitudes and hate-motivated violence against certain national minority groups and Roma communities are also extended to activists defending their rights. While threatening messages and hate mail against these human rights defenders are not new, today there are greater concerns about the realistic possibility of violent hate-motivated attacks. This has led civil society organisations to seek better protection for their staff members.

24. Women’s rights defenders encounter risks and threats that are gender-specific and require particular attention.⁹ Those who challenge traditional gender stereotypes or work on issues such as sexual and

⁹ For further information, see the [Report](#) of the UN Special Rapporteur on human rights defenders, Michel Forst, on the situation of women human rights defenders, A/HRC/40/60, 10 January 2019; See also the [Report](#) of the round-table with

reproductive health and rights and advocate for the rights of women victims of domestic violence are often specifically targeted in a number of European states. For example, in Bosnia and Herzegovina, women human rights defenders who provide assistance to women victims of gender-based violence reported continuous harassment and threats by perpetrators of violence.

25. LGBTI activists also face a plethora of threats. Participants stressed that extreme violence, including killings, against LGBTI people and activists is still a reality in some European countries, preventing people from living freely and safely, solely because of prejudices against their sexual orientation and gender identity. Some LGBTI organisations are denied registration or are subjected to excessive scrutiny, leading some activists to choose to operate outside formal organisational structures. Defenders observed that the freedom of expression and peaceful assembly of LGBTI people has been subject to unjustified restrictions in certain countries. In Turkey, there has reportedly been a rise in hate speech against LGBTI persons by the media and government officials, as well as harassment of LGBTI civil society. In 2017, the Governor of Ankara announced a discriminatory ban under which all public events focusing on the human rights of LGBTI persons, including film screenings, panel discussions, exhibitions and gatherings, were prohibited indefinitely. The founder of Kaos GL, an LGBTI organisation, was reportedly detained between 2 and 6 February 2018 by the police for his social media activity.

2 Restrictions upon Civil Society Organisations

2.1 Regulatory environment

26. The adoption of restrictive legislation and measures undermining civic freedoms, often justified by reference to security or “transparency” needs, poses additional burdens on human rights defenders. While some of the measures are not entirely new, in certain contexts they have become particularly detrimental to civil society organisations.
27. In some European countries, transparency criteria require civil society organisations working on human rights to comply with burdensome legal and administrative restrictions impeding their registration and access to funding,¹⁰ or requiring them to self-label pejoratively. This specifically singles out civil society organisations who receive funds from foreign donors. Other constraints stem from regulatory frameworks aimed at ensuring transparency, which subject associations to extensive scrutiny, and can also be tools for intimidation and harassment. Frequent and onerous reporting requirements, as well as abusive controls and surveillance, tend to unduly obstruct the legitimate work carried out by civil society organisations, and could ultimately be used as a pretext for silencing criticism. Participants observed that some legislative initiatives, such as anti-terrorism and anti-money laundering laws, may also negatively target or inadvertently impact the work of human rights defenders.
28. Participants also indicated that persistent public discourse against human rights defenders, together with trolling and other attacks on social networks or through the media, are tolerated - if not encouraged - by national authorities, which has aggravated the impact of restrictive legislation in delegitimising defenders’ work. In Hungary, for example, the combination of smear campaigns, legislation on foreign funding, possibility of criminal sanctions and targeted audits exercises a continuous chilling effect on the regular activities of human rights defenders with potentially devastating consequences for civil society organisations that promote human rights. Participants noted that in different Council of Europe member states the hostile rhetoric instils distrust in the public towards human rights defenders and legitimises reprisals against them by both state and non-state actors. The change of public perceptions about civil society organisations renders the work of human rights defenders increasingly difficult, with diminished support from other groups in society, including previous partners.

human rights defenders organized on women’s rights and gender equality in Europe by the Office of the Council of Europe Commissioner for Human Rights (Vilnius, 6 - 7 July 2015).

¹⁰ For further information, see the [Report](#) of the Venice Commission on Funding of Associations, CDL(2019)011, 18 March 2019.

29. In addition, participants observed that, in certain European countries, the “space” only “shrinks” vis-à-vis independent civil society actors who openly disagree with government policies. In parallel, well-financed and organised “civil society” structures are flourishing with state backing. Participants expressed concerns over the rising influence of conservative civil society organisations driving a particular interpretation of human rights, setting aside well-established standards and marginalising independent civil society actors that are critical of the official stance. In Poland, for example, the establishment of organisations that support the governing majority and its policies has been on the rise during the past several years. Participants noted that changes in the practice of distributing public funds prioritise organisations closely working with the state and excluding the rest of civil society organisations, especially those dealing with women’s rights, non-discrimination and refugees, asylum seekers and migrants’ rights. It was also reported that a parallel civil society led by “fundamentalist” groups was expanding in Croatia.

2.2 Hindrances to civil society’s participation in public affairs

30. Participants from different European countries also shared concerns about restrictions upon their right to conduct day-to-day advocacy work and campaigning activities, voice citizens’ criticism, participate in public affairs and shape policies of public interest.
31. Legislative initiatives aimed at fighting against political corruption, ensuring transparency in decision-making processes, or the protection of national sovereignty from “foreign influence”, may unnecessarily restrict human rights defenders’ activities and must be carefully assessed. This tends to occur, for example, when human rights advocacy by civil society organisations is construed as “political activity”. Certain European countries may benefit from the lack of clear and uniform definitions of this term to justify clampdowns on the legitimate watchdog role of civil society organisations and to exclude them from participation in public affairs.
32. Attention was drawn to the adoption and implementation of successive amendments to the legislation on non-commercial organisations by the Russian Federation, requiring all civil society organisations receiving financial support in any amount from abroad and involved in “political activity” to be registered as “foreign agents”. The notion of “political activity” can encompass any activity by non-commercial organisations aimed at influencing public opinion or proposing changes to any governmental policies. In certain contexts, non-commercial organisations registered as foreign agents may not interact with certain state officials or perform certain types of public activities. Defenders reported that the tighter control over civil society organisations has increased pressure on human rights organisations, impeded their work and stigmatised them before the general public. Such restrictions have led human rights activists to limit their human rights activities or engage in a different format, sometimes through informal networks.
33. The drafting of analogous laws is under discussion in Ukraine. More generally, participants expressed concerns about the wider negative influence of any legislation that places undue restrictions upon civil society organisations. With other states emulating methods already tested in a particular country, this can lead to a proliferation of damaging laws that silence dissent.
34. Infringements of the right of civil society organisations to participate in decision-making processes have been observed in certain European countries. This occurs as decision-making authorities increasingly resort to fast-track legislative procedures without meaningful consultations with civil society actors. In this respect, participants referred to the findings of the National Federation of Polish NGOs, which documented a number of examples where rules governing the cooperation between the state administration and civil society through consultations and participation have been violated. In the Republic of Moldova, the authorities have reportedly become more reluctant in involving civil society organisations in drafting legislation, leading to potential abuses and undermining civil society’s trust in the central and local authorities.

Electoral rules and lobbying regulations

35. Participants signalled specific concerns when human rights activities of civil society organisations fall under the purview of electoral rules or lobbying regulations. Though legislators might not have intended

to impose restrictions on civil society organisations specifically or interfere with their ordinary activities, requirements for civil society organisations to register as third-party campaigners or lobbyists, together with reporting obligations and sanctions for non-compliance - including imprisonment – can lead to a chilling effect on the habitual work of human rights organisations. As explained below, severe restrictions upon civil society’s ability to voice opinions or criticism of public policies have been reported in the UK and Ireland as a result of laws meant to regulate election periods and lobbying.

36. In the UK, Part II of the 2014 Lobbying Act stipulates that individuals or organisations, including charities, need to register as non-party campaigners with the Electoral Commission if their spending during the regulated period (i.e. one year before date of elections) exceeds a certain threshold and if their activities can be perceived as intended to influence the outcome of an election. Participants underlined that during its passage through Parliament, the threat posed to freedom of speech and freedom of assembly by the Act went mostly undetected by the general public due to the complexity and intricacy of the legislation, demonstrating how assaults on democracy may not always be overt.
37. Civil society organisations have complained that the UK Lobbying Act has had a chilling effect on the work of charities during the regulatory period, with many preferring to remain silent on crucial issues ahead of elections, opting to curtail their activities if those could fall within the ambiguous definition of “regulated activity”, in order not to be required to register and be subjected to reporting obligations or funding restrictions. Reluctance to register is also linked to the worry of being perceived as “partisan”. Participants noted that this was particularly relevant in the context of Northern Ireland due to the role civil society had played in the peace process. Even though the UK Lobbying Act affected all charities in the UK, there has reportedly been a disproportionate effect on civil society organisations working with marginalised communities such as minority language speakers or people with physical, sensory or learning disabilities, on account of the additional resources required to support their civic engagement that would be limited by funding restrictions.
38. The Irish Regulation of Lobbying Act 2015 sets up the establishment of a mandatory lobbying register. Participants indicated that the work of civil society organisations may fall within the definition of lobbying activities when it envisages a direct or indirect communication on “a relevant matter” with public officials. Notwithstanding the state’s acceptable quest to guarantee openness, transparency, and the right of citizens and organisations to have access to information, the difference between ordinary advocacy work by civil society organisations working for the promotion and protection of human rights, arising from their right to participation in public affairs, and lobbying groups that are compensated for lobbying on behalf of private-business interests needs to be strongly reiterated.

3 Standards and Mechanisms for the Protection of Human Rights Defenders

3.1 European standards favouring the work of civil society organisations

39. Civil society has been widely recognised as essential to the promotion of human rights, democracy and the rule of law. In order for civil society organisations and their individual members to carry out their crucial work, they require the freedom to fully exercise their rights without unjustified interference, including the right to associate freely, assemble peacefully, and express themselves openly, the right to take part in public affairs, to enjoy protection of their property, as well as the rights to private life, an effective remedy, fair trial, and protection from discrimination. Apart from the obligation not to encroach upon these rights, European states have the positive obligation to actively create and maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations.
40. Participants agreed that international and European norms and practices provide a well-established framework for the protection of the environment needed for civil society to be able to operate. They also provide important definitions as regards the procedures that should govern the establishment of civil society organisations and their acquisition of legal personality, the nature of the objectives that they can pursue, their freedom of internal management, their ability to undertake fundraising and to seek public support, as well as the appropriate approach to securing their accountability. Although there still remains

scope for further clarification of the criteria European countries need to meet in order to ensure an enabling environment for civil society organisations, it is considered that attempts to undermine such an environment are not due to gaps in current standards. In most instances, the (negative) impact of particular measures being contemplated is well-understood by European states when drafting legislation.

41. Nonetheless, participants acknowledged that some of these guarantees are broadly formulated and require adequate interpretation to ensure their effective application. They might also be subject to limitations which, despite serving legitimate purposes, can in practice be improperly exploited to undermine the enabling environment that needs to be secured. It was reiterated that European states not only tend to make recurring references to interests such as national security and public order as a justification for restrictions, but also to the need to guarantee transparency in elections and foreign exchange, and to combat money laundering. There seems to be, however, a growing recognition of the scope for abusive application of measures that ostensibly pursue legitimate objectives, and of the need for this to be forestalled in the way standards are drafted.
42. The possibility of recourse to the ECtHR is particularly important to guarantee the implementation and execution of existing standards. Human rights defenders can come to the ECtHR for the protection of their own rights. In reply to the Parliamentary Assembly Recommendation “How can inappropriate restrictions on NGO activities in Europe be prevented?”, the Committee of Ministers considered that one of the ways to effectively combat the threats faced by NGOs would be “strict compliance with Articles 10 and 11 of the European Convention of Human Rights”.¹¹ Insofar as freedom of expression is concerned, the Court constantly held that “when an NGO draws attention to matters of public interest, it is exercising a “public watchdog” role of similar importance to that of the press and may be characterised as a social “watchdog” warranting similar protection under the Convention as that afforded to the press”.¹² As to the right to freedom of association, the ECtHR has heard complaints from civil society organisations that have been, among others, unfairly denied access to legal status or who have faced particular obstacles in their operation, and has therefore developed jurisprudence on the modalities of registering associations and the compatibility of any restrictive measures with the Convention. Cases have also come before the ECtHR on the arbitrary deprivation of liberty of human rights defenders for carrying out their activities. Furthermore, the ECtHR recognised the vulnerable situation vis-à-vis the authorities of those who criticise the government.¹³
43. The case-law of the ECtHR is evolving in step with new developments, with a higher influx of cases concerning human rights defenders likely to be considered in the foreseeable future. The general attitude of the authorities toward human rights defenders and their criticism was examined and relied upon by the Court in a number of cases against Azerbaijan. In its recent judgment pertaining to the criminal prosecution of a prominent human rights defender, Intigam Aliyev, the Court noted that the actual purpose of the impugned measures was to silence and punish the applicant for his activities in the area of human rights, as well as to prevent him from continuing those activities. It relied on the broader context of the attitude of the authorities towards human rights defenders, including restrictive regulation of NGO activity and funding, accusation of treason by high-ranking officials and pro-government media and arrest of other human rights defenders in the country in similar circumstances. Against this background, the Court agreed that the applicant’s detention was part of a campaign against civil society, finding a violation of, *inter alia*, Article 18 ECHR taken in conjunction with Articles 5 and 8.¹⁴
44. The international and European legal framework acts as a shield for preserving the protection of human rights. The question, however, remains as to how it can be used in practice to empower human rights defenders to initiate litigation to address the state-led backlash against human rights. It was agreed that all existing standards and court judgments are only useful if adequately implemented by states. Participants highlighted the need for existing European and international norms to be accompanied by

¹¹ Doc. 14206, Reply to Recommendation, 23 November 2016, § 4.

¹² The Court reiterated these principles in *GRA Stiftung gegen Rassismus und Antisemitismus v. Switzerland*, no. 18597/13, § 57, 9 January 2018.

¹³ ECtHR, *Gongadze v. Ukraine*, no. 34056/02, ECHR 2005-XI.

¹⁴ ECtHR, *Aliyev v. Azerbaijan*, no. 68762/14 and 71200/14, 20 September 2018.

more effective arrangements to encourage states to respect them and make them effective in practice. This is particularly true at present, where defenders witness a disregard by states towards concerns expressed by international or European bodies, including ECtHR judgements.

3.2 Protection mechanisms for human rights defenders

45. The existence of mechanisms supporting human rights defenders at international, regional and local level continues to be instrumental in assisting defenders at risk or those who face difficulties in their work, particularly in contexts that tend towards authoritarianism and where the rule of law is not being respected.
46. Apart from the bodies of the Council of Europe, instruments at international level include the Special Procedures within the UN human rights machinery, including the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, together with Independent Experts and Working Groups. They may act upon human rights violations either in individual cases or on more structural issues through direct communications with governments, seeking - often urgently - clarification on alleged violations. Where required, they may request governments to implement protection measures to guarantee or restore the enjoyment of human rights. In practice, however, participants indicated that protection measures are difficult to implement at local level.
47. The European Union supports the development of vibrant and independent civil society both beyond and within the EU. The European Commission grants financial assistance to numerous human rights activists through the implementation of various types of measures tailored to complex emerging challenges. Different policy tools and actors are employed to counter restrictions on civil society, together with mechanisms aimed at preventing or reacting to attacks on human rights defenders themselves. The rights to freedom of association, freedom of peaceful assembly and freedom of expression and information, enshrined in the EU Charter of Fundamental Rights, need to be respected by EU Member States when they are acting within the scope of EU law. The European Commission can launch an infringement procedure if it considers that a particular country's legislation is contrary to EU norms, ultimately referring the case to the Court of Justice of the European Union, as in the case of Hungary concerning the law on the transparency of organisations receiving foreign funding.¹⁵ Also, in July 2018, the Commission sent a letter of formal notice concerning the recent Hungarian legislation criminalising activities that support asylum seekers.¹⁶ In addition, on 19 April 2018, an European Parliament Resolution¹⁷ was adopted calling on the EU to set up a "European Values Instrument" to provide targeted financial support to civil society organisations which promote fundamental values within the European Union at local and national level.
48. In the context of its external human rights policy and on the basis of a well-established policy framework, the EU provides support to human rights defenders through political action and dialogue with authorities of third countries, including through the European External Action Service (EEAS) and its Special Representative on Human Rights, as well as the European Parliament. At national level, EU Delegations: are in regular contact with human rights defenders; monitor trials; visit defenders in detention; provide financial support to human rights defenders for conducting their work; activate protection mechanisms for those most at risk; and give visibility to the work of defenders. The above-mentioned political engagement and action is backed up by operational and financial support to human rights defenders through the European Instrument for Democracy and Human Rights (EIDHR), which funds numerous projects and activities at the global, regional and local level.
49. One of the initiatives funded by the EIDHR, ProtectDefenders.eu, is the EU Human Rights Defenders Mechanism established to provide multifaceted assistance to defenders at high risk worldwide. It is led by

¹⁵ [European Commission steps up infringement against Hungary on NGO Law](#), 4 October 2017.

¹⁶ [Migration and Asylum: Commission takes further steps in infringement procedures against Hungary](#), 19 July 2018.

¹⁷ European Parliament [Resolution](#), adopted on 19 April 2018.

a consortium of 12 NGOs active in the field of human rights,¹⁸ and provides practical emergency support and material assistance to human rights defenders in danger. This includes, among others, legal assistance, medical care and individual security. It also offers a programme of temporary relocation for defenders and their families at risk inside their country, within their region or abroad. This European mechanism provides for small to medium sized grants to civil society organisations, as well as organising training and building up civil society organisations' capacity. However, the geographical area where it acts remains limited as regards the Council of Europe area, as it can only be active in countries outside the European Union.

50. Mechanisms operated by international NGOs have proven to be of crucial importance in providing urgent or medium to long term support to human rights defenders and their families worldwide. However, international and European stakeholders have noted that the need of assistance requested by human rights defenders in different countries goes well beyond the support they can currently provide, once again reiterating that there has been a deterioration of the working environment for human rights defenders.
51. Participants reported that cases of violence and insecurity faced by defenders remain a concern, particularly in view of growing threats by far-right movements. Strategies to effectively protect the physical integrity of individuals among international stakeholders need to be revised. The importance of preventive work was underlined by participants, who stressed the need for early warning systems to protect defenders and react to negative developments at an early stage. Providing visas and shelter remains important for defenders at high risk in certain European countries. Pressure from international stakeholders through direct calls and meetings with state authorities, country visits and public statements in cases where threats to personal safety are documented are considered important initiatives that can have an impact on the situation and help put an end to potential cases of violence.
52. In addition to security issues, participants agreed on the importance of addressing the well-being of human rights defenders under pressure. This includes in particular their mental health and care in order to prevent alienation and manage other stress-induced consequences that can lead to the human rights defender's suffering, burnout and departure from the human rights organisation or movement altogether. Participants stressed that this should not only be a part of the strategy and management responsibility of the human rights organization itself, but also a key funding area for donors. It was suggested that the European Union's current and future financial support instruments to human rights organisations as well as any other available funding programme should also allow grant beneficiaries to include strategies to safeguard the well-being of human rights defenders and the costs thereof.
53. Furthermore, NHRs can play a key role in supporting human rights defenders and in addressing their concerns at local level. In accordance with international standards governing their functioning, NHRs must conduct their work independently of political considerations and work effectively to promote and protect human rights and the rule of law.¹⁹ NHRs are perceived as "bridge-builders"²⁰ between international human rights standards and the national setting; their expertise and close connections with local actors enables them to respond promptly to human rights developments at the national level and to engage with government authorities, civil society and international organisations.

¹⁸ These are: Front Line Defenders, Reporters without Borders, FIDH, OMCT, ESCR-NET, ILGA, Urgent Action Fund, Protection International, Peace Brigades International, EMHRF, Forum Asia, and EHAHRDP.

¹⁹ [Principles relating to the Status of National Institutions \(The Paris Principles\)](#), 1993; see also the ECRI [General Policy Recommendation No.2 \(revised\)](#) on Equality Bodies to combat racism and intolerance at national level, 2017; the European Commission's [Recommendation](#) on standards for equality bodies, 2018; and the Venice Commission's [Principles](#) on the Protection and Promotion of the Ombudsman Institution (The Venice Principles), CDL-AD(2019)005-e, 18 March 2019.

²⁰ See ENNHRI [Report](#), National Human Rights Institutions as Human Rights Defenders: Enabling Human Rights and Democratic Space in Europe, 2018.

54. The Committee of Ministers' Recommendation (2018)11²¹ recognised that National Human Rights Institutions (NHRIs) protect civil society space through monitoring, investigating, reporting and the handling of complaints. Participants reported that the engagement of NHRIs in certain European countries has led to positive results in supporting human rights defenders and protecting the environment for civil society, and have shared a number of examples in this respect.²² In addition, different initiatives have been identified on how NHRI engagement at the national level could further promote and protect human rights defenders, as well as ensure adherence to democratic principles, taking into consideration the different political contexts in Council of Europe member states.²³ The tendency towards dilution of democratic norms, however, has posed significant challenges to NHRIs themselves; they can come under threat from the state in relation to their mandate, funding, or independence; or through smear campaigns, harassment or physical threats. In this respect, these bodies also need the support of institutional and civil society actors.²⁴
55. Participants agreed that cooperation between diverse mechanisms and actors is essential to guarantee meaningful support to human rights defenders. Through understanding the help available and using the strengths of each actor, working together serves to challenge and prevent restrictions upon defenders, strengthen regional mechanisms, and raise public awareness and understanding about defenders' work in the promotion and protection of human rights for benefit of all.

4 Evolving Digital Environment: Challenges and Opportunities for Human Rights Defenders

56. Technology has become an integral part in civil society work. Human rights defenders make use of the Internet and social media platforms to conduct and amplify much of their work today, share information and alerts, and keep a connection with defenders everywhere. Technological tools like remote sensing, data analysis and increasingly artificial intelligence (AI) can be used to conduct investigations. At the same time, defenders, together with experts, agreed that technology has also become a powerful tool for repression and intimidation.
57. Human rights defenders face an array of new human rights violations related to technology. Major concerns exist about the threats that intercepted communications, surveillance, AI and other uses of technology may pose to human rights defenders and their work. It was noted that defenders face the same threats as private companies and governments. However, they lack the resources to prevent and respond adequately.
58. Experts indicated that human rights defenders are increasingly targets of digital surveillance and attacks, for the purpose of infiltration, monitoring and intimidation. State and non-state actors use digital surveillance for a variety of reasons: to keep watch and learn about defenders' plans or upcoming campaigns; to find compromising or personal information to intimidate, incriminate or destroy their reputation; and to learn about the network human rights defenders operate in, including identifying sources within a country or colleagues and collaborators. Digital surveillance can also be used to impersonate a human rights defender.
59. State and non-state actors can get such information or undertake this activity by obtaining access to human rights defenders' e-mail or social media accounts, or to their personal devices, such as phones and computers. They can also infiltrate online networks (e.g. Facebook groups or chatrooms) and collect information through "traditional" espionage work.

²¹ [Recommendation](#) CM/Rec(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe, 28 November 2018.

²² See *supra* note 20.

²³ See the initiatives identified in ENNHRI's [Regional Action Plan](#) on the [Marrakesh Declaration](#) on 'Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of national human rights institutions', adopted by the Global Alliance of NHRIs (GANHRI) in October 2018.

²⁴ See *supra* note 20.

60. Phishing is reported as one of the most common forms of attacks. It consists of re-creating familiar log-in pages or sending e-mails purporting to be from reputable civil society organisations or partners in order to induce individuals to reveal personal information. Another form of digital threat is spyware, which enables the secret recording of keystrokes, screenshots of the desktop, recording of microphone, webcam or Skype calls and chats, and theft of files and logins from the browser.
61. Experts indicated that digital deception constitutes another challenge to the work of human rights defenders that can be designed to silence and intimidate. As methods of delivering – and manipulating – news and information have changed, the environment conducive for human rights work is undermined.
62. Participants were shown a number of real cases where these tools were used against human rights defenders. One example was a fake human rights NGO, “Voiceless Victims”, purporting to work on the rights of workers in Qatar. It was designed to trick human rights activists working in high-risk environments into revealing sensitive information while based in France.²⁵ In “Operation Kingphish”, Amnesty international uncovered a campaign of cyber attacks designed to steal credentials and spy on the activity of dozens of journalists, human rights defenders, trade unions and labour rights activists, many of whom were involved in the issue of migrants’ rights in Qatar and Nepal.²⁶ Fake accounts and crude malware have also targeted dissidents in Azerbaijan.²⁷ The widespread government-led hacking of several Turkish activists and protesters over Twitter was also mentioned.²⁸
63. It was noted that Europe hosts a high number of companies who produce and sell surveillance technologies around the world. Experts stressed that technology companies have little to no liability for the products they market and that implementation of effective legislation regulating the surveillance technology sector would help reduce harm. A few regulations have recently been introduced, particularly as regards the exportation of such tools, but have thus far proven to be largely ineffective. The control of surveillance equipment exports to states is urgently needed. As with weapons, experts underlined that it must not be sold to “abusive” states.
64. At the same time, experts agreed that technology offers a range of powerful and innovative tools for the advancement of human rights work, and can be used by human rights defenders to document and expose abuse, as well as to enhance their own protection and effectiveness. A number of these options were discussed.
65. As for documenting violations, experts referred to the use of open source investigations to take advantage of the high level of information currently present online. Remote sensing, through satellite imagery and drones, can be particularly beneficial for investigations, particularly when physical access is denied. Data analysis assists in showing patterns, scope and trends that are hidden in numbers. It was recalled, however, that tech tools are best used in conjunction with on-the-ground research and other traditional methodologies. Due to the risks arising from emerging technologies, ethical, legal and security implications should always be considered.
66. The development of mechanisms that assist human rights defenders in the protection of their digital security and privacy online has also expanded over the last few years. These include, for example, tools that detect surveillance spyware in computers, some of which is used by or under the instructions of governments to spy on human rights defenders and civil society activists. Experts stressed that no universal check-list exists to fight back against digital threats. Nonetheless, a number of simple tools can be used to prevent or contain the attack in question.

²⁵ See at <https://medium.com/amnesty-insights/beyond-fake-news-an-investigation-into-the-murky-world-of-fake-campaigns-f4af8118844b>

²⁶ See at <https://medium.com/amnesty-insights/operation-kingphish-uncovering-a-campaign-of-cyber-attacks-against-civil-society-in-qatar-and-aa40c9e08852>

²⁷ See at <https://www.amnesty.org/en/latest/research/2017/03/False-Friends-Spearphishing-of-Dissidents-in-Azerbaijan/>

²⁸ See the [Report](#) of AccessNow, Alert: Finfisher Changes Tactics To Hook Critics, 2018.

67. Regarding digital deception and abuse, experts advised the use of simple tools to digitally archive and verify information. These include, among others: the use of reverse image searches to discover whether an image was posted online at an earlier date or if other actors are using the human rights defender's images or branding elsewhere (e.g. as in the case of phishing or disinformation sites); Light Photo Forensics²⁹ was identified as useful for image analysis; Internet Archiving³⁰ offers another tool that defenders can use to ensure that a referenced *URL* does not change when publishing a document. The importance of making backups and restoring them was highlighted, particularly for those human rights defenders who work in difficult environments.
68. For civil society organisations to document human rights violations related to technology and to use tech tools effectively they should consult and work with specialised. Experts indicated that technologists' assistance can be provided by contacting, for example, Security Without Borders,³¹ Civilsphere,³² Aspiration Tech³³ and Tactical Tech³⁴. It was noted that the Ford Foundation Center for Social Justice, specifically through the Ford Mozilla Open Web Fellows programme, funds public interest technologists through fellowships and is actively seeking host civil society organisations.³⁵
69. In respect to the use of AI systems, the urgent question remains on how to maximise their benefits for society and human rights defenders while minimising their potential harms to human rights work. Different stakeholders have initiated studies on how to respond to the challenges of digital and emerging technologies, the consequences of certain AI systems, as well as the potential opportunities they can provide in the protection and promotion of human rights. Concerns remain as to the lack of transparency, accountability and safeguards to protect rights when AI systems are used. The application and impact of AI in many sectors, including policing and criminal justice, must be confronted by the human rights community, with research and advocacy focused on standards that defend the rule of law in automated systems, especially now as these systems are developed and deployed.
70. The Commissioner expressed the intention to focus on AI during her mandate, so as to bring the core issues to the forefront and ensure that member states and the private sector, which bears responsibility for AI design, respect human rights. Standards that limit the encroachment of new AI tools into the rights of citizens are being developed. It remains to be seen if the existing monitoring and accountability mechanisms and the possibilities of redress will prove adequate in the face of possible dangers of AI to all individuals and, specifically, to the work of human rights defenders.

Conclusions and Recommendations

71. Human rights defenders, activists, journalists, lawyers, and other civil society actors as well as their family members are still subjected to attacks, violence, intimidation, judicial harassment and other forms of reprisals in many European countries.
72. Furthermore, deleterious trends are emerging in a growing number of European states that hinder the work of independent civil society. Civil society organisations exist and operate within regulatory frameworks, stipulating rights as well as responsibilities. However, a number of European states tend to portray civil society organisations as acting for their own interests and agendas, outside of any statutory control. These portrayals, which attempt to put into doubt the legitimacy of civil society organisations' internal functioning, sources and activities, do not correspond to reality.
73. Human rights defenders stressed that governments are becoming increasingly likely to disregard their human rights obligations determined by international and European mechanisms of human rights

²⁹ See at <http://fotoforensics.com/>

³⁰ See at <https://archive.org/web/>

³¹ See at <https://securitywithoutborders.org/>

³² See at <https://www.civilsphereproject.org/>

³³ See at <https://aspirationtech.org/training>

³⁴ See at <https://tacticaltech.org/>

³⁵ See at <https://www.fordfoundation.org/>

protection, including the Council of Europe, without giving due consideration to the potential consequences. The Commissioner notes that this represents a further obstacle to guaranteeing a safe and enabling environment for human rights defenders and needs to be urgently addressed at international, European and national level.

74. At the same time, participants reported that, despite governments' efforts in influencing public opinion on a given topic in some European countries, there is a new wave of grassroots mobilisation. The Commissioner is heartened by the increasing number of citizens, including young people, teachers, magistrates, local authorities and politicians who take a firm stance in defence of human rights.
75. Council of Europe member states should recommit to the standards they agreed to years ago and ensure a political, legal and public environment where human rights defenders can work freely and safely. Universal human rights standards need to be valued and upheld by all stakeholders. This is particularly important in view of worrying developments in many Council of Europe member states tending to undermine the protection of human rights and democratic norms.

Recommendations to Council of Europe member states

States bear the prime responsibility of protecting human rights defenders and creating an environment conducive to their work. The Commissioner calls on all Council of Europe member states to uphold their commitments in good faith. First and foremost, states must ensure a safe environment for the work of human rights defenders, and one which enables individuals, groups and associations to carry out activities for the promotion and protection of human rights and fundamental freedoms free from insecurity and hindrances. This includes, but is not limited to, the following actions and overarching principles:

1. Ensure the safety and liberty of human rights defenders:

- a. Fulfil in good faith the obligation to protect human rights defenders who are in danger. To this end, establish, where appropriate, with the involvement of human rights defenders, national human rights structures and, in co-operation with law enforcement bodies, a fully-functional rapid response mechanism or a protection programme for human rights defenders;
- b. Combat impunity through a series of specific measures, including the adoption of laws, policies and action plans, as well as by taking practical measures aimed at preventing and countering institutionalised practices by state authorities which may result in impunity;
- c. Adopt a policy of zero-tolerance of threats, physical attacks, or harassment directed against human rights defenders. This includes carrying out effective and prompt investigations into such occurrences, and prosecuting and punishing those responsible, irrespective of their status.
- d. Provide human rights defenders with effective remedies and reparation in cases of violation of their rights;
- e. Refrain from bringing criminal charges, civil proceedings or administrative measures against human rights defenders and civil society organisations that are motivated or used to impede their legitimate human rights activity;
- f. Urgently release human rights defenders from detention, acquit them and drop the charges brought in connection to their human rights work and peacefully exercising their human rights;

2. Ensure a conducive political, legal and public environment for human rights defenders:

- a. Explicitly recognise the importance of human rights defenders and civil society organisations and express, through words and actions, support to their essential contribution to the advancement of human rights, democracy and the rule of law, including by raising public awareness of the role played by them in society;
- b. Refrain from using inflammatory rhetoric that stigmatises and delegitimises human rights defenders and

their work;

- c. Bring national legislation in line with applicable international and European human rights standards, including decisions, declarations, resolutions and recommendations of the relevant Council of Europe and other international institutions and monitoring bodies;
 - d. Where necessary and appropriate, adopt laws and national action plans aimed at ensuring a safe and enabling environment for human rights defenders and civil society organisations, guaranteeing the full exercise of their rights;
 - e. Conduct impact assessments before introducing any regulatory initiative affecting the existence and operation of civil society organisations;
 - f. Repeal or amend any legislation that hinders the rights of human rights defenders and civil society organisations, including the right to freedom of association, expression and peaceful assembly, and their ability to carry out their legitimate work. In this respect, avoid over-broad definitions in laws on counter-terrorism and incitement, as well as those regulating transparency, elections and lobbying activities;
 - g. Ensure that any regulations governing access to the legal profession and disciplinary sanctions in that context are based on objective criteria and transparent procedures that prevent the arbitrary misuse of these measures to silence independent human rights activists;
 - h. Strengthen national human rights structures so they can carry out their mandates effectively and independently, including in the protection and promotion of the activities of human rights defenders and civil society organisations;
 - i. Pay particular attention to ensuring a safe and enabling environment for human rights defenders facing marginalisation, exclusion and other forms of discrimination, including on grounds of nationality, migratory status, ethnicity, sex, sexual orientation, sex characteristics, gender, gender identity, gender expression, disability or other grounds, in policy and national action plans;
 - j. Acknowledge the crucial role played by women human rights defenders in the promotion of human rights, including women's rights. In this context, take an active stance and decisive measures to combat violence, inequality, gender-based stereotypes and other forms of discrimination against women defenders; integrate a gender perspective into the relevant legislation and national action plans;
 - k. Refrain from taking any measures criminalising, stigmatising or putting at any disadvantage individuals and civil society organisations providing humanitarian assistance to, and defending the rights of, refugees, asylum seekers and migrants on land and at sea and restore an enabling environment conducive to their work;
 - l. Cooperate with civil society organisations conducting search and rescue operations at sea to safeguard the life and dignity of migrants, including by providing assistance and coordination, facilitating the prompt assignment of a place of safety, and allowing the swift disembarkation of rescued migrants;
- 3. Ensure freedom of association, expression and peaceful assembly of civil society organisations as well as their right to participate in decision-making processes and public affairs:**
- a. Retain the presumption of lawfulness of civil society organisations' activities in the absence of contrary evidence, and ensure that any interference, including reporting requirements or restrictions, is prescribed by law, governed by objective criteria and must serve a legitimate aim in line with human rights standards and in compliance with the principle of proportionality, so that its exercise can be amenable to control by the courts;
 - b. Allocate funds in a way that is non-discriminatory and ensure civil society organisations' freedom to solicit and receive funds not only from public bodies in their own state but also from institutional or individual

donors whether in the state or abroad, another state or multilateral agencies in order to effectively perform their legitimate functions;

- c. Apply sanctions as a measure of last resort and only in cases where civil society organisations have committed serious infractions. It is essential that the principle of proportionality be respected in both framing and applying sanctions for non-compliance with a particular requirement. Moreover, there should always be a clear legal basis for any sanctions that are imposed in a given case;
- d. Ensure that the right to participation in public affairs of human rights defenders and civil society organisations is not restricted through provisions that lend themselves to arbitrary interpretation, such as “political” or “undesirable” activities, “lobbying” regulations, or “foreign influence”;
- e. Differentiate between ordinary advocacy activities by civil society organisations working for the promotion and protection of human rights, and lobbying groups that are compensated for lobbying on behalf of private-business interests;
- f. Facilitate human rights defenders’ effective and result-oriented participation in consultation and decision-making processes that are based on clear, predictable and accessible legislative frameworks, in order for them to fulfil their role of watchdogs in democratic societies;

4. Ensure that human rights are fully respected in the context of technological changes:

- a. As technology and AI play an ever increasing role in our lives, put in place regulations to ensure that these changes foster respect for human rights and are not used as a tool to silence human rights defenders and civil society;
- b. Make sure that state authorities and the private sector, which bears primary responsibility for AI design and implementation, uphold human rights standards;
- c. Ensure more transparency in the decision-making processes regarding algorithms, in order to understand what and how data is used, to ensure accountability and the ability to challenge these decisions in effective ways;
- d. Invest more in public awareness and education initiatives to develop the competencies of all citizens to engage positively with AI technologies and better understand their implications for our lives;
- e. Ensure that national human rights structures are equipped to deal with different types of discrimination and other abuses stemming from the use of AI.