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HUMAN RIGHTS DEFENDERS IN THE COUNCIL OF EUROPE AREA IN TIMES OF CRISES

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

Dublin, 24-25 October 2022

REPORT

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Introduction

1. Fifteen years ago, recognising that human rights defenders merit special attention as they are too often victims of human rights violations, threats and attacks, the Committee of Ministers adopted a declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities.¹ The declaration, among other things, underlined the correlation between the environment in which human rights defenders operate and the general human rights situation in the state concerned. Accordingly, the Committee of Ministers invited the institution of the Commissioner for Human Rights to strengthen the role and capacity of its Office in order to provide strong and effective protection for human rights defenders.
2. Throughout the years, the institution of the Commissioner has bolstered its action to support and protect human rights defenders in the Council of Europe area by using the full spectrum of the tools provided by its [mandate](#). This includes regular meetings with them, reporting on their situation, acting on the information they provide and cooperating with other stakeholders. The Commissioner and her predecessors have, on numerous occasions, intervened with the competent authorities of member states in urgent situations when the safety or the working environment of human rights defenders has been seriously compromised.² The Commissioner has also intervened as a [third party](#) before the European Court of Human Rights in cases where actions or omissions of respondent states violate the rights and liberties of human rights defenders and civil society organisations. Furthermore, following the amendments to the Rules for the supervision of the execution of the Court's judgments that were introduced in 2017, the Commissioner can address "[Rule 9](#)" [communications](#) to the Committee of Ministers in cases related to the situation of human rights defenders.
3. The Commissioner and her Office maintain regular contact and exchanges with a wide range of human rights defenders, considering them natural partners of the Council of Europe, including in the form of round-tables. This enables the Commissioner to remain alert concerning various trends that may affect them and to better target her efforts to promote their safety and an enabling environment for their activities. Shortly after taking up her mandate in 2018, Commissioner Mijatović held a [round-table in Helsinki](#) with human rights defenders from all across Europe to map the existing challenges and to explore possible solutions to overcome them. The Commissioner subsequently organised several thematic round-tables focused on the situation of specific groups of human rights defenders, including those working in conflict-affected settings (2019),³ defenders combating [racism and racial discrimination against people of African descent in Europe](#) (2020), [environmental human rights defenders](#) (2020) and [LGBTI human rights defenders](#) (2021).
4. Since the beginning of her mandate, the Commissioner has observed a constant deterioration in the working environment of human rights defenders and civil society organisations in a growing number of European countries. Today, because of the surge and multiplication of major and overlapping crises, the situation of human rights defenders in Europe has worsened even further. The continuous growth of inequality in many European societies that experience profound economic challenges is compounded by the emerging environmental crisis caused by climate change. The global health crisis caused by the COVID-19 pandemic has had an immense effect on human rights protection systems all over the world, including in Europe, and has hindered human rights defence and civic activism for many months. The rise of populist governments and the advancement of anti-rights political agendas continue to weaken democratic governance and the rule of law in a growing number of Council of Europe member states. The governments in Russia and Belarus have unleashed an unprecedented crackdown on human rights and large-scale reprisals against human rights defenders, prompting many of them to leave their country to seek safety abroad. On top of that, human rights defenders in several Council of Europe member states face major security and humanitarian challenges caused by armed conflicts, first and foremost the ongoing war in Ukraine that was brought about by Russia's aggression.
5. On 24 and 25 October 2022, the Office of the Commissioner organised a round-table in Dublin in order to assess the impact that these interconnected crises have on the work of human rights defenders in

¹ [Declaration](#) of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008.

² See the Commissioner's [activity reports](#) for more detailed information.

³ See the Commissioner's [2nd quarterly activity report](#) of 2 September 2019, Human Rights Defenders.

Europe. The round-table gathered several dozen human rights defenders from various parts of Europe, including Russia and Belarus,⁴ as well as representatives of international human rights NGOs, such as [Amnesty International](#), [Human Rights Watch](#) and [Front Line Defenders](#). During the two-day meeting, the participants exchanged experiences and explored possible ways to overcome challenges. The event provided the participants of the round-table with an opportunity to interact directly with key international stakeholders and mechanisms established to support human rights defenders, including Ms Mary Lawlor, the [United Nations Special Rapporteur on Human Rights Defenders](#), Ms Thórhildur Sunna Aevarsdóttir, the Parliamentary Assembly of the Council of Europe ([PACE](#)) [General Rapporteur on the situation of Human Rights Defenders](#) and Mr Michel Forst, the [Special Rapporteur on Environmental Defenders](#) under the Aarhus Convention, with a view to strengthening the protection, networking and strategic co-operation of human rights defenders.

6. The present report is based on the discussions held during the round-table and the Commissioner's continuous monitoring of the situation of human rights defenders in Europe. Section 1 reflects the main concerns expressed by the participants in relation to the safety and liberty of human rights defenders in times of crises. Section 2 provides an overview of the various forms of harassment, discrediting and marginalisation faced by human rights activists who defend vulnerable people and their rights. The third section tackles the environment in which civil society organisations operate within the context of crises. These sections are followed by recommendations addressed to the Council of Europe member states on how to overcome the identified challenges.
7. The Commissioner wishes to express her sincere gratitude to all participants of the round-table and her heartfelt appreciation to all human rights defenders for their dedication, courage and determination in advancing and protecting human rights in their societies. She is also grateful to the Government of Ireland for having hosted and facilitated the round-table held in Dublin during its Presidency of the Council of Europe and in particular to Minister of European Affairs Thomas D. Byrne, who addressed the participants stressing the importance Ireland gives to the protection of human rights defenders in Europe and beyond.

1. Risks for personal safety and liberty in times of crises

1.1 Physical attacks and violence against human rights defenders

8. Since the beginning of her mandate, the Commissioner has, through her country work and thematic activities, observed with concern the increasing number of attacks against human rights defenders in various European countries. While the nature, form and seriousness of these attacks vary depending on the local context, the risks to personal safety and liberty, as a general rule, include physical violence, threats, deprivation of liberty, ill-treatment, police brutality, abduction and sometimes even torture, extrajudicial executions and arbitrary killings. Impunity is a key aspect in many cases and a contributing factor to the committing and recurrence of such crimes and violations.
9. Many participants of the round-table highlighted the problem of the indifferent or weak reaction by law enforcement agencies to such incidents and the absence of effective investigations into the threats, physical attacks and violence against human rights defenders in a number of Council of Europe member states, including Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Georgia, Greece, Poland, Romania and Türkiye as well as in Belarus and Russia. In some cases, state agents reportedly are directly or indirectly involved in attacks against human rights defenders either in the country of their jurisdiction or abroad, where the activists have fled to seek safety.

1.2 Deprivation of liberty of human rights defenders

⁴ Bearing in mind the exclusion of the Russian Federation from the Council of Europe and the fact that Belarus is not a member state, the Commissioner considers Russian and Belarusian human rights defenders to be natural partners of the Council of Europe in that they share the same values and work for human rights, democracy and the rule of law in Europe. On 24 March 2022, the Commissioner issued a [statement](#) stressing that support to human rights defenders and journalists, including those from Russia and Belarus, will remain one of the priorities for her future action in accordance with the Committee of Ministers' [Resolution](#) on the legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe.

10. Criminal prosecution, arrest and imprisonment also represent major risks faced by human rights defenders in a growing number of European states. Participants of the round-table rang the alarm stressing that the criminalisation of human rights activism has been on the rise across Europe under the context of the ongoing crises. They explained that the interests of state security, public order and safety – as they are perceived by the respective governments – have largely prevailed over concerns over human rights protection. Governments in some countries appear to have used the health and other crises as a pretext to deliberately target members of civil society, including human rights defenders, journalists, lawyers and other activists, in order to harm, silence and punish them for their legitimate activities. Participants of the round-table stressed the erosion of the human rights protection system in general, including the independence of the judiciary and the rule of law.
11. In several European countries, human rights defenders, journalists and opposition activists who had criticised the authorities handling of the COVID-19 pandemic were subjected to surveillance and sanctions, including the deprivation of liberty for allegedly breaching sanitary regulations. This was reportedly the case in Azerbaijan, where a number of human rights defenders, journalists, lawyers and activists have faced systematic reprisals and intimidation, including criminal prosecution and imprisonment on charges that defy credibility.⁵ Türkiye was mentioned during the round-table as another example of a country where civil society members have been targeted, often on the basis of an expansive application of the criminal law and [counter-terrorism legislation](#). The undue implementation of those provisions has resulted in the prosecution and imprisonment of many human rights defenders, journalists, academics and other civil society activists, including respected partners of the Commissioner's Office, who have been branded as terrorists or traitors. In addition to the emblematic case of [Osman Kavala](#), participants of the round-table highlighted the need to draw public attention to the many other activists who remain in detention for their legitimate human rights activities and criticism of the authorities.⁶
12. Particular attention was paid during the round-table to the issue of politically motivated criminal proceedings against human rights defenders in several Council of Europe member states, including Azerbaijan and Ukraine (Crimea), as well as in Belarus and the Russian Federation. The participants mentioned the fact that public attention is focused mainly on newly emerging cases where human rights defenders are accused, arrested or tried but deplored the lack of public attention when it comes to those already convicted and sent to prison. In this context, it is therefore crucial that the Parliamentary Assembly of the Council of Europe, including the PACE General Rapporteur on the situation of Human Rights Defenders,⁷ continues its important work on maintaining public attention on the situation of human rights defenders imprisoned for their legitimate activities and on advocating for their release.

1.3 Risks to the safety and liberty of human rights defenders in Russia and Belarus

13. In Russia the longstanding serious problem of shrinking spaces for civil society has been exacerbated even further in the context of Russia's military attack against Ukraine, with human rights defenders, journalists and anti-war activists facing an acute rise in [reprisals](#). Russian law enforcement services have violently dispersed anti-war demonstrations, arresting more than [twenty thousand peaceful protesters](#) since the beginning of the war in Ukraine. Hundreds of Russian human rights defenders, journalists and civil society activists, including partners of the Commissioner's Office, have reportedly been attacked, arrested, ill-treated and tortured whilst in detention and otherwise intimidated across the country. Already existing flawed legislation on countering terrorism, state treason and foreign-funded NGOs has been coupled with new pieces of legislation introducing long terms of imprisonment for "discrediting the Russian army" and the spreading of "fake information", effectively outlawing free speech and any criticism of the Russian authorities. Abduction, ill-treatment and even the enforced disappearance of activists from the North Caucasus have also intensified within the context of the war in Ukraine. Participants of the round-table emphasised that the Russian aggression against Ukraine should not be allowed to hide the reprisals and the general human rights crackdown inside Russia. In

⁵ See also the Commissioner's [webpage](#) in relation to her continuous work on human rights in Azerbaijan, including the [statement](#), issued on 13 September 2022 in reaction to the arrest of the human rights lawyer Elchin Sadykov and the journalist Avaz Zeynalli as well as the latest [statement](#) in relation to the criminal prosecution and deprivation of liberty of a civil society activist Bakhtiyar Hajiyev, issued on 3 February 2023.

⁶ See also the section on Human Rights Defenders and Civil Society in the Commissioner's [report](#) following her visit to Türkiye from 1 to 5 July 2019, CommDH(2020)1, published on 19 February 2020.

⁷ See the [webpage](#) of the PACE General Rapporteur on the situation of Human Rights Defenders.

this context, the recent [decision](#) of the United Nations Human Rights Council to establish the mandate of a Special Rapporteur on the human rights situation in the Russian Federation appears to be timely and crucial.

14. Civil society in Belarus has also faced large-scale and systematic reprisals as part of the general [human rights crackdown](#) in the country following the presidential elections in August 2020. Over 1 000 independent civil society organisations have been deregistered and classified as extremist organisations in Belarus, while hundreds of human rights defenders, journalists and activists, including the [Nobel Prize recipient](#) Ales Bialiatski and other partners of the Commissioner's Office, have been prosecuted, ill-treated whilst in detention and [sentenced](#) to long terms of imprisonment following closed trials.⁸
15. Many Russian and Belarusian human rights defenders have had to leave their countries to seek safety in Council of Europe member states.⁹ Yet there is still a risk of exposing them to reprisals through extradition to Russia or Belarus under existing bilateral or multilateral agreements on criminal co-operation, money laundering and the fight against terrorism.

1.4 The safety and liberty of activists within the context of public assembly

16. Demonstrations and protests have multiplied across the globe, including in Europe. Yet the space for peaceful assembly and freedom of expression, including criticism of the authorities' handling of crises, has continued to shrink in a growing number of European countries. Participants of the round-table reported that many governments have taken legal, administrative and practical measures that jeopardise, erode and even criminalise freedom of assembly and expression and cited many instances of threats, violence and excessive force used against peaceful protesters.
17. Human rights observers and journalists have in some cases also experienced [harassment and violence during public assemblies](#), either from other groups or from police officers. In Austria, Germany, Portugal and Slovenia, for example, journalists covering anti-lockdown protests reported having been assaulted by far-right groups. The use of excessive force by police against activists during public protests has also been reported in a growing number of European countries. In Poland, for instance, peaceful demonstrators opposed to the restrictions imposed on access to abortion during the COVID-19 pandemic reported being subjected to intimidation and excessive force by those in charge of policing assemblies.¹⁰

1.5 The situation of human rights defenders in the context of the war in Ukraine

18. The Russian Federation's invasion of Ukraine has resulted in a massive loss of human life, widespread destruction and immense human suffering. It has also had innumerable other disastrous consequences for all people living in Ukraine, inevitably [affecting the enjoyment of virtually all human rights](#). In that extraordinarily difficult context human rights defenders have played a crucial role by saving lives, providing humanitarian aid and documenting and addressing patterns of violations of human rights and international humanitarian law.
19. The Commissioner pays tribute to the dedication and courage of human rights defenders currently working in Ukraine. However, she is also concerned about the negative impact that the war may have on the lives and personal safety of human rights defenders, especially as their work is often carried out in areas affected by active hostilities or remaining under the control or occupation of Russian or Russian-controlled forces. Participants of the round-table reported that hundreds of human rights defenders, journalists, volunteers and other civil society activists had lost their lives as a result of indiscriminate shelling, targeted attacks, extrajudicial executions and enforced disappearances. Many more human rights defenders and their relatives have been reported as either disappeared or abducted

⁸ See also the Commissioner's [speech](#) delivered at the conference organised by the Norwegian Helsinki Committee in partnership with the Nobel Peace Center with the representatives of three Nobel Peace Prize laureates on 9 December 2022.

⁹ See the Commissioner's [human rights comment](#) on the need to support Russian and Belarusian civil societies and human rights defenders, published on 31 August 2022.

¹⁰ See the PACE's Committee of Legal Affairs and Human Rights' [information note](#) on the Situation of human rights defenders in Council of Europe member states.

and detained incommunicado in areas of Ukraine under the control of Russian or Russian-controlled troops. Many have reported having been subjected to interrogation, intimidation, torture or other inhuman or degrading treatment in order to extract self-incriminating statements whilst in detention. In that context, the Commissioner stresses that all persons who have been arbitrarily deprived of their liberty should be released immediately and that all cases of enforced disappearance, arbitrary or incommunicado detention and ill-treatment should be duly investigated and those responsible held accountable.

20. The protection, physical integrity and mental health of human rights defenders in Ukraine remains of great concern to the Commissioner. Participants of the round-table informed her that human rights defenders who continue to operate in areas affected by the hostilities often lack personal protective and communication equipment, adequate financial support and technological assistance (for example, access to satellite imagery) when documenting human rights violations. Furthermore, the recurring large-scale attacks on Ukraine's civilian infrastructure means that a lack of regular access to electricity and means of communication, including internet access, continue to impair the vital work of many human rights defenders. Participants also highlighted the need for additional safety equipment, financial aid and psychological support. The Commissioner wholeheartedly echoes that urgent call and encourages the international community to continue to support Ukraine's human rights defenders to ensure they can continue to carry out their indispensable work.

2. Harassment, discrediting and marginalisation

21. All participants agreed that the context of the current crises in Europe have affected and targeted human rights activism focused on the promotion and protection of the rights of vulnerable groups, such as women, children, LGBTI people, migrants and ethnic minorities, and rights related to the environment. It was highlighted that there has been an alarming rise in the anti-gender agenda, LGBTI-phobia, xenophobia and racism spreading across Europe, fuelled by nationalist, populist and extreme right wing political forces and groups, ultraconservative religious groups and some unscrupulous media. This has resulted in an increasing number of attacks, threats, prosecutions, imprisonment, judicial harassment, stigmatisation, marginalisation, deprivation of access to public decision-making process and other measures preventing legitimate activities against human rights defenders active in those areas.¹¹

2.1 The criminalisation of humanitarian assistance and solidarity

22. Criminalisation of humanitarian assistance and solidarity represents one of the major challenges for individuals and NGOs defending the rights of refugees, asylum seekers and migrants in a growing number of European states. It goes hand-in hand with an increasing focus on preventing refugees, asylum seekers and migrants from entering European states' territories and claiming international protection there. The situation is often aggravated by stigmatising anti-migrant narratives which fan xenophobic sentiments, thereby endangering human rights defenders and activists who strive to assist migrants in having their rights respected. In this context, the work of human rights defenders and all others who demonstrate solidarity, including commercial and fishing boat crews, healthcare and social workers, volunteers and even ordinary citizens, is increasingly framed – including by public officials – as a threat to public order and national security. Participants of the round-table shared their concerns that in many Council of Europe member states there is a clear pattern of misuse or deliberate misinterpretation of the existing national legal frameworks in order to outlaw human rights activism, acts of solidarity and humanitarian assistance to refugees, asylum seekers and migrants. This includes legitimate activities such as the rescue of refugees and migrants at sea and on land, the provision of shelter, food, water and medical assistance as well as reporting on and advocating against summary returns (“pushbacks”), violence and other abuse at borders and in detention or reception centres. In many Council of Europe member states, including Croatia, Cyprus, France, Greece, Hungary, Latvia, Lithuania, Italy, Malta, Poland, Slovenia and Switzerland, as well as in the Russian Federation, the domestic legal framework or its implementation can lead to the misrepresentation of such actions as criminal activity. The latter incorporates – but is not limited to – facilitation of irregular entry, migrant

¹¹ See also the Commissioner's report on Combating Racism and Racial Discrimination Against People of African Descent in Europe [CommDH\(2021\)2](#) of 19 March 2021, Environmental Rights Activism and Advocacy in Europe [CommDH\(2021\)11](#) of 31 March 2021 and Human Rights of LGBTI People in Europe [CommDH\(2021\)32](#) of 8 December 2021.

smuggling, money laundering, and even terrorism. As a result, many human rights defenders and other active citizens that demonstrate solidarity with people in situations of extreme vulnerability have been prosecuted, arrested and in some cases convicted and charged with onerous fines and even imprisonment.

23. In Italy, for example, there have been a number of cases over several years where members of NGOs carrying out search and rescue operations in the Mediterranean Sea, such as *Sea Watch*, have come under criminal prosecution for allegedly abetting irregular immigration and colluding with smugglers.¹² Even though the Italian courts have so far dismissed most of these cases, there is still an ongoing criminal prosecution of the crew of the *Iuventa* rescue ship and two other groups, operated by *Save the Children* and *Doctors Without Borders*, who face up to 20 years in prison. Because of the ongoing investigation, some of the said groups have been unable to continue their search and rescue operations. Participants of the round-table also reported that in addition to the strong chilling effect of the continuing risk of criminal prosecution, human rights defenders and NGOs operating at sea face various obstacles. These include unjustified administrative requirements, undue inspections, disproportionate sanctions and restricted access to safe ports all of which hinder their ability to carry out search and rescue operations as well as smear campaigns that accuse them of colluding with smugglers or portray them as “sea-taxis”. In Greece the criminal prosecution of Panayote Dimitras, the co-founder and spokesperson of the Greek Helsinki Monitor, and other human rights defenders assisting migrants in danger at sea and providing legal aid to asylum-seekers¹³ serves as yet another example of the criminalisation of human rights activism in the Mediterranean region.
24. In some other Council of Europe member states human rights defenders, such as, for example, the volunteers of the Polish *Grupa Granica* initiative, have frequently been subjected to criminal investigation, police raids and questioning as well as intimidation and harassment by border guards and security forces or even attacks by vigilante groups.¹⁴ They have repeatedly been prevented from providing urgent life-saving humanitarian assistance to migrants and asylum seekers, including families with small children. More recently, a criminal investigation was initiated in Latvia against two members of the organization ‘I want to help refugees’ for accessing the border area on 12 January 2023 out of concerns for the lives of Syrian refugees.¹⁵ Participants of the round-table believed that such practices were used with the deliberate purpose of intimidating, punishing and preventing human rights defenders from carrying out their legitimate and life-saving work, which they often undertake in response to the public authorities’ own failure or reluctance to provide humanitarian assistance. This has further aggravated the extremely dire conditions affecting many refugees, asylum seekers and migrants stranded on Europe’s land borders and at sea, often with fatal consequences.

2.2 Judicial harassment - SLAPPs

25. Judicial harassment in the form of a Strategic Lawsuits against Public Participation (SLAPP) represents another major challenge faced by human rights defenders, journalists, bloggers and other civil society activists who speak out in the public interest or in defence of particularly vulnerable groups and minorities in many parts of Europe. Typically disguised as civil or criminal defamation, “fake news” or insult claims, SLAPPs are aimed at silencing criticism of those in power, deterring other critical voices and undermining scrutiny. The key feature of a SLAPP is a claim for disproportionate compensation, a power imbalance between the plaintiff and the defendant and its apparent retaliatory nature. These lawsuits pose a significant and growing threat to the right to freedom of expression and the right of public participation in a number of Council of Europe member states, perverting the justice system and the rule of law more generally.¹⁶ Participants indicated during the round-table that SLAPPs have been used increasingly against journalists, human rights defenders and other civil society members across

¹² See the [press release](#) of the UN Special Rapporteur on the situation of human rights defenders on the need to end criminalisation of human rights defenders engaged in sea-rescue missions, published on 9 February 2023.

¹³ See the Commissioner’s [statement](#) on the need to reverse the trend undermining the work of human rights defenders and journalists in Greece, published on 12 January 2023.

¹⁴ See, for example, the Commissioner’s [press release](#) following her mission to Poland, published on 19 November 2021.

¹⁵ See the Commissioner’s [letter](#) sent to Latvian Minister for the Interior on 27 January 2023.

¹⁶ See the Commissioner’s [Human Rights Comment](#) on the need to take action against SLAPPs, published on 27 October 2020.

Europe and that they have had a significant impact on their capacity to carry on their work, their financial sustainability and their emotional integrity in the context of crises.

26. In Bosnia and Herzegovina, for example, two grassroots environmental rights defenders have faced several defamation lawsuits initiated by a hydropower company for carrying out a public campaign – a photo exhibition – exposing the environmental impact of the company’s activities on the Kasindolska River. Reportedly, the company representatives requested activists to stop their environmental campaigns under the threat of having to face more lawsuits.¹⁷ There are many other cases where journalists, human rights defenders and civil society activists have faced dozens or even hundreds of SLAPPs in Council of Europe member states, including Croatia, France, Hungary, Italy, Malta, Poland, Serbia and Slovenia. In addition to arrests, travel bans and the severe financial burden, SLAPPs can also encourage other forms of attacks against human rights defenders and result in self-censorship.

2.3 Discrediting activists and NGOs

27. Activists and NGOs defending the rights of women, children, LGBTI people, migrants and ethnic minorities or working in areas such as peacebuilding, transitional justice, the environment or the fight against corruption are in some cases being discredited through smear campaigns, public insults and false or distorted accusations, which can lead to their marginalisation and also their exclusion from participation in public affairs. These categories of activists have to deal with additional and specific risks and obstacles directly connected to their identity or area of work.
28. Women human rights defenders are exposed to gender-specific violence both online and offline. This includes sexual violence and threats, discrimination, intimidation of their family members, public shaming, disclosure of their personal data, including intimate information, online and many other forms of attack driven by deep-rooted stereotypes and patriarchal bias. For example, participants of the round-table referred to the situation of women human rights defenders working in the field of sexual and reproductive health and rights in Armenia, Poland and a number of other European countries, who often become targets of insulting statements and slander in the media and on the internet by both politicians and anti-rights groups as a result of their human rights activities.
29. LGBTI human rights defenders encounter increasingly hate speech and hate crimes, passiveness on the part of the law enforcement services when it comes to their protection and the systematic restriction of their right to freedom of assembly. A practice known as doxing, which consists of publicising the name, telephone number, home address and other personal data of a person online with a view to inciting physical or verbal attacks, represents another challenge LGBTI activists face regularly.
30. Round-table participants also indicated that human rights activists and NGOs defending the rights of women, children or LGBTI people are increasingly the target of false accusations in several Council of Europe member states, including Armenia, Bulgaria and Poland, as well as in the Russian Federation. Because they provide education on sexuality and raise awareness about sexual and reproductive health and rights they are sometimes falsely accused of perverting minors, spreading pornographic material or even paedophilia. Children’s rights defenders in Bulgaria, for example, reported an increase in smear campaigns, slander and even physical violence directed at them by ultraconservative groups opposed to their legitimate activities.¹⁸ Such practices significantly restrict the ability of human rights defenders to perform their legitimate work and conduct outreach activities for their beneficiaries. This has a strong chilling effect on their peers and the people whose rights they work to protect. The position of human rights defenders is often compounded by intersectional challenges and discrimination, especially when they belong to particularly affected or vulnerable groups.
31. Civil society activists, journalists and human rights defenders engaged in peacebuilding activities or focused on issues related to transitional justice in the aftermath of conflicts or conflict affected settings, such as Nagorno-Karabakh for example, reported incurring the risk of being accused of being spies and traitors.

¹⁷ See also the Commissioner’s [speech](#) delivered at the European Anti-SLAPP Conference on 20 October 2022.

¹⁸ See also the Commissioner’s report [CommDH\(2020\)8](#) following her visit to Bulgaria from 25 to 29 November 2019, published on 31 March 2020.

32. Participants of the round-table also noted that the media and the internet are powerful tools that shape public opinion about human rights related issues and as such, they play a crucial role in creating a safe and enabling environment for human rights defenders. At the same time, they expressed concern that the media and online social media networks are increasingly used as platforms to harass, discredit and marginalise human rights defenders in many European countries. In Hungary, the smear campaign against András Lederer from the Hungarian Helsinki Committee in February 2023 is but one example of pro-government and state media being used to discredit reputable civil society engagement.¹⁹

2.4 The impact of attacks on human rights defenders

33. The climate of mounting hostility towards human rights defenders in times of crises seriously affects their mental well-being. They can experience long-lasting stress, burnout, trauma, post-traumatic stress disorder and other negative consequences that not only affect their ability to carry out their human rights work but also their private and family life. In addition to the vital importance of rehabilitation programmes that should be made available to all human rights defenders, participants highlighted the need to build and strengthen professional coalitions and networking opportunities. Solidarity among peer colleagues and within broader civil society circles at both the national and international level is helpful in enhancing the resilience of human rights defenders to withstand the challenges and reprisals they face. The participants also agreed that solidarity should be translated into action: improved communication, building coalitions, exchanging experience and helping each other are all much needed by human rights defenders across Europe today.

3. Unfavourable working environment for civil society organisations

34. The challenges and risks affecting the work of individual human rights defenders also impact human rights NGOs, associations and other civil society organisations, since many human rights defenders carry out their activities as members of such groups. However, those legal entities may also face specific challenges related to the rules and practices governing their registration, reporting and access to funding, including from foreign sources, as well as their participation in public affairs and decision-making.
35. The participants mentioned Russia and Belarus as countries where the authorities liquidated hundreds of the most active and prominent human rights NGOs, including the Russian human rights group [Memorial, Moscow Helsinki Committee](#) and the Belarusian Helsinki Committee. In addition to the deregistration of all active civil society organisations in Belarus, its government made participation in unregistered NGOs punishable by up to two years imprisonment and thereby criminalised any independent civil society and human rights activism in that country. The continued rule of law crisis in Türkiye has also led to the closure of thousands of NGOs without any court decision or effective remedy. The subsequent amendments to the legal framework countering terrorism have significantly tightened state control over NGOs, threatening their very existence.²⁰
36. In Greece and Cyprus legislative amendments introduced complex and cumbersome NGO registration requirements, forcing many civil society groups to take additional steps to comply with new requirements at the risk of being deregistered. KISA, a well-known NGO that supports asylum seekers and combats racial discrimination in Cyprus, was deregistered for failing to comply with formal requirements within the applicable time limits.²¹ Against this background, it should be noted that in accordance with the relevant human rights standards the dissolution of an NGO can only be applied as a last resort measure for serious misconduct.²² In many other European countries, NGOs often have to dedicate too much of their human, financial and other resources to comply with burdensome administrative formalities and reporting requirements and are therefore less able to devote due attention to actual human rights work.

¹⁹ See social media [post](#) by the UN Special Rapporteur on the situation of human rights defenders published on 22 February 2023.

²⁰ See the Commissioner's [letter](#) to the Minister of Interior and to the Minister of Justice of Türkiye of 25 February 2021.

²¹ See the Commissioner's [letter](#) to the Minister of Interior of Cyprus published on 18 March 2021.

²² See [Recommendation](#) CM/Rec(2007)14 of the Committee of Ministers of the Council of Europe on the legal status of non-governmental organisations in Europe.

37. Participants of the round-table also expressed concern over the proliferation of foreign agent type laws or bills in the Council of Europe area. They emphasised that in a growing number of European countries, such as Bulgaria, Georgia,²³ Hungary and Poland, authorities are inclined to tighten their transparency and reporting requirements and that this has the potential to impose unjustified, disproportionate and sometimes discriminatory restrictions on NGOs, their activities and funding, particularly when it comes from foreign sources.
38. Access to public funding is another issue that is crucial to many NGOs in Europe. Many participants emphasised that independent civil society organisations in Armenia, Malta, North Macedonia, Slovenia and other European countries have experienced significant shortages in resources, including public funding. Participants noted that the distribution of public funds remains an issue of concern in many states because of a lack of transparency, insufficient funds or their allocation to government sponsored NGOs or projects that coincide with government policy. It was also reported that the COVID-19 pandemic has significantly reduced the ability of many NGOs, particularly small grassroots ones, to secure funding, which sometimes leaves their beneficiaries, particularly the most vulnerable people, without social care and humanitarian assistance.
39. Round-table participants expressed concern over their right to participate in public affairs and the restrictions imposed in the context of the current crises. They emphasised that, for example, as a general rule, governments did not consult human rights defenders, NGOs or other civil society members about the measures taken in response to the COVID-19 pandemic, including national public health strategies, restrictive sanitary measures and the role of civil society in such circumstances. In the broader context, the increased use of fast-track legislative processes by certain governments represents a significant infringement on civil society's right to participate in public affairs. Reportedly, some European countries do not offer well-functioning mechanisms and structures for consultation with civil society at all whereas others provide NGOs with only limited opportunities for engagement with state institutions. The ability of civil society organisations to participate in public decision-making can also be impaired by anti-rights groups and political forces pushing their own agenda, sometimes to the detriment of human rights. In North Macedonia, for example, anti-gender movements have reportedly hindered human rights defenders' advocacy efforts for the adoption of a law on legal gender recognition and other human rights initiatives. In Slovakia, repeated attempts to undermine women's sexual and reproductive health and rights through the introduction of bills in parliament has created an increasingly hostile environment for human rights defenders working on these issues and on gender equality more generally, prompting them to spend their resources and efforts on countering these attempts to diminish women's rights rather than on advancing them.²⁴

Conclusions and the way forward

The year 2023 marks the 25th anniversary of the [United Nations Declaration](#) on human rights defenders²⁵ and the 15th anniversary of the [Council of Europe Declaration](#) on human rights defenders.²⁶ These key documents recognise that the prime responsibility to protect human rights defenders and promote a safe and enabling environment for their activities lies with the national authorities. Years after the adoption of these important standards, human rights defenders continue to face risks and experience various obstacles in many parts of Europe.

Furthermore, the situation of human rights defenders has deteriorated alarmingly in the context of the current global and regional crises and governments increasingly tend to disregard their human rights commitments and prioritise national security and public safety concerns over human rights. The Commissioner firmly believes that to overcome these unprecedented challenges and preserve the

²³ See the Commissioner's [letter](#) urging the Georgian Parliament to reject the draft law "On transparency of foreign influence", published on 28 February 2023.

²⁴ See also the Commissioner's [letter](#) to the National Council of the Slovak Republic on the issue of restricting access to abortion services, published on 19 October 2021.

²⁵ [Declaration](#) on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by the United Nations General Assembly on 9 December 1998.

²⁶ [Declaration](#) of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008.

democratic fabric of our societies all European countries should adopt an approach based on the respect of human rights, rule of law and democratic governance in their policies and decision making.

Round-table participants also expressed concern over the tendency of the general public in many European countries to accept backsliding on human rights protection in the context of various crises. The media plays a crucial role in that context. The participants saw a correlation between the state of the media in a country and the situation of human rights defenders there whereby they face more obstacles and reprisals in countries where the media is not free.

To counter these adverse tendencies, the participants agreed that there is a need for reinventing the human rights narrative and make it more relevant to the general public. The human rights agenda should remain at the centre of public opinion and the decision-making process. Another key element is solidarity: solidarity of Council of Europe member states, their citizens and civil society and solidarity among human rights defenders. Human rights defenders should remain united and supportive of each other in times of increased hostility and challenges.

The international community also plays an important role in that context. Participants stressed that key international stakeholders, including donors and protective mechanisms, should remain fast, flexible and innovative in supporting human rights defenders. Sustainable funding is crucial to ensuring that human rights defenders can carry out their work, maintain their well-being, including through psychological support, and counter the various forms of harassment and intimidation they face. Another important step proposed by the round-table participants was better co-operation with the various mechanisms mandated to protect and support human rights defenders who, in turn, could also improve coordination of their efforts in supporting human rights defenders.

The contribution made by human rights defenders to peace, freedom, human rights, justice and democracy are needed especially during times of crisis. The [Nobel Peace Prize](#) awarded last year to human rights defenders from Belarus, Russia and Ukraine for their outstanding work is a vivid recognition from the international community of the role played by human rights defenders in our societies. The Commissioner will continue to use her mandate to foster the safety, rights, freedoms and an enabling environment for human rights defenders in Europe.²⁷

Recommendations to Council of Europe member states

The present recommendations stem from the discussions held by participants during the round-table in Dublin in October 2022 as well as the Commissioner's continuous country work and thematic activities. They also build on the findings of the round-table she held with human rights defenders in [Helsinki](#) in 2018, as many challenges they faced remain topical nowadays and have even worsened in the context of global crises in recent times. The Commissioner wishes to reiterate that states bear the prime responsibility of protecting human rights defenders and creating an enabling environment conducive to their work free from hindrance and insecurity. She urges them to uphold their commitments and implement international and European human rights standards in good faith. This includes, but is not limited to, implementing the following overarching principles.

1. On the safety and security of human rights defenders

- a. Establish, where appropriate, a fully-functional rapid response mechanism or a protection programme for human rights defenders at risk.
- b. Publicly denounce any acts of violence, the threat of violence, harassment, hate speech, smears and other forms of intimidation directed against human rights defenders.
- c. Adopt a series of legal and practical measures aimed at preventing and countering any forms of intimidation directed against human rights defenders.
- d. Carry out effective and prompt investigations into such occurrences and prosecute and punish those responsible, irrespective of their status.

²⁷ See the Commissioner's [statement](#) of 10 December 2022.

- e. Ensure that human rights defenders have access to remedies and reparations in cases of violations of their rights and freedoms.

2. On the liberty of human rights defenders

- a. Refrain from bringing criminal charges or administrative proceedings against human rights defenders where the intention is to impede their legitimate activities.
- b. Adopt a series of legal and practical measures to ensure that the criminal justice system cannot be used to hinder or silence human rights defenders. To this end, ensure that criminal law is defined precisely and that it does not infringe upon forms of legitimate human rights activism. This should include human rights monitoring and reporting, access to places of human rights relevance as well as education and awareness-raising on human rights.
- c. Release human rights defenders from unjust detention, acquit them and drop all charges brought in connection with their human rights work.
- d. Ensure that those responsible for misusing the criminal justice system against human rights defenders are held accountable.

3. On the situation of human rights defenders from Russia and Belarus

The Commissioner's [human rights comment](#) on the need to support Russian and Belarusian civil societies and human rights defenders sets a number of recommendations to Council of Europe member states, including:

- a. Support imprisoned human rights defenders and their family members through all possible means.
- b. Publicly denounce the persecution of human rights defenders for carrying out their legitimate activities in those countries and advocate for their immediate release.
- c. Provide continuous political and practical support to human rights defenders in Russia and Belarus, including financial aid and funding of their legitimate civil society activities. Bear in mind the "do no harm" principle, which should be assessed in consultation with civil society beneficiaries.
- d. Strengthen dialogue and co-operation with human rights defenders, journalists and civil society activists in Russia and Belarus who share the values and principles of the Council of Europe in various areas, including human rights violations and accountability in those countries.
- e. Adopt and implement comprehensive and sustainable relocation policies for human rights defenders leaving those countries. This should include access to emergency visas and travel documents at diplomatic and consular services and their representative offices not only in their country of origin, but also in host and third countries. Relocation policies should include access to stable residence and social benefits for human rights defenders and their family members in the host country.
- f. Ensure an enabling environment that will allow human rights defenders to resume their legitimate civil society activities in the host country, including the facilitation of registering new legal entities, their functioning and access to funding, while providing adequate safeguards, such as personal data protection, adapted to their particular situation.
- g. Provide adequate safeguards against extradition and other risks incurred by human rights defenders from Russia and Belarus.

4. On the human rights defenders' freedom of peaceful assembly

- a. Ensure that the legal framework and practice governing public events are in line with European human rights standards on freedom of assembly and the policing of demonstrations, as summarised in the Commissioner's [human rights comment](#) on that subject.
- b. In times of pandemic or other specific situations where the safety of demonstrators and other activists could be at risk the policing of assemblies should be based on communication and co-operation

between the police authorities and the demonstrators to ensure that the right to peaceful assembly is exercised in compliance with the existing sanitary regulations.

- c. Provide specialised training to law enforcement officers responsible for policing demonstrations on the applicable human rights standards and in particular on the proportionate use of force in that context.
- d. All allegations of police misconduct in the context of demonstrations must be investigated thoroughly and where appropriate sanctioned. Where appropriate, establish [independent police complaint mechanisms](#) to ensure and promote accountability in law enforcement.

5. On the situation of human rights defenders in the context of the war in Ukraine

- a. All cases of attacks and crimes committed against human rights defenders and journalists in the context of armed hostility, including when in detention, must be investigated effectively and the perpetrators brought to justice and appropriately punished.
- b. All human rights defenders, journalists and civil society activists unjustly detained in the context of the conflict must be released immediately and provided with adequate justice and redress.
- c. Provide more support to human rights defenders in Ukraine, particularly those who continue to operate in areas affected by the hostilities. This should include the provision of personal protective and communication equipment, adequate financial aid and technological assistance in documenting human rights violations.
- d. Provide psychological support and rehabilitation for human rights defenders in Ukraine when required in order to ensure that they are able to continue to carry out their indispensable work.
- e. Contribute through all possible means to ensuring accountability and justice for all victims of human rights violations, as described in the Commissioner's [Memorandum](#) on the human rights consequences of the war in Ukraine.

6. On the criminalisation of humanitarian assistance and solidarity

- a. Refrain from misusing criminal proceedings against human rights defenders for providing humanitarian assistance to refugees, asylum seekers and migrants.
- b. Engage in a constructive dialogue and co-operation with human rights defenders in order to facilitate their legitimate human rights activities, including search and rescue operations, in accordance with the Commissioner's [Recommendation](#) on the protection of refugees and migrants in the Mediterranean.

7. On judicial harassment of human rights defenders and SLAPPs

- a. In accordance with European human rights standards, where necessary, repeal criminal defamation laws and review other laws that through vague and ambiguous definitions create the risk of abusive restrictions on freedom of expression.
- b. Provide a mechanism to dismiss SLAPPs at the earliest possible stage and punish abuses, particularly by reversing the costs of the proceedings, as indicated in the Commissioner's [human rights comment](#) on that subject.

8. On discrediting activists and NGOs

- a. Adopt a series of legal, political and practical measures to address the root causes of discrimination, sexism, LGBTI-phobia, xenophobia and racism that fuel smear campaigns, stigmatisation and marginalisation targeted at human rights activists defending the rights of women, children, LGBTI people, migrants and ethnic minorities.
- b. Publicly acknowledge that human rights defenders make an essential contribution to the promotion and protection of groups such as women, children, LGBTI people, migrants and ethnic minorities.

- c. Refrain from using inflammatory rhetoric that stigmatises and delegitimises human rights defenders and their activities.
- d. Bring national legislation into line with applicable human rights standards and, where necessary, adopt legal frameworks, national action plans and practical measures in order to protect human rights defenders from marginalisation, hatred, harassment, intimidation, stigmatisation and discrimination by state and non-state actors on the grounds of nationality, migratory status, ethnicity, sexual orientation and characteristics, gender identity and expression, disability or other grounds.
- e. Ensure that non-state actors respect human rights standards and are held accountable for any human rights violation they commit against human rights defenders.

9. On the registration, reporting, sanctioning and the dissolution of NGOs

- a. Implement the [Recommendation](#) CM/Rec(2007)14 of the Committee of Ministers of the Council of Europe on the legal status of non-governmental organisations in Europe. This applies in particular to the provisions governing the registration and dissolution of NGOs.
- b. In the absence of contrary evidence uphold the presumption of the lawfulness of the activities of civil society organisations and ensure that any interference, including excessive reporting requirements or restrictions, is prescribed by law, serves a legitimate aim, governed by objective criteria and respects the principle of proportionality so that its exercise is amenable to control by the courts.
- c. Consider sanctions as a measure of last resort, which is only applicable in cases where civil society organisations have committed a serious infraction. It is essential that the principle of proportionality be respected when both framing and applying sanctions for non-compliance with a particular requirement. Moreover, there should always be a clear legal basis for any sanction imposed in a given case.

10. On access to funding

- d. Ensure that NGOs have access to public funds in a non-discriminatory and transparent manner.
- a. Ensure that NGOs effectively enjoy the 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 agency in order to effectively perform their legitimate function.
- b. Refrain from selective treatment of NGOs on the basis of foreign funding. Ensure that they are subject to equal registration regimes, equal transparency and reporting requirements and that they have equal opportunity to perform their statutory activities.

11. On participation in public affairs

- a. Facilitate the effective participation of human rights defenders in consultations and decision-making processes that are based on clear, predictable and accessible legislative frameworks in order for them to fulfil their role as watchdogs in democratic societies.
- b. Ensure that the right to participate in public affairs is not unduly restricted through provisions that lend themselves to arbitrary interpretation, such as “political” activities, “lobbying” regulations or “foreign influence”.
- c. Ensure that human rights defenders are duly consulted about decisions that could potentially affect the environment in which they operate or their areas of expertise.
- d. Publicly recognise the crucial role played by human rights defenders in addressing various human rights challenges that emerge during and within the context of global crises – including the COVID-19 pandemic – as noted in the Commissioner’s [thematic work](#) in that area.

- e. Restore, where appropriate, an enabling environment for human rights activism and public participation with respect to restrictions imposed in the context of the pandemic.