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Please find attached the extracts of the "**The Observatory for the Protection of Human Rights Defenders - Annual Report 2006 - Europe and the Commonwealth of Independent States**" by the International Federation for Human Rights (**FIDH**) and the World Organisation Against Torture (**OMCT**) with regard **to session II** (*the role of human rights defenders in addressing human rights violations*) of the Supplementary Human Dimension Meeting on Protection and Promotion of Human Rights: Responsibilities and Effective Remedies, Vienna, 12 - 13 July 2007.

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la Protection des
Défenseurs des Droits de l'Homme

EL OBSERVATORIO

para la Protección
de los Defensores de Derechos Humanos

ANNUAL REPORT 2006

Europe and the Commonwealth of Independent States (Extracts)

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EUROPE AND THE COMMONWEALTH
OF INDEPENDENT STATES (CIS)



SITUATION OF HUMAN RIGHTS DEFENDERS¹

2006 witnessed the confirmation of strong tendencies of repression aimed at reducing – sometimes drastically – the capacity of independent civil society to operate in several countries in Europe and in the Commonwealth of Independent States (CIS). The strategies used by these States, in particular in several CIS member States (*Belarus, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan*) were aimed primarily at making national laws more restrictive in relation to freedom of association, thus making it easier to control independent civil society, which was frequently considered as a threat to the maintenance of ruling powers.

Freedoms of assembly and peaceful gathering were also flouted in many countries (*Azerbaijan, Belarus, Belgium, Georgia, Kyrgyzstan, Russian Federation, Uzbekistan*), whilst freedom of expression was still the most common reason invoked for repressing human rights defenders in the region, particularly when denouncing the lack of democracy or freedoms, fighting discrimination or even denouncing corruption or torture. Similarly, activists promoting universal values faced serious reprisals by nationalist and far-right groups, while State authorities failed to provide adequate protection.

Indeed, human rights defenders were still being subjected to serious retaliation as a result of their activities. Again in 2006, human rights defenders, including Ms. Anna Politkovskaya, a renowned journalist, were killed in the *Russian Federation*, where acts of violence recur each year. Defenders were further subjected to ill-treatment and acts of torture (*Belarus, Russian Federation, Turkey, Uzbekistan*), sometimes leading to death (*Turkmenistan*), death threats (*Moldova, Russian Federation*), smear campaigns (*Azerbaijan, Greece, Kyrgyzstan*), judicial proceedings and arbitrary arrests or detentions (*Russian Federation,*

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

Turkey, Uzbekistan), or constraints upon their freedom of movement (*Azerbaijan, Belarus*).

Obstacles to freedom of association

In *Belarus*, the situation of independent human rights organisations continued to worsen following the entry into force, in December 2005, of restrictive amendments to the Criminal Code outlawing, in particular, activities within unregistered organisations. Messrs. Nikolai Astreyko, Tsimofey Dranchuk, Aleksandr Shalayko and Ms. Enira Bronitzkaya, members of the NGO Partnership, were the first to be prosecuted on the basis of these amendments and were sentenced, in August 2006, to various terms of imprisonment. All they had done was to announce, in February 2006, the creation of an organisation to monitor the conduct of the presidential elections on March 19, 2006.

The enforcement of these amendments is particularly worrying in a country where almost every independent NGO has been deprived of its legal status, since they were closed down by court order in 2003². In 2006, the Belarus authorities continued in this vein and notably initiated proceedings to close down the Belarus Helsinki Committee (BHC), the last legally registered independent human rights NGO in Belarus.

In the *Russian Federation*, the new Federal Law on NGOs, adopted in December 2005, entered into force on April 17, 2006. This law, which received much criticism at the time of its adoption, provides for amendments to three Russian laws, mainly to restrain the capacity of international or foreign NGOs to operate in the country, to toughen the registration conditions for NGOs and to strengthen the powers of the authorities to interfere in their activities. The decree affecting the application of this Law came into force on the same day, and in particular stipulated that foreign and international NGOs had to take steps for their re-registration before October 17, 2006. The tedious amount of administrative procedures required by the law, combined with the unhelpful attitude of the registration services, that often demanded additional paperwork that was difficult or even impossible to obtain, meant that many NGOs were refused legal recognition because they could not fulfil all the necessary conditions within the

2. See Annual Report 2005.

given time-limit. Thus, on November 15, 2006, the Dutch NGO Teaching Russian Justice Initiative, which provides legal assistance to inhabitants of the Republic of Chechnya, was denied registration for its Moscow office on grounds that the documents submitted had not been signed by a competent person and “contained errors”. The office had to suspend its activities with immediate effect until its file was re-examined. This was also the case with other organisations such as Human Rights Watch (HRW), Amnesty International (AI) and Penal Reform International (PRI), which had their activities temporarily suspended³.

Some provisions of the Law on Combating Extremist Activities, which came into force in 2002, were also used in 2006 to hinder the activities of NGOs. For example, the Russian-Chechen Friendship Society (RCFS), based in Nizhnyi-Novgorod, was closed down by court order, on grounds that it had allegedly committed an extremist act by “omitting” to publicly and formally disapprove the “extremist” acts committed by its executive director, Mr. Stanislav Dmitrievsky, who had been convicted by the Sovetsky District Criminal Court in Nizhnyi-Novgorod a few months earlier.

In addition, the new legislative obstacles to freedom of association and the ensuing exploitation of the judicial system continued to be combined with many smear campaigns, orchestrated at the highest State level, aimed at discrediting independent organisations and their members. For example, on January 22 and 23, 2006, Mr. Sergei Ignachenko, an official representative of the Federal Security Bureau (FSB), accused several human rights NGOs, including the Moscow Helsinki Group (MHG), the Nizhnyi-Novgorod Committee Against Torture, the Centre for Democracy and Human Rights and the Eurasia Foundation, of being funded by the British secret services. Similarly, on September 27, 2006, Mr. Ramzan Kadyrov, Prime Minister of the Republic of Chechnya, asserted, in an interview with the Russian news agency *Novosti*, that human rights organisations in Chechnya lacked objectivity as they only “defended terrorists” without “caring about the fate of his relatives”. Such accusations, which grant a certain legitimacy to perpetrators of violations against defenders, put them in real danger and more generally stigmatise them in the eyes of the public.

3. See Centre for the Development of Democracy and Human Rights.

In *Kyrgyzstan*, although a positive change in relations between the authorities and human rights defenders had been observed in 2005 following the “Tulip Revolution” of March 2005, these relations seem to have taken a downward turn in 2006⁴. Indeed, on January 24, 2006, the Minister for Justice gave special instructions to the Ministry’s registration department that investigations be carried out into all NGOs financed by international donors. The increase in financial audits, investigations or “visits” to several organisations such as the Coalition for Democracy and Civil Society or the *Kylym Shamy* association illustrated the support given to these measures. As in the Russian Federation, although to a lesser extent, these obstacles went hand in hand with the continuation – or rather the reappearance – of smear campaigns conducted at the highest official level. For example, in certain articles appearing on the website of the Kyrgyz government, *kabar.kg*, Kyrgyzstan was shown as a “victim of the networks war initiated by the pro-American NGOs which [...] are a sort of fifth column in the country”⁵.

In *Tajikistan*, during a round table meeting organised in Dushanbe on June 19, 2006, Mr. Sherali Jononov, a representative of the Ministry of Foreign Affairs, announced that the Bill on Associations, which had been put forward by the government on December 2, 2005, would be examined by Parliament in early 2007. This bill notably specifies that all public organisations shall re-register within two months of its coming into force. Although the law currently in force authorises NGOs to include in their objectives the exercise and defence of civil, political, social and/or cultural rights of citizens as well as participation in the creation of an independent, united, secular and democratic rule of law in the country, this new bill would limit these activities to the protection and attainment of the “public interest”. This particularly vague formulation, if restrictively interpreted, could significantly limit the scope of NGOs activities. Moreover, the bill gives strengthened discretionary powers to the registration services, which shall be entitled to: require that organisations operate in conformity with their own statutes; request internal decision-making documents; monitor NGOs activities, in which their representatives may be required to participate;

4. See Preliminary Conclusions of the Observatory International Fact-Finding Mission to Kyrgyzstan, from July 22 to 29, 2006.

5 *Idem*.

and issue warnings against organisations suspected of operating in contravention with the law or their statutes. Lastly, foreign nationals and stateless persons are prohibited from founding an association or taking part in its activities if they fail to present a valid permanent residence permit. Following the introduction of this Bill, several NGOs operating in the Sogdiyskaya region were inspected by the *Prokuratura* (office of Public Prosecutor) in January and February 2006, although it was not legally authorised to carry out such controls⁶.

Lastly, in *Uzbekistan*, human rights defenders were still directly targeted by the wave of terror in the aftermath of the Andijan events in May 2005⁷. The authorities continued in 2006 to make use of this repressive context to further muzzle civil society and to suspend the activities of numerous organisations, in particular foreign ones, on the basis of restrictive laws adopted or reinforced in the past few years. For instance, the offices of the Eurasia Foundation, of Freedom House Uzbekistan and of Counterpart International were closed on February 25, March 6, and May 4, 2006 respectively, following complaints filed by the Ministry of Justice. In addition, on July 7, 2006, the HRW office was notified by the Ministry of Justice that it had committed an offence by using an unregistered logo and distributing “non-objective and tenuous” information concerning the human rights situation in Uzbekistan⁸. Finally, on March 17, 2006, the Ministry of Foreign Affairs ordered the closure of the office of the United Nations High Commissioner for Refugees (HCR), on the grounds that the HCR had “fully implemented its tasks” and that there were “no evident reasons for its further presence in Uzbekistan”⁹. In such a context, Uzbek defenders, who were subjected to a fierce repression for several years, became increasingly isolated, and their situation has, yet again, considerably deteriorated in 2006.

6. See International Centre of Non-Commercial Law.

7. On May 13, 2005, over 750 people were killed in the violent repression of a demonstration against poverty, police repression and the trial of 23 people accused of belonging to the radical Islamist movement *Akramia*. A massive wave of arrests subsequently targeted all human rights activists who had denounced this massacre at national or international levels.

8. See HRW.

9. See FIDH Press Release, March 22, 2006.

Collecting and disseminating information on human rights: a high-risk activity

It remained extremely difficult and dangerous for human rights defenders operating in the region to investigate and denounce human rights violations both at national and international levels. In a number of countries, authorities notably cracked down on those exposing corrupt practices, lawyers defending clients deprived of their rights, and defenders calling for the prosecution of war criminals or for the end of the practice of torture.

In *Azerbaijan*, defenders who dared to criticise the abuses generated by the regime's policies continued to be repeatedly targeted by smear campaigns or restricted in their freedom of movement. Several defenders were also accused, within pro-government media, of defending the interests of the Armenian government and were as such deemed "traitors to the Nation", as was the case of Mr. Arif Yunusov, head of the Department of Conflictology and Migration Studies and a member of the Institute for Peace and Democracy, who had denounced corrupt practices within the Ministry of Defence. Similarly, Mr. Ilgar Ibragimoglu, coordinator of the Centre for the Protection of Conscience and Religious Freedom (DEVAMM), remained banned from travelling abroad to present evidence of the violations of religious freedoms in his country. Moreover, while attacks on the freedom of the press multiplied in 2006, independent media experienced considerable difficulties in disseminating information on human rights. In October 2006 for instance, two newspapers, *Olaylar* and *Azadlig*, were prohibited from attending the trial of a former police officer, accused, along with others, of being responsible for at least ten murders and abductions¹⁰.

In *Belarus*, the authorities continued to severely punish any criticism of the regime, in particular the denunciation of the lack of democracy and freedoms in the country. Mr. Oleg Voltchek, former president of the NGO Legal Assistance to the Population, was notably prevented from leaving the country on two separate occasions in 2006 as he was to travel abroad to testify in relation to human rights and political prisoners in Belarus. In particular, he received high fines for being in

10. See Reporters Without Borders (RSF).

possession of documents on the elections in Belarus, deemed as “a threat to the interests of the country” by the head of the KGB.

In *Kyrgyzstan*, where 2006 was marked by an upsurge in organised crime, defenders critical of the lack of political will on the part of the new authorities to combat this situation were subjected to grave reprisals, as was the case of Mr. Edil Baïsalov, president of the Coalition for Democracy and Civil Society. Those speaking out against torture were also subjected to prosecution and systematically repressed. For example, Mr. Maxim Kuleshov, coordinator of the Tokmok Human Rights Resource Centre, was prosecuted for “defamation” by a representative of the local authorities after organising a public awareness campaign against torture.

Moreover, whereas a reform Bill for greater media independence seemed to be one of the most important outcomes of the “Tulip Revolution”, attacks on the freedom of the press multiplied in 2006, in particular with the takeover of independent newspapers or television channels by individuals close to the government. This trend is all the more regrettable as it is likely to lead to a significant restriction of freedom of expression and thus to further hinder the work of human rights defenders¹¹.

In *Moldova*, defenders who attempted to denounce violations committed by the authorities of the self-proclaimed Republic of Transnistria were subjected to a violent crackdown in 2006. Members of the Chisinau-based Moldova Helsinki Committee for Human Rights (MHC), for instance, were repeatedly targeted. In particular, its chairman, Mr. Belinschi, was ordered not to return to the region on pain of death or reprisals against his family. Similarly, several members of the human rights group *Dignitas*, in Slobodzia, were arrested and subjected to brutal interrogations, in the period preceding the referendum on the entry of the self-proclaimed Republic of Transnistria into the Russian Federation on September 17, 2006.

In the *Russian Federation*, men and women who attempted to criticise the human rights violations perpetrated by the regime of the President of the Republic, Mr. Vladimir Putin, were frequently censured, when not subjected to serious threats or physical attacks. The assassination

11. See Preliminary Conclusions of the International Fact-Finding Mission to Kyrgyzstan, from July 22 to 29, 2006.

of Ms. Anna Politkovskaya, a correspondent for the Russian biweekly *Novaya Gazeta*, on October 7, 2006, was a tragic example of the toughening of a regime that progressively silences all critical voices denouncing the crimes committed in Chechnya, the use of torture or ill-treatment within the army or even the endemic corruption.

The authorities multiplied their attempts to increase the number of possible judicial expedients to sanction dissident voices. For example, amendments to the Law on Countering Extremist Activities, adopted by the *Duma* (Lower House) on July 14, 2006 and signed by President Putin on July 27, 2006, extend the definition of an extremist act to the “public defamation of State officials of the Russian Federation or its citizens regarding the exercise of their duties or connected with this exercise”. As the Law then in force had already been widely used to silence defenders, it is a concern that these new amendments, of which human rights defenders and independent journalists would be the first victims, could be misinterpreted due to the extreme vagueness of the above definition.

In *Serbia*, negotiations for the country’s entry into the European Union were suspended in May 2006 due to the lack of cooperation of the Serbian authorities with the International Criminal Tribunal for the Former Yugoslavia (ICTY), regarding the arrest and handover of warlord Ratko Mladic. In this context, acts of intimidation and threats continued in 2006 against individuals or organisations speaking out in favour of the fight against impunity and the prosecution of war criminals.

In *Slovenia*, several defenders, mainly members of the Helsinki Monitor of Slovenia (HMS), were also prosecuted, in particular by associations of former soldiers.

In *Turkmenistan*, it remained absolutely impossible to freely lobby in favour of human rights, as all individuals inquiring into or denouncing human rights violations were systematically targeted. For example, Ms. Ogulsapar Muradova, Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev, three journalists and human rights activists, were sentenced in August 2006 to long terms of imprisonment for leading investigations into the Turkmen regime, amongst others, on behalf of foreign television channels. Ms. Muradova was found dead in her cell on September 14, 2006, and had obviously been ill-treated. On December 17, 2006, Mr. Andrei Zatakova, an environmental activist and a Council member of the International Socio-Ecological Union,

was arrested at Dashoguz airport as he was about to travel to Moscow to participate in a meeting organised by the Union. On January 4, 2007, Mr. Zatakova was indicted for “illegal acquisition or possession of arms or explosives” (Article 287-1 of the Criminal Code) and “illegally carrying toxic substances” (Article 302-1), charges carrying up to five- and three-year imprisonment terms respectively¹².

The family and friends of defenders in exile were also targeted by reprisals, such as the relatives of Ms. Tadjigul Begeдова, head of the Turkmenistan Helsinki Foundation (THF), now living in Bulgaria¹³. The death of the President of the Republic, Mr. Saparmurat Niyazov, on December 21, 2006, considered to have been one of the world’s worst dictators, has left a great deal of uncertainty as to the future of human rights and human rights defenders.

In *Turkey*, certain provisions of the new Criminal Code, in particular Article 301 on the “denigration of Turkish identity, the Republic, institutions or other organs of the State”, were frequently used to restrict the free exercise of freedom of expression. This Article was widely used against members of the Human Rights Association in Turkey (IHD) following several of their publications. Moreover, Mr. Hrant Dinck, a journalist, was charged with “making disparaging comments against Turkish identity” on September 26, 2006, after describing as “genocide” the Armenian massacre of 1915. He was assassinated at the offices of his newspaper, *Agos*, on January 19, 2006¹⁴. Similarly, the amendments to the Anti-Terror Law promulgated on August 17, 2006 by Mr. Ahmet Necdet Sezer, President of the Republic, might serve as a new pretext for more readily punishing anyone promoting a peaceful settlement of the conflict in the southeast of the country. According to these amendments, terrorism is defined as “any act” aimed “at changing the characteristics of the Republic, as set out in the Constitution, at changing its political, legal, social, civil or economic systems, at attacking territorial and national unity that is inseparable from the State or from the Turkish Republic, at weakening, destroying

12. See International Helsinki Federation (IHF).

13. *Idem*.

14. See Joint Press Release of FIDH, OMCT, the French League for Human Rights (LDH), the Association for Human Rights in Turkey (IHD) and the Human Rights Foundation of Turkey (HRFT), January 19, 2006.

or usurping the authority of the State, at eliminating fundamental rights and freedoms, or at attacking the internal or external security of the State, public order or physical integrity by the use of pressure, force, violence, terror, intimidation, oppression or threats". Lastly, investigating human rights violations in this region of the country remained highly dangerous in 2006. On April 12, 2006, a researcher for HRW was arrested in Bingöl while investigating allegations of violence and human rights violations, and was then deported from the country on the grounds that he did not have a "valid authorisation" to carry out his research¹⁵.

In *Uzbekistan*, 2006 was marked by the sentencing of all the individuals arrested in 2005 for denouncing the violations perpetrated during the Andijan events. These defenders, who often received heavy sentences following iniquitous trials, are now being held in extremely difficult conditions. As such, Ms. Mukhtabar Tojibaeva, president of the Ardent Hearts' Club, who was prosecuted on the basis of 17 charges, was sentenced on March 6, 2006 to eight years' imprisonment and is now serving her sentence in the psychiatric wing of the Tashkent prison.

In addition, in this prevailing context of repression, a large number of activists were arrested, prosecuted and convicted on the basis of trumped-up charges, like several members of the Human Rights Society of Uzbekistan (HRSU) whose president, Mr. Talib Yakubov, was forced into exile in July 2006. In 2006, the situation of defenders was thus generally characterised by a high degree of violence. Among many other cases, Mr. Bakhtior Khamroev, director of the HRSU section in Djizak, was attacked on August 18, 2006, subsequent to being visited by two British diplomats who were gathering information about the human rights situation in Djizak.

Restrictions on freedoms of assembly and peaceful gathering

Freedoms of assembly and of peaceful gathering remained widely ignored in a certain number of countries, where the authorities regularly banned or brutally dispersed numerous demonstrations.

15. See HRW.

In *Azerbaijan*, demonstrations in favour of the freedom of the press were fiercely suppressed. In particular, Mr. Emin Huseynov, a member of the Institute for the Freedom and Safety of Reporters, was brutally beaten by the police on November 7, 2006, while participating in a rally in favour of the opposition newspaper *Azadlig* which was violently dispersed.

In *Belarus*, all peaceful gatherings denouncing the lack of democracy in the country continued to be repressed, especially during the electoral period during which hundreds of people were arrested, including several members of *Viasna* who were charged with “hooliganism” after peacefully demonstrating.

In *Kyrgyzstan*, on May 29, 2006, activists were brutally beaten by over 200 police officers when marching towards the Office of the Presidency of the Republic to protest against the decision of the Supreme Court to discharge all senior officials allegedly responsible for the deaths of several participants in the Aksy demonstrations in 2002¹⁶.

In the *Russian Federation*, peaceful assemblies organised by human rights defenders were increasingly restricted in 2006. On February 1, 2006 for instance, several participants in a demonstration convened by Memorial and the All-Russia Public Movement “for Human Rights” to denounce the authorities’ control over civil society organisations were arrested and later brought before the court. Similarly, a rally scheduled for September 3, 2006 in Moscow to commemorate the second anniversary of the Beslan massacre and calling for those responsible to be brought to justice was banned. On October 16, 2006, in Nazran, forces from the Ingush Ministry of the Interior brutally dispersed a demonstration in memory of Ms. Anna Politkovskaya, who had been assassinated a week earlier. A member of Memorial was wounded and several defenders were prosecuted. Lastly, the Moscow authorities banned a march planned for December 17, 2006 by the Russian Union of Journalists, in memory of the journalists killed in their country. The authorities finally gave in to pressure and allowed the demonstrators to observe one minute of silence in Moscow’s Pushkin Square.

16. See Kyrgyz Committee for Human Rights (KCHR).

Similarly, in *Uzbekistan*, peaceful gatherings organised by defenders were almost systematically disrupted by the intervention of police or anti-terrorist forces. For example, on October 16, 2006, a demonstration organised by four defenders, namely Mr. Jokhankir Shossalimov, Mrs. Valentina Stepchenko, Mr. Akhtam Shaimardanov and Mrs. Elena Urlaeva, to request that human and constitutional rights be observed by the authorities, was brutally dispersed by plain-clothes officers from the anti-terrorist squad. Likewise, on October 28, 2006, defenders protesting in favour of the release of political prisoners and human rights defenders were dispersed after a few minutes by a group of police officers. On November 27, 2006, Ms. Elena Urlaeva, Ms. Victoria Vinogradova, Mr. Rassul Tojiboev, Ms. Valentina Talipova and Mr. Abdullo Tajiboi Ugly, members of the Society for the Protection of the Rights and Freedoms of Citizens of Uzbekistan (SPRFCU), were arrested in Tashkent while about to assemble outside the Ministry of Foreign Affairs. They were requesting that a dialogue on human rights be established with Mr. Vladimir Norov, Minister for Foreign Affairs, who had said he would open such a dialogue at a meeting with representatives of the European Union on November 8, 2006, in Brussels¹⁷.

Fighting racism and discrimination

Sexual minorities

In the *Russian Federation*, in an increasingly violent atmosphere against lesbians, gays, bisexuals and transgenders (LGBT), the Mayor of Moscow banned the Gay Pride march, a step which he justified with some particularly intolerant remarks. Those who finally took part in the gathering that was held in two different parts of Moscow instead of the planned Gay Pride march on May 27, 2006, were attacked by fascist, nationalist and orthodox supporters and received no protection from the forces of law and order. Dozens of participants were arrested, including a German Member of Parliament, who had just been attacked by skin-heads. Six participants were further charged with taking part in a prohibited demonstration¹⁸.

17. See SPRFCU.

18. See International Lesbian and Gay Association (ILGA) - Europe.

The same scenario took place in *Latvia*, where the “Riga Pride 2006”, scheduled for July 22, 2006, was prohibited by the Riga City Council, in spite of the disapproval of the President of the Republic and the Prime Minister. The demonstration was also violently attacked by groups of homophobes¹⁹.

Likewise, in *Moldova*, the Mayor of Chisinau refused to authorise the Gay Pride march, in May 2006. In addition, the GenderDoc-M-Information Centre, an NGO that supports the rights of LGBTs was widely stigmatised by Moldovan authorities. On August 31, 2006 for instance, during a demonstration called for by Amnesty International (AI) against violence against women, and in which GenderDoc-M had been invited to take part, several police officers demanded that the organisation’s flag be taken down on grounds that GenderDoc-M worked with sexual minorities and “[was] seeking to advertise their life-styles”. Following these events, AI was denied authorisation to organise a demonstration against the death penalty on October 10, 2006, after refusing to withdraw GenderDoc-M from the list of participants²⁰.

In *Poland*, LGBT rights organisations continued to be subjected to recurrent smear campaigns and harassment. In particular, on May 30, 2006, the Attorney General ordered the Prosecutors in several municipalities to monitor the funding of gay and lesbian organisations, as well as their possible connections with organised crime and their presence in schools, on the request of a Member of Parliament affiliated with the League of Polish Families (LPR - a far-right party of the government). This MP had also previously called for the use of force against the “deviants” who participated in the annual march for freedom in March 2006. In May 2006, Mr. Miroslaw Orzechowski, Deputy Minister for Education and also a LPR member, publicly condemned the activities of the organisation “Campaign Against Homophobia”. In April 2006, a march in support of tolerance was brutally attacked by demonstrators from the All-Polish Youth, a movement affiliated to LPR and founded by the Deputy Prime Minister of Poland²¹.

19. See ILGA-Europe.

20. See ILGA-Europe Report, *Comprehensive Denial to Moldova’s Principal LGBT Organisation of the Right to Freedom of Assembly*, November 8, 2006.

21. See HRW.

Lastly, in *Turkey*, on August 6, 2006, the police prevented the holding of an unauthorised demonstration organised by the Rainbow Solidarity and Cultural Association for Transgenders, Gays and Lesbians in the city of Bursa to protest against the decision by the governors of Bursa and Istanbul to prohibit LGBT organisations in these cities, and against the seizure by the Ankara authorities of the latest edition of the magazine published by the Gay and Lesbian Kaos GL organisation for solidarity and cultural research²².

Ethnic and cultural minorities

In *Georgia*, NGOs involved in the protection of minorities' rights continued to be repeatedly harassed in 2006. On June 7, 2006, the offices of the Public Movement "Multinational Georgia" (PMMG), which promotes the rights and integration of minorities in Georgia, were burgled by unidentified individuals who stole hard disks, including, in particular, one containing a draft alternative report on the protection of national minorities that was to be sent to the UN and the Council of Europe, as well as documents analysing the authorities' policy towards minorities.

In *Greece*, defenders who attempted to defend the rights of the Roma continued to be targeted by smear campaigns and judicial proceedings, as were members of the Greek Helsinki Monitor (GHM).

In the *Russian Federation*, human rights defenders fighting neo-fascism and extreme right-wing movements, and defending minorities' rights continued to pay the price for their involvement against a background of increasing xenophobia and racist attacks throughout the country. For example, Mr. Samba Lampsar, a student and an active member of the NGO African Unity, was murdered in Saint-Petersburg on April 7, 2006, as he was returning home after an inter-cultural friendship meeting between Russians and foreigners. Similarly, Mr. Tigran Babadzhanian, a young anti-fascist activist, was targeted by an assassination attempt on December 22, 2006. He discovered on the wall of his house a poster covered with Nazi symbols and stating that "all the persons living in this house [were] niggers". Mr. Babadzhanian immediately called the police, who arrived shortly after with a dog

22. See ILGA-Europe.

that rushed towards the poster, thus triggering the detonator of a bomb planted behind. The dog was killed, and two officers were wounded. Although an investigation was opened into this attack, Mr. Babadzhanian was only heard as a witness for the injuries sustained by the two officers²³. Many activists were also subjected to death threats by neo-Nazi groups. In particular, a list of 89 people deemed as “traitors to the Nation” or “friends of foreigners” was posted on the website of an ultra-nationalist group in August and September 2006, giving the addresses and personal details of these people and calling for their physical elimination.

In addition, judicial authorities in the country repeatedly evidenced their reluctance to investigate these threats, thus allowing perpetrators of such violence to enjoy a high level of impunity. For example, the petitions for prosecution introduced by Ms. Svetlana Gannushkina, a board member of Memorial and president of the Civic Assistance Committee (CAC), whose name appeared on the aforementioned list, were refused by the national security department on grounds that these threats were not explicit, that the website was rarely visited and that it was hosted outside Russia. The *Prokuratura* finally decided, after many requests, to open an investigation into the “death threats or attack on physical integrity” (Article 119 of the Criminal Code) led against Ms. Gannushkina alone, although she had demanded that an investigation be opened in relation to each individual targeted. Likewise, while the suspected murderers of Mr. Lampsar were identified and put behind the bars shortly after his assassination, this prompt reaction appeared rather to be due to the efficiency of an independent journalist who carried out his own investigation, and to the imminent holding of the G8 Summit in Saint-Petersburg.

More generally, this “negligence” on the part of the Russian State was due to a certain leniency towards far-right organisations within public administrations, the political system or even the judiciary, albeit to varying levels. Likewise, the strong discretionary powers of the *Prokuratura*, frequently responsible for investigating cases of violations against human rights defenders, were in stark contrast with the weakness of the judiciary and the timidity shown by judges, who are themselves subjected to various forms of pressure. Lastly, the lack of protection

23. See Memorial and Sova Centre.

for witnesses and experts within the Russian judicial system often deterred them from testifying²⁴.

In addition, the attitude of the authorities radically changed when it came to authorising or supervising demonstrations organised by fascist groups which were, in fact, frequently “tolerated” and hardly ever reprimanded by law and order agencies. Law enforcement officers further showed, on numerous occasions, clemency towards neo-Nazi activists attacking peaceful demonstrations.

Lastly, in *Turkey*, defenders of the rights of the Kurdish minority and individuals promoting a peaceful resolution of the conflict in the southeast remained subjected to numerous judicial proceedings and other acts of retaliation. In March and April 2006 for instance, as violent confrontations between Kurds and the security forces occurred in several provinces in the southeast and east of Turkey, human rights defenders, such as several members of IHD branches, were arrested and indicted in Diyarbakir and Batman. Likewise, Mr. Selahattin Demirtas, IHD president, was sentenced on November 14, 2006 to fifteen months in prison for his statements in favour of a peaceful settlement to the conflict²⁵. Lastly, Mr. Ibrahim Kaboglu, former head of the Human Rights Advisory Council (IHDK), and Mr. Baskin Oran, former chairman of the IHDK Minority and Cultural Rights Commission, still faced prosecution by the end of 2006, after publishing a report calling on Turkey to grant more rights to minorities and to reconsider its approach to national identity in October 2004²⁶.

Mobilisation of the regional and international community

United Nations (UN)

Ms. Hina Jilani, Special Representative of the Secretary General on human rights defenders, received a favourable reply to her request to visit *Serbia*, which nevertheless postponed the date of her visit until 2007.

24. See International Fact-Finding Mission Report, *The Russian Federation: Attacks on Human Rights Defenders in Saint-Petersburg, Russian Authorities Guilty of Negligence*, March 3, 2006.

25. See Annual Report 2005, and FIDH/OMCT Press Release, December 1, 2006.

26. See FIDH/IHD/HRFT Press Release, April 10, 2006.

However, *Belarus*, the *Russian Federation*, *Uzbekistan*, and *Turkmenistan* failed to respond to her repeated requests for visits in 2006.

During a press conference organised at the end of her visit to Ingushetia, Chechnya and North Ossetia (*Russian Federation*), from 19 to 24 February 2006, Ms. Louise Arbour, UN High Commissioner for Human Rights, indicated that the members of civil society whom she had met had raised several important issues, including the new Law on NGOs. She also emphasised that “the intimidation of those who make complaints against public officials” was a particularly disturbing phenomenon²⁷.

In addition, on October 9, 2006, Ms. Louise Arbour paid homage to the memory of Ms. Anna Politkovskaya²⁸, and urged a “thorough probe to bring those responsible to justice in accordance with internationally recognised standards of due process”²⁹.

On March 29, 2006, Mr. Adrian Severin, Special Rapporteur on human rights in *Belarus*, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Ms. Hina Jilani, Ms. Leila Zerrougui, Chair of the Working Group on arbitrary detention, Mr. Stephen J. Toope, Chair of the Working Group on enforced and involuntary disappearances, and Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, expressed their concerns about the deteriorating situation of human rights in Belarus before, during and after the presidential elections, and specifically in relation to freedoms of expression and association. They therefore “noted with regret that the peaceful demonstrations held on March 24 and 25, 2006, were violently repressed by the police (...) despite the numerous appeals by UN Special Rapporteurs to cease human rights violations immediately, in particular to stop politically motivated arrests and detentions (...) of independent journalists, opposition candidates, their supporters and human rights defenders”³⁰.

27. See UN Press Release, February 24, 2006.

28. See Compilation of cases below.

29. See UN Press Release, October 9, 2006.

30. See UN Press Release, March 29, 2006.

During its 37th session, held from November 6 to 24, 2006, the Committee Against Torture (CAT) examined the fourth Periodic Report of the *Russian Federation* and expressed its concern about the harassment and the murders of journalists and human rights defenders, including the recent murder of Ms. Anna Politkovskaya, who was writing a report on torture in Chechnya at the time of her assassination. The CAT also expressed its concern over the entry into force on April 17, 2006 of the new legislation governing the activities of non-commercial organisations, which widens the powers of the State to interfere in the activities of NGOs. As a result, the CAT urged the State-Party to “take effective steps to ensure that all persons monitoring and reporting acts of torture or ill-treatment are protected from intimidation (...) and ensure the prompt, impartial and effective investigation and punishment of such acts”. The CAT also requested that interference by the State in NGO activities, in the context of the new Law on NGOs, be limited and as a result that the law be amended to ensure its conformity with international human rights standards, including the UN Declaration on Human Rights Defenders³¹.

European Union (EU)

EU public statements on human rights defenders

The Observatory took part in the EU-NGO-Forum organised in Helsinki (Finland), on December 7 and 8, 2006 by the Finnish EU Presidency. On this occasion, a workshop devoted to the protection of women human rights defenders underlined the importance of integrating a gender-specific dimension into human rights activities, making reference in particular, to the document developed by several NGOs, including OMCT and FIDH, which called upon EU member States to give increased importance to the protection of women defenders in their implementation of the EU Guidelines on Human Rights Defenders³².

31. See CAT Concluding Observations, Document CAT/C/RUS/CO/4 (unedited version), November 2006.

32. See Recommendations for Gender-Specific Implementation of the EU Guidelines on Human Rights Defenders, endorsed by: Amnesty International (AI), Asia Pacific Forum on Women, Law and Development (APWLD), Asian Forum for Human Rights and Development (Forum Asia), Center for Women’s Global Leadership (CWGL), Front Line, Human Rights First, FIDH, Information Monitor (INFORM), International Service for Human Rights (ISHR), Urgent Action Fund for Women’s Human Rights (UAF), World Organisation against Torture (OMCT).

In this regard, the Forum participants called on EU Member States to renew and strengthen the mandate of the UN Special Representative on human rights defenders and also to give instructions to their diplomatic missions to convene meetings with defenders, including women defenders.

The EU further condemned, on several occasions in 2006, the situation of human rights defenders in several countries in Europe and the CIS.

In a Declaration by the Presidency on the situation in *Belarus*, dated June 1, 2006, the European Union expressed its “disappointment at the decision of the Belarus Supreme Economic Court to reinstate penalties [for alleged fraud] against the Belarus Helsinki Committee”³³. It further “called upon the Belarusian authorities to immediately cease their campaign of harassment against the BHC” and “recalled that, as a beneficiary of the TACIS programme, the BHC is exempt from taxation and customs duties as stipulated by the framework agreement signed between the EC and Belarus in 1994”³⁴.

In a Declaration of August 11, 2006, the European Union further expressed its deep concern “about the sentencing of four members of the Belarusian NGO “Partnership”, Mr. Tsimofey Drantchuk, Mr. Aleksandr Shalayko, Mr. Nikolai Astreiko and Ms. Enira Bronitzkaya, from six months’ to two years’ imprisonment on August 4, 2006”. The European Union noted “with regret that the Belarusian authorities continue to intimidate civil society activists”, and reiterated its demand for the immediate release and rehabilitation of the four activists³⁵.

On October 26, 2006, the European Parliament adopted a Resolution on *Moldova*, in which it “[condemned] the continued repression, harassment and intimidation of representatives of the independent media, NGOs and civil society by the self-proclaimed Transnistrian authorities”³⁶.

33. See Declaration by the EU Presidency on the decision of the Ministry of Justice to suspend the activities of the Belarusian Helsinki Committee.

34. Belarusian government instigated proceedings against BHC as the organisation had not paid taxes after receiving the TACIS funds.

35. See Declaration by the EU Presidency, August 11, 2006.

36. See Resolution of the European Parliament on Moldova, P6_TA-PROV(2006)0455, October 26, 2006.

In relation to the situation in the *Russian Federation*, on January 19, 2006, the EU “made clear (...) its concerns over the possible effects of the draft Law on NGOs”. The EU further remained “concerned that this law, as it has been adopted, could have a serious impact on the legitimate activities of civil society organisations in Russia”³⁷. In addition, on October 8, 2006, the day after the murder of Anna Politkovskaya, the EU Presidency asked “that a thorough investigation (...) be carried out into this heinous crime and its perpetrators be brought to justice”³⁸. The European Parliament reiterated this call in a Resolution adopted on October 25, 2006³⁹, and urged “the Russian authorities to conduct an independent and efficient investigation to find and punish those responsible for this cowardly crime”. The Parliament also called upon “the Russian authorities to fight actively against the intimidation of independent journalists and human rights activists and to give full protection to independent journalists who expose serious cases of injustice in their country and to human rights organisations and their representatives who defend the victims of human rights violations”.

It should also be noted that for the first time since the start of the consultation process on human rights between the European Union and Russia in March 2005, NGOs were associated with this process. For example, on March 3, 2006, at the third round of consultations in Vienna under the auspices of the offices of the Presidency of Austria, hearings were organised prior to the consultations, involving NGOs and the two parties to the consultations. However, the Russian delegation regrettably refused to take part in these hearings, just as it refused to participate in the hearings prior to the fourth round on November 8, 2006.

Following the third round, the EU indicated there had been an “extensive discussion about the situation of NGOs and human rights defenders following the adoption of the Law on NGOs”⁴⁰. In its press release issued following the fourth round of consultations, the EU indicated that “amongst the issues raised were the murder of the jour-

37. See Declaration by the EU Presidency on the enactment of the Russian Law on Non-profit Organisations, January 19, 2006, 5497/06 (Presse 17) - P 014/06.

38. See Declaration by the EU Presidency, January 19, 2006.

39. See Resolution of the European Parliament, P6_TA-PROV(2006)0448, October 25, 2006.

40. See Press Statement, EU/ Russia Human Rights Consultations, March 3, 2006.

nalist Anna Politkovskaya, the position of NGOs (...) and the implementation of the Law on countering extremist activity”⁴¹. With regard to these consultations, the European Parliament also adopted a Resolution on the EU-Russia Summit held in Helsinki on November 24, 2006, regretting that “the fourth round of the EU-Russia human rights consultations has brought no substantial progress in [the field of human rights and democratic values]”. The Parliament “therefore [called upon] the Russian Government to (...) allow the free functioning of domestic and international human rights organisations and other NGOs and to protect the personal safety of human rights defenders [...]”⁴².

With regard to *Uzbekistan*, on March 9, 2006, the EU observed with “grave concern, the conviction to eight years imprisonment of Ms. Muhktabar Tojibaeva [director of the organisation “Ardent Hearts’ Club”] on March 6”⁴³. The EU urged “Uzbekistan to review the conviction of Ms. Tojibaeva and to ensure a fair trial with access for national and international observers”⁴⁴.

In a Declaration on June 19, 2006, the EU took note of the fact that there had been an opportunity to attend the appeal trial of Ms. Tojibaeva; nevertheless, it observed with “concern that the conviction of Ms. Tojibaeva had been confirmed”. The EU further urged the Uzbek authorities to provide information on “the whereabouts of Mr. Saidjahon Zainabidinov”, a human rights defender who was arrested in May 2005 but whose place of detention remained unknown a year later⁴⁵.

On October 26, 2006, the European Parliament adopted a Resolution on Uzbekistan in which it underlined that “following the Andijan massacre in 2005, the Uzbek authorities launched a crackdown on human rights defenders, independent journalists and civil society institutions” and “the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tashkent was closed on March 17, 2006”, and urged “the Government of Uzbekistan to release all human rights defenders, journalists and political opposition mem-

41. See Press Statement, EU/Russia Human Rights Consultations, November 8, 2006.

42. See Resolution of the European Parliament, P6_TA-PROV(2006)0566, December 13, 2006.

43. See Compilation of cases below.

44. See Declaration by the EU Presidency on Uzbekistan, March 9, 2006.

45. See Declaration by the EU Presidency on Uzbekistan, June 19, 2006.

bers who [were] still in detention and to allow them to work freely and without fear of persecution, and to put an end to the harassment of NGOs” and “to permit the reopening of the UNHCR Office in Tashkent”⁴⁶.

On December 15, 2006, the Presidency issued a Declaration on the situation in *Turkmenistan* asking, in particular, that an “independent inquiry be conducted into the causes [of the] death of Ms. Ogulsapar Muradova”. The Presidency also expressed its “deep concern about the denial of access of observers to the trial against Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadijev”. Lastly, the Presidency urged “the Government to ensure the safety of Muradova’s family members and of [Amanklychev and Khadijev]”⁴⁷.

In its conclusions on the implementation of EU policy on human rights and democratisation in third countries, during the 2770th Session of the General Affairs Council in Brussels on December 11, 2006, the Council of the EU “[commended] the crucial work of human rights defenders worldwide. In 2006, the EU emphasised the essential role of women human rights defenders, and actively supported their work. As underscored by the Council in June, the EU has committed to continuing its actions in support of all human rights activists who, often at the risk of their own lives, take action to defend others. In this respect, the EU noted with concern some negative developments and a visible trend in some countries aimed at limiting free civil society activities”.

The Council welcomed the continuation of the human rights consultations with the *Russian Federation*. However, the EU “[remained] concerned about certain developments in Russia during the past year, notably in relation to the situation of human rights defenders, torture, media freedom, NGOs, impunity, respect for the rule of law as well as racism, xenophobia and intolerance. The Council [deplored] the recent assassinations of high-profile journalists and [urged] Russia to do its utmost to bring the perpetrators to justice. The Council [remained] deeply concerned about the human rights situation in Chechnya and [would] continue to pay close attention to it”.

46. See Resolution of the European Parliament on Uzbekistan, P6_TA-PROV(2006)0467, October 26, 2006.

47. See Declaration by the EU Presidency, December 15, 2006.

Implementation of the EU Guidelines on Human Rights Defenders

On May 2, 2006, the Observatory submitted an assessment of the EU Guidelines on human rights defenders to the human rights working group of the Council (COHOM), ahead of the First Evaluation of these Guidelines by the EU Council, under the Austrian Presidency. In its conclusions, the Observatory, whilst reiterating its support for this vital instrument, pointed out that human rights defenders, EU delegations and diplomatic missions of member States were still insufficiently aware of this instrument. Likewise, regarding the EU's significant support to defenders, it appeared that most of them were not informed about the various projects of the EU in this matter, in spite of a certain number of actual measures such as the funding of programmes promoting the rule of law, democracy or the administration of justice. Moreover, although the EU issued several public statements in favour of defenders, the latter regretted the lack of information on the implementation of confidential procedures. In this respect, the Observatory strongly recommended that the EU informally notify sources of information denouncing individual cases of all measures undertaken, while respecting the confidentiality of this information. This would allow a better appropriation by defenders of this instrument, and would also enable the EU to better monitor individual cases. Lastly, acknowledging that EU delegations or embassies are often confused between independent organisations and GONGOs, and that registered organisations sometimes receive more support than unregistered ones, the Observatory recommended that a list of organisations and independent defenders be drawn up, mainly on the basis of information gathered by local missions, reports and urgent interventions by international NGOs, as well as reports by the Special Representative on human rights defenders. This list could be established and produced by a focal point at local level and be distributed, in particular, to the visa-issuing departments of Member States to facilitate the grant of travel documents to independent defenders.

Taking up a certain number of the Observatory's recommendations, in particular in favour of an enhanced awareness of the Guidelines, the Council recommended in its Conclusions on the First Evaluation of the Implementation of the EU Guidelines on Human Rights

Defenders, adopted on June 12, 2006⁴⁸, that steps be implemented to increase the level of “awareness amongst all the relevant EU actors at Brussels, capitals and mission levels about the existence, purpose, content and operational application of the Guidelines”. It also recommended that Member States consider “appointing a focal point for human rights defenders in human rights departments”, “disseminating the Guidelines and consider organising training workshops with regional departments, as well as with visa and consular staff”, to “consider developing protection tools for situations where the life or physical and mental integrity of human rights defenders may be at immediate risk”, and to “consider the issue of emergency visas for human rights defenders in grave danger”. The Council, in particular, recommended that EU missions “designate a focal point for human rights defenders, wherever staff resources permit”, and to “encourage reporting on the overall situation of human rights defenders and on the local implementation of the Guidelines”. Lastly, the Council recommended that the Commission and Member States consider “increasing funds to periodically finance projects and one-off public events related to (...) and to human rights defenders in particular, and to consider including protection programmes and support for practical security measures into support given to human rights defenders in countries where they are systematically targeted”.

Organisation for Security and Co-operation in Europe (OSCE)

On March 30 and 31, 2006, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) organised a Supplementary Human Dimension Meeting, in Vienna (Austria), devoted to human rights defenders and national Commissions. This conference was attended by many human rights defenders and official representatives from participating countries, as well as OSCE representatives and Ms. Hina Jilani. During this conference, participants indicated that the situation of human rights defenders was deteriorating in a certain number of countries in the OSCE region, which was frequently linked with a weakening of the rule of law.

48. See Conclusions on the First Evaluation of the Implementation of the EU Guidelines on Human Rights Defenders, 2736th Session of the General Affairs Council, Luxembourg, June 12, 2006.

The Observatory made a statement at the plenary session on the topic: “Human rights defenders: Pertinent legislation and implementation of OSCE commitments” and organised a “side event” on defenders in the region attended by several activists.

Similarly, during the OSCE Human Dimension Implementation Meeting, held from October 2 to 13, 2006, in Warsaw (Poland), the Observatory conducted the session focusing on freedoms of association and peaceful assembly, on October 10, 2006. The Observatory, which has been working towards the establishment of a protection mechanism for defenders within OSCE for several years, welcomed the announcement, by an ODIHR representative, of the establishment of a department specially dedicated to the protection of defenders and which shall be effective in January 2007. Nevertheless, the exact mandate of this new department shall be closely monitored, so as to include the possibility of addressing member States on individual cases. At this meeting, the Observatory also organised a “side event” on freedom of association in the former Soviet countries on October 11, 2006, attended by six representatives of FIDH and OMCT member and partner organisations in the region.

On October 10, 2006, the President of the OSCE Parliamentary Assembly, Mr. Goran Lenmarker, condemned the murder of Ms. Anna Politkovskaya (*Russian Federation*)⁴⁹.

On October 16, 2006, OSCE held round table discussions in Warsaw on the adoption of guidelines for national legislations governing and affecting freedom of assembly, which shall be finalised in 2007. The discussion first broached the question of the acceptable limits on freedom of protest, the new challenges to freedom of assembly, particularly in the context of the fight against terrorism, and the role of human rights defenders in protecting this fundamental freedom. Three similar round tables discussions were held in Georgia, Serbia and Kazakhstan during 2006.

Lastly, on December 8, 2006, Mr. Karel De Gucht, the Belgian Minister for Foreign Affairs, then OSCE Chairman in Office, called for an increased awareness of the difficulties faced by many human rights defenders, emphasising that “protecting those who, in civil society or within their governments, promote human rights on a daily

49. See Press Release of the OSCE Parliamentary Assembly, October 10, 2006.

basis, must be a duty for us all” and that “all too often, human rights defenders face harassment, persecution, and even death as a result of making the very same statements that the more fortunate take for granted. This situation is, sadly, deteriorating”. Lastly, Mr. De Gucht welcomed the intention of ODIHR to establish a focal point for human rights defenders⁵⁰.

Council of Europe

During the first session of the Parliamentary Assembly of the Council of Europe in January 2006, the Observatory submitted a declaration to several deputies in relation to the agenda for a later session containing a resolution calling for the establishment of a protection mechanism for defenders within the Assembly. On November 5, 2006, on the basis of the draft resolution presented by the Observatory, the Legal Affairs Commission of the Parliamentary Assembly decided to take up the matter by appointing one of its members, Mr. Holger Haibach, a German Member of the Assembly, as Rapporteur on human rights defenders in member countries of the Council of Europe. Mr. Haibach’s recommendations shall later be introduced before the Parliamentary Assembly.

Simultaneously, the Observatory continued its work with the Office of Commissioner for Human Rights, Mr. Thomas Hammarberg, who organised, in collaboration with the Directorate General of Human Rights of the Council of Europe, a Colloquy on “Protecting and supporting human rights defenders in Europe”, on November 13 and 14, 2006. On this occasion, the Observatory addressed the plenary session on the existing protection mechanisms for defenders in Europe.

A declaration was adopted as a conclusion to this colloquy⁵¹, emphasising “the importance of the role of the Council of Europe in providing legal advice on the compatibility of draft and existing legislation with European standards, notably those regarding freedom of association and assembly”. This declaration also stressed that “the

50. See Press Release, December 8, 2006.

51. See Conclusions of Mr. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Colloquy of the Council of Europe “Protecting and Supporting Human Rights Defenders”, Strasbourg, November 13-14, 2006.

Council of Europe's independent human rights institutions and mechanisms should be encouraged to address the issue of human rights defenders in their respective activities". In addition, "the Commissioner for Human Rights should play a key role in supporting and protecting human rights defenders in Europe (...) in cooperation with others working for the protection of human rights defenders in Europe [and] should continue to meet with a broad range of defenders during his country visits and raise concerns with the authorities about any problems they may face". The Commissioner "should also be able to act upon information received in order to protect defenders, including in situations where there is need for urgent action". Lastly, the Commissioner was strongly encouraged to "develop the role and capacity of his Office in this respect so as to achieve an effective mechanism to protect human rights defenders in urgent cases". It was suggested that "the Commissioner's thematic, country and annual reports could usefully include developments related to human rights defenders and their work". To achieve these objectives, it was proposed that "the Committee of Ministers should adopt a strong political declaration on human rights defenders and their vital work, in line with the commitment made by Heads of State and Government at the Third Council of Europe Summit". Strong encouragement was also expressed for the ongoing work of the Parliamentary Assembly on this topic.

The Observatory also attended, as an observer, the meeting of the Group of Specialists on human rights defenders on November 14 and 15, 2006. This meeting, attended by several State representatives, aimed at discussing the various actions the Council of Europe could take to provide more support and protection for human rights defenders, in the light of the results of the colloquy. The participants agreed that a report should present the obstacles encountered by defenders in Europe and the solutions which could be put forward at the level of the Council of Europe.

Lastly, the Observatory issued a number of comments on the Recommendation on the legal status of NGOs in Europe, which shall serve as a recommendation from the Committee of Ministers to the governments of Member States. Although the wording has not yet been finalised, most of the Observatory's observations were included in the comments drawn up by the Group of Specialists of the Steering Committee for Human Rights (CDDH).

International Organisation of the Francophonie (OIF)

From September 28 to 29, 2006, the 11th Francophonie Summit was held in Bucharest (Romania). On that occasion, Heads of the Francophonie Member States adopted the Declaration of Bucharest, in which they “reaffirmed their commitment to democracy as a system of values and a constitutive element to long-lasting peace and development”. The Heads of State further stressed the “importance of the consensus reached with the adoption of the Bamako Declaration in November 2000” and added that the “relevance of these norms and practices as instruments for conflict prevention and resolution [had been] acknowledged in the Concluding Observations of the Bamako +5 Symposium”. Indeed, the action plan annexed to the Bamako Declaration included as an objective “the greater support for the initiatives and national projects developed by NGOs promoting the culture of human rights, democracy, good governance and peace [and] support of the network activities uniting NGOs at national, regional and international levels” (Chapter III.5). In addition, OIF intends that its plan of action shall “provide [its] support to human rights defenders by relying, in particular, on specialised structures and instruments” (Chapter IV.3).