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To the attn. of:

Latvian Presidency of the Committee of Ministers

16 June 2023

ACTION PLAN FOR THE IMPLEMENTATION OF THE REYKJAVÍK DECLARATION BY THE COUNCIL OF EUROPE

PROPOSALS BY AMNESTY INTERNATIONAL FOLLOWING THE DIALOGUE WITH THE LATVIAN PRESIDENCY OF THE COMMITTEE OF MINISTERS ON 6 JUNE 2023

Amnesty International thanks the Latvian Presidency of the Committee of Ministers for the exchange of views with civil society held on 6 June on the implementation of the Summit's Declaration and hereby submits its recommendations for the Reykjavík Action Plan.

The implementation of the [Reykjavík Declaration](#) adopted at the fourth summit of the Council of Europe is a momentous opportunity for the Council of Europe (CoE) to counter the backsliding of human rights in Europe, to ensure accountability for Russia's war of aggression and to respond to the climate emergency by protecting the right to a healthy and clean environment. To address the challenges noted in the Declaration, clear measures are required to tackle shrinking civic space, counter the gender backlash, protect and strengthen independent and impartial judiciaries, and ensure the authority of the European Court of Human Rights (ECtHR). Importantly, member states need to strengthen the existing toolkit available under the CoE Statute and the European Convention on Human Rights (ECHR) with strong resolve to implement infringement proceedings, ensure the respect of article 52 ECHR inquiries, and guarantee the monitoring of human rights violations by CoE bodies.

Amnesty International's March 2023 letter to the Icelandic Presidency with recommendations for the future of the Council of Europe can be found here: [Amnesty International recommendations for the future of the Council of Europe – European Institutions Office](#)

RECOMMENDATIONS:

I. ON CREATING AN ENABLING ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY

The CoE Summit:

- *“Committed to step up its efforts to create an enabling environment for human rights defenders, in which they and civil society can operate free from hindrance, insecurity and violence (§25 + Appendix III, para 9). It particularly committed to strengthen cooperation with Russian and Belarusian HRDs, democratic forces, free media and independent civil society (§26). Reaffirmed that “civil society is a prerequisite for a functioning democracy” (Appendix III);*
- *Recognised the role of civil society organisations in monitoring compliance with the Convention and the Court’s judgments (Appendix IV, para 21);*
- *Called for a review and further reinforcement of the Organisation’s outreach to, and meaningful engagement with, civil society organisations and national human rights institutions. (§40)”*

A critical lesson from Russia’s suppression of dissent in the 10 years prior to its war on Ukraine is that shrinking civic space is both a symptom and an enabler of states’ systemic suppression of human rights. Amnesty International welcomes the Council of Europe’s commitment to *“step up its efforts to create an enabling environment for human rights defenders, in which they and civil society can operate free from hindrance, insecurity and violence”*.

Recommendations:

- The Council of Europe should adopt **a new holistic approach to civil society and human rights defenders**. All parts of the organisation should strive to eradicate restrictions to the enabling environment for human rights defenders by ensuring the implementation of relevant Court judgments, recommendations of the Commissioner for Human Rights, Venice Commission, Parliamentary Assembly of the Council of Europe and, when necessary, through the intervention of the Secretary General and the Committee of Ministers.

To the Committee of Ministers:

- **Give priority to the implementation of judgments** concerning the enabling environment of HRDs and address the root causes of the violations found by the Court concerning freedom of expression, freedom of association and assembly, along with the independence and impartiality of the judiciary. To that effect, organise a **thematic debate on judgments concerning HRDs**, in line with Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe which calls for *“paying special attention within the Committee of Ministers to the execution of judgments of the European Court of Human Rights concerning human rights defenders and the enabling environment for human rights work”*.
- **Action Plans with member states should include the protection and promotion of Human Rights Defenders**, in particular concerning member states where the Court has found violations against HRDs.
- **Adopt a strong Recommendation on SLAPPs** which includes: a broad definition of those targeted by SLAPPs; the recognition that SLAPPs are weaponized by a wide range of actors including state officials, politicians, religious leaders and corporate actors; an effective procedure enabling courts to dismiss SLAPPs at an early stage, with the possibility to obtain the stay of the main proceedings, an accelerated procedure, and the reversal of the burden of proof; sanctions for those who repeatedly use SLAPPs or threaten to do so; the establishment of a public registry of court decisions related to SLAPPs; and financial and legal support mechanisms for those targeted by SLAPPs.
- **Review the implementation of the [Recommendation CM/Rec\(2018\)11](#) on the need to strengthen the protection and promotion of civil society space in Europe CM/Rec** which calls on member states to *“remove any unnecessary, unlawful or arbitrary restrictions to civil society space, in particular with regards to freedom of association, peaceful assembly and expression”*.

To the Secretary General:

- **Strengthen the Private office procedure on alleged reprisals against Human Rights Defenders interacting with the Council of Europe**, and publish a report on the use of the mechanism; in that regard, urgently consider an intervention in the case of prisoner of conscience Hakan Altınay, Director of the Turkish School of Political Studies.
- Organise an **Annual exchange of views with human rights defenders and civil society** on human rights backsliding.
- Improve **meaningful consultation of human rights defenders** in the Council of Europe and in member states.
- **CoE Local Offices** should play an active role to promote HRDs and give visibility to relevant CoE outputs. Concrete measures should include meeting HRDs, implementing projects on protection and promotion of the enabling environment for their work, and using local offices' websites and social media to promote judgments of the Court and CoE Recommendations that pertain to the host country, preferably translated into the local language/s.

II. ON THE ECHR SYSTEM

The Reykjavík Declaration:

- *Committed to redouble its efforts “for the full, effective and rapid execution of judgments, including through a more co-operative, inclusive and political approach based on dialogue” (§22 + Appendix IV). This entails improving the effectiveness of the supervision mechanism of the execution of judgments, but also the scaling up of cooperation programmes to assist Member States in the implementation of judgments, as well as annual meetings with national coordinators for the execution of judgments (Appendix IV).*
- *Called for the strengthening of political dialogue to encourage implementation of judgments, and for the Committee of Ministers to establish “clear and predictable, gradual steps in the event of non-execution or persistent refusal to execute the final judgments of the Court” (Appendix IV).*
- *Stressed the need to ensure that the Court is financially sustainable (§38 + Appendix IV).*
- *Committed to ensure the execution of judgments by Russia (Appendix IV).*
- *Recognised the role of the Commissioner for Human Rights, national human rights institutions and civil society organisations, in monitoring compliance with the Court's judgments (Appendix IV).*
- *Committed to scale up co-operation programmes to assist member States in the implementation of judgments, which may involve, as appropriate, States facing the same or similar issues in implementation, and increase synergy between the Department for the Execution of Judgments and the Council of Europe co-operation programmes (Appendix IV).*
- *Called on the Committee of Ministers to continue their work enhancing the tools available in the supervision of the execution of judgments with clear and predictable, gradual steps in the event of non-execution or persistent refusal to execute the final judgments of the Court, in an appropriate and flexible way, that takes into account the specificities of each case (Appendix IV).*

Recommendations:

Amnesty International notes that the European Court of Human Rights is a key guarantor of the rule of law in Europe as demonstrated by its growing case law condemning threats to the independence and impartiality of national judiciaries. Yet, the Court itself and the ECHR system have also been directly challenged and threatened by member states.

- Infringement proceedings under art. 46.4 ECHR, as the ultimate measure under the ECHR, should prompt a commensurate extraordinary response in the form of an **International Conference of the member states on the refusal to implement the judgment by the relevant state**. The Secretary General, Committee of Ministers and

the Parliamentary Assembly should engage in high level efforts to ensure the implementation of those judgments.

- The non-implementation of ECtHR infringement judgments under art **46.4 ECHR should be a standing item in the agenda of Ministerial meetings** at the end of Presidencies.
- The refusal of Türkiye to release Osman Kavala in implementation of the Court's judgment and infringement decision should be condemned in the strongest possible terms. The Secretary General, the Presidency of the Committee of Ministers and the President of PACE should **visit Osman Kavala in prison**, discuss implementation of the judgment with the highest levels of the judiciary, and express support for the work of human rights defenders in Türkiye.
- **Art 52 ECHR inquiries by the SG should give rise to an automatic follow up at the highest level** with the national authorities concerned and feature as a **standing item in the agenda of Ministerial meetings** at the end of each Presidency.
- Each upcoming Presidency of the Committee of Ministers should take the initiative of implementing at least **three judgments under enhanced procedure ahead of the Presidency** as a sign of commitment to the ECHR system.

III. **REJECTING WAR CRIMES AND PURSUING ACCOUNTABILITY**

Amnesty International welcomes the Summit's commitment and decisions to support Ukraine and accountability efforts, notably by the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (Appendix I) and the Declaration on the situation of the children of Ukraine (Appendix 2), in addition to various other commitments for justice and accountability.

Recommendations:

- Provide additional **resources for the Court** to examine applications concerning human rights violations in Ukraine.
- Effectively **implement the Council of Europe Action Plan for Ukraine** "Resilience, Recovery and Reconstruction" 2023-2026 with participation of civil society.
- Support the European Committee for the Prevention of Torture, to which Russia is still a party, and the Commissioner for Human Rights, in particular with **unimpeded access to so-called conflict areas**. The monitoring by these bodies is an essential tool against impunity.

IV. **ON THE PROTECTION OF THE ENVIRONMENT AND HUMAN RIGHTS**

The CoE Summit:

- *Recognised the impact of the triple planetary crisis of pollution, climate change and loss of biodiversity on human rights, democracy and the rule of law, and affirmed that "human rights and the environment are intertwined and that a clean, healthy and sustainable environment is integral to the full enjoyment of human rights by present and future generations" (§28 + Appendix V).*
- *Committed to "reflect on the nature, content and implications of the right to a clean, healthy and sustainable environment and, on that basis, actively consider recognising at the national level this right as a human right that is important for the enjoyment of human rights and is related to other rights and existing international law" (Appendix V).*
- *Committed to strengthen its work on the human rights aspects of the environment "based on the political recognition of the right to a clean, healthy and sustainable environment as a human right" (Appendix V).*
- *Committed to "Conclude as soon as possible the Council of Europe's ongoing work on a convention superseding and replacing the European Convention on the Protection of Environment through Criminal Law*

and on the consideration of the need for and feasibility of a new instrument or instruments in the field of human rights and the environment” (Appendix V).

- *Committed to initiating the “Reykjavík process”, aimed at strengthening the work of the CoE on the human rights aspects of the environment (§28).*
- *Encouraged the establishment of a new intergovernmental Committee on environment and human rights (“Reykjavík Committee”) (Appendix V).*
- *Expressed support for “the vital role of civil society [...] in the protection of the environment” (Appendix V).*

Amnesty International welcomes the recognition in the Reykjavík Declaration that “*a clean, healthy and sustainable environment is integral to the full enjoyment of human rights by present and future generations*”, “*the consideration of the need for and feasibility of a new instrument or instruments in the field of human rights and the environment*” and the support expressed for “*the vital role of civil society [...] in the protection of the environment*”. Clearly, this major human rights challenge requires additional instruments and mechanisms.

Recommendations:

- In implementation of the Reykjavík Declaration, member states must recognise the right to a clean, healthy and sustainable environment through a **legally binding protocol to the ECHR**, for a more solid and coherent legal basis to the ECtHR’s jurisprudence on environmental matters that facilitates implementation and enforcement in member states.
- In parallel, member states should establish the **Reykjavík Committee**, which similarly to the European Commission against Racism and Intolerance (ECRI) should include **independent experts from member states, with a mandate to develop policy recommendations and monitor their implementation** at national level through country reports.

V. ON COUNTERING THE GENDER BACKLASH

The Reykjavík Declaration underlined “*the pioneering role of the Council of Europe, including through the Istanbul Convention, in the fight against violence against women and domestic violence, (§33); and stressed the need to mitigate risks related emerging digital technologies, including new forms of violence against women and vulnerable groups amplified by modern technologies (§29).*”

The gender backlash has reached unprecedented proportions in recent years in Europe notably with restrictions on abortion of unimagined cruelty in Poland, and Türkiye’s withdrawal from the Istanbul Convention.

Recommendations:

- All Member states should commit to **ratify/accede and implement the Istanbul Convention**.
- The **Istanbul Convention should be part of the core commitments** of the Council of Europe and be a requirement for future membership of the Council of Europe.
- The **withdrawal by Türkiye of the Istanbul Convention in 2021, as well as the opposition of certain CoE members to the core principles of the Istanbul Convention should be addressed in regular high-level meetings** of the Committee of Ministers to ensure their compliance.
- The Committee of Ministers should organise **thematic debates** on the implementation of ECtHR judgments concerning violence against women and LGBTI rights.

VI. ON THE ABOLITION OF THE DEATH PENALTY

The Reykjavík Declaration recalls that the “*Council of Europe has played a crucial role to ensure that Europe is a death penalty-free zone and should pursue the fight against the reintroduction of the death penalty, and in favour of its*

universal abolition, in all places and in all circumstances” (§19).

Amnesty welcomes this new impetus to strengthen the leading role of the CoE to promote the global abolition of capital punishment.

Recommendations:

- All member states should **ratify Protocol 13** to the ECHR.
- **Review the implementation of [Recommendation CM/Rec\(2011\)2 on measures against the trade in goods used for the death penalty, torture and cruel, inhuman or degrading treatment or punishment.](#)**
- Include combatting the **Death Penalty in Human Rights Education and in Youth programmes.**

VII. SOCIAL RIGHTS:

The Summit pledged that *“Social justice is crucial for democratic stability and security”*, reaffirmed the CoE’s *“full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system”* and considered *“the organisation of a High-Level Conference on the European Social Charter, as a step to take further commitments under the Charter where possible”* (§24).

Recommendations:

- Ensure **effectiveness and transparency of the Collective Complaints Procedure** under the [Additional Protocol providing for a system of collective complaints](#): the monitoring of the implementation of decisions of the European Committee of Social Rights should allow for civil society to communicate with the Committee of Ministers as is the case with the supervision of the execution of ECtHR judgments.
- Ensure that **national NGOs can submit collective complaints.**

VIII. MIGRATION

The Reykjavík Declaration *recalled “the increasing challenges of migration (...)”* and committed to *“continuing to protect the victims and respect the human rights of migrants and refugees, as well as supporting frontline States, within the existing Council of Europe frameworks”*. (§31)

Recommendations:

- The Council of Europe should ensure that the **protection of human rights of migrants and refugees is a priority** for the organisation, including through the implementation by member states of interim measures issued by the Court and its relevant judgments, the implementation of recommendations of the Commissioner for Human Rights, the CPT, ECRI and the CoE SR on Migration.

IX. STRENGTHENING OF MONITORING MECHANISMS

The Summit committed to *“Strengthening the Commissioner for Human Rights, particularly in light of the need for principled and swift action to address backsliding and other evolving human rights challenges”* (§41)

Recommendations:

- Member States should affirm their good faith cooperation with CoE bodies by extending **standing invitations** to the Commissioner for Human Rights and the monitoring mechanisms. It is unacceptable that some states refuse to cooperate with certain bodies, preventing their visits and reporting. Such a lack of cooperation should be a standing item on the Committee of Ministers agenda, including of its Annual Ministerial meetings.