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COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

1ST QUARTERLY ACTIVITY REPORT 2019

1 January to 31 March

Presented to the Committee of Ministers
and the Parliamentary Assembly

This report contains a summary of the activities carried out by the Commissioner for Human Rights, Dunja Mijatović, between 1 January and 31 March 2019.

1. Visits and Missions

Visit to Hungary

The Commissioner carried out a visit to Hungary from 4 to 8 February, focusing on the human rights of asylum seekers and refugees, human rights defenders and civil society, independence of the judiciary and gender equality and women's rights.

During her visit, the Commissioner met with the Deputy Prime Minister and Minister of Interior, Sándor Pintér; the Minister of Justice, László Trócsányi; the Minister of State for International Affairs in the Ministry of Human Capacities, Orsolya Pacsay-Tomassich; and the Minister of State for EU Relations in the Prime Minister's Office, Judit Varga. She also met the President of the Curia, Péter Darák; the President of the Constitutional Court, Tamás Sulyok; the Commissioner for Fundamental Rights, László Székely; the President of the Equal Treatment Authority, Agnes Honecz; the Head of the Hungarian Council of Europe Parliamentary Assembly Delegation, Zsolt Németh; and representatives of civil society. The Commissioner made field visits to the Hungarian Interchurch Aid shelter for women victims of violence in Budapest and the home for unaccompanied children in the Károly István Children's Centre in Fót.

The Commissioner expressed concern that very few asylum seekers are able to apply for international protection in Hungary and that applications are practically always rejected due to a new inadmissibility ground introduced in June 2018. Asylum seekers, including children, are systematically detained with the exception of unaccompanied minors under 14 years. The Commissioner urged the authorities to open access to a regular asylum procedure, lift the unjustifiable 'crisis situation due to mass migration' and stop detaining asylum seekers in the transit zones at the border. She observed that the systematic detention of asylum seekers in Hungary raised issues about due process. The Commissioner also urged the Hungarian authorities to refrain from using anti-migrant rhetoric and campaigns which fan xenophobic reactions among the population.

The Commissioner found that the space for the work of NGOs, human rights defenders and journalists critical of the government had become very narrow in Hungary. Human rights defenders and civil society organisations have been subject to smear campaigns and targeted legislation on foreign funding, and the promotion of migration, as well as punitive taxes, to curtail their activities. She pointed out that legislation reducing NGO space exercised a continuous chilling effect on the human rights work of civil society organisations and discouraged them from carrying out their regular activities. The Commissioner urged the government to reverse its worrying course affecting the human rights protection system in the country, repeal the harmful legislation, and restore an enabling environment conducive to the valuable work of human rights defenders and NGOs.

Hungary is in the process of setting up a new separate system of administrative courts which will rule on cases related to the public authorities. The Commissioner expressed concern about the strong powers the executive will have in establishing and running the new administrative courts. She stressed the need for further safeguards by strengthening the role of collective judicial self-governance.

The Commissioner also noted the backsliding in women's rights and gender equality in Hungary and urged the authorities to take positive measures to improve gender equality and increase women's participation in decision-making in all sectors. She pointed out that Hungary had not yet ratified the Istanbul Convention on combating violence against women although it was in the process of extending its network of support services addressing the problem. The Commissioner stressed that there was an urgent need to raise awareness of violence against women in Hungary and that the ratification of the Istanbul Convention would be an essential step towards a comprehensive response to violence against women and girls.

The Commissioner's report on her visit to Hungary was published on 21 May.

Visit to Poland

The Commissioner carried out a visit to Poland from 11 to 15 March, focusing on the independence of the judiciary and the prosecution service as well as women's rights, gender equality and domestic violence.

While in Warsaw, the Commissioner met with the Minister of Foreign Affairs, Jacek Czaputowicz; the Minister of Health, Łukasz Szumowski and his Deputy; the Government's Plenipotentiary for Civil Society and Equal Treatment, Adam Lipiński; Undersecretaries of State in the Ministries of Justice and Family, Labour and Social Policy; in the Presidential Chancellery, its Chief, Halina Szymańska, and an Undersecretary of State; and the Police Commander-in-Chief, General Jarosław Szymczyk. From the judiciary, the Commissioner met with the First President of the Supreme Court, Małgorzata Gersdorf, and several judges of the Supreme Court. In addition, she met with the Ombudsman, Adam Bodnar, and his Deputy; as well as the newly elected Ombudsman for Children's Rights, Mikołaj Pawlak. She also met with representatives of civil society and associations representing judges and prosecutors, and visited a shelter for women victims of domestic violence. In Gdańsk, the Commissioner met the city's newly elected mayor, Aleksanda Dulkiwicz; municipal officials in charge of equality and anti-discrimination; and visited a local counselling service for women victims of domestic violence. She also paid a visit to St. Mary's Basilica, the resting place of the late mayor of Gdańsk, Paweł Adamowicz.

The Commissioner noted with regret the deadlock that continues to affect the functioning and the credibility of some of Poland's judicial institutions. While welcoming the steps taken to restore to their posts the First President and other forcibly retired judges of the Supreme Court, she observed that serious concerns remained with regard to the independence of the Constitutional Court as well as the newly composed National Council for the Judiciary. Other points of concern are the dismissal or replacement of hundreds of court presidents and prosecutors, the disciplinary proceedings instituted against many judges and prosecutors, as well as the extensive and unchecked powers of the combined functions of Minister of Justice and Prosecutor-General. Recalling the recommendations of the Venice Commission's opinions adopted in 2016 and 2017, the Commissioner urged Poland to take further steps to restore the full independence of its judiciary.

On domestic violence and violence against women, the Commissioner commended Poland for ratifying the Istanbul Convention in 2015 but encouraged the Convention's more active implementation. In particular, she recommended making more shelters available for women and children, and introducing in law the possibility for removing perpetrators in a manner which would

prevent repeated victimisation. During her visit, the Commissioner was concerned to hear that experienced organisations helping victims of domestic violence no longer received central government funding or had seen that funding significantly reduced in recent years. Although some local governments help to fill this gap, the Commissioner urged the Polish central authorities to protect and support experienced non-governmental organisations, which are often the main providers of assistance to victims.

Noting that three key judgments handed down by the European Court of Human Rights against Poland in cases concerning access to legal abortion and abortion-related care remain unimplemented, the Commissioner was concerned to hear that many women resort to clandestine abortions or travel abroad to get help as a consequence of the increasing use by health care professionals of the so-called “conscience clause”. In view of the repeated and on-going attempts to further restrict Polish women’s already very limited access to abortion, the Commissioner urged the authorities to prevent the weakening of women’s reproductive rights.

On gender equality, the Commissioner noted with satisfaction that Poland’s average gender pay gap is among the lowest in the European Union. Nevertheless, she urged the authorities to ensure that gender equality translates into concrete measures, like adopting a specific national action plan on gender equality or dedicated programmes to further the advancement of women. In this regard, the Commissioner was interested to hear about measures on gender equality introduced by Gdańsk and found the city’s Model for Equal Treatment to be an inspiring good practice.

During the visit, the Commissioner was made aware of, and firmly criticised as unacceptable, some negative and inflammatory statements by certain high-ranking officials directed against LGBTI persons.

The Commissioner’s report on her visit to Poland is forthcoming.

Mission to France

On 28 January, the Commissioner carried out a mission to Paris to discuss human rights issues relating to the “yellow vests” movement. During this mission, the Commissioner met with the State Secretary to the Minister of the Interior, Laurent Nunez. She also had meetings with the secretariat of the National Consultative Commission for Human Rights (CNCDH), the Defender of Rights and his deputy in charge of security ethics, representatives of human rights organisations, police and journalists’ trade unions, and law and media professionals.

In a press release published further to this mission, the Commissioner acknowledged that the law enforcement forces, among whom there have been many casualties, were operating in difficult conditions; however, she expressed concern about the large number of people injured, some very seriously, in or on the sidelines of the protests. She also underlined the importance of ensuring that the bill to prevent violence during demonstrations and punish the perpetrators then debated in the National Assembly does not result in any unnecessary or disproportionate restriction of the freedoms of expression and peaceful assembly and the right to freedom and security, expressing particular concern about several provisions of this bill.

Concerning the Memorandum published further to this mission, see below, Reports and continuous dialogue.

2. Reports and continuous dialogue

Letter to the Prime Minister and the Minister of Education, Youth and Sports of the Czech Republic on inclusive education

On 15 January, the Commissioner published her letter to the Czech Prime Minister and Minister of Education, Youth and Sports regarding the proposed changes to Decree 27/2016 Coll. on the education of pupils with special education needs. The Commissioner expressed that some of the changes foreseen could have a negative impact on the right of all children, including Roma children and children with disabilities, to inclusive education. She called on the Government to ensure that changes made to the Decree would not jeopardise this right and highlighted that schools should not be left in any doubt that inclusion in mainstream education should be prioritised. The authorities should refrain from taking steps that would divert more children to special education and ensure sufficient support for children with special education needs. In view of challenges faced when transitioning to inclusive education, the Commissioner underscored the Government's responsibility to engage the public in dialogue to address apprehensions, to tackle underlying prejudices, and to stand firm in promoting the value of inclusive education for children and society alike. She therefore called on the Government to continue to implement resolutely its reforms that would lead to an inclusive education system.

Letter to the Convener of the Equalities and Human Rights Committee of the Scottish Parliament on the age of criminal responsibility

On 16 January, the Commissioner published her letter to the Convener of the Scottish Parliament's Equalities and Human Rights Committee regarding the Age of Criminal Responsibility (Scotland) Bill. This followed her exchange with Scotland's Minister for Children and Young People on this issue in December 2018 (see the Commissioner's fourth quarterly activity report 2018). In her letter, the Commissioner provided further clarification of her call to increase the age of criminal responsibility to 14 at least, but preferably higher, rather than to 12 as proposed by the Government. She noted that, despite the specific features of the Scottish system of dealing with children who come into conflict with the law, international human rights standards on the age of criminal responsibility are developed to provide minimum safeguards regardless of member states' diversity of laws, policies and practices. She also noted that setting an appropriately high age of criminal responsibility would have important implications for the protection of the rights of children who come into conflict with the law, even if few are prosecuted in courts in Scotland. The Commissioner reiterated that setting the age of criminal responsibility at 14 as an absolute minimum, but with a higher age being preferable, would exclude a larger group of children from being dealt with as offenders in the Scottish system, which would help further strengthen the system's focus on protecting vulnerable children who engage in harmful behaviour.

Report on Armenia

On 29 January, the Commissioner published a report following her visit to Armenia from 16 to 20 September 2018, which focused on women's rights, gender equality and domestic violence; the human rights of disadvantaged or vulnerable groups; and accountability for past human rights violations.

Finding that women in Armenia continued to be significantly underrepresented in public decision-making, the Commissioner stressed the need to ensure their full and effective participation and equal opportunities for leadership at all levels of public life, as well as equal pay and equal access to the labour market. She also stressed the need to combat persisting discriminatory gender stereotypes and to promote gender equality, including through education.

On domestic violence, the Commissioner welcomed the major improvements made to Armenia's legislation and stressed the need for effective practical application of the new provisions. She devoted special attention to the need to increase the availability of shelters for victims and to ensure access to education for children staying in such shelters. She further recommended that Armenia ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Commissioner welcomed the authorities' clear commitment to the de-institutionalisation of persons with disabilities and recommended their inclusion in all decision-making processes that concern them. In particular, she recommended that Armenia abolish plenary guardianship for persons with psycho-social disabilities and move from a substituted to a supported decision-making model. Noting Armenia's commendable goal of making all education fully inclusive by 2025, the Commissioner drew attention to the need to pursue this policy also at the pre-school level.

The Commissioner was deeply concerned by the effects of poverty on children and the placement of children from families with socio-economic difficulties in state care. She recommended that the authorities strengthen their efforts to guarantee an adequate standard of living to all children, including by allocating adequate resources for parents resuming care and through the promotion of foster care. She also encouraged Armenia to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), which the country signed in 2010.

Finding the level of social protection afforded to older persons in Armenia inadequate, the Commissioner recommended raising the overall level of old age pensions, increasing the availability of primary and specialised health care, and tackling the shortage of geriatric services.

The Commissioner recommended the prompt adoption of comprehensive anti-discrimination legislation with a clear reference to sexual orientation and gender identity. She also called on the authorities to unequivocally reject initiatives infringing on the rights of LGBTI persons and to take prompt and resolute action against all instances of violence, hate speech and hate crime targeting LGBTI persons.

Regarding accountability for the deaths that occurred during the violent events of March 2008, the Commissioner welcomed the steps taken to finally establish the truth and prosecute those responsible, but stressed the importance of ensuring that this process is conducted carefully and in strict adherence to the principles of the rule of law, judicial independence, transparency, and guarantees of a fair trial. She urged politicians and opinion-makers to avoid using polarising, stigmatising or inflammatory language in their public discourse.

The report is available on the Commissioner's website together with the comments of the Armenian authorities.

Letter to the Prime Minister of Italy on human rights of refugees, asylum seekers and migrants

On 7 February, the Commissioner published a letter she had addressed to the Prime Minister of Italy, Giuseppe Conte, expressing her concerns about the negative consequences that the Decree-Law No. 113/2018 on International Protection, Immigration and Public Security may have on the human rights of asylum seekers and beneficiaries of protection to access reception and essential services, such as healthcare and education. In particular, she requested the Italian government to clarify the measures it intended to take to ensure the continuity of reception and essential services for those who have been granted a humanitarian protection permit, should they be required to leave the centres they have been residing in. In the letter, the Commissioner also regretted the apparent hastiness with which people were transferred from the asylum seekers' reception centre in Castelnuovo di Porto (Rome) in view of its closure and expressed concerns that this measure could disrupt the commendable efforts put in place at the local level for the integration and rehabilitation of the residents of this centre in the past years.

Lastly, the Commissioner underscored the need to uphold the human rights of persons rescued at sea. While acknowledging Italy's role in the past in saving lives at sea and in receiving asylum seekers and migrants arriving at its shores, the Commissioner expressed her deep concerns about some recent measures hampering and criminalising the work of NGOs who play a crucial role in saving lives at sea, banning disembarkation in Italian ports, and relinquishing responsibility for search and rescue operations to authorities which appear unwilling or unable to protect rescued migrants from torture or inhuman or degrading treatment. The Commissioner urged the authorities to ensure that the human rights of persons rescued at sea are never put at risk because of current disagreements between member states about disembarkation, and that humanitarian considerations always take priority.

The letter is available on the Commissioner's website, along with the reply of the Italian authorities.

Letter to the High Commissioner for Human Rights in the Russian Federation

On 19 February, the Commissioner published a letter she had addressed to Tatiana Moskalkova, High Commissioner for Human Rights in the Russian Federation (Federal Ombudsman), concerning the situation of Svetlana Prokopyeva, a freelance journalist who is a suspect in a criminal investigation for alleged "justification of terrorism".

In her letter, the Commissioner noted that, if charged, Ms Prokopyeva – who had expressed criticism of the state authorities while reflecting on the reasons that had led a teenager to detonate a bomb in Arkhangelsk in October 2017 - could run the risk of imprisonment for up to seven years. The Commissioner underlined that informing the public on matters of general concern, including terrorism-related issues, is one of the natural functions of the media and journalists, and that imposing criminal liability upon a journalist for her expressions, which did not contain elements of violence, would be incompatible with freedom of expression.

Expressing concern that the criminal prosecution against Ms Prokopyeva entails a broader chilling effect on all media and journalists in the Russian Federation, the Commissioner urged the Ombudsman to pay close attention to this case in order to prevent any further deterioration of the situation and ensure the effective respect of human rights standards. The letter is available on the Commissioner's website.

Memorandum on maintaining public order and freedom of assembly in the context of the “yellow vests” movement in France

On 26 February, the Commissioner published a memorandum on maintaining public order and freedom of assembly in the context of the “yellow vests” movement in France.

In her memorandum, published further to a mission to Paris carried out on 28 January, the Commissioner invited the French authorities to show more respect for human rights during operations aimed at maintaining public order and refrain from introducing excessive restrictions to freedom of peaceful assembly through the then bill on strengthening and guaranteeing public order at demonstrations. She strongly condemned the racist, antisemitic and homophobic comments and assaults by some demonstrators. Pointing out that the main task of law enforcement forces is to protect citizens and their human rights, she stressed that the number and seriousness of the injuries inflicted on demonstrators raises questions about the compatibility of the methods used in operations aimed at maintaining public order with due regard for these rights. The Commissioner encouraged the authorities to review the doctrine on the use of intermediate weapons and urged them, pending this review, to suspend the use of rubber bullet launchers (LBDs) during operations aimed at maintaining public order.

Noting that operations aimed at maintaining public order are particularly complex and that law enforcement forces work in a context of high tension and fatigue, the Commissioner strongly condemned the violence committed against law enforcement officers, regretted the large number of wounded among their ranks and highlighted the importance of paying them a sufficient salary and granting them adequate periods of rest and recuperation, together with appropriate psychological support and sound human rights training throughout their career.

As to the arrangements for exercising freedom of peaceful assembly, the Commissioner invited France’s lawmakers to ensure that the law on strengthening and guaranteeing public order at demonstrations fully respects the right to freedom of assembly. For this purpose, she recommended that the introduction of an administrative ban on demonstrating should be avoided, as this would constitute a serious interference in the exercise of this right, and the plans to make hiding all or part of one’s face in or within the vicinity of a demonstration “without a legitimate reason” a more serious offence (*délit*) should be abandoned. She also recommended dropping the idea of extending the scope of the supplementary penalty of a ban on demonstrating to the offence of failing to notify a demonstration and that the possibility of lightening the formalities for notifying demonstrations be explored. Lastly, the Commissioner invited the government and the senators to refrain from reintroducing the proposal, dismissed by the National Assembly, to enable prefects to order searches and frisking within the vicinity and on the edges of demonstrations.

The Memorandum is available on the Commissioner’s website, along with the comments of the French authorities.

Report on Romania

On 28 February, the Commissioner published a report following her visit to Romania from 12 to 16 November 2018. The report focused on the human rights of persons with disabilities, violence against women and the ongoing reform of the judiciary and of criminal legislation.

While noting advancements in the relevant legislative and policy framework, the Commissioner stressed that there are systemic obstacles which hinder the effective protection of the rights of persons with disabilities in Romania. She regretted the inadequate financing of the social care system for adults and children with disabilities and underlined the need for the authorities to clarify the mandates of responsible institutions, to strengthen monitoring, and to reinforce their collaboration with NGOs. The Commissioner called for the repeal of the legislation allowing the involuntary placement of persons with disabilities in closed institutions and for urgent measures to mitigate the most severe human rights violations caused by such placements. With a view to the full inclusion of persons with disabilities in society, she recommended that the authorities develop community-based support services, increase the accessibility of public spaces and services and promote a more inclusive labour market. The Commissioner also emphasised the need to provide children with care in families, to prevent their discrimination, and to protect them from any form of violence or abuse. Moreover, she urged the authorities to safeguard the right of persons with disabilities to enjoy legal capacity on an equal basis with others in all aspects of life.

Concerning violence against women, the Commissioner called on the authorities to effectively implement the existing legislation and to demonstrate stronger commitment to protecting women from violence. She further underlined the need for improved data collection, proper allocation of resources to the competent agencies and authorities, and better co-operation between institutions and with civil society. Furthermore, she called on the authorities to develop the network of shelters for victims of domestic violence, to ensure that protection orders are systematically enforced and to improve access to justice for women victims of domestic violence, including through enhanced capacity-building for the police, prosecutors and the judiciary. In this respect, she underlined that the rights of the victims should be at the heart of all measures taken to combat all forms of domestic violence and violence against women.

Furthermore, the Commissioner stressed the need to implement the judgments of the European Court of Human Rights related to the protection of the human rights of persons with disabilities and victims of domestic violence.

Lastly, the Commissioner highlighted the importance of maintaining the independence of the judiciary and urged the authorities to give effect to the recommendations of the Venice Commission and GRECO and to carry out the justice and criminal law reforms in full compliance with Council of Europe and international human rights standards.

The report is available on the Commissioner's website along with the comments of the Romanian authorities.

4. Themes

Safety of journalists, freedom of expression and media freedom

On 7 January, the Commissioner published a statement regarding the case of Mehman Huseynov, an anti-corruption blogger and Chairman of the Institute for Reporters' Freedom and Safety who had started a hunger strike to protest against new charges brought against him while serving a prison sentence in Azerbaijan since 2017. The Commissioner had raised his case in a phone

conversation with the Deputy Minister of Foreign Affairs of the Republic of Azerbaijan, Mahmud Mammad-Guliyev, and called on the authorities to drop the new charges initiated against Mr Huseynov because they lacked credibility.

On 12 February, the Commissioner opened the Safety of Female Journalists Online (#SOFJO) conference: *Increasing Opportunities for Freedom of Expression and Media Plurality* in Vienna. At the end of the conference, she published a joint statement together with the OSCE Representative on Freedom of the Media, Harlem Désir, emphasising the importance of adopting a gender sensitive approach to policy developments and challenges in order to ensure the full participation of women online. The Commissioner underscored that today's societies cannot tolerate that female journalists are being coerced into silence due to online harassment. States must step up the implementation of the human rights standards they have adopted on the safety of journalists and on combating violence against women. The Representative and the Commissioner called on participating states to ensure that any meaningful and systematic response is grounded in a holistic approach with significant input from those journalists targeted with online abuse.

On 21 February, the Commissioner published a statement on her Facebook page commemorating the assassination of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová, which happened one year previously in the Slovak Republic. She noted that she was encouraged by the various developments in the murder investigations, including steps to identify those responsible for ordering the assassination. However, she called for extreme vigilance to guarantee the independence of the investigation. She also noted the key role for public figures to ensure an enabling environment for journalists and refrain from adopting legislative measures that would interfere with media freedom. The Commissioner expressed concerns that, despite the clear warning sign that the horrendous murders should have delivered, there continued to be occasions when politicians engaged in highly polarising rhetoric towards the media, threatening the process of rebuilding trust. She highlighted the duty of the Slovak authorities to ensure media freedom and the safety of journalists in the country, including the provision of protection when journalists face threats. She thus called for special attention to those, like Ján Kuciak, who are engaged in investigations of corruption and/or organised crime, who may be particularly vulnerable to intimidation or violence.

Human rights of immigrants, refugees and asylum seekers

On 6 March, in Geneva, the Commissioner gave a speech to the Global Alliance of National Human Rights Institutions (GANHRI), on the occasion of its annual conference focusing on rights-based implementation of the Global Compact for Migration and the role of National Human Rights Institutions (NHRIs). In her speech, the Commissioner highlighted two key challenges in the area of migration in Europe. Firstly, she noted the erosion of the idea that migrants have rights in the first place, pointing to a political climate that is moving more and more towards the dehumanisation of migrants. Secondly, she noted the lack of bigger picture thinking on migration, with Europe having a key focus on preventing arrivals. This is leading to the dismantling of carefully built-up structures to make Europe as unattractive as possible, which is not only harming migrants, but is likely to have a significant impact on the economy and social cohesion. In this respect, she also noted the efforts of European states to entice countries of origin and transit to police migration on their behalf. Regarding the role NHRIs could play, the Commissioner pointed to four issues: firstly, the need to address blatant violations of migrants' rights, such as push-backs, ill-treatment, and long-term detention in bad conditions; secondly, the need for NHRIs to be vocal and visible in political and

public debates on migration; thirdly, to use their role as a bridge between civil society and governments to ensure that the voices of migrants are heard in legislative and policy-making processes; and finally, to advocate for better transparency and accountability in migration policy, especially on international migration co-operation activities.

On 27 March, the Commissioner reacted to the decision of withdrawing further naval assets from Operation Sophia. She said that the continuing loss of lives in the Mediterranean should remind states of the need to ensure a sufficiently resourced and fully operational system for saving lives at sea and safeguarding migrants' dignity. She noted that, whilst coastal states have responsibility for the effective coordination of search and rescue operations, protecting lives in the Mediterranean required concerted efforts of other states as well. She also reiterated her call to refrain from hindering and criminalising the work of NGOs performing search and rescue activities. Furthermore, the Commissioner noted the risk that changes to Operation Sophia would further increase the risk that EU member states would, directly or indirectly, contribute to the return of migrants and asylum seekers to Libya, where it is well-documented that they would face serious human rights violations. She called for transparency and accountability in this area. Finally, she noted that the onus is now on EU member states to show urgently that their support of the Libyan Coast Guard is not contributing to human rights violations, and to suspend this support if they cannot do so.

Human rights of LGBTI people

On 16 January, the Commissioner met with several members of the non-governmental organisation ERA - LGBTI Equal Rights Association for the Western Balkans and Turkey. The activists briefed the Commissioner about the human rights situation of LGBTI people in Serbia, Montenegro, North Macedonia and Turkey.

On 4 February, the Commissioner issued a statement expressing concern about threats against Russian LGBTI activist Igor Kochetkov. The threats had occurred after his reporting about continued persecution of LGBTI people in the Chechen Republic, including recent alleged arrests and ill-treatment which reportedly resulted in the deaths of two people. The Commissioner urged the Russian authorities to investigate reports alleging ongoing persecution of LGBTI people in Chechnya (see section on Human Rights Defenders below).

On 29 March, the Commissioner publicly expressed her support to the first regional Balkans trans and intersex March which took place on 30 March in Zagreb, Croatia. She urged the Croatian authorities to guarantee participants' right to freedom of assembly and their safety.

Women's rights and gender equality

On 7 March, ahead of International Women's Day, the Commissioner published a statement on the need to stand up for women's sexual and reproductive health and rights. She pointed out that past advances in sexual and reproductive health and rights had been closely associated with women's rights and had enabled women to make autonomous and informed decisions about their bodies, health, sexuality and whether or not to have children. States have an obligation to ensure that women can access affordable, safe and good-quality reproductive health services.

The Commissioner observed that many women in Europe continued to face denials and infringements of their sexual and reproductive rights. A few states still maintain highly restrictive

legal frameworks which prevent or limit women's access to safe and legal abortion care, and criminalise assistance given to it. Some countries have adopted laws and policies rolling back previous provisions. In addition, too many women experience violence and abuse during maternal health procedures which is an affront to their human dignity. The Commissioner also noted that women's organisations defending sexual and reproductive rights and health professionals working in this field have been subject to violence, threats and hate speech.

The Commissioner stressed that women have the right to the highest attainable standard of physical and mental health without discrimination under international and European human rights law. She urged all governments to uphold women's right to self-determination about their sexual and reproductive health, and to ensure women's effective access to health care facilities, goods, services and information.

Human rights of Roma

On 20 March, the Commissioner gave an introductory speech at the stocktaking conference on "Creating trust through uncovering and recognising the truth: advancing recognition and remedy for antigypsyism" in Brussels. This conference took place as part of the European Parliament Roma Week and was jointly organised by MEP Soraya Post (Sweden) and her political group (the Socialists and Democrats), the UN Office of the High Commissioner for Human Rights, the Central Council of German Sinti and Roma, the Open Society European Policy Institute and the Foundation Secretariado Gitano (Spain). The aim of the conference was to take stock of efforts to advance the fight against antigypsyism at EU and member state level by means of truth and reconciliation processes.

In her address, the Commissioner highlighted the continuity between past and present human rights violations against Roma and the need to break this vicious circle by enhancing the fight against antigypsyism. Hinting at initiatives taken in some member states, she stressed the important role that truth and reconciliation processes can play in providing remedy for past injustices and in promoting trust and reconciliation, including when it comes to Roma history. She encouraged European organisations to continue working in this field.

Safeguarding human rights in the era of artificial intelligence

On 26 and 27 February, the Commissioner participated in a High-Level Conference co-organised by the Finnish Presidency of the Committee of Ministers and the Council of Europe in Helsinki "Governing the game changer - Impacts of artificial intelligence development on human rights, democracy and the rule of law". She delivered a key-note speech highlighting the need to put human rights at the centre of artificial intelligence (AI) designs. The Commissioner stressed that, since states bear the responsibility to respect, protect and fulfil every person's human rights, it is their duty to ensure that private companies which design, develop or use AI systems do not violate human rights standards. In addition, states should reinforce their monitoring of human rights compliance by AI systems and act anytime there is an infringement of these rights. They should strengthen independent oversight and empower national human rights structures to engage in this field too.

Antisemitism, xenophobia and the Holocaust remembrance

In reference to the International Day of Commemoration in memory of the victims of the Holocaust, on 28 January, the Commissioner published a statement in which she urged state authorities, international organisations, academics and the media to do their utmost to counter antisemitism and xenophobia and recommit to the values and principles born after the Holocaust. In this regard, she called on state authorities to firmly condemn and prosecute antisemitic and racist acts and hate speech, urged politicians and opinion leaders to refrain from language and actions which dehumanise the Other, and stressed the role of the media in countering hate speech, exposing stereotypes and promoting dialogue and remembrance. The Commissioner also warned that genocides never happen by accident and underlined the importance of education systems that teach about the past and about justice and equality for all.

On 19 February, the Commissioner published on social media a statement expressing her solidarity with the Jewish community and her sympathy towards the families affected by the desecration of 96 graves of the Jewish cemetery of Quatzenheim (France). While condemning in the strongest possible terms this attack against the Jewish community and the memory of its departed members, the Commissioner stressed that, like every antisemitic act, this profanation is also an attack on the principle of tolerance, which is essential in a democratic society. Underlining that everyone should therefore feel affected, the Commissioner welcomed the strong reaction of the French authorities and numerous political, trade union, and religious associations and citizens' organisations alike, and expressed her determination to contribute to fighting this scourge.

Systematic work on human rights

On 15 January, the Commissioner held a meeting with the chairperson of the European Network of Ombudspersons for Children (ENOC), Geneviève Avenard (French Ombudsperson for children's rights) and the four other members of ENOC's Bureau, which includes the ombudspersons for children from Finland, Ireland, Lithuania and Northern Ireland.

The exchange of views focused on the respective work priorities of the Commissioner and ENOC as regards children's rights. These include issues of common concern, among which are the rights of migrant children, children's rights on social media, access to mental health care for children and, more generally, the human rights of children with disabilities and child poverty. Human rights education was also discussed.

ENOC is an important partner for the Commissioner's work on children's rights and both parties stressed the need for the existing co-operation between ENOC and the Commissioner's Office to be continued. The Commissioner indicated that she would also pursue co-operation with ENOC members at the national level, in the context of her country work.

On 4 March, the Commissioner held an exchange of views with the members of the European Network of National Human Rights Institutions (ENNHRI) on the occasion of their General Assembly in Geneva. The Commissioner made a presentation of her work and main areas of focus. She stressed her intention to continue, and where possible intensify, co-operation with NHRIs. The ensuing discussion covered issues related to freedom of assembly, asylum and children with disabilities. The follow-up to the Commissioner's country visits including the implementation of her recommendations and the importance of communicating on human rights were also raised during

the discussion. Lastly, the Commissioner mentioned her intention to put the emphasis on safeguarding human rights in the era of artificial intelligence and several NHRIs also underlined their interest in developing work on this topic.

On 27-28 March, a member of the Office of the Commissioner participated in a workshop organised by the EU Fundamental Rights Agency in Vienna on National Human Rights Action Plans (action plans). The workshop offered an overview of the current state of play on action plans in EU member states. In addition, discussions covered the possible contributions of action plans to the promotion and protection of human rights at the national level, current efforts to develop such plans, and good practices for consulting civil society.

5. Other meetings

20th anniversary of the Commissioner for Human Rights

On 22 January, the Commissioner and the Finnish Presidency of the Committee of Ministers hosted an event to celebrate the 20th anniversary of the institution of the Commissioner for Human Rights, established in 1999 through a resolution of the Committee of Ministers initiated by Finland. Commissioner Mijatović invited her three predecessors - Álvaro Gil-Robles, Thomas Hammarberg, and Nils Muižnieks - to discuss the state of human rights in Europe.

The Commissioners highlighted the numerous achievements that have resulted in the better protection of many people's human rights over the past two decades. However, they warned that Europe is going through a serious human rights crisis, marked by a resurgence of nationalism, blows against judiciaries and journalists, a proliferation of hate speech and intolerance, and scapegoating of minorities. The regional and international human rights systems are increasingly being challenged, and it is urgent to react.

The exchanges between the Commissioners about their respective experiences in office illustrated the unique contribution of the institution of Commissioner for Human Rights, whose mandate and institutional independence allow for anticipation of human rights problems, rapid reaction, field visits and sustained dialogue with member states. The Commissioner's ability to intervene before the European Court of Human Rights also plays an important role. The need for continued co-operation between states and the institution was strongly emphasised.

The Commissioners suggested that it is crucial to improve communication to better explain human rights and regain public support that can, in turn, pressure policy makers to effect positive change. In doing so, one should harness the energy of younger generations and better respond to their expectations, as expressed by the numerous people who responded to the videos co-produced with youtubers ahead of the event. The need to devote more attention to economic and social rights was also mentioned. The Commissioners paid tribute to all the human rights defenders and national human rights institutions that stand firm against efforts to undermine human rights across Europe. The event was enriched by the participation of human rights defenders from various European countries, who spoke about their experiences and the importance of the Commissioner's work for their activities.

In addition to the audience in the room, about 100,000 people watched the event on the Commissioner's website and social media channels, and 300,000+ people watched the videos co-produced with French youtubers "Et tout le monde s'en fout" and Romanian youtuber Adriana Radu.

Meeting with the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnula Ní Aoláin

On 4 March, the Commissioner met in Geneva with UNSR Fionnula Ní Aoláin. The UNSR, who started her mandate in 2017, presented her work which covers four main areas: state of emergency; global governance of counter-terrorism; impact on civil society; and gender dimension. The Commissioner and the Special Rapporteur exchanged views on issues of common interest including legislation affecting human rights in the name of security and the issue of the return of foreign terrorist fighters.

Meeting with the UN High Commissioner for Human Rights, Michelle Bachelet

On 5 March, the Commissioner met in Geneva with High Commissioner Bachelet. This was their first meeting and they each presented their priorities in order to determine avenues for possible future joint action or strengthened co-operation. High Commissioner Bachelet stressed that she wants to give priority to early warning, and will especially emphasise global responsibilities with regard to Agenda 2030 and Sustainable Development Goals (SDGs). Commissioner Mijatović referred to her contribution to the implementation of SDGs. During the discussion, as specific challenges in Europe, were mentioned: hate speech and xenophobia; independence of the judiciary; democracy and rule of law; the rise in hate-motivated attacks and antisemitism; and the mainstreaming of nationalist policies with impact on Roma, migrants and Muslims. Commissioner Mijatović and High Commissioner Bachelet also discussed a number of thematic issues, including women's rights, the migration policy crisis, civil society and the protection of human rights defenders. They exchanged views on human rights work in conflict zones and territories under the effective control of authorities which are not recognised internationally. Lastly, they discussed the human rights situation in a number of countries of common interest.

Meeting with the Assistant High Commissioner (UNHCR), Volker Türk

On 5 March, the Commissioner met in Geneva with the Assistant High Commissioner for the protection of refugees, Volker Türk. The discussion mainly focused on the situation in the Western Balkans and the situation in the Mediterranean as well as in some countries of common interest recently visited by the Commissioner, including Greece and Hungary. They also exchanged views on the issue of populism, noting the increasing connection of refugee policy to the protection of national identity. The Assistant High Commissioner stressed that specific attention should be paid to statelessness and mentioned the organisation of a high-level event on statelessness in the autumn as well as the Global Refugee Forum at the end of the year. He highlighted that this ministerial level meeting is an opportunity for UN member states and other stakeholders to announce concrete contributions towards the objectives of the Global Compact on Refugees.

Meeting with the Vice-President of the International Committee of the Red Cross (ICRC), Gilles Carbonnier

On 5 March, the Commissioner met in Geneva with the Vice-President of ICRC, Gilles Carbonnier. The meeting was mainly devoted to a presentation of the general mandate of the ICRC and their action in Europe, including in conflict zones and territory under the effective control of authorities which are not recognised internationally.

6. Human Rights Defenders

On 4 February, the Commissioner expressed alarm via social media (Facebook and Twitter) regarding threats received by Igor Kochetkov, an LGBTI rights activist in the Russian Federation. In her statement, the Commissioner urged the relevant law enforcement authorities to ensure the safety of Mr Kochetkov and conduct an investigation into those threats (see also section on Human Rights of LGBTI people above).

On 20 February, the Commissioner published a statement expressing that she was appalled by the indictment presented by a prosecutor to a criminal court in Istanbul in the case of 16 persons, including Osman Kavala, a human rights defender whose application before the European Court of Human Rights had been subject to a third party intervention by the Commissioner (see section on European Court of Human Rights below). Referring to her written observations in that case, including her views on the Gezi events and the attempts to criminalise them, she stated that the accusations contained in this indictment were unacceptable.

On 18 March, the Commissioner made a statement expressing dismay about the court verdict sentencing Oyub Titiev, the head of the Russian Human Rights Centre Memorial in Chechnya, to four years imprisonment in an open-regime colony. The Commissioner highlighted Mr Titiev's important human rights work over many years, including his quest for accountability for serious human rights violations in the North Caucasus region, and reiterated her conviction that the accusations of marijuana possession against Mr Titiev lacked credibility. The Commissioner also regretted the fact that she had not received a reply to the letter she had addressed in July 2018 to the Prosecutor General of the Russian Federation, in which she had requested that decisive steps be taken to ensure respect for Oyub Titiev's rights, including through his urgent release from custody. Noting that the verdict against Mr Titiev was but the latest example of the hostile and dangerous environment for human rights defenders in Chechnya, with a broader negative impact on the human rights situation in the region, the Commissioner urged the authorities of the Russian Federation to ensure that the judicial system is not used to harass human rights defenders.

On 27 March, the Commissioner issued a statement on the decision taken by the EU's Political and Security Committee regarding Operation Sophia in the Mediterranean. In that statement, the Commissioner urged member states to refrain from hindering and criminalising the work of NGOs carrying out rescue operations in the Mediterranean, and instead to support their life-saving activities (see also Human rights of immigrants, refugees and asylum seekers above).

7. European Court of Human Rights

Third Party Intervention before the European Court of Human Rights in the case of Mehmet Osman Kavala v. Turkey

On 10 January, the Commissioner published her written observations submitted to the European Court of Human Rights in the case of Mehmet Osman Kavala v. Turkey (application no. 28749/18). This case relates to the arrest and detention of the applicant, a civil society activist and human rights defender in Turkey, as well as the allegation that this detention was used for purposes other than those prescribed in the European Convention on Human Rights.

The Commissioner based her written observations on her contact mission to Turkey in October 2018, her continuous monitoring of the country and the work of her predecessors. The observations pointed to a situation of increasing pressure on civil society and human rights defenders in Turkey in recent years. The Commissioner also referred to the findings of her predecessor regarding the Gezi events of 2013, including numerous concerns regarding the attitude of the Turkish authorities to these events and the right to peaceful assembly in general. In addition, the Commissioner highlighted long-standing concerns relating to the use of criminal proceedings, and in particular of detentions, to punish statements and acts protected by international human rights standards, which undermines legal certainty and creates a strong chilling effect. She also expressed her concerns about the effectiveness of domestic remedies when it comes to challenging such detentions.

The Commissioner concluded that such arrests and detentions must be seen against the background of a broader pattern of escalating reprisals in Turkey against civil society activists and human rights defenders for their legitimate work.

The written observations are available on the Commissioner's website.

Third party intervention before the European Court of Human Rights in the case of M.A. v. Denmark

On 8 February, the Commissioner published her written observations submitted to the European Court of Human Rights in connection with the case of M.A. v. Denmark. This case concerns the refusal to grant family reunification to a person with temporary protection status, because he had not yet held a residence permit for three years. In her submission, the Commissioner observed that several Council of Europe member states, including Denmark, have introduced restrictions limiting the family reunification rights of persons with subsidiary or temporary protection, whilst such restrictions have not been applied to persons recognised as refugees. The Commissioner recalled that the case-law of the Court recognises family reunification as an essential right which enables refugees to resume a normal life. She observed that persons with subsidiary or temporary protection also share several key characteristics with refugees, including the fact they cannot be returned, that they cannot be held responsible for leaving family members behind, and that they are a vulnerable group. On this basis, the Commissioner underscored that persons with subsidiary or temporary protection should be considered to be in a similar situation to refugees with regard to access to family reunification. The Commissioner also noted the negative effects of long-term family separation on persons applying for family reunification, their family members who have been left behind, and the host society as a whole. She underscored that long waiting periods before an

application for family reunification is accepted, including the three-year period in Denmark, fail to meet the requirement of promptness.

8. Communication and Information work

The main media coverage for the period under review concerned freedom of peaceful assembly, human rights defenders and migration. Almost 300 news items were published by national and international media outlets covering the Commissioner's work.

The Commissioner's mission to France and the subsequent Memorandum with observations on the events linked to the "yellow vests" movement received the largest media coverage (*Agência Lusa, 24 Chasa, AFP, Corse-Matin, La Provence, LCI, Le Figaro, L'Orient-Le Jour, Libération, Nachrichten, Yahoo, WELT online, Anadolou Agency, Dünya Gazetesi, Habertürk, KonHaber, Sputnik, Hürriyet, Sabah, Timeturk, CNN, ANSA, SDA/ATS, AP, The Canadian Press, The Washington Post, Atlantico, BFMTV, Boursorama, Reuters, Buka, RTVBN, Challenges.fr, Mediapart, Demokrata.hu, MTI Mandiner, Világgazdaság, Deutsche Welle, Diari Ara Dimance, L'Humanité, DPA, Qatar Tribune, EFE, El Confidencial, El Diario, La Vanguardia, El País, Euronews, Europa Press, Europe 1, Espresso, Fox News, France 24, Frankfurter Allgemeine Zeitung, Frankfurter Rundschau, Kurier am Sonntag, Focus Online, Zeit Online, ZDF, Handelsblatt Online, Weinheimer Nachrichten, Odenwälder Zeitung, Investigation, Italy Daily Views Online, Le Monde, Le Monde Diplomatique, Le Muslim Post, Le temps, L'Express, L'Obs, NTB, Adresseavisen, TV2, NY Times, O Jogo, Radio Sarajevo, RFI, Spiegel Online, Süddeutsche Zeitung, Tageblatt, Tanjug, Kurir, TASR, Teraz.sk, SME.sk, Aktuality.sk, TA3, The Connexion, The Financial times, The Huffington Post, The Irish Times, The Local, The Slovak Spectator, The Spectator, TRT, and Xinhua*)

The Commissioner's statements on human rights defenders were covered by *ANSA, Corriere della Sera SDA/ATS, BBC, Bizim Yol, Der Tagesspiegel, Die Tageszeitung, DPA Deutsche Welle, Deutschlandfunk, EFE, Eurasianet, Euronews, GazetaPrawna.pl, Georgia today, Interfax, Kommersant, Le Monde, Minval, News.am, OC Media, Panorama, RFE, RFI, Ria Novosti, TASS, TERT, The Associated Press, The Washington Post, The Daily Beast, The Irish Times, The New York Times, and Turan.*

The Commissioner's work on migration was covered by *AdnKronos, AFP, AGI, ANSA, ARD Tagesschau, Askanews, Die Zeit, Dnevnik, DPA, DW, Hürriyet, El Mundo, Foreign Policy, Il Fatto Quotidiano, Il Messaggero, InfoMigrants, La Repubblica, Le Monde, Malta Today, Reuters, RSE, Klix.ba, SMTV, Spiegel Online, TG Com 24, Times of Malta, Today.it, Tportal, Večer, ABC News, The Associated Press, The Canadian Press, The Washington Post, Agence Europe, Al Jazeera Balkans, Anadolu Agency, TheWorldNews.net, Tiroler Tageszeitung, Kurier.at, Gulf Times, EUNews, Il Giornale, La Repubblica, La Stampa, LaPresse, MTI, Demokrata.hu, Magyar Nemzet, Neue Zürcher Zeitung, Frankfurter Allgemeine Zeitung, Der Tagesspiegel, Focus Online, Zeit Online, ZDF, Merkur.de, New European Quotidiano di Sicilian Radio Colonna Vijesti, and Radio Slobodna Evropa.*

The Commissioner's report on Armenia was covered by *Armenpress, Panorama, Panarmenian.net, Arminfo, Aysor, Mediamax, News.am, Osservatorio Balcani e Caucaso, and Public Radio of Armenia.*

The *New York Times* referred to the Commissioner's report on Greece, while *Adevarul*, *Agence Europe*, *AgerPress*, *Emerging Europe*, *Euractiv*, *HotNews*, *Libertatea*, *Mediafax*, *Radio Romania*, and *The Romania Journal* covered the report on Romania.

The visit to Hungary was covered by *Agence Europe*, *ANSA*, *AP*, *Weltnachrichten*, *BETA Danas*, *Budapest Business Journal*, *DPA*, *Emerging Europe*, *MTI*, *Demokrata.hu*, *Nepszava*, *HVG.hu*, *Histart.hu*, *Napi.hu*, *RFE/RL*, *SDA/ATS*, *DPA*, *Lëtzebuurger Journal Kurier*, *Stiripesurse*, *The Washington Post*, *The Associated Press*, and *Fox News*.

Additional coverage was generated by the Commissioner's concerns about glorification of war criminals (*Al Jazeera Balkans*, *FENA*, *Buka*, *N1*, *Info*, *Tanjug*, and *RTS*), education (*BNN* and *Sarajevo Times*), artificial intelligence (*Xinhua*), the impact of austerity measures (*The National Herald*), Holocaust remembrance (*B92 and Oslobodjenje*), media freedom and journalists' safety (*Agence Europe*, *ANSA*, *EFE*, *El Diario*, *Interfax*, *TASS*, *Buka*, *RTVBN*, *TASR*, *Teraz.sk*, *SME.sk*, *Aktuality.sk*, *TA3*, and *The Slovak Spectator*), third party interventions (*DPA*, *DW*, *DW*, *Haber*, *SoL*, *Sputnik*, *Euronews*, and *Hürriyet*), the Commissioner's comment on the Karadžić judgment (*Al Jazeera Balkans*, *ANSA*, *BETA*, *Insajder*, *Hina*, *La Repubblica*, *Lettera 43*, *N1 Info*, *RFE/RL*, *Tanjug*, and *TASS*), the draft language law in Ukraine (*Demokrata.hu*, *MTI*, *Focus.ua*, *Interfax*, *Radio Svoboda*, *RBC*, *Romanian Global News*, *Rosbalt*, *TASS*, *Ukrinform*, *Unian*, and *Kiev Post*), violence against women (*Beta*, *Danas*), the visit to Poland (*Gazeta Wyborcza* and *Gdansk.pl*), and abortion care in Malta (*The Malta Independent*).

Almost 80,000 unique visitors consulted the Commissioner's website during the period under review, twice as many as compared to the first quarter of 2018. Social media activity increased, also thanks to the interaction with youtubers on the occasion of the 20th anniversary of the Office. 113 tweets were published, generating a total of 1.8 million impressions and an increase of almost 3500 followers.

On Facebook, 25 posts reached almost 140,000 people and generated 425 new page likes.