

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

1ST QUARTERLY ACTIVITY REPORT 2020

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 2020.

1. Visits and Missions

Mission to Sweden

On 20 January, the Commissioner delivered the Anna Lindh lecture 2020 hosted by the Raoul Wallenberg Institute, in collaboration with Lund University and the Anna Lindh Memorial Foundation in Lund, Sweden. The lecture was entitled “The State of Human Rights in Europe: forward and back?”. The Commissioner warned against the current backlash against human rights in Europe, characterised by a rise in nationalist and intolerant discourse and policies. Unscrupulous politicians are manipulating people’s anxieties in the face of a fast-changing world for their own political advantage. The Commissioner mentioned several areas in which this is having negative consequences: the situation of migrants and asylum seekers; women’s rights; the ability of journalists and human rights defenders to conduct their work effectively; people’s freedom of assembly; and a resurgence of racism, antisemitism and other forms of discrimination. The Commissioner said Europe is stuck on a roundabout and must find the way to move forward, not backwards, with defending human rights. The Commissioner listed several reasons to be hopeful, including the enduring commitment of some states to abide by their human rights obligations; the courage and persistence of journalists, human rights defenders and national human rights institutions; and the increasing engagement of youth. She concluded by outlining several ideas to tackle the current negative trends: the human rights community, including regional and international organisations, must do more to reach out to those who may have lost confidence in human rights; there should be a greater focus on empowering victims of human rights violations so that they can speak on their own behalf. She called on lawyers, intellectuals and politicians, and each and every citizen, to do more to defend human rights. Our perseverance and tenacity in defence of human rights will define the society we live in and pass on to future generations.

The [speech](#) is available on the Commissioner’s website and the [video](#) recording of the lecture is available on the Raoul Wallenberg Institute website.

While in Lund to deliver the Anna Lindh lecture 2020, the Commissioner met with Sweden’s Minister of Justice and Migration, Morgan Johansson. Their exchange of views focused on issues of common interest regarding the human rights of migrants and asylum seekers in Sweden and in Europe, including unaccompanied minors. They also discussed the situation of Swedish citizens suspected of having participated in ISIS and other terrorist groups’ activities in Syria and Iraq, including efforts to bring them to justice when they have returned to Sweden, and the repatriation of children and their mothers who are still abroad.

Visit to Republic of Moldova

The Commissioner visited the Republic of Moldova from 9 to 13 March. The visit focused on the rights of women, children, persons with disabilities, migrants, Roma, and LGBTI persons, as well as the rights to adequate housing and health for all.

During the visit, the Commissioner met with the President of the Republic of Moldova, Igor Dodon; the President of the Parliament, Zinaida Greceanîi; the Prime Minister, Ion Chicu; the Deputy Prime Minister for Reintegration, Alexandru Flenchea;¹ the Minister of Justice, Fadei Nagacevschi; the Minister of Foreign Affairs and European Integration, Aureliu Ciocoi;² and the Secretary of State at the Ministry of Health, Labour and Social Protection, Nelea Rusu, as well as the Chairwoman of the Parliamentary Committee on Human Rights and Interethnic Relations, Doina Gherman, and other members of the Committee. In addition, the Commissioner held exchanges with the People's Advocate (Ombudsman), the President of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, and human rights defenders and other representatives of civil society. The Commissioner also travelled to Comrat (Autonomous Territorial Unit of Gagauzia) where she had meetings with the Governor, Irina Vlah; the Chairman of the People's Assembly, Vladimir Kissa; and local civil society representatives.

Following the visit, the Commissioner urged the government to ensure a speedy ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). She commended progress achieved in aligning the country's legislation on women's rights and domestic violence with applicable standards and acknowledged the work done to gradually strengthen its implementation. The Commissioner also welcomed efforts made to de-institutionalise children and people with disabilities, including intellectual and psychosocial disabilities, and to bring the legal guardianship system closer to the applicable standards. She encouraged the government to accelerate capacity-building at the local level with a view to offering the necessary community-based services to persons with disabilities, and to ensuring the accessibility of the infrastructure. She also highlighted the need to further develop the network of support centres and shelters for women victims of domestic violence.

Noting that representatives of certain groups in society, in particular Roma, migrants, LGBTI persons, persons with intellectual and psychosocial disabilities and people living with HIV/AIDS often become the target of hate speech, the Commissioner urged the government to provide better protection against this phenomenon, notably by strengthening the legislation against hate speech and hate crimes and reinforcing the role of the Council for Preventing and Eliminating Discrimination and Ensuring Equality. She called on politicians and community leaders to promote respect for diversity and refrain from perpetuating existing stereotypes and using homophobic and sexist rhetoric, including in their political campaigns.

While recognising the existing financial constraints, the Commissioner encouraged the authorities to develop a plan of action to increase investments in social housing for all those in need. The authorities should also make progress in guaranteeing equitable and sustainable financing of the healthcare system by increasing the relevant budgetary allocations and improving the availability and accessibility of health services, including in rural areas, and by addressing the barriers which are preventing the most vulnerable and poor members of society from accessing the necessary medical services.

During the visit, the Commissioner also travelled to Tiraspol, where she had meetings with civil society representatives and the region's leadership. Issues discussed included women's rights and domestic violence; the situation of children and persons with disabilities; inclusive education; the situation of the Latin-script schools; and social rights. The Commissioner welcomed measures taken

¹ On 16 March, Alexandru Flenchea was succeeded by Cristina Lesnic.

² On 16 March, Aureliu Ciocoi was succeeded by Oleg Țulea.

to promote the inclusion of adults and children with disabilities into community life, but observed a clear need for resolute measures to promote de-institutionalisation and inclusive education. She expressed concern regarding the situation of the civil society organisations active in the region, due to the application of norms related to “foreign funding” and “political activity”, which have a chilling effect on the work of NGOs. Since civil society organisations play a critical role in addressing the needs of victims of domestic violence and trafficking in human beings and in promoting the social inclusion of persons with disabilities, the Commissioner highlighted the need for an enabling environment for the work of these organisations, so that they can continue to be at the forefront of providing the necessary services to the most vulnerable individuals and those in need of help.

The Commissioner’s report on her visit to the Republic of Moldova is forthcoming.

2. Reports and continuous dialogue

Letter to the Marshal of the Senate of Poland regarding the bill curtailing judges' and prosecutors' independence and freedom of expression

On 13 January, the Commissioner published a [letter](#) addressed to Tomasz Grodzki, Marshal of the Senate of Poland, in connection with a bill adopted earlier by the lower house of the Parliament. In her letter, the Commissioner noted that the bill proposed, among other things, to introduce several new types of disciplinary offences by judges accompanied in many cases by severe penalties; provide additional powers to the Minister of Justice and the Minister-appointed chief disciplinary attorneys; marginalise judicial self-government bodies; and create new rules for the selection of candidates for the post of First President of the Supreme Court. The Commissioner regretted that the Sejm had adopted the bill in the fast-track legislative procedure, circumventing the standard requirement of public consultation, and observed that the bill’s provisions have been negatively assessed by all key stakeholders in Poland and abroad. Regretting that the new bill did not address any of the key recommendations made in her last country report published in June 2019, the Commissioner considered that the new amendments were designed to further silence dissent among critical judges and prosecutors and subordinate Poland’s judiciary to the country’s executive. Concerned by the bill’s far-reaching and negative implications for the work and independence of the Polish judiciary, the Commissioner recommended that the Senate reject it and ensure that any legislation passed is in full compliance with the relevant standards of the Council of Europe.

Report on Turkey

On 19 February, the Commissioner published a [report](#) following her visit to Turkey from 1 to 5 July 2019, focusing on the administration of justice and the protection of human rights in the justice system, as well as human rights defenders and civil society, including the situation of lawyers.

In her report, the Commissioner expressed her concerns about the erosion of judicial independence and impartiality in Turkey in recent years, in particular as a result of various measures taken during and after the state of emergency which was in effect between July 2016 and July 2018. Among these measures, she noted in particular the removal of constitutional and structural guarantees for judicial independence, as well as summary dismissals and recruitments of judges. The Commissioner considered that this situation jeopardised the rule of law and human rights in Turkey, whilst taking note of evidence pointing to an increased partiality of the judiciary to political interests, a situation recognised in recent judgments of the European Court of Human Rights.

The Commissioner examined the criminal justice system in particular, where numerous long-standing problems, such as the misuse of detentions on remand, had been exacerbated and compounded by new shortcomings. She notably expressed alarm over the unprecedented levels of disregard displayed by the Turkish judiciary for basic fair-trial guarantees and principles of law, such as the presumption of innocence, no punishment without crime and non-retroactivity of offences, or not being judged for the same facts again. At the same time, she noted a significant rollback of procedural guarantees ensuring adversarial proceedings, equality of arms and the right to a lawyer. In particular for terrorism-related and organised crime cases, the Commissioner found that this situation resulted in a level of legal uncertainty and arbitrariness which endangered the very essence of the rule of law.

Another area of concern for the Commissioner was the exercise of the right to an effective remedy. In particular with regard to individual measures taken through emergency decrees, she considered that the issue of terminations of employment of civil servants should be separated from the problem of ensuing automatic consequences which amount to disguised criminal sanctions, as well as from measures affecting moral persons. She stated that the remedies put in place in connection with these emergency decrees could not be considered effective for this second category of measures. She also referred to certain developments which jeopardise the effectiveness of individual applications to the Constitutional Court, and especially to the systematic resistance by prosecutors and lower courts to comply with the spirit of the judgments and the clear case-law of the Constitutional Court.

In her conclusions and recommendations, the Commissioner urged the Turkish authorities to revert to the situation before the state of emergency in terms of constitutional and structural guarantees for the independence of judges, as well as procedural fair-trial guarantees, with a view to reinforcing them progressively. She also recommended a complete review of criminal legislation in the light of the clear guidance already provided to Turkey by Council of Europe bodies. While welcoming the authorities' Judicial Reform Strategy, the Commissioner considered that the measures taken so far had been insufficient and urged a more comprehensive response.

As regards the situation of Turkish civil society, the Commissioner expressed her alarm over the hostile environment affecting human rights defenders and a virulent and negative political discourse that frequently leads to biased actions by administrative authorities and by courts. She referred to numerous examples of criminal investigations, proceedings, detentions and sentences being misused to silence human rights defenders and to discourage civil society engagement in Turkey. She urged the authorities to acknowledge this situation and to rectify it through all available means. She also called on them to establish transparent and objective criteria and procedures regarding public funding, consultation of and collaboration with civil society organisations active in the field of human rights.

The Commissioner raised specific concerns regarding lawyers, who had been affected by these developments both as human rights defenders and as an integral part of the judicial system. Referring to several restrictions hampering them in the exercise of their duties, as well as a large number of judicial actions targeting them directly, she urged the authorities to acknowledge and reverse this situation by addressing the underlying problems detailed in her report.

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

Letter to the Minister of Foreign Affairs of Italy regarding the human rights safeguards in the Memorandum of Understanding between Italy and Libya

On 21 February, the Commissioner published a [letter](#) addressed to the Minister of Foreign Affairs of Italy, Luigi Di Maio, urging the Italian government to introduce human rights safeguards in the Memorandum of Understanding between Italy and Libya, which plays a central role in the facilitation of interceptions of migrants and asylum seekers at sea. While noting the ongoing discussions to improve human rights compliance in the future, the Commissioner called on Italy to acknowledge the realities currently prevailing on the ground in Libya and to suspend co-operation activities with the Libyan Coast Guard that result in the return of persons intercepted at sea to Libya. She drew the attention of the government to key safeguards to be introduced in any migration co-operation with third countries, as detailed in her June 2019 Recommendation '[Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean](#)', in particular the need to carry out human rights risk assessments; develop strategies to mitigate those risks; devise independent monitoring mechanisms; and establish an effective system of redress. The Commissioner concluded her letter by stressing that she will continue to call for more solidarity from Council of Europe member states with those countries which, like Italy, are on the frontline of migration movements to Europe, and for better co-operation to ensure the effective preservation of life and the protection of the human rights of those at sea, including through responsibility sharing for adequate rescue capacity and the timely disembarkation of those rescued.

The Commissioner's letter followed a [statement](#) she issued on 31 January, ahead of the automatic renewal, on 2 February, of the same Memorandum of Understanding. In the statement the Commissioner expressed regret that the Italian government had not cancelled that agreement or at least changed its terms to ensure the appropriate protection of migrants and asylum seekers' human rights. Noting the deteriorating safety situation in Libya and evidence pointing to serious human rights violations faced by migrants and asylum seekers there, the statement called for all co-operation activities with the Libyan Coast Guard that impact on the return of persons intercepted at sea to Libya to be suspended and for any additional support to the Libyan Coast Guard to be postponed until the latter can ensure respect for human rights.

The Commissioner's letter to the Minister of Foreign Affairs of Italy is available on the Commissioner's website, along with the reply of the Italian authorities.

Letter to the Minister of Internal Affairs of Azerbaijan regarding disproportionate interference with the right to freedom of peaceful assembly

On 3 March, the Commissioner published a [letter](#) she addressed to the Minister of Internal Affairs of Azerbaijan, Vilayat Eyvazov, in which she raised concerns in relation to the dispersal of demonstrators in recent protests in Baku and limitations imposed on freedom of assembly in that context.

In her letter, the Commissioner expressed in particular concern about the banning of all forms of peaceful protest in the centre of Baku; the excessive use of force against demonstrators by law enforcement officials during the dispersal of demonstrations which still go ahead; the arrests and convictions to administrative fines and detentions of protesters; as well as the allegations of mistreatment of journalists covering the protests by law enforcement officials. She concluded by requesting information on measures taken to verify the lawfulness of the arrests and to investigate the allegations of physical ill-treatment and other forms of abuse of participants in protests.

The letter is available on the Commissioner's website, along with the reply of the Minister of Internal Affairs.

Report on Bulgaria

On 31 March, the Commissioner published her [report](#) on the visit to Bulgaria carried out from 25 to 29 November 2019. The report focused on racism, intolerance and discrimination; violence against women and domestic violence; and media freedom.

The Commissioner stressed that there is a need for a political and cultural shift in the way minority groups are treated and portrayed in Bulgaria, where hate speech, discrimination and hostility against Roma, LGBTI people and persons belonging to other minority groups remain an issue of acute concern. She called on the authorities to react vigorously to incidents of hate speech, including by high-level politicians, enhance legal protection against discrimination and hate crimes, and effectively investigate and prosecute such crimes. The Commissioner deplored the climate of hostility against Roma, in particular against those who had to leave their homes following rallies targeting their communities in several localities. She called on the authorities to urgently address the situation of the persons affected, to strengthen the legal safeguards accompanying evictions, in accordance with the judgment of the European Court of Human Rights in the case of *Yordanova and Others v. Bulgaria* and to take measures to improve the general housing situation of Roma, including their access to social housing. Furthermore, she urged the authorities to implement the judgments of the Court concerning the right to freedom of association of persons identifying as ethnic Macedonians.

The Commissioner was concerned that the debates surrounding the Istanbul Convention have escalated into worrying trends which pose serious threats to the human rights of women, children and LGBTI people. She regretted notably the ongoing attacks against NGOs, the withdrawal by the government of the Child Protection Strategy and the postponement of the entry into force of the new Social Services Act. The Commissioner urged the authorities to confront harmful narratives, improve legislation and raise public awareness about the need to better protect victims of violence against women and domestic violence, and underlined the importance of promoting equality between men and women. She recommended that the authorities increase the number of shelters and other social services necessary for victims of domestic violence, provide stronger support to the work of NGOs and human rights defenders active in this field and systematically collect data on gender-based violence against women. She also stressed the need to impose dissuasive sanctions on perpetrators, guarantee victims' access to free legal aid and easily available protective measures, and to provide victims with effective remedies.

The report also highlighted the continuous deterioration of media freedom in Bulgaria as a consequence of a series of factors including non-transparent media ownership and financing, harassment of journalists, the use of defamation suits and political influence. Stressing the importance of a free and pluralistic media for the proper functioning of democracy, the Commissioner urged the authorities to foster a favourable environment for freedom of expression, particularly by preventing the excessive concentration of media ownership, repealing criminal provisions against defamation offences and punishing all perpetrators of threats and attacks against journalists. She called on the authorities to improve journalists' professional protection and working conditions and to make the composition and mandate of the Council for Electronic Media more independent and effective.

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

3. Themes

Safety of journalists, freedom of expression and media freedom

On 20 January, the Commissioner published a [statement](#) about the ongoing proceedings concerning the extradition of Julian Assange from the United Kingdom to the United States. She noted that Assange's potential extradition has human rights implications that reach far beyond his individual case. She characterised the broad and vague nature of the allegations against him as troubling as many of them concern activities at the core of investigative journalism. Allowing Assange's extradition on this basis would have a chilling effect on media freedom. She also noted concerns, particularly from the UN Special Rapporteur on Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, that there was a real risk that his treatment in the United States would contravene Article 3 of the ECHR. In view of both concerns, she expressed her view that he should not be extradited.

On 20 February, the Commissioner highlighted the second anniversary of the murder of journalist Ján Kuciak and his fiancée Martina Kušnírová in the Slovak Republic. She called for the renewal of resolve to protect journalists across Europe and emphasised that full accountability for their murders must be established.

Human rights of immigrants, refugees and asylum seekers

On 3 March, the Commissioner published a [statement](#) on the human rights situation at the border between Turkey and Greece, where thousands of people were trapped without access to assistance or the possibility to seek international protection. She called for urgent action to prevent the situation from getting worse, including by de-escalating violence and ensuring law enforcement authorities refrained from using force. She called for measures to assess the protection needs of those trapped and ensure access to asylum for those in need. She further called for refraining from further action that would lead to vulnerable people ending up in a human rights emergency, expressing concern about the complete closure of borders by Greece and Turkey's actions in encouraging people to move to the border.

Regarding the situation in the Aegean Sea and on the Aegean islands, the Commissioner expressed alarm over reports of pushbacks at sea, and vigilantism on the islands. She noted the clear duty of the authorities to prevent violence and intimidation against refugees and migrants, those providing them assistance, and journalists covering the situation.

The Commissioner also called for more structural action, including by increasing resettlement from Turkey and relocation of asylum seekers from Greece, especially from the Aegean islands, which needed to take place in substantial numbers.

On 17 March, the Commissioner published a [letter](#) to the European Commission Vice-President for Promoting Our European Way of Life, Margaritis Schinas, and the Commissioner for Home Affairs, Ylva Johansson, addressing the upcoming EU Pact on Migration and Asylum. In the letter, the

Commissioner shares her observations on pressing human rights issues in Council of Europe member states that could inform the preparation of the new Pact. In the letter, she highlighted the need for action on asylum and migration to be firmly underpinned by human rights, effective solidarity, and responsibility sharing. The observations cover seven themes: reception emergencies, saving lives at sea, solidarity, migration co-operation with third countries, protecting rights at borders, immigration detention, and the need to defend civil society. The letter from Commissioner Dunja Mijatović is available on her website, along with the reply of Commissioner Ylva Johansson.

On 26 March, the Commissioner also published a statement on the situation of persons in immigration detention during the COVID-19 crisis (see section *COVID-19 and Human Rights*).

Children's rights

On 29 January, the Commissioner congratulated the Welsh Assembly and Welsh Department of Health on the adoption of a bill abolishing the defence of reasonable punishment, hailing it as an important step towards ensuring that all children in Wales can live free from violence.

Women's rights and gender equality

In a [statement](#) made on 5 March ahead of International Women's Day 2020, the Commissioner noted that in the year of the 25th anniversary of the Beijing Declaration and Platform for Action, most of the challenges identified then were still present in Europe. Violence against women as a serious human rights violation remains a bitter reality for too many women in all Council of Europe member states. The backlash against women's rights, upheld by ultra-conservative movements, is particularly disturbing as it endangers the progress towards gender equality achieved so far, with particularly negative impacts on girls' and women's autonomous decision-making about their bodies, health and sexuality and on their access to reproductive health services. Special attention should also be given to protecting the rights of women experiencing multiple and intersectional forms of discrimination. The Commissioner praised the courage and mobilisation of the many women who, regardless of the attacks and the harassment they may face, stand up against violence and for the full realisation of gender equality, and the invaluable work done by women human rights defenders. She urged member states, who are primarily responsible for upholding women's rights, to support this civic mobilisation by taking concrete action including: ratifying and implementing the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention); promoting gender equality and combating sexism in all spheres of life; and providing an enabling environment for all women human rights defenders and removing all obstacles to their work.

Social Rights (Right to Housing)

On 23 January, the Commissioner published a Human Rights Comment on ['The right to affordable housing – Europe's neglected duty'](#). She pointed out that the scarcity of affordable housing in Europe was a serious and growing problem that pushed an ever-larger number of people into housing insecurity and homelessness. Without the governments taking decisive measures to turn back the tide, the housing crisis would continue to intensify and increase existing inequalities, exclusion and segregation. The Commissioner stressed that housing was not simply a commodity but a human right and said that states' obligations towards the full realisation of the right to housing had to go beyond providing emergency and individual solutions. There was an urgent need for

genuine political commitment to adopting sustainable, long-term and inclusive housing solutions, in line with the [UN 2030 Agenda for Sustainable Development](#).

Artificial intelligence

On 29 and 30 January, a member of the Commissioner's Office carried out a mission to Belgrade, Serbia, in order to promote the [Serbian version](#) of the Commissioner's Recommendation 'Unboxing Artificial Intelligence: 10 steps to protect Human Rights'. This mission represented an opportunity to raise awareness about the human rights implications of artificial intelligence systems. The member of the Office had a number of meetings with Serbian NGOs, the Commissioner for Information of Public Importance and Personal Data, representatives from the diplomatic community, the Commissioner for the Protection of Equality and representatives from various ministries. In this context, the issue of smart video surveillance in Belgrade, where hundreds of cameras with facial recognition software have recently been installed, was notably discussed.

In March, a member of the Office took part in an International Ombudsman Institute workshop on artificial Intelligence and human rights (see section on *Co-operation with National Human Rights Structures* for further details).

Counter-terrorism and Human Rights

On 30 January, the Commissioner addressed the Parliamentary Assembly of the Council of Europe in the context of its urgent debate on international obligations concerning the repatriation of children from war and conflict zones. In her [speech](#), the Commissioner underscored that the children of suspected ISIS and other terrorist groups' fighters stranded in camps of Northern Syria are not responsible for their parents' decision to join these groups. She stressed that repatriating these children is the only way forward from a human rights perspective, but also from a security perspective, with many in the intelligence and security community supporting repatriation to better exercise any necessary control or implement disengagement or rehabilitation measures. Welcoming the fact that a number of countries have undertaken to repatriate their nationals, in particular children, the Commissioner encouraged all Council of Europe member states to follow this path.

On 12 February, a member of the Office presented the Commissioner's position in favour of repatriating children of suspected ISIS and other terrorist groups' fighters at an event on repatriation of "foreign terrorist fighters" and their families from conflict zones in Syria and Iraq organised by OSCE- ODIHR in the context of the Joint Regional High-level Conference on "Foreign Terrorist Fighters – Addressing Current Challenges" convened in Vienna by the OSCE, UNOCT and Switzerland, in co-operation with the Albanian OSCE Chairmanship.

Co-operation with National Human Rights Structures

On 5 and 6 February, a member of the Office attended a consultation meeting organised by the European Network of National Human Rights Institutions (ENNHRI) with several of its members. The meeting aimed at collecting ENNHRI members' input regarding two issues. First, NHRIs were consulted on their work on monitoring the rule of law in member states and the feasibility and challenges of contributing to the new European Commission's Rule of Law mechanism. On the second day, ENNHRI members discussed the ongoing revision of the Council of Europe's Committee of Ministers Recommendation 97(14) on NHRIs and provided feedback on the draft text and input

on elements it is important to include to facilitate their effective and independent work, and to strengthen co-operation with the Council of Europe.

On 3 and 4 March, a member of the Office participated in a workshop organised by the office of the Catalan Ombudsman, in its role as President of the European Region of the International Ombudsman Institute (IOI) on “Artificial Intelligence and human rights: ombudsmanship challenges, roles and tools”. The aim of the workshop was to exchange information about the human rights implications of the development and use of artificial intelligence by public authorities and provide a forum for European Ombudsman institutions to exchange practices in this regard. The member of the office presented the Commissioner’s Recommendation “Unboxing Artificial Intelligence: 10 steps to protect human rights”, focusing in particular on the suggestions it contains regarding the role of national human rights structures, including Ombudsman institutions.

Holocaust remembrance

In reference to the International Day of Commemoration in memory of the victims of the Holocaust, on 24 January, the Commissioner published a [statement](#) in which she recalled that this year’s commemoration marked 75 years since the liberation of the largest concentration camp and extermination centre, Auschwitz-Birkenau, where more than 1.1 million persons lost their lives. The Commissioner underlined that while European countries have built institutions to fight the evils which allowed such atrocities to happen, antisemitism, hate speech and hate crimes are again on the rise on our continent. She therefore called on the authorities of member states to strengthen their efforts to fight antisemitism and all forms of racism, xenophobia and intolerance and to invest more in education to help the current and future generations to understand that if left unopposed, hatred and prejudice will undermine democratic values and human rights. Lastly, the Commissioner stressed that beyond commemoration days, which are important to pause and reflect, the fight against hate is a challenge that must be met every day.

Environmental protection and human rights

On 27 February, the Commissioner was one of the keynote speakers at the High-Level Conference on Environmental Protection and Human Rights organised under the aegis of the Georgian Presidency of the Committee of Ministers. In her [speech](#), the Commissioner welcomed the growing awareness of the link between protecting the environment and respecting human rights and highlighted her office’s past work on this topic, including action taken to protect disadvantaged communities’ right to a healthy environment in some member states, an intervention in a case pending before the European Court of Human Rights, and the publication in June 2019 of a dedicated Human Rights Comment. As part of raising the profile of this thematic file, the Commissioner stated her intention to use her mandate and voice to shield environmental human rights defenders and journalists from harm and to help them in their work. In partnership with national human rights institutions, she also hoped to take under closer scrutiny how member states translate the Council of Europe standards in the area of the environment and human rights into laws, policies and measures and how they mitigate any negative consequences of the green transition. The Commissioner further cautioned member states against disregarding the consequences of the pollution produced in Europe for the human rights of people living outside of our continent. She concluded by calling on the member states who have not yet ratified the Aarhus Convention to promptly do so, and encouraged all Council of Europe member states to show clear support for the explicit recognition, at the United Nations level, of the right to a healthy

environment, while pursuing more ambitious action in reducing greenhouse gas emissions and combating pollution.

Human rights implications of COVID-19 pandemic

Since the beginning of the COVID-19 pandemic, the Commissioner has released several general recommendations to Council of Europe member states concerning the need to ensure a human rights compliant response to this unprecedented emergency. They covered a range of issues detailed below.

On 16 March, the Commissioner published a [statement](#) on the human rights implications of the coronavirus pandemic. She called on everyone to do their part and uphold solidarity and unity while responding to the urgent challenges. Access to health care for all population groups based on sound medical evidence was clearly the priority. The Commissioner urged member states to do more to mitigate the enormous pressure on health professionals. She stressed that the measures taken by the authorities against the pandemic should be proportionate to the aims pursued and non-discriminatory. The Commissioner urged governments to remain vigilant against racist, xenophobic or stigmatising acts, and to provide wide access to unbiased information. She pointed out that positive measures were required to meet the specific needs of the groups at particularly high risk, such as older persons and those who did not fall under health coverage.

On 20 March, the Commissioner published a [statement](#) on the protection of the human rights of older persons in the context of the COVID-19 outbreak. She stressed that the necessary social distancing measures that states have taken to contain the spread of the coronavirus, which is especially dangerous for older persons, also mean more isolation for this population, who already suffer from disproportionately high levels of poverty and exclusion. Pointing out the need to find novel ways of boosting intergenerational solidarity and social contact with older persons without putting them at risk of infection, she mentioned several positive grassroots initiatives in many member states and called on states to encourage and support these. At the same time, the Commissioner stressed that the proliferation of derogatory remarks and hate speech targeting older persons had to be countered. Referring to the particularly worrying situation in residential long-term care settings, she recalled her general position against relying on such institutions and underlined the necessity of pursuing overdue social care reforms after the current health crisis, in order to move towards a system of individualised support to older persons and their inclusion in the community.

On 21 March, on the occasion of the International Day for the Elimination of Racial Discrimination, the Commissioner published a social media message in which she urged authorities to speak out against discrimination and hate speech and ensure that already marginalised groups are not left behind in the context of the COVID-19 pandemic.

On 23 March, the Commissioner expressed concern at the Hungarian coronavirus Bill T/9790 in Parliament which would grant sweeping powers to the government to rule by decree without a clear cut-off date and safeguards. She pointed out that even in an emergency, it was necessary to observe the Constitution, ensure parliamentary and judicial scrutiny and the right to information.

On 26 March, the Commissioner published a [statement](#) calling on member states to review the situation of rejected asylum seekers and irregular migrants in immigration detention, and to release them to the maximum extent possible. This call followed the suspension of forced returns by many

member states due to the global COVID-19 pandemic. The Commissioner noted that immigration detention for the purpose of returns could only be lawful as long as it is feasible that these will indeed take place. She also highlighted the generally poor opportunities for social distancing and other measures to protect migrants and staff against COVID-19. Highlighting releases in several member states, she called for this process to continue and for other states to follow suit, prioritising the most vulnerable, in particular children, whether unaccompanied or with their parents. She also called on member states to refrain from issuing new detention orders to migrants unlikely to be removed in the near future. She further noted the necessity of ensuring that those released from detention are given appropriate access to accommodation and services, including health care, to protect their dignity and public health.

On 28 March, the Commissioner welcomed the measures in the United Kingdom to ensure rough sleepers in England get access to emergency accommodation. She noted that effective support to local authorities during the COVID-19 crisis, but also to end homelessness for good, is crucial. She encouraged other member states to follow this example.

On 30 March, the Commissioner welcomed Portugal's decision to temporarily grant a right to stay and access to services to migrants and asylum seekers with pending applications. She highlighted this as a good practice to protect vulnerable people and society in response to the COVID-19 pandemic.

4. Other meetings

Exchange of views with PACE Committee on Equality and Non-Discrimination

On 29 January, the Commissioner held an exchange of views with the PACE Committee on Equality and Non-Discrimination, during which she shared her work priorities in fields of common interest. Concerning women's rights, the Commissioner mentioned her work on the Istanbul Convention which includes challenging misconceptions around the Convention, promoting its ratification and reinforcing messages on implementation through country work. She also expressed her intention to maintain her Office's distinctive focus on women's sexual and reproductive health and rights, including access to safe and legal abortion, and stressed the need to fight sexism and sexist hate speech, which are at the root of gender-based violence against women. Furthermore, the Commissioner referred to her work on migration (concerning reception conditions of migrants, search and rescue operations in the Mediterranean and family reunification); Roma rights (including their rights to housing, education and freedom from hate speech); antisemitism and islamophobia; and ensuring a human rights compliant use of Artificial Intelligence (in particular as concerns algorithmic discrimination). Other topics of common interest discussed with the Committee included the need to fight Afrophobia; discrimination on the grounds of social and economic status; intersectional discrimination; and the protection of the rights of linguistic minorities and LGBTI persons.

Mission to Geneva

On 20 and 21 February, the Commissioner carried out a mission to the United Nations institutions in Geneva.

On 20 February, the Commissioner met with the Director-General of the International Organisation for Migration, António Vitorino. They discussed several country and regional migration situations of common interest. This included the crisis in Greece, as well as the situation in Bosnia and Herzegovina and the Western Balkans more broadly. They also discussed the current situation in Libya and its implications for European migration policy.

On 21 February, the Commissioner met with the President of the Human Rights Council, Ambassador Elisabeth Tichy-Fisslberger. They held an exchange about the general developments in their respective institutions and human rights developments in Europe more broadly. They discussed women's rights and human rights and the environment as specific thematic issues of interest.

On 21 February, the Commissioner met with the UN High Commissioner for Refugees, Filippo Grandi. They discussed overall developments in Europe with regard to the protection of refugees and asylum seekers, including the issue of pushbacks and the implications of the recent Grand Chamber judgment in *ND and NT v. Spain*. They further discussed country-specific and regional refugee and migration situations, including Greece, the Western Balkans, and the Central Mediterranean. They also discussed the humanitarian situation in Syria and its implications for the Council of Europe area.

On 21 February, the Commissioner met with the UN High Commissioner for Human Rights, Michelle Bachelet. They discussed a range of human rights issues of common concern, including the repatriation of foreign terrorist fighters, human rights and the environment, women's rights, migration, and rule of law issues more generally.

Meeting with the Federal Ombudsperson of the Russian Federation

On 30 January, the Commissioner met with Tatiana Moskalkova, High Commissioner for Human Rights in the Russian Federation (Federal Ombudsperson), who was carrying out a visit to the Council of Europe. They discussed a range of human rights issues, including violence against women and domestic violence, freedom of the media, and the situation of journalists in Russia and several other CIS countries. The Federal Ombudsperson also informed the Commissioner about the outcome of certain issues raised at their previous meetings and explored possibilities for future co-operation on various human rights issues.

Meeting with the Director of the Fundamental Rights Agency

On 4 March, the Commissioner met in Strasbourg with Michael O'Flaherty, Director of the EU Fundamental Rights Agency. In addition to an exchange on planned activities, the meeting covered the situation of migrants and rule of law issues, including in specific country contexts; the situation of LGBTI persons; and the European Fundamental Rights Information System (EFRIS).

5. Human Rights Defenders

During the period under review, the Commissioner continued to pay close attention to the situation of human rights defenders in Council of Europe member states.

On 7 February, the Commissioner issued a [statement](#) condemning a physical assault perpetrated against Elena Milashina, an investigative journalist, and Marina Dubrovina, a lawyer, in Grozny, in the Chechen Republic of the Russian Federation. In her statement, the Commissioner urged the Russian authorities to ensure their safety and security, and carry out a prompt, independent and effective investigation into this incident. She also noted that a series of the latest attacks against human rights defenders and critics in Chechnya illustrated the climate of hostility and impunity which has been fomented by political leaders of the Republic. In this context, the Commissioner called on the authorities of the Russian Federation at both regional and federal levels to urgently reverse this unacceptable situation and uphold their obligation to protect human rights defenders and ensure a safe and enabling environment for their crucial work, which must be publicly acknowledged and respected.

As noted above (see section on *Reports and continuous dialogue*), on 19 February the Commissioner published a [report](#) based on her visit to Turkey focusing, among other issues, on the situation of human rights defenders in the country. In particular, the Commissioner assessed the legal framework regulating various aspects of NGO activities; the situation of lawyers in the country; and intimidating practices against civil society actors and human rights defenders, including judicial harassment and smear campaigns. The report also contains a series of recommendations to the Turkish authorities in order to rectify the situation.

On 19 February, the Commissioner reacted to the re-arrest of Osman Kavala, a prominent Turkish human rights defender, under charges relating to the failed coup attempt of 15 July 2016, immediately after his acquittal from a different set of charges. In her [statement](#), the Commissioner referred to her report published on the same day on the state of the judiciary and civil society in Turkey, finding that this development was a perfect illustration of the acute problems examined in that report. Bearing in mind the timeline of developments since Kavala's initial arrest in October 2017, the findings of the European Court of Human Rights regarding his application and her own assessment of this case in her aforementioned report, as well as similar re-arrests of prominent human rights defenders and journalists, the Commissioner stated that the new charges brought against Osman Kavala lacked credibility and amounted to ill-treatment.

The Commissioner's [statement](#) on the occasion of International Women's Day paid special tribute to women's rights defenders all across Europe. Acknowledging their essential role in defending women's rights and gender equality, the Commissioner urged all Council of Europe member states to remove all obstacles to their work and support their activities (see section on *Women's rights and gender equality*).

6. System of the European Convention on Human Rights

Submission to the Committee of Ministers regarding the supervision of the execution of the judgments handed down by the European Court of Human Rights in three cases against Poland

On 11 February, the Commissioner published her [submission](#) to the Committee of Ministers in the context of the supervision of the execution of the judgments handed down by the European Court of Human Rights in three cases against Poland regarding access to abortion. The submission was based on the Commissioner's work on Poland, most notably her June 2019 report following her visit

to Poland in March 2019, and the recommendations of the Issue Paper on women's sexual and reproductive health and rights in Europe, published by the Commissioner's Office in 2017.

The Commissioner's submission – the first since the amendment in 2017 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements – reviewed Poland's legal framework and practice regarding access to safe and lawful abortion, the use by medical professionals of conscience-based refusals to perform abortion, and the question of available remedies. It also analysed the prevalence of abortions in Poland and the limited availability of legal abortion care in some parts of the country, as well as the shortage of official, up-to-date data in this regard, placing these issues against the backdrop of a number of worrying developments in the area of women's sexual and reproductive health and rights in Poland. The Commissioner regretted that despite the passage of thirteen years since the first of the three judgments, the Polish authorities had yet to take adequate measures to ensure effective access to safe and legal abortion throughout the country. She considered that the continuing lack of action in this area seriously hampered the practical enjoyment by women and girls in Poland of their sexual and reproductive health and rights. She stated, in particular, that the Polish authorities should improve access to reliable information on the relevant conditions and procedures; remedy important shortcomings in the legal and institutional framework; monitor and publish the number, availability and geographical distribution of health professionals who are prepared to perform safe and legal abortion, as well as the data on the use of the conscience clause; and address the gender stereotypes and the stigma surrounding abortion. Lastly, the Commissioner recalled her recommendation that abortion should be made legal on a woman's request in early pregnancy, and thereafter throughout pregnancy to protect women's health and lives and to ensure freedom from ill-treatment.

The text of the submission is available on the Commissioner's website.

7. Communication and Information work

Almost 300 news items were published by national and international media outlets covering the Commissioner's work during the period under review. The main topics that the press covered concerned the Commissioner's work on migration, media freedom and human rights related aspects of the measures to combat the COVID-19 pandemic.

The Commissioner's statement about co-operation agreements with Libya was reported by *24 Chasa, 24 Heures, AFP, Agência Lusa, AGI, ANSA, Avvenire, Córdoba Online, DPA, El Correo de Burgos, El Mundo Herald, El País, El Periódico de Aragón, El Periódico de Catalunya, El Periódico Extremadura, El Periódico Mediterráneo, euObserver, Europa Press, Expansion, HuffPost Italia, Il Sole 24 Ore, La Vanguardia, Le Figaro, Le Soir, NTV.de, SDA/ATS, TGCOM24, Adnkronos, Aftenposten, Agence Europe, Articolo21, CGTN.com, Deia, Diario Noticias de Gipuzkoa, Euronews, Il Manifesto, InfoMigrants, Krstarica, Krytyka Polityczna, La Repubblica, L'Indro, New Europe, Tanjug, The Associated Press, The Canadian Press, The Independent, The Nation, The Washington Post, and Tiscali News.*

The Commissioner's concerns about the situation of migrants and asylum seekers at the borders between Greece and Turkey were covered by *Eklogika.gr, 24 Chasa, AFP, Agence Belga, Agence Europe, Agência Lusa, ANSA, ANSAMed, Athens News Agency, AVGI, Avgi.gr, BBC, BHRT,*

BusinessDaily.gr, CGTN.com, COPE, Diario Libre, Dnevni avaz, DPA, EFE, Efsyn.gr, El.gr, EurActiv, InfoMigrants, Krasnaya Vesna, Le Soir, N1 Info, Naftemporiki.gr, News247.gr, Novini.bg, Parallaximag.gr, Reporter.gr, RFE/RL, Rheinische Post, SDA/ATS, Tanjug, TAZ, The Associated Press, The Guardian, Ukrinform, and Zougla.

The Commissioner's call not to extradite Julian Assange because of the potential impact on press freedom and concerns about ill-treatment was covered by *AFP, Agência Lusa, Al Jazeera Balkans, APA, Athens News Agency, Avaz.ba, Avgi.gt, Balkan Insight, Berliner Zeitung, BETA, Blic, Corriere del Ticino, Croatia, Danas, Domovina, DPA, DW, Efsyn.gr, EurActiv, Euronews, Famagusta Gazette, Finanztreff.de, Focus Online, France24, HINA, JN, Krstarica, La Libre Belgique, Le Devoir, Le Figaro, Le Point, Libération, N1 Info, Nacional, National Post, Nedeljnik.rs, NewsBeast.fr, Nezavisimaya Gazeta, Observador, Radio Chisinau, Radio Sarajevo, Radio Slobodna Evropa, Reporter.gr, Reuters, RFI, RTE.ie, RTV Slovenija, Sarajevo Times, SDA/ATS, Siol.net, Skai.gr, Sputnik, SRNA, Stern, SwissInfo, Tanjug, The Associated Press, The Canadian Press, The Guardian, The New York Times, The Press Association, The Telegraph, The Times, Vesti, Vijesti, VoA, Yahoo News, and Zougla.*

The Commissioner's statements on the implications that measures taken to fight the COVID-19 pandemic could have on human rights, in particular regarding older persons and immigration detainees, were covered by *ACN, AFPAgence Belga, Agence Europe, Agência Lusa, ANSA, ASIA-PLUS, BETA, Budapest Business Journal, Cotidianul, Danas, Demokracija, Der Standard, Diario Libre, Diario Montanés, DSA/ATS, DW, EFE, EFSYN, El Diario, El Pais, EU Reporter, EurActiv, Euronews, Europa Press, Focus-News, Il Fatto Quotidiano, InfoMigrants, La dernière heure, La libre Belgique, La Opinion de Murcia, La Vanguardia, La Vie, Marianne, MOLDPRES, N1 Info, New Europe, Noticias de Coimbra, Observador, Oslobodjenje, Osservatorio Balcani e Caucaso, Radio Chisinau, Radio Europa Libera, Realitatea, Reporter.gr, Romania Libera, RTL.be, RTV Slovenija, Sapo.pt, SDA/ATS, SIR, TASS, The Associated Press, The Canadian Press, The Irish Times, The New York Times, The Washington Post, Ukrinform, Vistazo, and Zougla.*

ANSA, Berliner Zeitung, Diario Libre, DPA, DW, EFE, El Pais, El Periódico, Euronews, La Vanguardia, Reporter.gr, SDA/ATS, SIR, T24, TASS, TELE1 TV, ZDF, and Zougla covered the report on Turkey.

Additional coverage concerned the report on Bulgaria (*24 Chasa, Bankers, BTA, Cross.bg, Dir.bg, News.bg, Novini.bg, OffNews.bg, Plodiv24, and SEGA*), the visit to Moldova (*Agenzia Nova, EADaily, Gagauzinfo.md, Infotag, Interlic, MOLDPRES, Novostipmr.com, and RIA Novosti*), freedom of expression (*Ekho Kavkaza, Haqqin.az, Kavkaz Uzel, News.am, Turan, CTVNews, Interfax, Paris Match, RIA Novosti, Ritzau, The Associated Press, and The Canadian Press*), the justice system (*AMI, Aravot, Armenpress, Panorama, RFE/RL, Dziennik Gazeta Prawna, Europa Press, L'Obs, pravo.pl, DW, Dziennik, Gazeta Wyborcza, Juriguide, and niezalezna.pl*), transitional justice (*Anadolu Agency, Devni Avaz, FENA, N1 Info, and Radio Sarajevo*), racism (*Aachener Zeitung, DPA, Stuttgarter Zeitung, ZDF, Dnevni List, N1 Info, Oslobodjenje, and Vijesti.ba*), human rights defenders (*Agence Europe, Bianet, Carnegie Europe, Euronews, France24, Hürriyet Daily News, New Europe, The Canadian Press, The Associated Press, The New York Times, VoA, Interfax, and Sputnik*), freedom of assembly (*News 24, The Economist, The Times, and Libération*), women's rights (*Gazeta Wyborcza, Krytyka Polityczna, Malta today, and Open democracy*), hate speech (*De Groene Amsterdammer, N1, Oslobodenje, Vijesti, DW, and La Vanguardia*), and children's rights (*MIA*).

86 000 unique visitors consulted the Commissioner's website during the period under review, an increase of 10% compared to the first quarter of the previous year. On Twitter, 50 tweets were

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published, earning a total number of 2.3 million impressions and an increase of 2831 followers. On Facebook, 26 posts reached 70939 people and garnered 230 new page likes.