

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

1ST QUARTERLY ACTIVITY REPORT 2021

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 2021.

1. Reports and continuous dialogue

Letter to the Interior Minister of the Russian Federation on the policing of demonstrations

On 5 February, the Commissioner sent a [letter](#) to Vladimir Kolokoltsev, Minister of Interior of the Russian Federation, highlighting a number of human rights concerns related to the policing of demonstrations that had taken place in many Russian cities in recent weeks. Referring to reports about the dispersal of predominantly peaceful protests and the arrests of thousands of protesters and a number of journalists reporting on those rallies, the Commissioner requested information about the Interior Ministry's policy, methods and guidelines concerning the policing of demonstrations. While conceding that certain restrictions on public events could be applied in the context of the COVID-19 pandemic, she noted that policing of the protests in question did not seem to have adequately responded to public health considerations. The Commissioner further expressed dismay about the alleged excessive use of force and violence against peaceful protesters during the demonstrations and afterwards when in custody, that had resulted in injuries, including serious ones. The Commissioner also referred to reports by human rights groups that the rights of those detained were not secured, that they were refused legal and medical assistance, and that they had restricted access to basic necessities, such as food, water, sanitary facilities, heating and sleeping places due to overcrowding. While requesting information about action taken to ensure accountability of law enforcement officers for human rights violations, the Commissioner also urged the Russian authorities to stop the practice of apprehending individuals for the exercise of their right to peaceful assembly. She further called on the Russian authorities to bring policing of demonstrations into line with applicable human rights standards.

Letter to the Interior and Justice Ministers of Turkey regarding restrictions on NGO activities and freedom of association

In a [letter](#) to Turkey's Minister of Interior, Süleyman Soylu, and Minister of Justice, Abdulhamit Gül, published on 10 March, the Commissioner called on the Turkish authorities to refrain from further implementing the Law on Preventing the Financing of Proliferation of Weapons of Mass Destruction, which entered into force on 31 December 2020, pending the outcome of the Venice Commission review expected in June 2021. Noting that some aspects of the law threatened the very existence of human rights NGOs and that the law had been rushed through parliament without their involvement, the Commissioner was particularly concerned that amendments to the laws on Associations and on Aid Collection, introduced by this law, could further stifle dissenting voices and tighten the government's control over civil society fundraising activities. She expressed regret that instead of neutralising the negative effects of the emergency decrees regarding NGOs, as recommended in her [report](#) on Turkey, the government appeared to be moving in exactly the opposite direction by broadening the range of tools it could use to further target civil society organisations and human rights defenders, and their legitimate and lawful activities. In this context, she pointed out that any measures states take to counter terrorism must comply with all their obligations under international human rights law.

The letter is available on the Commissioner’s website, along with the reply from the Minister of Interior of Turkey.

Letter to the Prime Minister of Poland on draft laws in the media sphere

On 16 March, the Commissioner published a [letter](#) sent to the Prime Minister of Poland, Mateusz Morawiecki, urging the government to ensure that two draft laws concerning the media sector respect European human rights standards, specifically those related to freedom of expression, media pluralism and the right to respect for privacy. The Commissioner expressed concern that a new proposed advertising revenue tax on media outlets would, in practice, lead to the suffocation of independent media, and underscored the need for any measure adopted to be in line with Article 10 of the European Convention on Human Rights. Regarding a separate draft law on “protection of freedom of speech of social media users”, the Commissioner expressed concern about the independence of a proposed body for content regulation, the overly broad definition of illegal content coupled with gaps in the national framework regarding hate speech, and the data retention obligations. She urged the authorities to ensure that any measure to regulate the scope of social media companies’ decision-making over online content is based on clear and predictable provisions, pursues a legitimate aim and is necessary in a democratic society.

Letter to the Minister of Interior of Cyprus on allegations of pushbacks of migrants, reception conditions and an enabling environment for NGOs working for their protection

On 18 March, the Commissioner published a [letter](#) addressed to the Minister of Interior of Cyprus, Nicos Nouris, urging him to ensure that independent and effective investigations are carried out into allegations of pushbacks and ill-treatment of arriving migrants, including persons who may be in need of international protection, by members of the security forces. In her letter, the Commissioner further called on the Cypriot authorities to bring the conditions in reception facilities for asylum seekers and migrants into line with applicable human rights standards and to ensure that they enjoy effective access to all necessary services. Finally, noting the de-registration of several non-governmental organisations following the implementation of legal amendments introduced in 2020, she called on the Cypriot authorities to actively maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations by considering alternative measures to their de-registration and dissolution, and applying proportionate sanctions, only when strictly necessary.

The letter is available on the Commissioner’s website, along with the reply from the Minister of Interior of Cyprus.

Letter to the Spanish Minister of Justice on freedom of expression

In a [letter](#) to the Minister of Justice of Spain, Juan Carlos Campo, published on 22 March, the Commissioner invited the Spanish authorities to comprehensively amend the Criminal Code to strengthen existing safeguards around the right to freedom of expression and facilitate the work of Spanish courts in making decisions in line with Article 10 of the European Convention on Human Rights. She stressed in particular the lack of clarity of the provision on glorification of terrorism and ensuing diverging interpretations of this provision by Spanish courts, and the concerns, from the point of view of freedom of expression, arising out of the provisions criminalising libel and insults to the monarchy. She also called on the Spanish authorities to restrict the application of provisions on hate speech to cases prohibited under international human rights law and to decriminalise

defamation and the offence of insults to religious feelings, in order to prevent their possible chilling effect on freedom of expression.

The letter is available on the Commissioner's website, along with the reply from the Minister of Justice of Spain.

Memorandum on combating racism and violence against women in Portugal

On 24 March, the Commissioner published a [memorandum](#) in which she called on the Portuguese authorities to address more resolutely the increasing level of racism in the country and to take additional steps to prevent and combat violence against women and domestic violence. The memorandum is based on online exchanges held with representatives of the Portuguese authorities and of civil society organisations from 15 to 17 December 2020.

In the first part of the memorandum, the Commissioner expressed concerns about the rise of racially motivated hate crimes and hate speech targeting, in particular, Roma, people of African descent and persons perceived as foreigners in Portugal. She invited the authorities to implement a comprehensive action plan against racism and discrimination and urged politicians to refrain from using or tolerating racist rhetoric. She also recommended that the police and prosecution services carry out prompt, rigorous and impartial investigations into all incidents with racial overtones. She called for further efforts to tackle antigypsyism, which remains pervasive in Portuguese society, and racist bias against people of African descent inherited from the colonial past and historical slave trade. Additionally, she urged the authorities to apply a policy of zero tolerance towards any manifestation of racism in the police, to improve human rights training and recruitment procedures for police officers and to set up a fully independent police complaints mechanism.

As regards violence against women, the Commissioner welcomed the longstanding commitment of the Portuguese authorities to eliminating domestic violence, to overcoming deeply rooted patriarchal attitudes and gender-based stereotypes and to working towards gender equality. However, she recommended additional steps, including raising further awareness in society that violence against women, including domestic violence, is a serious human rights violation and a crime, for which perpetrators must be held accountable. She therefore urged the authorities to ensure that domestic violence and sexual offences, including rape, are adequately investigated and prosecuted, and that sentencing is commensurate with the gravity of offences and sufficiently dissuasive. The Commissioner also invited the authorities to continue improving training for members of the law enforcement agencies, the judiciary and all those providing services to women victims of violence. She welcomed steps taken to ensure that children who witness domestic violence are considered as victims and receive adequate protection. Lastly, the Commissioner recommended that the authorities further amend the definition of rape in the Criminal Code and ensure that it is entirely based on the absence of the free consent of the victim.

The memorandum is available on the Commissioner's website together with the comments of the Portuguese authorities.

Memorandum on freedom of expression and media freedom in Hungary

On 30 March, the Commissioner published a [memorandum](#) on freedom of expression and media freedom in Hungary. Following online consultations with the Hungarian authorities, national human rights structures, and representatives of civil society and the media community held in early

February 2021, the memorandum concludes that the combined effects of a politically controlled media regulatory authority and distortionary state intervention in the media market have, since 2010, systematically eroded media pluralism and freedom of expression in Hungary. Opaque processes for distributing state advertising contracts based on political loyalties and the unduly wide discretion of the Media Council, whose members are all chosen by the ruling party, have dismantled the level playing field for the media and curbed the free exchange of information and diverse opinion, particularly outside the capital. The effects are noticeable across Hungarian society, including in relation to academic freedoms and culture. The Commissioner expressed her alarm at sustained smear campaigns against human rights defenders and investigative journalists that stifle civil society and send a clear message that there will be prompt retaliation against any form of criticism of the government. She also pointed out that the Hungarian government had repeatedly failed to recognise the important role of independent institutions, whether regulatory authorities or the judiciary, thereby showing disregard for the rule of law which is indispensable for freedom of expression. The Commissioner stressed the lack of accountability and professionalism in Hungarian public service and pro-government media and pointed to growing interference with the work of the independent media and investigative journalists, particularly in 2020 due to successive emergency rules. This has led to a chilling effect on judges and public officials, on civil society organisations engaged in the defence of human rights, and on marginalised groups, including LGBTI persons. The Commissioner called on the Hungarian authorities to comply, in law and in practice, with the Council of Europe standards on media pluralism, and to show due regard for the editorial independence of all public and private media. She further urged them to recognise the threat that hate speech against journalists represents to society as a whole, to condemn it publicly and to put an end to the spread of smear campaigns and misinformation about civil society organisations, human rights defenders and those who criticise the government. Lastly, she called on the Hungarian authorities to ensure a level playing field for all political candidates ahead of the 2022 parliamentary elections, including in terms of media coverage.

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

2. Themes

Human rights of immigrants, refugees and asylum seekers

During the period under review, several country-specific interventions were made by the Commissioner on the rights of immigrants, asylum seekers and refugees. This includes a third party intervention before the European Court of Human Rights in a case regarding summary returns of migrants by Croatia (see under ‘System of the ECHR’), and a letter to the Minister of Interior of Cyprus, concerning allegations of pushbacks, reception conditions, restrictions on freedom of movement and the de-registration of NGOs working with migrants (see under ‘Reports and continuous dialogue’). Thematically, a key focus during this period was on the human rights of refugees and migrants at sea, as discussed below.

On 9 March, the Commissioner published the follow-up report to the [2019 Recommendation](#) on rescuing migrants at sea, entitled “[A distress call for human rights. The widening gap in migrant protection in the Mediterranean](#)”. It covers developments from July 2019 until December 2020 in five key areas: effective search and rescue; timely and safe disembarkation of rescued persons; co-

operation with non-governmental organisations; co-operation with third countries; and safe and legal routes. The Commissioner noted that the human rights situation in the Mediterranean remains deplorable and that backsliding in migrant protection at sea is worsening, causing thousands of avoidable deaths each year. She found that state policies and practices undermining protection at sea have not only continued and been expanded, but have become an integral part of states' approach to migration in the Mediterranean. In particular, she noted how the growing disengagement of states' naval capacity from the Mediterranean, replaced by air surveillance, and the hindrance of NGOs' rescue activities, as well as decisions to delay disembarkation and failure to assign a safe port, have undermined the integrity of the search and rescue system. She acknowledged that the COVID-19 pandemic has been used as a pretext to adopt even more restrictive measures against migrants. She remained particularly concerned about the enhancement of co-operation activities with third countries despite the undeniable evidence of serious human rights violations, and without the implementation of human rights safeguards including transparency and accountability principles. To her regret, many developments aimed at 'clearing the field' for interceptions by the Libyan Coast Guard have become institutionalised, leading to almost 20,000 recorded returns to Libya, exposing individuals to serious human rights violations. Lastly, the Commissioner provided a set of actionable measures to be urgently taken by European states to protect the lives and rights of those using dangerous sea routes. In particular, she recommended guaranteeing the presence of adequate and sufficient state-led search and rescue capacity at sea; ensuring safe and prompt disembarkation of those rescued; allowing NGOs involved in search and rescue activities or human rights monitoring to carry out their work; ending pushbacks and other actions that expose refugees and migrants to return to serious human rights violations; and expanding safe and legal routes. Though the report mainly covers developments on the Central Mediterranean route, many of the recommendations are applicable to all other major migration routes in the Mediterranean region and on the Atlantic route.

On 15 March, the Commissioner participated in an exchange with the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) on people in distress at sea. She highlighted the main findings from her above-mentioned follow-up report. She reiterated the need for both individual and collective action by member states, including bringing dedicated rescue ships back to sea in those areas of the Mediterranean where people are most at risk, dramatically expanding safe and legal routes to provide for realistic alternatives to dangerous sea crossings, increasing responsibility sharing and ending the facilitation of returns to Libya.

On 26 March, a representative of the Commissioner's Office participated in a conference entitled "Rescuing lives in the Central Mediterranean: contemporary challenges" organised by the Italian Association for Juridical Studies on Immigration (ASGI), Aditus Foundation and the Malta Jesuit Refugee Service, with the support of the Fondation Assistance Internationale. The Office representative presented the main conclusions of the Commissioner's above-mentioned follow-up report. The presentation discussed how the policies currently being pursued by European countries are shaking the human rights protection system at sea to its core, and looked at the need for collective responsibility. States' obligation to ensure a safe and enabling environment for human rights defenders was also underlined.

Safety of journalists, freedom of expression and media freedom

On 2 February, the Commissioner spoke about her role and experience intervening before the European Court of Human Rights in cases dealing with freedom of expression during a seminar on free expression at Columbia Law School led by Nani Jansen Reventlow and Can Yeğinsu.

On 9 February, the Commissioner [tweeted](#) to express her disappointment that the appeal by Klubrádió, the last major independent radio station in Hungary, to maintain its airwaves licence beyond 14 February had been rejected. The station was forced off the air because in 2016 it had twice submitted its monthly programming reports late.

On 19 February, the Commissioner commemorated the fact that three years had passed since the murder of journalist Ján Kuciak and his fiancée Martina Kušnírová in Slovakia. She noted that their memory would best be honoured by ending impunity for crimes against journalists and ensuring that they were able to work freely and safely in Slovakia and across Europe.

On 6 March the Commissioner went on Twitter to [condemn](#) the violent arrest of human rights defender and journalist Nidžara Ahmetašević in Sarajevo and called on the authorities to carry out a prompt and independent investigation into the conduct of the law enforcement officers.

During the period under review, the Commissioner wrote a letter to the Prime Minister of Poland, urging the government to ensure that two draft laws concerning an ‘advertising revenue tax on media outlets’ and ‘protection of freedom of speech of social media users’ respect European human rights standards (see under ‘Reports and continuous dialogue’), as well as a letter inviting the Spanish authorities to comprehensively amend the Criminal Code to strengthen existing safeguards around the right to freedom of expression (see under ‘Reports and continuous dialogue’). On 30 March, the Commissioner published a memorandum on freedom of expression and media freedom in Hungary, calling on the Hungarian authorities to restore journalistic and media freedoms (see under ‘Reports and continuous dialogue’).

Freedom of assembly

During the period under review, the Commissioner reacted to restrictions imposed on the right to freedom of assembly in the Russian Federation on several occasions. On 21 January, the Commissioner issued a [statement](#) in relation to the dispersal of peaceful protests and the detention of dozens of individuals who were protesting against the arrest of Alexey Navalny, a prominent Russian anti-corruption activist and public figure. The Commissioner urged the Russian authorities to ensure that Russian citizens’ rights to freedom of assembly and expression were respected and to refrain from taking disproportionate measures against peaceful protesters. On 1 February, the Commissioner spoke out in another [statement](#) against the use of violence and detention of several thousands of peaceful protesters during the large-scale demonstrations that had taken place in many Russian cities. She urged the Russian authorities to release all individuals who demonstrated peacefully and to hold to account those servicemen who had engaged in unlawful behaviour. The Commissioner reiterated her call to the Russian authorities to ensure an enabling environment for the free and safe expression of dissenting opinion and announced her intention to discuss the policing of demonstrations with the Russian authorities as a matter of urgency (see under ‘Reports and continuous dialogue’).

On 19 March, the Commissioner participated in an online event organised by Global Initiative against Transnational Organised Crime to mark the launch of a [report](#) on civil society organisations in the Western Balkans tackling organised crime and corruption. Referring to the challenges facing civil society organisations and human rights defenders working on these topics in the Western Balkans and across Europe, the Commissioner said she would continue to remind member states of

their obligation to ensure freedom of association, expression and peaceful assembly for civil society organisations.

Women's rights and gender equality

On International Women's Day, the Commissioner [posted on social media](#), stressing that the COVID-19 pandemic affected women disproportionately, and differently. She called on states to ensure that progress in gender equality is not reversed, including in the field of health. She highlighted recommendations from her Issue Paper on protecting the right to health which are relevant for gender equality.

On 22 March, following Turkey's Presidential Decree announcing its withdrawal from the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Commissioner published a [statement](#) in which she called this step an ill-advised decision which undermines women's rights and sends the wrong signal to all women in Turkey and beyond. Underlining the importance of the Istanbul Convention as a unique legal instrument for tackling violence against women and a powerful signal to society that domestic violence can never be considered a private or a family matter, the Commissioner called on the Turkish authorities to reconsider the decision to withdraw from the Convention.

During the period under review, the Commissioner also published a memorandum on Portugal in which she called on the authorities to take additional steps to prevent and combat violence against women and domestic violence (see under 'Reports and continuous dialogue').

Human rights of LGBTI persons

On 9 February, the Commissioner hosted an online roundtable on "Human rights of LGBTI people in Europe: current threats to equal rights, challenges faced by defenders and the way forward", with 15 LGBTI human rights defenders from several European countries. The event was a valuable opportunity for her to discuss with the activists some of the key current trends and concerns for LGBTI people in Europe, the specific challenges faced by LGBTI defenders and how she can further contribute to ensuring equal rights for LGBTI people. The discussions first focused on the impact of the COVID-19 pandemic on LGBTI people and activism. Among other things, the Commissioner was informed that the LGBTI movement's ability to do human rights advocacy has been weakened over the past year because many LGBTI organisations had to redirect their work toward humanitarian assistance for members of the community hit by the pandemic, and/or because they had lost funding. As further explored during the meeting, this weakening of LGBTI civil society is happening at the very time when the continent is seeing a significant rise in attacks against the human rights of LGBTI people, through stigmatisation and scapegoating for political gain, the spread of anti-transgender rhetoric and the growing influence of the so-called anti-gender movement. The discussion on obstacles faced by LGBTI activists revealed clear emerging patterns in several European countries. These include insufficient funding, verbal attacks and hate speech online, restrictions on freedom of expression, judicial harassment, and personal data leaks. The report on this roundtable is due to be published shortly.

On 26 February, the Commissioner held a meeting with Victor Madrigal-Borloz, the United Nations Independent Expert on SOGI. Among other things, the Commissioner and the UN Independent Expert exchanged information about the worrying trends affecting the human rights of LGBTI people in some countries in Europe, including stigmatisation for political gain, rollbacks in rights, and

threats against LGBTI human rights defenders. The Commissioner and the Independent Expert agreed to further co-operate on issues of common interest.

On 11 March, the Commissioner [stated](#) that a European Parliament resolution adopted that day by a large majority and declaring the European Union a “LGBTIQ freedom zone” sent a strong signal. She pointed out that all Council of Europe member states have committed to respecting the human rights of everyone, irrespective of sexual orientation and gender identity. She stressed that discrimination against and the scapegoating of LGBTI people must end.

Human rights of persons with disabilities

On 16 March, the Commissioner participated in a hearing organised by the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly on deinstitutionalisation of persons with disabilities. In her [speech](#), the Commissioner underlined the urgent need to deinstitutionalise mental health services, especially in the context of the COVID-19 pandemic, and to eliminate coercion in psychiatry, pointing to a growing consensus at the international level that these practices are incompatible with the UN Convention on the Rights of Persons with Disabilities. She reiterated her position that the ongoing work on a draft Additional Protocol to the Oviedo Convention went against this consensus and should be discontinued.

Human rights of Roma

On 29 March, the Commissioner gave an opening address at an online conference launching the Chachipen project on truth and reconciliation to address antigypsyism in Europe. She stressed the importance of exploring and exposing the history of Roma in Europe in order to better understand the mechanisms which have shaped institutionalised racism against them. She expressed support for the project’s objective of promoting the setting-up of truth and reconciliation commissions, of designing new ways of raising public awareness about Roma history and of empowering Roma activists to take part in transitional justice processes.

Social and economic rights

On 19 February, the Commissioner published the [Issue Paper](#) ‘Protecting the right to health through inclusive and resilient health care for all’, containing her recommendations to member states on how to protect the right to health more effectively. As COVID-19 has placed health care systems under unprecedented strain, structural shortcomings and deeply embedded inequalities in accessing the right to the highest attainable standard of physical and mental health have been revealed across member states. Outlining the main standards and principles related to the right to health, the Issue Paper presents the key partners that can help states tackle the current health crisis and explores the various components that are required to deliver inclusive and resilient health care systems. These include a skilled health workforce, adequate financing, and, crucially, effective leadership and governance. The Issue Paper underlines the need for a broader social rights perspective that pays close attention to the important social determinants of health (social protection, adequate living environment, education, and employment conditions), as the pandemic has painfully demonstrated how social inequalities, which have been growing over the past decade across Europe, have resulted in greater health risks for affected groups, causing significant human, social and economic costs to individuals and societies. The Commissioner set out twelve recommendations, including in relation to universal health coverage (of which mental health services are an essential component), more equality and dignity for patients, the promotion of

transparency and accountability in relevant decision-making, better health communication policies, and enhanced measures to ensure equitable global distribution of medical products and vaccines in all countries, rich or poor. To ensure the best attainable standard of physical and mental health for all, she called on member states to adopt a “One Health” approach in public health preparedness and global health security, to address fragmented social protection systems and to build consensus between health and other social programmes through inter-sectoral dialogue. She further underlined the need to invest in gender-inclusive bio-medical and pharmaceutical research that is based on the needs of patients rather than profit and adequately addresses the health needs of the whole population throughout their lives. The Commissioner also called on member states to take all necessary measures to ensure that all members of the health and social care workforce are treated with appropriate levels of dignity and respect, including in terms of their contractual situation, income security and fair compensation, and to increase diversity across the workforce with a view to eliminating gender disparities.

Racism and xenophobia

In a [statement](#) issued on 27 January, on International Holocaust Remembrance Day, the Commissioner urged member states to strengthen their response to antisemitism. Noting the recent increase in antisemitic incidents, including Holocaust revisionism, the Commissioner stressed the need to keep the truth about the Holocaust intact and highlighted the role of education and awareness raising in countering disinformation. She also called on politicians to strongly and consistently condemn antisemitism and urged member states to improve their legislation against hate speech and to implement it fully.

On 19 March, ahead of the International Day for the Elimination of Racial Discrimination, the Commissioner released a [report](#) entitled “Combating racism and racial discrimination against people of African descent in Europe”, based on a roundtable meeting she had held on 24 November 2020 with human rights defenders working on combating Afrophobia.

The report highlights that people of African descent continue to be exposed to particularly grave forms of racism and racial discrimination, including racial stereotyping, racist violence, racial profiling in policing and criminal justice, and practices which perpetuate social and economic inequalities. The situation is compounded by the denial of this problem and a lack of public debate on Afrophobia; limited research and equality data; insufficient efforts to address the legacy of colonialism and the slave trade, and a lack of educational and awareness-raising efforts. In addition, human rights defenders working on combating Afrophobia encounter serious challenges, including threats to their lives and safety, harassment, smear campaigns, surveillance, and censorship. They are also regularly sanctioned in the context of demonstrations, face a higher risk of being profiled by automated tools and are not adequately protected from attacks carried out against them, often by right-wing extremist groups.

To reverse this situation, as a matter of urgency, the Commissioner calls on member states to effectively implement the international standards and guidelines on combating racism and racial discrimination, making this a top priority, and show a clear commitment to addressing the legacy of colonialism and the slave trade. Historical slavery and the colonial past, as well as their present-day ramifications, should be reflected in school curricula, moreover. The Commissioner also stresses the importance of adopting measures to stamp out racial profiling and impunity for racist crimes committed by law enforcement officers; taking action against all forms of incitement to hatred against people of African descent and enhancing protection against hate crimes; strengthening

measures to combat discrimination in access to education, employment, housing and health care, and ensuring that artificial intelligence systems do not discriminate.

Lastly, the Commissioner underlines member states' obligation to provide protection and support to human rights defenders working on combating Afrophobia, facilitating a safe and free environment for them to carry out their work. She stresses that activists working in this field must be given a voice in national policy and should have more opportunities for dialogue at regional level.

On 31 March, the Commissioner had an exchange of views with the European Commission against Racism and Intolerance (ECRI). In her [speech](#) delivered on this occasion, the Commissioner focused on the increasing inequalities and lack of inclusion affecting vulnerable people amid COVID-19, the challenges posed by the growing spiral of intolerance and widespread racism, including antisemitism, Islamophobia, antigypsyism and Afrophobia in European societies, and the backlash against LGBTI people and their rights. The Commissioner also underlined the important role of national human rights structures and human rights defenders and the need to continue to support their work.

Artificial intelligence

On 20 January, the Commissioner delivered a [keynote speech](#) at the opening of the High-Level Conference on Human Rights in the Era of Artificial Intelligence, hosted by the German Presidency of the Committee of Ministers, the German Federal Foreign Office and the German Federal Ministry of Justice and Consumer Protection, together with the Council of Europe. In her speech, the Commissioner stressed that, instead of rushing into more “digital welfare”, on the sometimes erroneous assumption that technology will be faster, better and less expensive, states should think carefully about what safeguards should be set up when digital tools are used in the welfare context, what contingencies must be covered, what legislative frameworks are required for oversight, and what happens if something goes wrong. This should be done in addition to ensuring that the deployment of technological solutions does not infringe individual rights to privacy, data protection, non-discrimination, and dignity.

Data protection

On 28 January, the Commissioner marked data protection day by [stressing](#) on Twitter that Convention 108 is an essential tool to protect human rights and address current data protection challenges, including cross-border exchange of data by national security services, which must be subjected to democratic and effective scrutiny.

Human rights and the environment

On 31 March, the Commissioner published a [report](#) on a roundtable she had held with environmental human rights defenders from across Europe in December 2020. Reflecting participants' statements, the report addresses the major trends in the area of environmental human rights, working methods and good practices for activists, the challenges faced by environmental human rights defenders, and areas where the Commissioner's action would be most beneficial. Some of the recurring themes included the prospects and the added value of human rights litigation for environmental protection, the lingering negative impact of economic arguments on action to prevent environmental degradation and the need for more transparency and access to information. Numerous participants described how people bringing the truth to light on environmental issues or

peacefully opposing damaging projects are suffering greatly, facing attacks on all fronts, including attacks on their reputation and their physical safety. In responding to attacks on activists or journalists covering environmental campaigns, participants outlined a number of useful elements, including the need for partners and institutions to speak out and characterise such actions as attacks on human rights and democracy. The examples shared during the roundtable and reflected in the report, including the role of local stakeholders, building coalitions, and complementing different campaign approaches, may be of interest to human rights defenders in general, across Europe.

On 21 January, in response to a new study suggesting that reducing air pollution could prevent 51,213 premature deaths in Europe per year, the Commissioner [noted](#) on Twitter that these tragic outcomes are entirely avoidable and called on member states to get more serious about limiting pollution so that everyone can fully enjoy their human rights. On 3 February, the Commissioner [welcomed](#) on Twitter a decision delivered by a French court recognising the French state's responsibility for failing to tackle global warming, and urged states to do more to meet their commitments, reduce their emissions and ensure a healthy future for all.

On 23 March, the Commissioner met with the UN Special Rapporteur on human rights and the environment, David Boyd, to discuss her recent and ongoing activities in this area and outline potential areas of co-operation. The two officials also discussed the prospects for recognition of a right to a healthy environment in 2021.

National Human Rights Structures

On 24 March, the Commissioner [addressed](#) a meeting of the German Parliament's Committee on Human Rights and Humanitarian Aid dedicated to the 20th anniversary of the German Institute for Human Rights. She recalled that National Human Rights Structures, when they are robust and independent, are a pillar of democracy, the rule of law and respect for human rights. She stressed that the Institute enjoys the broad support of all political parties and civil society groups in Germany and that its independence is well-respected. In a [video message](#) recorded for the German Institute for Human Rights to mark this anniversary, the Commissioner highlighted three areas where, in her view, the Institute plays a key role, namely the protection of the human rights of refugees, asylum seekers and migrants, the fight against racism and extremism, and the protection of human rights in times of crisis.

Human rights and rule of law

On 19 January the Commissioner published a [Human Rights Comment](#) entitled "*Corruption undermines human rights and the rule of law*", in which she pointed out that corruption hinders economic development and has a disproportionate impact on the enjoyment of human rights, particularly by people that belong to marginalised or disadvantaged groups such as minorities, people with disabilities, refugees, migrants and prisoners. The Commissioner noted that despite robust Council of Europe and international anti-corruption legal standards, as well as GRECO's effective monitoring of member states' compliance with these standards, corruption continues to pose a serious threat to the rule of law and human rights in the Council of Europe region. Stressing that the fight against corruption must remain a priority, the Commissioner emphasised the need for Council of Europe member states to comply fully with the standards concerning corruption prevention and for public officials to act with integrity and avoid engagements which may entail a conflict of interest and increased risk of corruption. Other steps to fight corruption recommended by the Commissioner include adequately funding oversight of police misconduct, ensuring strong

and effective governance of health care systems and spending, protecting freedom of expression and the safety of journalists, and fighting impunity for crimes against journalists and countering the so-called Strategic Lawsuits against Public Participation (SLAPPs).

3. Other meetings

Meeting with the General Controller of places of deprivation of liberty of France, Dominique Simmonot

On 12 January, the Commissioner met with France's *Contrôleure général des lieux de privation de liberté* (General Controller of places of deprivation of liberty), Dominique Simmonot, who informed her about the situation prevailing in France's places of deprivation of liberty and the impact of the pandemic on conditions of detention. Further avenues for co-operation between the two institutions were also discussed on this occasion.

Hearing with the European Affairs Committee of the French Senate

On 14 January, the Commissioner participated in a hearing organised by the European Affairs Committee of the French Senate in the context of its work on the rule of law in Europe. The Commissioner highlighted a few improvements she had observed in this area, for example, regarding transparency and accountability, but also many worrying regressions, including attempts to undermine the independence and impartiality of the judiciary; threats to National Human Rights Structures; virulent and physical attacks on journalists and human rights defenders; and restrictions on freedom of expression and media freedom and on the right to peaceful assembly.

OSCE Human Dimension Committee meeting on "The role of human rights in security policy"

On 26 January the Commissioner gave a keynote speech at an OSCE conference on the role of the human dimension in efforts towards stability and security. The Commissioner stressed that the pandemic has dramatically accelerated the erosion of the democratic fabric of our society, on which security and the protection of human rights ultimately depend. She warned against the fallacious assumption that to guarantee individual, national and international security some human rights must be traded away. While it is understandable and justified for the state to mobilise all its resources to protect its population against threats to their security, sacrificing human rights is not desirable. By pitting human rights concerns and security issues against each other, we run the risk of further polarising society, weakening the rule of law and ultimately eroding people's trust in the government. For this reason, she stressed that measures that aim to increase security must be accompanied by meaningful counterweights that protect human rights, because security and human rights are not antithetical: they go hand in hand.

Exchange of views with the German Bundestag's Committee on European Union Affairs

On 24 February, the Commissioner participated in an exchange with the German Bundestag's Committee on European Union Affairs, on the human rights situation in Europe. In the exchange, the Commissioner outlined her recent work and priorities, including the protection and promotion of the human rights of women, migrants, and LGBTI people, the independence and impartiality of the judiciary, the protection of human rights defenders, media freedom as well as migration issues.

Meeting with the German Government's Commissioner for Human Rights Policy and Humanitarian Assistance, Bärbel Kofler

On 2 March, the Commissioner held an online meeting with Dr. Bärbel Kofler, the German Government's Commissioner for Human Rights Policy and Humanitarian Assistance. The discussion focused on several human rights issues, including migration, the Istanbul Convention and the execution of judgments of the European Court of Human Rights.

Meeting with Ambassador Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities

On 31 March, the Commissioner met with Ambassador Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities. They exchanged information on their respective work and priority areas regarding the rights of persons belonging to national minorities. They undertook to continue regular exchanges of information on issues of common interest.

4. Human Rights Defenders

As is customary, the Commissioner paid particular attention to the situation of human rights defenders and civil society organisations in her country and thematic activities during the period under review.

On 5 February, following a decision by the Istanbul 36th High Criminal Court to dismiss Osman Kavala's request for release from detention and to merge the two ongoing prosecutions against him, the Commissioner [stressed](#) that this decision flies in the face of human rights and the rule of law in Turkey, and that Kavala must be released immediately, as required by the European Court of Human Rights judgment.

The Commissioner attaches particular importance to supporting human rights defenders everywhere in Europe, including Belarus, even though it is not a member state of the Council of Europe. On 16 February, the Commissioner issued a statement via social media ([Twitter](#) and [Facebook](#)) criticising as unacceptable judicial harassment, searches, arrests and criminal prosecution of human rights defenders and journalists, including partners of the Council of Europe and the United Nations. She also emphasised that freedom of expression, association and assembly should be ensured in Belarus according to international human rights standards.

On 18 March, the Commissioner issued a [statement](#) with regard to the publication in the Russian newspaper Novaya Gazeta of testimonies about extrajudicial executions and other grave human rights violations committed in Chechnya over the last years. She noted that the Russian authorities bore the responsibility of protecting independent journalists as well as human rights defenders and eyewitnesses who report on human rights violations from intimidations and other forms of reprisals aimed at silencing them. Calling for an immediate, impartial and independent investigation by the Russian federal investigative authorities, the Commissioner emphasised that all individuals proven to be involved in those crimes should be brought to justice regardless of the official status they may have. The Commissioner also reiterated that impunity for serious human rights violations remained a prevailing trait in the Chechen Republic and called on the Russian authorities to narrow the gap

between their pledge to comply with international human rights standards and the grim reality in Chechnya.

The Commissioner continued her regular dialogue and interaction with human rights defenders and representatives of civil society organisations during the period under review by organising and participating in roundtables and other events (see under ‘Themes’).

5. System of the European Convention on Human Rights

Third Party Intervention before the European Court of Human Rights in the cases of S.B. v. Croatia, A.A. v. Croatia and A.B. v. Croatia

On 11 January, the Commissioner published her [written observations](#) to the European Court of Human Rights concerning the cases of three Syrian applicants summarily returned from Croatia to Bosnia and Herzegovina. In her observations, the Commissioner concludes that all the information available points to the existence of an established practice of collective returns of migrants from Croatia to Bosnia and Herzegovina, which are carried out outside of any formal procedure and without identifying the persons concerned or assessing their individual situation. This practice prevents the persons concerned from exercising their right to seek international protection, which clearly also applies under Croatian law to those crossing borders irregularly, and deprives them of effective remedies. The Commissioner’s own observations, supported by numerous consistent and credible reports, point to widespread ill-treatment of migrants by Croatian law enforcement officers in the context of collective returns and to a lack of prompt, effective and independent investigation of such treatment, as a result of which law enforcement officers continue to enjoy impunity. The Commissioner further highlights that such practices also fail to have due regard for the individual implications of returning a person to Bosnia and Herzegovina, especially in view of the long-standing and serious structural problems there in the field of migration and asylum, which have had dramatic humanitarian consequences for thousands of migrants and asylum seekers. This includes insufficient reception capacity, serious obstacles to accessing asylum and a lack of adequate protection for vulnerable groups.

6. Communication and Information work

The Commissioner’s work generated more than 350 news items from different national and international news outlets. The main topics covered by the media were press freedom, migration and freedom of expression.

The Commissioner’s work on press freedom and in particular the report on Hungary were covered mainly by *24.hu*, *ADNKronos*, *AFP*, *Agence Belga*, *Agence Europe*, *Agencia Lusa*, *AgerPress*, *Aftonbladet*, *Al Jazeera*, *ANSA*, *APA*, *Athens News Agency*, *ATV.hu*, *Berliner Tageszeitung*, *BETA*, *Budapest Times*, *CNN*, *Delfi*, *Der Spiegel*, *Der Standard*, *Deutsche Welle*, *Deutschlandfunk*, *Die Presse*, *DPA*, *Eco.hu*, *EFE*, *El Periodico de Catalunya*, *Euractiv*, *Euronews*, *France24*, *France Culture*, *France TV Info*, *Frankfurter Rundschau*, *HGV.hu*, *HINA*, *HuffingtonPost.it*, *Hungary Today*, *Il Piccolo*, *Index.hu*, *L’Echo*, *Le Monde*, *L’Obs*, *MTI*, *Napi.hu*, *N1 Info*, *Neue Zürcher Zeitung*, *Ouest France*, *Proto Thema*, *RFE*, *RFI*, *RTBF*, *SDA/ATS*, *SIR*, *Stern*, *Stuttgarter Nachrichten*, *Süddeutsche Zeitung*,

SwissInfo, Tageblatt, Telex.hu, The Financial Times, The Washington Post, TVN24, ZeitOnline.de, Wiadomosci.

The follow-up report in which the Commissioner called on European countries to change their migration policies regarding refugees and migrants crossing the Mediterranean and the letter to the Interior Minister of Cyprus concerning the conditions of refugees in the country were widely covered, in particular by *AFP, Agence Belga, Agence Europe, Agencia Lusa, ANSA, Avvenire, Balkan Insights, BETA, BHRT, Cyprus Mail, Cyprus News Agency, Danas, Deutschlandfunk, DPA, EFE, El Pais, FENA, France 24, Financial Mirror, HINA, Il Corriere Nazionale, Il Fatto Quotidiano, InfoMigrants, Italia Oggi, Kathimerini, La Libre Belgique, La Repubblica, La Stampa Le Figaro, Le Monde, N1, Redattore Sociale, Reuters, RFI, RTBF, SIR, Süddeutsche Zeitung, The Guardian, The National Herald, Times of Malta*. Additional coverage of the Commissioner's work on migration came from *Balkan Insights, Beta, Danas, Dnevni Avaz, EuNews.it, InfoMigrants, Le Monde, Oslobodjenje, PaeseltaliaPress.it, RFE, Radio Slobodna Evropa* which focused mainly on summary returns of migrants from Croatia to Bosnia and Herzegovina.

The Commissioner's work on freedom of expression, and in particular the letter to the Minister of Justice of Spain, were covered mainly by *20 Minutos, AFP, Agence Belga, Agence Europe, Alternatives économiques, APA, ARA, Deutschlandfunk, Diario Siglo XXI, DPA, DW, EFE, El Confidencial, El Diario, El Mundo, El Pais, Euronews, Europa Press, Evropeiskaya Pravda, France 24, Handelsblatt, La Vanguardia, La Verdad, La Voz de Galicia, Le Figaro, Le Monde, Linkiesta, RFI, Rue89 Strasbourg, Stern, SwissInfo, Ukrainskaya Pravda*.

The Commissioner's statements on freedom of expression and assembly in the Russian Federation were covered by *20 minutes, 24Chasa, 24ur.com, AFP, Agence Europe, Agencia Lusa, ANSA, BBC, Beta, Danas, DN.pt, DR.dk, Ekho Moskvyy, EUNews.it, EuroNews, Executive Digest, Interfax, Kommersant, Kyrgyzstannews.net, La Liberté, La Vanguardia, Le Courier, Le Matin, Le Monde, Le Parisien, Le Temps, L'Express, L'Obs, L'Orien-Le Jour, N1 Info, Noticias ao Minuto, Noticias RTV, Nova.bg, Observador, OffNews.bg, PAP, Reuters, RFE/RL, RIA Novosti, Rosbalt, RTS, RussiaNews.net, SDA/ATS, SIO1.net, SRNA, STA, Tageblatt, TASS, The Moscow Times, The Scotsman, Ticinonline, Tribune.bg, TVN24, UkrinForm, Unian, Visao Online, Yahoo Nachrichten*.

The report on Afrophobia was widely covered, in particular by *Adevarul, AFP, Agencia Lusa, Observador, AP Weltnachrichten, BTA, Destak.pt, Noticias ao Minuto, RTP, DW, EUObserver, Expresso Online, Fonet, N1 Info, Jornal de Noticias, Kuruc.info, La Repubblica, La Stampa, SIR, Libération, Linkiesta.it, MTI, Publico, Reuters, Reuters, SwissInfo, RTBF, DPA, RTL, The Associated Press, The World News, Yahoo News, The Daily Telegraph, The Guardian*.

The Issue Paper on the right to health was covered by *Agencia Lusa, Agerpres, Capital Online, CM Jornal, Correio da Manha, EFE, HealthNews, Infobae, Jornal de Negocios, Lovin Malta, MurciaEconomia, News.yam.md, Noticias ao Minuto, Observador, Radio Chisinau, Renovação, Reporter, Saudemais.tv, Stirile TVR, SwissInfo, The Portugal News, The Portugal News, Yahoo Noticias, ZiareLive.ro, Zougla*.

Women's rights were covered by *America Magazine, Beta, DEN, DW, Euronews, HumanMag.pl, N1 Info, RFI, The New York Times, TheBoard.org, Tyla.com, Ukrinform* while *20 Minutes, AFP, Agence Europe, ANSA, Bild, Euronews, Folha de Sao Paulo, La Presse, La Voix de l'Est, Le Matin, Le Soleil, News 24, Ouest-France, RFI, SDA/ATS, Vijesti, VOA, Yahoo News* and *Zeit Online* focused on the Commissioner's work in connection with LGBTI people.

Additional coverage concerned human rights defenders (*Agence Europe, Al Jazeera Blakans, ANSA, DW, Evropeiskaya Pravda, Radio Sarajevo, Radio Slobodna Evropa*), Srebrenica (*FENA*), Roma (*Brno Daily, EFE, Reuters, SwissInfo, The Globe and Mail, The Guardian*), freedom of information (*Eurasia Review, Modern Diplomacy, New Europe*), COVID-19 (*Albanian Daily News, European Western Balkans*), police violence (*AFP, Agence Europe, DW, Euractiv, France 24, Infobae, Kavkaz Reali, RFI, Yahoo News*), freedom of association (*Agence Europe, ArtiGerçek, AstraTV.gr, CumHuriyet, ERT News, Euronews, Turkish Minute*) and persons with disabilities (*Handicap.fr*).

On Twitter, 56 tweets were published, generating a total of 2.9 million impressions, an engagement rate of 1.3 and 2,672 new followers (+5.15%). On Facebook, 42 posts reached 67,440 people and garnered 319 new page likes (+3.21%).

Over 97,000 unique visitors consulted the Commissioner's website. This represents an increase of 13% compared to the same period in 2020.