





# COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

# **1<sup>ST</sup> QUARTERLY ACTIVITY REPORT 2024**

1 January to 28 March

Presented to the Committee of Ministers and the Parliamentary Assembly

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This report contains a summary of the activities carried out by the Commissioner for Human Rights, Dunja Mijatović, between 1 January and 28 March 2024.

### 1. Visits and Missions

#### Visit to Montenegro

From 18 to 20 March, the Commissioner carried out a <u>visit</u> to Montenegro, which focused on social cohesion, combating hate speech and discrimination, and upholding freedom of expression. During the visit, the Commissioner met with the President of Montenegro, Jakov Milatović, the Prime Minister, Milojko Spajić, the Minister of Foreign Affairs, Filip Ivanović, the Minister of Justice, Andrej Milović, and the Minister of Human and Minority Rights, Fatmir Gjeka. She also met with the Protector of Human Rights and Freedoms, Siniša Bjeković, as well as civil society organisations and journalists.

The Commissioner called for the prompt adoption of a set of media laws, the Law on Protection of Equality and Prohibition of Discrimination, and the Law on Legal Gender Recognition Based on Self-Determination, ensuring their full compliance with the relevant human rights standards.

The Commissioner further stressed the importance of confronting the violent past of the wars in the 1990s to build societies based on respect for human rights and the rule of law. She invited the authorities to continue their efforts at inclusive memorialisation and education and called for the adoption of legislation to ensure reparations for all civilian victims of wartime crimes without discrimination.

The Commissioner noted that a rise in hate speech sharpens divisions along ethnic, religious and political lines and affects particularly negatively certain social groups, notably Roma, LGBTI people and women in public positions. She stressed that a range of measures are necessary to tackle intolerance and discrimination and welcomed a call by the President for the reinstatement of civic education as a compulsory topic in schools.

With regard to freedom of expression and media freedom, among other issues, the Commissioner stressed the importance of ensuring the effective investigation of all cases of violence and intimidation of journalists. She also called on the authorities to take concrete measures to prevent strategic lawsuits against public participation (SLAPPs) against journalists, human rights defenders, writers and activists.

Finally, the Commissioner highlighted the importance of ensuring good cooperation between the authorities and civil society. She welcomed the contribution of the Protector of Human Rights and Freedoms and called for steps to ensure that it can be accredited with an "A" status by the UN Global Alliance of National Human Rights Institutions.

During the visit, the Commissioner saw a play "671-Hunt" at the National Theatre of Montenegro, which pays tribute to the twenty victims of the war crime committed in Štrpci in 1993, and had an exchange with the director Hana Rastoder and the actors.

# 2. Reports and continuous dialogue

#### Letters to the Prime Ministers of the Council of Europe member states in the region of the former Yugoslavia about dealing with past serious human rights violations

On 8 February, the Commissioner published six <u>letters</u> to the Prime Ministers of the Council of Europe member states in the region of the former Yugoslavia about dealing with past serious human rights violations. In her letters, the Commissioner shared the key findings and recommendations from her recent <u>Issue Paper</u> "Dealing with the Past for a Better Future: Achieving justice, peace and social cohesion in the region of the former Yugoslavia". She also made specific recommendations to each member state about key steps they should take to enhance respect for victims' rights and promote an inclusive and human rights-based approach to dealing with the past, at the national and regional. The following entries refer to specific recommendations.

# Letter to the Chairwoman of the Council of Ministers of Bosnia and Herzegovina, to the Prime Minister of the Federation of Bosnia and Herzegovina and to the Prime Minister of Republika Srpska

In her <u>letter</u> to the Chairwoman of the Council of Ministers of Bosnia and Herzegovina, Borjana Krišto, the Prime Minister of the Federation of Bosnia and Herzegovina, Nermin Nikšić, and the Prime Minister of Republika Srpska, Radovan Višković, about dealing with past serious human rights violations, the Commissioner acknowledged some recent positive developments and formulated recommendations about key steps that should still be taken by the authorities. First, she stressed the need to firmly condemn all instances of denial of wartime atrocities and glorification of war criminals as well as hate speech and to ensure the effective implementation of the law criminalising genocide denial. She also called for renewed efforts regarding war crimes trials and reparation for victims, as well as strong responses to violence against returnees. Finally, she highlighted the need for measures in the field of education and memorialisation of war time crimes.

The Commissioner's letter is available on her website.

#### Letter to the Prime Minister of Croatia

In her <u>letter</u> to the Prime Minister of Croatia, Andrej Plenković, about dealing with past serious human rights violations, the Commissioner acknowledged some recent positive developments and formulated recommendations about key steps that should still be taken by the authorities. First, she stressed the need for Croatia to recommit to regional co-operation in the field of war crimes trials and the search for missing persons. She also highlighted the authorities' duty to firmly condemn instances of glorification of past crimes as well as hate speech and ethnic discrimination, including by extreme right-wing groups. She underscored the important role of civil society working on dealing with the past, which should be better supported. Finally, the Commissioner stressed the importance of ensuring that young people can learn about the past in an objective manner that allows multiple perspectives, condemns all atrocities, and promotes tolerance and openness, in school curricula and through inclusive memorialisation policies.

The Commissioner's letter is available on her website, along with the reply from the Croatian authorities.

#### Letter to the Prime Minister of Montenegro

In her <u>letter</u> to the Prime Minister of Montenegro, Milojko Spajić, about dealing with past serious human rights violations, the Commissioner welcomed efforts to deal with forcibly displaced persons and statelessness among others, and formulated recommendations about key steps that should still be taken by the authorities. She called for the effective implementation of the 2015 war crimes strategy, including with regards to files handed over by the International Residual Mechanism for Criminal Tribunals (IRMCT). She called for the adoption of the law on compensation for civilian victims of war and ensuring that it does not discriminate against any victims. Finally, she stressed the importance of education and inclusive memorialisation recognising the suffering of all victims.

The Commissioner's letter is available on her website.

#### Letter to the Prime Minister of North Macedonia

In her <u>letter</u> to the then Prime Minister of North Macedonia, Dimitar Kovačevski, about dealing with past serious human rights violations, the Commissioner acknowledged that the conflict in the country had been of a much smaller scale and welcomed efforts in solving the situation of forcibly displaced persons and statelessness. She called on the authorities to repeal the 2012 authentic interpretation of the 2002 Amnesty Law and to investigate allegations of war crimes in line with international obligations. The Commissioner also highlighted the need to reform the education system to ensure more contacts between students from various ethnic groups and to include in the curriculum information about the 2001 conflict. She invited the authorities to promote social cohesion among various ethnic and religious groups.

The Commissioner's letter is available on her website.

#### Letter to the Prime Minister of Serbia

In her <u>letter</u> to the then Prime Minister of Serbia, Ana Brnabić, about dealing with past serious human rights violations, the Commissioner welcomed the adoption of two relevant strategies about war crimes prosecution and the protection of witnesses and victims in judicial cases and formulated recommendations about key steps that should still be taken by the authorities. Among others, she stressed the need for Serbia to recommit to regional co-operation in the fields of war crimes trials and the search for missing persons. She called on the authorities to open military archives to enhance the search for missing persons. The Commissioner highlighted the particular importance of condemning all instances of denial of wartime crimes and glorification of war criminals, as well as hate speech and ethnic discrimination. She called for murals glorifying war criminals to be removed and genocide denial criminalised. The Commissioner recalled Serbia's legal obligation to execute the pending IRMCT arrest warrants. She also insisted on the importance of ensuring that human rights defenders working on transitional justice enjoy a conducive and safe environment.

The Commissioner's letter is available on her website.

#### Letter to the Prime Minister of Slovenia

In her <u>letter</u> to the Prime Minister of Slovenia, Robert Golob, about dealing with past serious human rights violations, the Commissioner acknowledged that the conflict in Slovenia was of a much smaller scale and issues related to dealing with the past were thus of a different nature there. She noted that her office has systematically monitored the situation of citizens from other Yugoslav republics residing in Slovenia who

were removed from public registries after Slovenia's declaration of independence in 1991, the so-called "erased". She expressed the hope that a bill proposed by the President, which would address pending issues for the erased who were never able to regularise their status, would be adopted promptly. She also highlighted Slovenia's distinctive position to engage with other states of the region and to encourage a shift from ethno-nationalist discourse towards fostering reconciliation and human rights.

The Commissioner's letter is available on her website, along with the reply from the Prime Minister of Slovenia.

# Observations on the human rights situation of people affected by the conflict between Armenia and Azerbaijan over the Karabakh region

On 12 January, the Commissioner published her <u>Observations</u> following her visit to Armenia and Azerbaijan, including the Karabakh region, from 16 to 23 October 2023. It was the first time in decades that a human rights mission of this kind was able to visit the Karabakh region. The visit was prompted by the mass displacement of over 101,000 Karabakh Armenians who fled to Armenia in the space of only a few days at the end of September. It followed Azerbaijan's military action on 19 and 20 September, its subsequent full control over the region and the prolonged disruption in the movement of people and access to essential goods, services and energy supplies experienced by Karabakh Armenians as a result of a nine-month blocking of the road along the Lachin corridor by Azerbaijan. On the basis of what she could hear and see, the Commissioner concluded that at the end of September 2023, Karabakh Armenians found themselves abandoned without any reliable security or protection guarantees by any party, and that, for them, leaving home was the only reasonable option available.

While welcoming the efforts made by the Armenian authorities to provide all those in need who arrived from the Karabakh region with the first basic assistance, the Commissioner stressed that Karabakh Armenians who fled to Armenia, and in particular those belonging to vulnerable groups, should be guaranteed access to all necessary support in the immediate, medium and long term. Council of Europe member states should maintain a focus on providing financial support to ensure that the humanitarian needs of displaced persons and their host populations can be fully met.

The Commissioner stressed that recently-displaced Karabakh Armenians in Armenia should be given the possibility of returning in safety and dignity – even if it seems hypothetical for most at the moment – including by finding flexible solutions, in particular as concerns their citizenship and legal status. Pending a possible return, ways should be promptly found, including by establishing security guarantees, for Karabakh Armenians to temporarily access their homes or places of habitual residence, and visit graveyards where loved ones are buried. She stressed that it is incumbent on the Azerbaijani authorities to ensure that property left behind by Karabakh Armenians is protected from looting, theft or being taken over. The few ethnic Armenians who have stayed in the Karabakh region should also benefit from all human rights protection, including by having their freedom of movement secured.

Welcoming the steps taken by the Azerbaijani government to facilitate the return of internally displaced persons to the Karabakh region, the Commissioner expressed the hope that all internally displaced persons who so wish will be able to return as soon as possible in safety and dignity. More generally, the Commissioner stressed that all persons displaced by the long-lasting conflict have the right to return to their homes or places of habitual residence voluntarily and under conditions of safety and dignity, regardless of whether they have been displaced internally or across borders.

The Commissioner stressed that all allegations of breaches of international humanitarian law and serious human rights violations reported in relation to the conflict need to be effectively and promptly investigated, the perpetrators brought to justice and if found guilty after a fair, independent and impartial trial, sentenced and punished. This includes allegations relating to the circumstances of the blocking of the Lachin corridor, the mass displacement of Karabakh Armenians and the military operation of 19 to 20 September. She added that this must be done through a victim-centred approach that treats the victims and their families with sensitivity and compassion. A comprehensive approach to dealing with the past and addressing the serious human rights violations committed in the context of the conflict over the Karabakh region should also be put in place.

Other human rights issues addressed in the Commissioner's Observations include the need to protect people from mines and explosive remnants of war; the situation of persons detained in connection with the conflict, including the conditions of their detention and level of contact with their families; and the importance of clarifying the fate of missing persons throughout the region and to provide answers to their families. The Commissioner called on the authorities in both countries to combat hate speech and promote mutual understanding and trust, including by involving civil society in establishing human rights-compliant memorialisation and reconciliation processes. Lastly, she stressed that Armenian and Azerbaijani authorities should ensure focus on human rights protection in their peace talks and establish strong human rights safeguards for all persons affected by the conflict.

The Observations are available on the Commissioner's website.

#### Memorandum on Türkiye

On 5 March, the Commissioner published her <u>Memorandum</u> on freedom of expression and of the media, human rights defenders and civil society in Türkiye. The memorandum also contains the Commissioner's observations about serious, longstanding problems with regard to the independence and impartiality of the Turkish judiciary, which lie at the heart of the lack of effective legal protection of human rights, including in the areas covered in the memorandum.

The Commissioner raised awareness about a critically hostile environment for dissent and severe restrictions of democratic freedoms of citizens and civil society at large in Türkiye. The Commissioner considered that the situation regarding freedom of expression and of the media in Türkiye to be deeply worrying, with numerous, blatant violations of principles enshrined in the case-law of the European Court of Human Rights (ECtHR), and standards of the Council of Europe, as well as other relevant international standards, for which the justice system cannot provide redress in most cases. The Commissioner observed that the authorities' failing to address these violations has left an increasingly deep mark, leading to self-censorship by citizens, including the younger generation, by journalists, and other media actors which are not controlled by or sympathetic to the government and the ruling political party. She concluded that practically all her recommendations and those of her predecessors on these issues remained highly relevant and required the authorities' urgent action.

The Commissioner stressed that the judicial actions targeting Turkish civil society, human rights defenders and lawyers remained the most worrying manifestation of a continuous and concerted pressure exerted on human rights defenders, in a deliberate attempt to silence them and prevent them from reporting on ongoing human rights violations in Türkiye. She further noted that this approach reflected the authority's perception of human rights work as a threat to security and public order and underlined an urgent need for the authorities to focus on creating an enabling environment for the work of human rights defenders and civil society. Concerning the independence and impartiality of the judiciary and the protection of human rights in the justice system, the Commissioner observed that that the findings of her 2020 report continued to be relevant today. She stressed that the situation regarding the independence and impartiality of the judiciary posed an existential risk to the rule of law in Türkiye and, by extension, to the respect for all human rights guaranteed under the European Convention on Human Rights.

In the Commissioner's view, to bring about meaningful change it is essential for the Turkish authorities to engage constructively with civil society, review and revise restrictive laws, free human rights defenders, journalists, activists and others who are imprisoned for exercising their freedom of expression, respect and implement the judgements of the Constitutional Court and the ECtHR and ensure impartiality and independence of the judiciary. She concluded that strengthening human rights protections, promoting dialogue and inclusivity, and fostering a culture of respect for diverse opinions were crucial steps towards enhancing human rights in Türkiye.

The memorandum is available on the Commissioner's website.

#### **Report on Germany**

On 19 March, the Commissioner published the <u>report</u> following her visit to Germany from 27 November to 1 December 2023, with recommendations regarding the structures and legal frameworks in place to protect human rights, and access to social rights, in particular the protection from poverty and the right to adequate housing.

In the report, the Commissioner welcomes the increase in resources made available to the national human rights institution and efforts made to strengthen the independence of the national equality body, but notes that both have limited powers in comparison to other such structures in Europe and that awareness in Germany of international human rights and equality standards is generally low.

The government has committed itself to strengthening children's rights within the legal order, but little progress has been made towards ensuring that relevant authorities and administrative entities know of their obligation to give primary consideration to the best interests of the child. There is no central authority that could effectively coordinate measures aimed at the protection and promotion of children's rights at all levels and across all portfolios, and the rights and needs of children and young people often remain overlooked in relevant policymaking. Progress on the rights of persons with disabilities has, overall, been limited. Lack of political commitment and persistent resistance to change among the existing and well-financed exclusionary structures, including special schools, sheltered workshops and residential facilities, still hinder the achievement of an independent life in the community for persons with disabilities that Germany has committed itself to. Despite the growing number of reported cases of discrimination, insufficient attention and resources appear to be devoted to the promotion of full and effective equality legislation, which is widely considered to be deficient, but no timetable has been set yet. Particular attention should be paid to the mounting levels of xenophobia and racism which have the potential to undermine social cohesion and destabilise democratic institutions.

The government has taken welcome steps to render the social welfare system more accessible and increase social security provisions. More efforts are required, however, to address growing inequality in Germany, remove the existing barriers to accessing social rights, and minimise the negative long-term impacts of poverty on individual health, education, and employment prospects. Increased attention must be paid in this context to addressing the high rates of poverty among the most disadvantaged groups. All

relevant actors should cooperate at an inter-agency and inter-ministerial level and rightsholders should be provided with timely information and advice about their entitlements. Urgent steps should be taken to address the acute affordable housing deficit particularly in urban centres through all available means, including appropriate interventions in the housing market. Comprehensive and long-term measures, such as relevant changes to the tenancy law, are needed to prevent and eradicate homelessness, particularly among children, youth, older persons and other vulnerable groups. The authorities should develop a human rights-based housing strategy and adopt the National Action Plan on the eradication of homelessness without delay.

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

### 3. Themes

#### Impact of the war in Ukraine on human rights

On 23 February, the Commissioner issued a <u>statement</u> marking the second anniversary of Russia's fullscale invasion of Ukraine and the tenth anniversary of Russia's illegal annexation of Ukraine's Autonomous Republic of Crimea and the city of Sevastopol. The Commissioner noted that the war had severely affected the enjoyment of virtually all human rights by people in Ukraine. Citing <u>examples</u> of her response to the human rights consequences of the war, she stressed the importance of providing victims with assistance and redress and called on member states to support efforts to hold to account those responsible for all human rights violations and crimes committed in this war.

#### Human rights of refugees, asylum seekers and migrants

The human rights of refugees, asylum seekers and migrants were the subject of various actions by the Commissioner during the reference period. For example, the Commissioner's observations on the human rights situation of people affected by the conflict between Armenia and Azerbaijan over the Karabakh region covers actions to be taken to safeguard the human rights of people displaced by this conflict (see 'Reports and continuous dialogue'). Specific issues in relation to refugees, asylum seekers and migrants were also addressed in thematic publications on sexual and reproductive health and rights (see 'Thematic activities – Women's rights') and on gender identity and expression (see 'Thematic activities – LGBTI rights'). The Commissioner furthermore commented on the situation of human rights defenders assisting refugees, asylum seekers and migrants in Latvia (see under 'Human rights defenders').

On 22 February, the Commissioner published her <u>Recommendation</u> "Protecting the defenders: ending repression of human rights defenders assisting refugees, asylum seekers and migrants in Europe". The Recommendation gives an overview of the challenges faced by human rights defenders and sets out the steps Council of Europe member states should take to protect them. It explains that, in the context of repressive, securitised and militarised asylum and migration policies, states' obligations to ensure that human rights defenders can work in safety are increasingly disregarded. As a result, human rights defenders engaged in sea rescue, humanitarian or legal assistance, border monitoring, media reporting, advocacy, litigation and other activities to assist refugees, asylum seekers and migrants, are subjected to multiple forms of repression. The Recommendation sets out ten particular areas of concern, including hostile and stigmatising rhetoric by government officials, parliamentarians and some media; violence and threats and lack of action by authorities to address these; criminalisation of humanitarian and human

rights work due to an overly broad application of smuggling laws; and denial of access to crucial places for human rights monitoring and for providing assistance. To reverse this trend, the Commissioner calls on member states to take urgent action, including reforming laws, policies and practices unduly interfering with the activities of human rights defenders; ensuring that smuggling laws do not criminalise any form of human rights or humanitarian work with refugees, asylum seekers and migrants; lifting restrictions on access to places and information; ending stigmatising and derogatory rhetoric; and establishing safety procedures for defenders who face violence and threats and investigating such incidents effectively.

Beyond her focus on human rights defenders, the Commissioner also expressed her concern about the impact of asylum and migration policies on the rule of law in Europe, particularly in an <u>op-ed</u> entitled "Looking tough on migration is eroding human rights", published on the Politico website on 6 March. She highlighted that, in their pursuit of ever more stringent asylum and migration policies, European countries are not only perpetuating human rights violations against asylum seekers and migrants, but they are also dismantling collective human rights. In this respect, the upcoming adoption of the UK's Safety of Rwanda Bill is perhaps the starkest illustration of this dangerous trajectory, as it blocks judicial redress against deportation, negates the principle of equality before the law and significantly interferes with judicial independence. Recent incidents in France disregarding interim measures issued by the European Court of Human Rights are referred to as another example of this trend. Such developments, in combination with other attacks on the European Court of Human Rights, put the effectiveness of the ECHR at risk. The Commissioner warned that, while curtailing the rights of refugees and migrants might help score political gains, electoral success does not give governments carte blanche to undermine rights, compromise judicial independence and effectively place themselves above the law.

On 26 March, the Commissioner <u>reacted</u> to media reports of practices used by the French authorities that endangered the lives of migrants crossing the Channel. She called for an effective investigation, including aspects related to French-British co-operation that may have contributed to these incidents. She also reiterated her previous call on the French and UK authorities not to resort to any action endangering migrants at sea and to provide safe and legal routes to avoid dangerous crossings.

#### Freedom of expression, media freedom and safety of journalists

On 2 February, the Commissioner <u>stated</u> that the right to justice was not upheld for Serbian journalist Slavko Ćuruvija, but that the fight for justice and media freedom must continue, following the Belgrade Court of Appeal's acquittal of the suspects for his murder in 1999. The Commissioner also expressed her solidarity with Ćuruvija's family and all journalists in Serbia.

On 21 February, the Commissioner <u>commemorated</u> the brutal murder of Slovak journalist Ján Kuciak and his fiancée Martina Kušnírová six years earlier. She reiterated that it was high time for the authorities to serve justice expected by their families, journalists and society as a whole. She also called for emerging threats to the safety of journalists to stop.

On 26 February, the Commissioner addressed with a video message a <u>conference</u> organised by the UK Anti-SLAPP Coalition. She stressed that SLAPPs are a tool of oppression which pose a grave threat to freedom of expression and undermine the very foundations of democracy. Welcoming the significant progress made in recent years in exposing the dangers of SLAPPs and laying the groundwork for stronger legal protections, the Commissioner praised the contribution of civil society and experts in establishing a more robust democratic framework that protects individuals from legal intimidation and fosters a democratic ecosystem. She concluded stressing that the critical next phase is the implementation of antiSLAPP laws that give effect to the states' obligation to protect freedom of expression as a key pillar of democracy.

On 25 March, the Commissioner <u>published</u> a statement, calling on Azerbaijan to release all those imprisoned for their legitimate work or for expressing dissenting or critical opinions, including journalists and civil society activists and to create an enabling environment for the activities of journalists, civil society and human rights defenders, including in relation to their enjoyment of the rights to freedoms of expression and peaceful assembly.

#### Women's rights and gender equality

On 10 January, the Commissioner <u>welcomed</u> the ratification of the Istanbul Convention by Latvia, urging all member states to ratify and fully implement this landmark instrument to end violence against women and girls.

On 25 January, the Commissioner <u>attended</u> the panel discussion on the International Day of Women in Multilateralism organised by the Representation of Liechtenstein at the Council of Europe. In her address, the Commissioner stressed the importance of women's presence in multilateral organisations for gender equality and called for continued efforts in advancing women rights in the Council of Europe member states.

On 15 February, the Commissioner published her <u>Human Rights Comment</u> "Protecting the human rights of sex workers". Following consultations with sex workers and their representative organisations as well as relevant experts and international organisations, the Commissioner expressed her concern about the serious human rights challenges faced by sex workers across the continent, including high levels of violence; inadequate protection from law enforcement and the justice system; stigma; discrimination; marginalisation and limited access to essential services such as housing and healthcare. The Commissioner called for a human rights-based approach to sex work (understood as the consensual exchange of sexual services for payment among adults) focusing on the effective protection of sex workers' rights and prioritising their safety over stereotypes and misconceptions. Reports showed that the criminalisation of sex workers, clients and third parties had reduced sex workers' access to rights and essential services as it had led them to work clandestinely and in isolation, and that decriminalisation had improved safety and health outcomes for sex workers. The Commissioner stressed the need to consult sex workers and their representative organisations in all related policymaking because their experiences and perspectives were essential for developing solutions that supported their human rights and dignity.

On 27 February, the Commissioner published a <u>follow-up report</u> on sexual and reproductive health and rights in the Council of Europe area. The follow-up report entitled "Sexual and Reproductive Health and Rights in Europe: Progress and Challenges" takes stock of the important multisectoral steps taken since 2017 that have increased access to contraception and abortion care, improved the quality of obstetric care and advanced the provision of comprehensive sexuality education in schools. The report complements the <u>2017 Issue Paper</u> on "Women's sexual and reproductive health and rights in Europe" issued by the Commissioner's predecessor.

The follow-up report also outlines the negative trends and setbacks in the sphere of sexual and reproductive health and rights and points to the regression that has taken place in a few states. It shows how multiple and intersectional discrimination continues to impede the full realisation of sexual and reproductive health and rights of marginalised groups and addresses the considerable challenges human rights defenders working to advance these rights still face in parts of the Council of Europe area.

The report is followed by a series of recommendations setting out a roadmap aimed to assist the states in ensuring the realisation of sexual and reproductive health and rights in Europe, in compliance with international human rights law and standards. This includes recommendations on provision on comprehensive sexuality education; availability and accessibility of affordable contraceptive services and quality abortion care; dignified and respectful gynaecological and obstetric care; and effective measures to tackle intersecting forms of discrimination that limit the equal enjoyment of sexual and reproductive health and rights.

On 28 February, the Commissioner presented the follow-up report on sexual and reproductive health and rights in the Council of Europe area in an <u>event</u> in Crozet, France, organised by the Centre for Reproductive Rights, in which she discussed the main findings of the report with human rights defenders in the field of sexual and reproductive health and rights in Europe.

On 4 March, the Commissioner <u>welcomed</u> France's decision to include abortion in its Constitution as a historical step protecting an integral component of human rights and gender equality. She stressed that efforts are still needed to ensure full and effective access to abortion services on the whole territory.

On 8 March, the Commissioner published a <u>statement</u> to mark International Women's Day, underscoring that unimpeded access to quality sexual and reproductive health care is essential for women's rights and gender equality. Acknowledging the progress achieved in the field, she emphasised that women and girls in Europe are still confronted with a number of challenges, barriers and deficits in accessing these rights. Therefore, she stressed that urgent actions are needed to attain full realisation of the sexual and reproductive health and rights of women and girls without discrimination and to advance gender equality and reiterated her recommendations made in her follow-up report (see above).

On 15 March, the Commissioner took part in the Council of Europe and Aire Centre Conference 'Implementing the Istanbul Convention through Case Law: Judicial Dialogue for an Effective Judicial Response'. In her address, the Commissioner emphasised the role of the members of the judiciary in the implementation of the Istanbul Convention and combating violence against women and girls. Stressing the significance of sharing mutual experiences, the Commissioner noted the need for an intersectoral, open dialogue to tackle all forms of violence against women, including online violence and conflict-related sexual violence.

#### Human rights of LGBTI people

On 24 January, the Commissioner held an <u>exchange</u> with the Council of Europe Parliamentary Assembly's General Rapporteur on the rights of lesbian, gay bisexual, transgender and intersex (LGBTI) people, Christophe Lacroix. They discussed attacks against the freedom of assembly and expression of LGBTI people, and the impact on their ability to live safe from violence and discrimination. They further discussed their respective, ongoing work relating to the human rights of LGBTI people.

On 16 February, the Commissioner <u>welcomed</u> the adoption by Greece's Parliament of a bill introducing same-sex marriage. She noted that 21 Council of Europe member states have now enshrined marriage equality in law.

On 14 March, the Commissioner published an <u>Issue Paper</u> on "Human Rights and Gender Identity and Expression", along with 15 key recommendations to member states. It is an update to a 2009 <u>Issue Paper</u> by the Commissioner's predecessor, Thomas Hammarberg.

The Issue Paper first sets out the increasing recognition, at international, regional and national level, of how human rights law applies to gender identity and expression, and the corresponding increase in visibility and legal protection of transgender (trans) and non-binary people. Despite those advances, trans people remain unable to enjoy their human rights on an equal footing with others in practice. The Commissioner underlines how trans people continue to face shocking rates of discrimination, violence and insecurity in their daily lives. Legal protection and recognition remain uneven across the continent, and in some countries, it is stalling or even regressing. All of this must be contextualised within the current backsliding on human rights and the increased influence of anti-gender movements across Europe and beyond. Against this backdrop, the Issue Paper aims to address harmful anti-gender narratives and reframe issues relating to trans people within the paradigm of their human dignity and equality in the enjoyment of human rights.

The Issue Paper addresses a non-exhaustive range of issues relating to the enjoyment of human rights, with a focus on areas where there are particular obstacles, complexities or developing practices. This encompasses long-standing challenges relating to non-discrimination, violence, healthcare, family law, legal gender recognition (LGR), employment and migration. It also includes topics which have been gaining in recognition, including gender expression, the interests and needs of non-binary people, trans children and youth, as well as areas which have recently been subjected to increased controversy and misinformation, such as education, sports, detention, sanitation and conversion practices. Emphasis is placed on the lived experiences of trans people, including those who are further marginalised due to their characteristics or status. Finally, the paper offers guidance and recommendations on upholding the rights of trans people, with a focus on ensuring strong human rights legal and policy frameworks. Methods to increase capacity, raise awareness and positively influence societal attitudes are explored, while several examples of promising practices and tools are provided.

The Issue Paper draws on country and thematic work carried out across the Commissioner's mandate, with an emphasis on her conversations with trans adults and youth, trans and LGBTI organisations and human rights defenders.

On 27 March, the Commissioner <u>published</u> a statement, calling on the Georgian authorities to ensure protection of the human rights of LGBTI people and an enabling environment for the activities of civil society and human rights defenders. She also urged all politicians in Georgia to resolutely denounce the use of LGBTI-phobia or any other discriminatory rhetoric in electoral campaigns.

#### Human rights of persons with disabilities

On 21 March, the Commissioner published two <u>communications</u> to the Committee of Ministers in the context of the supervision of the execution of judgments of the European Court of Human Rights relating to the protection of the rights of people with intellectual disabilities or mental health conditions in Romania (see 'System of the European Convention on Human Rights').

#### Combating racism and intolerance

On 24 January, the Commissioner attended the ceremony organised by the Council of Europe ahead of the International Day of Commemoration in Memory of the Victims of the Holocaust. On the same day, the Commissioner published a <u>statement</u> stressing the need to learn about the past, condemn and reject any denial or distortion of the Holocaust and heed the warning signs of hatred, intolerance and violence. To uphold common values of greater unity and commitments to equal respect for the human rights of all,

the Commissioner further called for building partnerships and meaningful dialogue and for tackling inequalities and discrimination.

On 27 January, the Commissioner issued a <u>statement</u> welcoming the joint Muslim-Jewish observance of International Holocaust Remembrance Day at the Srebrenica Memorial Center in Potočari, Bosnia and Herzegovina. The Commissioner highlighted the significance of this event in times of great societal divisions.

On the International Day for the Elimination of Racial Discrimination, on 21 March, the Commissioner <u>called</u> on all member states to fulfil their commitments to fight racism and racial discrimination. To this end, they should align their legislation with relevant international standards; adopt clear policies and strategies to tackle all forms of racism and racial discrimination; implement the judgments of the ECtHR and the recommendations of anti-racism mechanisms and bodies; and increase measures to promote inclusion and respect for diversity through education.

#### Transitional justice

On 30 January, the Commissioner <u>met</u> with the President of the International Residual Mechanism for Criminal Tribunals (IRMCT), Judge Graciela Gatti Santana. They had an exchange about challenges in dealing with the past in the region of the former Yugoslavia and the importance of preserving the legacy of the International Criminal Tribunal for the former Yugoslavia (ICTY) and IRMCT, including through outreach and education.

On 30 January, the Commissioner <u>welcomed</u> the signature by the Registrar of the IRMCT and the Minister of Justice of Bosnia and Herzegovina of a Memorandum of Cooperation on the registration of the judgements of the ICTY and IRMCT into criminal records in Bosnia and Herzegovina, inviting Serbia, where such registration is still outstanding, to follow suit.

On 8 February, the Commissioner published her <u>letters</u> to the Prime Ministers of the Council of Europe member states in the region of the former Yugoslavia about dealing with past serious human rights violations. In her letters, the Commissioner shared the key findings and recommendations from her recent <u>Issue Paper</u> "Dealing with the Past for a Better Future: Achieving justice, peace and social cohesion in the region of the former Yugoslavia". She also made specific recommendations to each member state about key steps they should take to enhance respect for victims' rights and promote an inclusive and human rights-based approach to dealing with the past, at the national and regional level (see 'Reports and continuous dialogue').

On 12 February, the Commissioner met with a delegation of the Independent Commission for Reconciliation and Information Recovery (ICRIR), including its Chief Commissioner, Sir Declan Morgan, on ICRIR's prospective work on Northern Ireland Troubles legacy cases. Among the topics discussed were ICRIR's commitment to ensuring its work complies with the European Convention on Human Rights, the potential impact of ongoing litigation about the provisions of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, the handling of immunity requests, outreach to victims and families, and continuity of currently ongoing procedures that will soon end under the provisions of the Act.

On 21 March, the Commissioner <u>participated</u> in a regional civil society conference entitled "<u>Building a</u> <u>Common Agenda for Prevention in the Western Balkans</u>", which focused on challenges and promising practices related to dealing with the violent past from the wars in 1990s in the region. The event, which was organised with the support of the Commissioner's Office, among others, also included an activistsonly strategy meeting to discuss areas for future cooperation and ways to improve coordination. In her opening speech, the Commissioner noted that lessons learned from the region are significant for other places where people have suffered grave human rights violations, including in Ukraine and the Karabakh region. She stressed that dealing with the past is very much a matter for the present as it influences respect for human rights and the rule of law. The Commissioner regretted that, nearly 30 years after the wars, there is still much work to do in the region and that the past is used as a political battlefield by politicians. She highlighted recommendations for the way forward based on her <u>Issue Paper</u> "Dealing with the Past for a Better Future: Achieving Justice, Peace and Social Cohesion in the region of the former Yugoslavia", notably the need to re-centre on the needs of victims, to tackle the inter-generational dimension of dealing with the past, to support human rights defenders and to ensure effective regional cooperation. The Commissioner also spoke on the first panel of the conference dedicated to tackling increased denial and revisionism.

On 19 March, having seen the play "671-Hunt" at the National Theatre of Montenegro (see 'Visits and missions'), the Commissioner <u>stressed</u> that art is a powerful tool to speak about past atrocities, to honour the victims and to heal societies, and that young people are at the heart of building a better future in the region.

#### Artificial Intelligence (AI) and Human Rights

On 13 March, the Commissioner issued a <u>statement</u> calling on member states to firmly base the Council of Europe Framework Convention on Artificial Intelligence (CAI) on human rights and expressing her hope that the instrument would effectively addresses the adverse impacts of AI on individuals and society and expand the predictability and dependability of the use of AI systems world-wide.

#### Administration of justice

On 16 February, reacting to the sudden death of Alexei Navalny, the Commissioner <u>stressed</u> that this was the tragic epilogue of years of reprisals against him by the Russian authorities, adding that he should not have been imprisoned in the first place. The Commissioner expressed her sincere condolences to his family and friends.

#### Co-operation with national human rights structures

On 15 January, the Commissioner <u>met</u> with the Defender of Rights of France, Claire Hédon, with whom she discussed issues pertaining to the situation of human rights in the overseas territories, migration, the shrinking of civic space, the repatriation of women and children held in the camps in North-East Syria, and the co-operation between their respective institutions.

On 21 and 22 February, the Commissioner's Office participated in the final conference of the EU Fundamental Rights Agency's project on "Enhancing the implementation of the EU Charter of Fundamental Rights: Strong and effective NHRIs in the EU" in Brussels. The contribution on the relevant panel focused on trends regarding national human rights institutions (NHRIs) in the Council of Europe area and strategies to co-operate with and strengthen them, including the work of the Commissioner for Human Rights.

On 1 March, the Commissioner sent a <u>video message</u> to the Northern Ireland Human Rights Commission (NIHRC), on the occasion of its 25th anniversary. The Commissioner emphasised the role that NHRIs play in ensuring government accountability and giving a voice to victims of human rights violations, and

commended the NIHRC's tireless work that has shown how promoting respect for human rights can help transform societies.

### 4. Other meetings

#### Meeting with the President of Montenegro

On 23 January, the Commissioner <u>met</u> with the President of Montenegro, Jakov Milatović. They discussed the importance of recommitting to human rights and rule of law principles and current human rights challenges, including the war in Ukraine.

#### Meeting of the Council of Europe Heads of Office

On 30 January, the Commissioner had an exchange with the heads of Council of Europe Offices in Strasbourg. She reiterated her appreciation for the high level of cooperation between field offices and the Office, relating to both the substance and assistance with logistics.

#### Estonian Annual Conference on Human Rights

On 9 February, the Commissioner took part in a panel of the annual meeting of the Estonian Institute of Human Rights. The conference put the spotlight on freedom of thought and media, the fight against disinformation and the need to take a stand in defence of journalists and internet users, in particular in the context of Russia's war in Ukraine. She also discussed her past and upcoming work at a meeting with the Undersecretary of State for Global Affairs, Minna-Liina Lind.

#### Meeting with the UN High Commissioner for Human Rights

On 27 February, in Geneva, the Commissioner had an <u>exchange of views</u> with the United Nations High Commissioner for Human Rights, Volker Türk, about the state of human rights in Europe and progress and current challenges at the end of her 6-year term.

#### 4<sup>th</sup> Fundamental Rights Forum

On 11 and 12 March, the Commissioner took part in the <u>4<sup>th</sup> Fundamental Rights Forum</u>, organised by the European Union Agency for Fundamental Rights, and was one of the speakers in the <u>Closing Panel</u> - Reflecting on the Forum's discussions. The Commissioner highlighted the link between the rule of law and effective enjoyment of human rights by everyone, as well as the importance of grassroots human rights work.

#### Discussion with President of Slovenia

On 15 March, the Commissioner's <u>discussion</u> with Nataša Pirc Musar, President of Slovenia, was released in the President's personal podcast 'Moč besede' on <u>YouTube</u>. The discussions focused on current challenges to human rights and democracy.

#### Exchange of views with Congress

On 26 March, the Commissioner <u>addressed</u> and had an exchange with the Congress of Local and Regional Authorities on the most critical challenges to human rights in Europe, during the Congress's 46th Session from 26 to 28 March in Strasbourg.

## 5. Human Rights Defenders

On 26 February, the Commissioner <u>stressed</u> that the Latvian human rights defender leva Raubiško should be allowed to work freely and safely and that working to save lives should not be criminalised. She added that Latvia must live up to its international obligations and protect refugees, asylum seekers, and human rights defenders and NGOs assisting them.

On 27 February, the Commissioner <u>declared</u> that the sentencing of Oleg Orlov of Memorial, a longstanding partner of her office, was another blow to justice and human rights in the Russian Federation. She expressed her solidarity with him in this difficult time and stressed that he should be freed.

On 25 March, the Commissioner <u>published</u> a statement, calling on Azerbaijan to create an enabling environment for the activities of human rights defenders and others, including in relation to their enjoyment of the rights to freedoms of expression and peaceful assembly (see 'Thematic activities – Freedom of expression, media freedom and safety of journalists').

On 27 March, the Commissioner published a statement, calling on the Georgian authorities to ensure an enabling environment for the activities of civil society and human rights defenders and reaffirming her solidarity with all those who advocate for and defend human rights (see 'Thematic activities – Human rights of LGBTI people').

# 6. System of the European Convention on Human Rights

On 25 January, the Commissioner <u>met</u> with Síofra O'Leary, President of the European Court of Human Rights, with whom she discussed the challenges which the Convention system is currently confronted with as well as the Commissioner's contribution to this system.

On 26 January, the Commissioner attended the <u>Solemn hearing</u> for the Opening of the Judicial Year of the European Court of Human Rights during which the President of the Court and the EU Commissioner for Justice addressed representatives from the highest courts of the 46 member states of the Council of Europe and from local, national and international authorities.

# Communications to the Committee of Ministers regarding the supervision of the execution of judgments of the European Court of Human Rights

On 21 March, the Commissioner published two <u>communications</u> to the Committee of Ministers in the context of the supervision of the execution of the two groups of judgments of the European Court of Human Rights, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania and N. (No. 2) v. Romania* and *Parascineti v. Romania, the Cristian Teodorescu group and the N. v. Romania*. These groups

of judgments relate to the protection of the rights of people with intellectual disabilities or mental health conditions in Romania.

The Commissioner underlined the need for further steps to replace guardianship with supported decision making and to ensure that vulnerable persons, notably those in institutions, can benefit from independent and effective support. She also stressed the importance of enabling close monitoring of institutions, including by NGOs; establishing accessible complaints mechanisms; ensuring adequate reporting and investigation of cases of abuse and death; and increasing capacity building with the justice system.

Furthermore, the Commissioner highlighted the imperative of a human rights approach to mental health care, involving a fundamental shift from coercion and institutionalisation to community-based services respectful of persons' rights and dignity. She stressed the need to repeal legislation allowing for the discriminatory detention of persons with intellectual or psychosocial disabilities and to ensure the provision of health care, including psychiatric care, on the basis of free and informed consent.

The Commissioner further considered that the authorities should initiate measures to progressively develop and ensure access to quality, human rights compliant mental health care services across the country, pointing out, in addition, the need to address the situation of the large number of persons who continue to live in psychiatric establishments because of the lack of services in the community.

## 7. Communication and information work

More than 460 news items covered the Commissioner's work for the period under review. The three most covered topics were migration, freedom of expression, and the report on Germany.

The work on migration was covered by media outlets from several countries: 24 Chasa, 24.mk, 7sur7, 888.hu, AFP, Agence Belga, Agence Europe, Agencia Lusa, AGI, Albania Daily News, Al Jazeera, ANSA, AoL, Arab News, Athens News Agency, Athens-news.gr, Autonomija, AVGI.gr, Avvenire di Calabria, BETA, Biznis Vesti, BNE Intellinews, BTA, Danas, DarikNews.bg, Dagsavisen, De Standaard, Dnevnik.hr, Dnoticias.pt, East Journal, EFE, Efsyn.gr, El Diario, Estonian Free Press, EUObserver, Euractiv, Euronews, Federalna.ba, Financiarul.ro, France 24, Frisshirek.hu, Frontline, G4Media.ro, Gazeta Demos, Gazeta Dita, Gazeta Express, Geneva Times, Greek Reporter, Helsingin Sanomat, Human Rights Watch, Independent Online, Index.hu, Infobae, InfoMigrants, Irozhlas, Jornal de Noticias, Jutarnji List, Kathimerini, Krstarica, La Croix, Le Courrier de l'Atlas, Le Figaro, Le Quotidien, Le Soir, L'express, Magyar Hirlap, Mail Online, MediaPart, Merkur.de, Monaco Matin, Modern Diplomacy, MTI, N1 Info, Nacional.hr, Net.hr, News.Day, Newsbomb.ar, Newsbook, Nezavisen.mk, Noticias ao Minuto, Novini247.com, NRC, Oranews.tv, Oslobodjenje, Ouest France, Panorama, Philnews, Politico, Press Agency, Pressenza International, RFI, Republika.mk, Report.gr, RTCG, RTL Info, SDA/ATS, SIR, SOT, Source.ba, Star Tribune, Stirileprotv.ro, SwissInfo, Tanjug, TAZ, The Associated Press, The Canadian Press, The Financial Times, The Guardian, The Herald Tribune, The National Herald, The Washington Post, TheIntelligencer.com, To Vima, Tromaktiko, TZ Online, Vijesti.me, VoA, Wasserburg24.de, Zeit Online.

The Commissioner's work on freedom of expression was covered by 20 Minutes, AFP, Agence Europe, Agence Belga, Alpha TV News, ANSA, APA, ArmInfo, Athens Voice, Autonomija, BBC, Bianet, CAN, CNN Greece, Cumhuriyet, Der Standard, DPA, Efsyn.gr, El Nacional, EFE, Gazete Duvar, GMX.at, Haberler, Iefimerida.gr, Infobae, Insider.gr, Kathimerini, La Dernière heure, La Libre Belgique, La Republica.cat, Le Monde, Les Echos, L'Essentiel, L'Orient-le Jour, La Republica.cat, Makthes.gr, Marianne, MKD, Naftemporiki.gr, Newsbomb.gr, Newsit.gr, Omega Live, Osservatorio Balcani e Caucaso, Parapolitika.gr, Politico, Politis, RFE/RL, RTL Info, Rzeczpospolita, Segre.com, Sigmalife, Sofokleousin.gr, T24, The Financial Times, The New York Times, Tothema Online, Turkish Minute, Vijesti.me, Web.de and Xcatalunya.cat.

The report on Germany was covered by several media outlets, including Abendzeitung München, AFP, Agencia Lusa, Der Spiegel, Der Tagesspiegel, Deutschlandfunk, Die Welt, DPA, Dresdner neueste Nachrichten, DW, EurActiv, Finanzen, Focus Online, Frankfurter Neue Presse, Frankfurter Rundschau, Göttinger Tageblatt, Hannoverische Allgemeine Zeitung, Hessische Niedersächsische Allgemeine, II Fatto Quotidiano, Jutarnji List, Kieler Nachrichten, Le Quotidien, Leipziger Volkszeitung, Lübecker Nachrichten, Märkische Allgemeine Zeitung, Mediapart, Neue Presse, Novine.hr, Ntz.De, Ostsee Zeitung, Peiner Allgemeine Zeitung, Rheinische Post, RND, Sarajevo Times, SDA/ATS, Süddeutsche Zeitung, Tasschau.de, Tz Online, Vijesti.me, Wallstreet-Online, Watson, Web.de, Wirtschaftswoche and Zdf.

ANP, Augsburger Allg., DPA, EFE, Eu Info, Evening Standard Online, Focus Online, Frankfurter Allg. Zeitung, Frankfurter Neue Presse, Frankfurter Rundschau, Hessische Niedersächsische Allg., Het Lasts Nieuws, HNL, Infobae, La Vanguardia, Sda/Ats, Süddeutsche Zeitung, Tageblatt, Tz Online, Zeit Online covered the Commissioner's work on the human rights of LGBTI people.

The Commissioner Issue Paper on transitional justice in the region of the former Yugoslavia received the coverage of 24.mk, 5Pyetjet.al, Albanian Post, ANSA, Antropol, Avaz.ba, BETA Briefing, CDM, Denesen, Die Zeit, Dosie.mk, DPA, Focus Online, Gazeta Tema, Kanal 5, Koha, Lider, Lokalno.mk, Maktel, MKD, Mnet, Nova Makedonija, Pamfleti, PlusInfo, Politiko.al, Radio Slobodna Evropa, Skopje Info, Sloboden Pecat, T-Online, The Irish Post, Vijesti.me and Vishwadha.

The report on sexual and reproductive health and rights in Europe was covered by 1und1, ADNKronos, ANSA, Antivirus Magazine, Blick, Bnn, Catholic Herald, Diario de Noticias, DPA, Dresdner Neueste Nachrichten, ESP.md, EU Info, Euronews, GMX.at, Göttinger Tageblatt, Hannoversche Allgemeine Zeitung, Health Reporter, Iatronet.gr, Irish Samachar, Kieler Nachrichten, Leipziger Volkszeitung, Lübecker Nachrichten, Magyarhirlap.hu, Märkische Allgemeine Zeitung, Medical Online, MTI, Nemzeti, Neue Presse, ORF, Ostsee-zeitung, Reporter.gr, RND, RTV Slovenija, TASR, Teraz.sk, The Journal.ie, Times of Malta, Web.de, Weborvos.

Additional coverage concerned the Commissioner's work on the Karabakh region (*Aravot, ArmenPress, Azertag, News.am, News.az, Panorama.am, Public Radio of Armenia, RFE/RLE, Trend, Turan*), Russia's war against Ukraine (*Aravot*), persons with disabilities (*ActMEdia, Adevarul, AgerPress, Aravot, Ecopolitics.ro, Monitorulcj.ro, The Romania Journal*), the visit to Montenegro (*Borba.me, Mina, Vijesti.me*), human rights and the environment (*El Pais*) and children's rights (*The Irish Times*).

On 18 March, the <u>podcast</u> with the Commissioner recorded by the German organisation <u>Just Access</u> was published, focusing on the impact of social media and AI on the polarisation of society, the erosion of the rule of law in Europe, and environmental protests. The Commissioner stressed that member states should recommit to promoting democratic pluralism, protecting individuals from discrimination and rights violations, and ensuring equal access to justice for all. She highlighted the essential role played by the courts in the human rights architecture and called for a genuine social dialogue on more effective ways of addressing climate change.

The election of the new Commissioner was covered by various media outlets including *The Irish Times, The Times, The Independent, Irish Post, Turan, Business Post, RTE,* and *Panorama*.

By 27 March, 53 posts were published on X/formerly twitter, generating 480,600 impressions in total and an average engagement rate of 3%, increasing the number of followers by 754 (an increase of 1%). On Facebook, 38 posts reached 15,700 people and garnered 126 new followers (up 0,55%).

At the same date, more than 90,000 unique visitors visited the website, with almost 180,000 page views (6% increase for both compared to the same quarter of 2023).