

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

2ND QUARTERLY ACTIVITY REPORT 2021

1 April to 30 June

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 April and 30 June 2021.

1. Reports and continuous dialogue

Contact mission Ukraine

From 6 to 9 April, the Commissioner carried out a contact mission to Kyiv. During her mission, she met with the Deputy Head of the Presidential Office, Ihor Zhovkva, the Minister for Foreign Affairs, Dmytro Kuleba, the First Deputy Foreign Minister, Emine Dzhaparova, and the Chairperson of the Parliamentary Committee on Human Rights, Dmytro Lubinets. She also held meetings with the Parliamentary Commissioner for Human Rights, Liudmyla Denisova, civil society representatives, leaders of the Crimean Tatar Mejlis and the UN Human Rights Monitoring Mission in Ukraine.

The contact mission served as an opportunity for the Commissioner to engage in direct dialogue with the relevant officials and civil society actors with a view to preparing a full country visit to Ukraine and to discuss various human rights issues. These issues included the pending ratification by Ukraine of the Istanbul Convention, the rights of minorities and the human rights situation in non-government-controlled areas. Concerned to learn that the process of ratifying the Istanbul Convention was still facing substantial opposition in some circles, the Commissioner received assurances from the authorities of their commitment at the highest level to ratification of this key European standard and expressed her readiness to support them in this endeavour. Regarding the use of languages and other rights of minorities, the Commissioner took note of the progress made in drafting a new Law on the Rights of Minorities, which she hoped would provide an appropriate legal framework for the adequate protection of all minority languages in various spheres of public life, including in education. She invited the Ukrainian authorities to consider requesting the Venice Commission for an opinion on the draft law. Finally, with respect to the human rights situation in non-government-controlled areas, while many discussions held with officials led her to conclude that her physical access to Crimea to obtain a first-hand understanding of the human rights situation there remained an extremely remote possibility, the Commissioner indicated that she intends to continue seeking access and doing human rights work for those living in Ukraine's non-government-controlled areas in accordance with her mandate.

Letter to the Senate of Romania on the rights of persons with disabilities

On 14 April, the Commissioner published a [letter](#) addressed to the Senate of Romania, urging senators to use the appointment of a new president of the Council for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) (Monitoring Council) to provide greater protection for the rights of persons with disabilities. The Commissioner drew attention to states' obligation to ensure the independence of mechanisms for promoting and monitoring the implementation of the CRPD, notably by establishing a transparent, inclusive and merit-based appointment process for their leadership, as required by the "[Paris Principles](#)". Noting with concern some persistent shortcomings in the Monitoring Council's collaboration with civil society, in particular where its duty to facilitate NGOs' access to institutions for persons with disabilities was concerned, she stressed that the leadership of the Monitoring Council should enjoy the support and trust of NGOs, with which this institution was meant to work closely.

Letter to the President of Azerbaijan on the inauguration of the ‘Trophy Park’ in Baku

On 27 April, the Commissioner published a [letter](#) addressed to the President of Azerbaijan, stressing that she had been following closely human rights-related developments following the conflict between Armenia and Azerbaijan in recent months and that the utmost care should be taken not to perpetuate and multiply the already deeply-running grievances between the communities affected by the conflict.

In the letter, the Commissioner expressed concern at the recent inauguration of the ‘Trophy Park’ in Baku, which reportedly displayed Armenian military equipment taken as a trophy during the war and showed dehumanising scenes, including wax mannequins depicting dead and dying Armenian soldiers. She stressed that such images were highly disturbing and humiliating and that this kind of display could only further intensify and strengthen long-standing hostile sentiments and hate speech, and multiply and promote manifestations of intolerance.

She therefore called on the President to take a firm stance against any rhetoric or actions which lead to triggering animosity or hatred and instead, provide his full support and political backing towards efforts aimed at promoting peace and reconciliation between the populations affected by the conflict, particularly bearing in mind the wellbeing of the future generations of Azerbaijan and Armenia.

The letter is available on the Commissioner’s website, along with the reply from the Azerbaijani authorities.

Letter to the Minister for Citizens’ Protection, the Minister for Migration and Asylum and the Minister for Shipping and Island Policy of Greece on allegations of pushbacks of migrants, ensuring an enabling environment for NGOs and reception conditions

On 12 May, the Commissioner published a [letter](#) addressed to Greece’s Minister for Citizens’ Protection, Michalis Chrysochoidis, Minister for Migration and Asylum, Notis Mitarachi, and Minister for Shipping and Island Policy, Ioannis Plakiotakis, urging the Greek authorities to put an end to pushback operations and to ensure that independent and effective investigations were carried out into all allegations of pushbacks and ill-treatment by members of the security forces in the context of such operations. The Commissioner was also concerned about reported attempts to discredit the work of NGOs protecting the rights of refugees, asylum seekers and migrants and cumbersome registration procedures. She called on the Greek authorities to actively maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations. Lastly, the Commissioner stressed the urgent need to improve the lingering substandard living conditions in the Reception and Identification Centres. With the new reception facilities reportedly set to operate as closed centres, she called on the Greek authorities to reconsider this and to ensure that the applicable regime safeguarded the freedom of movement of their residents. She further expressed the hope that the new reception centres would not stand in the way of actively reconsidering the policy of containment of refugees, asylum seekers and migrants on the Aegean islands, which lay at the heart of many of the long-standing problems Greece had experienced in protecting the rights of these persons.

The letter is available on the Commissioner’s website, along with the reply from the Minister for Citizens’ Protection, the Minister for Migration and Asylum, and the Minister for Shipping and Island Policy of Greece.

Memorandum on freedom of expression and media freedom in Slovenia

On 4 June, the Commissioner published a [memorandum](#) on freedom of expression and media freedom in Slovenia. Following online consultations with the Slovenian authorities, national human rights structures, journalists and other media representatives, as well as academics and civil society representatives, the Commissioner concluded that there had been a marked deterioration in freedom of expression and media freedom in the country over the past months.

In the area of freedom of expression, the Commissioner noted that certain recent developments risked undermining the ability of critical voices to speak freely. In particular, she expressed concern about the fact that public debate in Slovenia was increasingly dominated by hostile, intolerant and downright disrespectful communications, a sign of the intensifying polarisation of society. The Commissioner expressed concern about the constant negative discourse by members of the current government and other politicians about the mission and work of non-governmental organisations and human rights defenders, stressing that this could have a negative impact on their ability to carry out their work and freely express their opinions. The Commissioner also addressed the extensive restrictions on the right to protest in Slovenia over the past year. While acknowledging the authorities' responsibility to tackle the COVID-19 pandemic and preserve public health, the Commissioner found that some of the measures had likely been disproportionate, including blanket bans on peaceful assemblies and heavy fines.

As to media freedom, the Commissioner first observed that the working environment of journalists had drastically worsened, notably for critical and independent journalists, who were being subjected to harassment and intimidation, online and offline. She found that one important factor was the flawed attitude of some members of the current government towards the press. The Commissioner expressed especially grave concern about the sexist harassment faced by female journalists and noted that manifestly unjustified criminal lawsuits and difficulties in accessing public information were creating further impediments. Stressing the key role of public media services in the provision of accurate and objective information to all groups in society, the Commissioner noted with regret that several government actions risked undermining public media services in the country, including the suspension of public funding to the national press agency STA and attempts to discredit the STA and the national broadcaster RTV. She observed that these current problems were enabled by structural weaknesses in the media landscape in Slovenia, including interference by owners in media outlets' editorial independence, based on political and commercial interests, lack of transparency of media ownership, the ability to politically manipulate public funding for the media, and ineffective media regulation.

In order to curb this deterioration in freedom of expression and media freedom, the Commissioner recommended *inter alia* that the Slovenian authorities take steps to defuse tensions and encourage mutual respect in the exchange of opinions, ensure an enabling environment for human rights defenders to work in, and devise solutions to enable the exercise of the fundamental right to freedom of peaceful assembly in safe conditions, in consultation with civil society and protest organisers. She also stressed that political leaders should refrain from promoting hostile speech against journalists and make dignified use of social media in order to set an example and diminish the level of animosity against journalists. The authorities should take urgent action to address sexist harassment of female journalists. The Commissioner reiterated her position that the government should immediately reinstate funding for the STA. Finally, legislation to prevent spurious criminal lawsuits should be amended and structural weaknesses addressed by revising the legislative framework for the media as part of an open and consultative process involving all stakeholders.

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

Letter to the Minister of Interior and the Minister of Justice of Turkey on stigmatisation of LGBTI people

In a [letter](#) addressed to Turkey's Minister of Interior, Süleyman Soylu, and Minister of Justice, Abdulhamit Gül, published on 24 June, the Commissioner called on the Turkish authorities to fulfil the commitments enshrined in the national Action Plan on Human Rights, stop the stigmatisation of LGBTI people, and uphold their freedoms of assembly, association and expression. Concerned that LGBTI communities had been prevented from exercising their right to peaceful assembly due to sweeping restrictions on events, including Pride marches, the Commissioner urged the authorities to uphold this right by lifting the bans on LGBTI events and take all necessary measures to ensure the safety of participants during such events. The Commissioner further warned that a series of restrictions on activities of non-governmental organisations (NGOs) and freedom of association imposed by the government in recent years in the name of counter-terrorism had also negatively impacted the work of LGBTI organisations. She noted that the use of judicial proceedings to silence human right defenders, NGOs and lawyers and curtail civil society activism, which she had repeatedly raised in her [work](#) on Turkey, was continuing and that it had increasingly affected those who had stood up for the rights of LGBTI people. Finally, the Commissioner was concerned about the visible rise in hateful rhetoric and the propagation of homophobic narratives by some politicians and opinion-makers in Turkey and about impunity for transphobic hate crimes. The Commissioner concluded her letter by calling on the authorities to endeavour to reverse these negative trends and ensure effective protection for the human rights of LGBTI people in Turkey.

2. Themes

Human rights of immigrants, refugees and asylum seekers

The Commissioner continued to follow several urgent developments. On 23 April, following another shipwreck in the Mediterranean, the Commissioner [called](#) on member states to stop abdicating responsibility for refugees and migrants at sea, by deploying rescue assets, responding promptly to distress calls, expanding safe and legal routes, and stopping the facilitation of returns to Libya.

On 12 May, the Commissioner had an online meeting with Felipe González Morales, the UN Special Rapporteur on the human rights of migrants. The meeting specifically focused on the matter of pushbacks, ahead of the Special Rapporteur's upcoming report on this issue. The Special Rapporteur and the Commissioner shared information on their respective work on this issue in Europe, and on relevant developments of mutual interest, in specific member states, at EU level, and across the Council of Europe area more broadly. They also discussed other migration-related issues, including reception conditions, the situation in the Mediterranean, and the situation of human rights defenders working with migrants.

On 12 May, the Commissioner published a letter to the Ministers for Citizen's Protection; for Migration and Asylum; and for Shipping and Island Policy of Greece concerning allegations of

pushbacks, the situation of NGOs working with migrants, and reception conditions (see under 'Reports and continuous dialogue').

On 20 May, in response to the sudden arrival of migrants in Ceuta, Spain, the Commissioner [drew attention](#) to the fact that, especially in such challenging situations, human rights must be protected, including dignified treatment, access to asylum, protection of vulnerable people and adequate safeguards in case of expulsion.

On 26 May, following a report on the situation in the Central Mediterranean by the UN High Commissioner for Human Rights, the Commissioner [supported](#) its findings, and particularly highlighted improving search and rescue capacity and coordination, stopping returns to human rights violations and ending harassment of NGOs as key points on which action was crucial.

Pushbacks remained a key concern of the Commissioner, who gave special attention to the matter in her discussions with the UN Special Rapporteur on the human rights of migrants (see under 'Other meetings'). In this respect, the Commissioner drew member states' attention to the Special Rapporteur's report on pushbacks, published on 9 June, and [called](#) on them to implement the report's recommendations on ending pushbacks, combating impunity and protecting lives and human rights at sea and on land.

Safety of journalists, freedom of expression and media freedom

On 9 April, the Commissioner [reacted](#) to the killing of the Greek journalist Giorgos Karaivaz, stating that it was a tragic reminder that journalism was a dangerous profession in Europe and calling on the authorities to urgently and fully investigate this crime and ensure that those responsible were held accountable.

On 16 April, the Commissioner marked the 2nd anniversary of the killing of journalist Lyra McKee in Northern Ireland. She [noted](#) that justice had still not been done and that the situation in Northern Ireland again showed the need for further action to protect journalists from threats and violence.

On 28 April, the Commissioner had an exchange of views with partners of the Council of Europe Platform for the Protection of Journalism and Safety of Journalists, to coincide with the release of their annual report 2021 "Wanted! Real action for media freedom in Europe". The Commissioner outlined her recent work in the field of media freedom and freedom of expression while the Platform's partners highlighted some of the key findings and recommendations of their report, in particular relating to physical attacks, as well as harassment and intimidation of journalists, and the issue of impunity for the murder of journalists.

On 30 April, ahead of World Press Freedom Day, the Commissioner published a [Human Rights Comment](#) entitled "Journalists covering public assemblies need to be protected", in which she stressed that violence against journalists, especially at the hands of state officials, was contrary to states' duty to uphold press freedom and to protect the safety of journalists. She underlined that the Covid-19 pandemic had exacerbated an alarming trend: violence against journalists was on the rise, and journalists covering anti-lockdown protests had increasingly been subjected to physical assaults in recent months. At stake was the right to receive and impart information: journalists played a crucial role in providing independent coverage of public assemblies as well as information on the authorities' handling of public demonstrations and the containment of possible disorder. They must therefore be given full access to all forms of public assembly and be able to report on

them safely and without undue interference. The Commissioner listed several steps member states could take to uphold the specific role played by journalists and other media actors and ensure the rights of media workers to safely report on public assemblies. She concluded that, while the right to peaceful assembly was vital for a functioning democracy, so was the public's right to know about public assemblies.

On 25 May, the Commissioner met with the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, to discuss her recent and ongoing activities in this area and outline potential areas of co-operation. The discussion focused on a number of challenges facing member states, notably disinformation in the digital age, the safety of journalists and impunity for the murder of journalists.

On 25 May the Commissioner [stressed](#) that labelling political analyst Tanja Topić as 'foreign agent' and insults addressed to her and her family by the Chairman of the Presidency of Bosnia and Herzegovina, Milorad Dodik, were dangerous and may have a serious chilling effect on her valuable work and that of other members of the civil society.

On 4 June, the Commissioner published a [memorandum](#) on freedom of expression and media freedom in Slovenia, calling on the Slovenian authorities to halt the deterioration of freedom of expression and media freedom (see under 'Reports and continuous dialogue').

On 10 June, the Commissioner delivered a keynote [speech](#) at the Council of Europe Conference of Ministers responsible for Media and Information Society "Artificial Intelligence – Intelligent Politics. Challenges and opportunities for media and democracy". In her speech, the Commissioner underlined that it was crucial that governments find adequate solutions, ensure that technology benefited and enhanced freedom of expression, and demonstrate strong commitment to a free, independent and pluralistic media. She pointed to three main challenges in this area: online content moderation, and the increasing role of large social media companies in enabling the exercise of the right to receive and impart information in practice; the increasing number of abusive proceedings aimed at inhibiting critical reporting, including through strategic lawsuits against public participation, commonly known as SLAPPs; and the impact on media freedom the pandemic had had and continued to have.

On 15 June, the Commissioner [welcomed](#) the decision of the Supreme Court of Slovakia in the case of the murder of journalist Ján Kuciak and his fiancée Martina Kušnírová, highlighting that the pursuit of justice and the fight against impunity in this case must continue, including with regard to the person alleged to have masterminded the murders.

Women's rights and gender equality

On 11 May, the Commissioner shared a [social media post](#) to celebrate the 10th anniversary of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Stressing the positive outcomes of the Convention on the lives of thousands of women and girls in Europe, she stated that there was no excuse for obstructing it. In another [tweet](#) released on 17 June, she welcomed the ratification of the Convention by Liechtenstein, which became the 34th state party to the Convention. She also urged all member states to ratify and fully implement this landmark instrument to end violence against women.

On 18 June, the Commissioner delivered an opening statement at an online conference “Facilitating the access to justice for women victims/survivors of gender-based violence in Bosnia and Herzegovina” organised by women’s rights organisations. The event aimed to take stock of civil society's role and achievements in monitoring and strengthening the institutional response to gender-based violence, including conflict-related sexual violence, in Bosnia and Herzegovina. The Commissioner pointed to the findings of the country’s women's rights organisations concerning the many obstacles hampering access to justice for women victims of violence and war-related sexual violence, including lack of harmonisation of legislation to ensure equal protection of victims regardless of their place of residence and lack of adequate funding for programmes aimed at preventing violence against women and supporting victims. The Commissioner saluted the commitment of non-governmental organisations, which had achieved important results for women in Bosnia and Herzegovina, including criminal convictions for wartime sexual violence and domestic court rulings awarding compensation to the victims of these crimes.

On 23 June, the Commissioner held an online exchange of views with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). Issues raised by the Commissioner included her work to promote the ratification and implementation of the Istanbul Convention; the need to address misrepresentations of the Convention; the range of tools to combat online violence against women; and the importance of supporting the work of women’s rights defenders. The Commissioner and GREVIO members agreed to continue co-operating on all issues of mutual interest.

Human rights of LGBTI persons

On 14 May, the Commissioner co-signed [a statement](#) on the right to freedom of religion or belief and the right to live free from violence and discrimination based on sexual orientation and gender identity (SOGI) together with the UN Independent Expert on SOGI, the Inter-American Commission on Human Rights and a large number of independent UN human rights experts. Noting that instances of incitement to violence and discrimination based on SOGI by religious leaders had been documented, the statement pointed out that hate speech was protected neither by freedom of expression nor by freedom of religion and belief. It further stressed that a manufactured contradiction between the rights of freedom of religion and the rights of LGBTI people was perpetuating the sociocultural exclusion of the latter. Observing that the human rights framework and the humanistic principles at the core of every religion all promoted the inherent equal human dignity of every human being, the statement called on religious leaders to adopt a respectful and compassionate discourse and on states to reject laws that discriminated or fuelled prejudice against LGBTI people.

On 17 May, to mark International Day against Homophobia and Transphobia, the Commissioner published a [social media post](#) in which she stressed the importance of the work of LGBTI human rights defenders. The Commissioner stressed that LGBTI defenders in Europe faced increasing challenges, including lack of sufficient funding, harassment, physical attacks and personal data leaks. The Commissioner called on states to support and co-operate with LGBTI defenders in order to effectively tackle continuing and new hurdles in defending and promoting the human rights of LGBTI people.

On 18 May, the Commissioner was invited to a hearing of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe convened in preparation for a forthcoming report on “combating rising hate against LGBTI people in Europe”. The Commissioner

stated that her monitoring and thematic work showed a clear increase in the stigmatisation of LGBTI people across Europe in recent years, notably for political gain. She stressed that this hostile environment was accompanied by a stagnation in the adoption of laws that would protect LGBTI people. Finally, she raised her concerns about the worsening work environment of LGBTI human rights defenders in Europe.

On 14 June, the Commissioner [called](#) on Hungarian parliamentarians to reject a legislative proposal by the government that, under the pretence of protecting children's rights, banned the "propagation" or portrayal to under-18s of gender identity different from sex at birth, change of sex and homosexuality. The Commissioner warned that the proposal, which was not only an affront to the rights and identities of LGBTI persons but also curtailed the freedom of expression and education of all Hungarians, would, if adopted, run counter to international and European human rights standards. She underlined that the right of all children to receive comprehensive sexuality education had been confirmed by international human rights bodies and relevant experts and that it was vital for the protection of children. She further urged Hungarian parliamentarians to remain vigilant against initiatives to push through measures that limited human rights or stigmatised some members of society.

On 24 June, the Commissioner published [a letter](#) to the Interior and Justice Ministers of the Republic of Turkey in which she called on the authorities to fulfil the commitments enshrined in the national Action Plan on Human Rights, stop the stigmatisation of LGBTI people, and uphold their freedoms of assembly, association and expression (see under 'Reports and continuous dialogue').

Human rights of persons with disabilities

On 7 April, the Commissioner published a [Human Rights Comment entitled "Reform of mental health services: an urgent need and a human rights imperative"](#). Considering the devastating impact of the COVID-19 pandemic which had exposed and aggravated existing failings of mental health services throughout Europe, the Commissioner pointed to the various ways in which these services were continuing to cause numerous human rights violations. This was particularly the case when mental health services were concentrated in closed psychiatric hospitals and where they relied on coercion. Pointing to a clear consensus emerging at the international level to consider coercion and institutionalisation in psychiatry as incompatible with agreed international standards, in particular the UN Convention on the Rights of Persons with Disabilities (CRPD), the Commissioner reiterated her call on member states to de-institutionalise mental health services and end coercion in psychiatry. She stressed that persons facing mental health problems must have access to recovery-oriented community mental health services which were provided on the basis of free and informed consent and which promoted social inclusion and offered a range of rights-based treatments and psychosocial support options. When implementing the necessary reforms, the Commissioner encouraged states to pay attention to the particular mental health needs of children and adolescents.

On 14 April, the Commissioner published a letter addressed to the President of the Senate of Romania and the Chairperson of its Human Rights Committee, inviting the Romanian Senate to use the appointment of the new leadership of the CRPD Monitoring Council to strengthen the protection of the rights of persons with disabilities (see under "Reports and continuous dialogue").

On 11 May, the Commissioner participated in an online event organised by Mental Health Europe on [Shaping the future of community mental health services based on human rights](#), as part of

European Mental Health Week (10-16 May 2021) and stressed that existing international standards already provided an excellent framework and guide for any future mental health reform.

On 10 June, the World Health Organisation (WHO) launched its guidance on community mental health services. The Commissioner participated in a panel discussion as part of the online launch event organised by WHO, during which she pointed to the continuing resistance in member states towards human rights-based mental health reforms as required by the CRPD, including from medical professionals. She expressed her hope that this new guidance from WHO would help lessen that resistance

On 28 June, the Commissioner published her written observations in a case concerning the human rights of persons with psychosocial disabilities, with her detailed reflections on how the Convention-system could support the paradigm shift embodied in the CRPD (see under “System of the European Convention on Human Rights”).

Human rights of Roma

The Commissioner delivered a video message on the human rights of Roma in the Balkans, at a [conference](#) held by the Harriman Institute (Columbia University) to mark International Roma Day (8 April). She mentioned that despite increased attention and funding devoted to improving the human rights situation of Roma since the mid-1990s, the results as observed in 2021 were mixed. Among the remaining challenges, she stressed in particular continuing school and housing segregation and frequent forced housing evictions. She also mentioned the heightened vulnerability of Roma to human rights violations during the Covid-19 pandemic, including through scapegoating and discriminatory measures.

On 27 May, the Commissioner participated in the “[Kyiv International Forum on Roma Inclusion](#)” organised by the Ombudsman of Ukraine. The aim of the event was to gather good practices from equality bodies in various Council of Europe member states on promoting Roma inclusion. In her statement, the Commissioner stressed that the Covid-19 pandemic had magnified the impact of widespread and deeply rooted discrimination against Roma. She stressed that national human rights institutions and equality bodies played an important role in making the concerns of the most disadvantaged heard and in bringing inequalities suffered by Roma to light.

Rights of persons belonging to national minorities

On 29 June, the Commissioner spoke at the high-level conference “[The Council of Europe and national minority rights: Results and challenges](#)” organised within the framework of the Hungarian Presidency of the Committee of Ministers. She emphasised that persons belonging to national minorities, like other groups whose access to rights was already precarious before the pandemic, were particularly impacted by COVID-19 across Europe. While acknowledging the important achievements over the past few decades thanks to the implementation of the two Council of Europe minority protection treaties, she underlined that challenges remained. The Commissioner referred in particular to the continued, in some regions increasing, politicisation of minority rights such as in the sphere of language use, education and participation in public life, and expressed her hope that the Framework Convention and the Language Charter would serve as an inspiration for a human rights-based approach to minority protection that defused tensions rather than cementing division.

Social and economic rights

On 17 May, the Commissioner held an [exchange](#) of views with the European Committee of Social Rights. Referring to her recommendations on protecting the right to health through inclusive and resilient healthcare for all, the Commissioner emphasised that any effective response to today's challenges must address the structural inequalities that existed in all member states, and pay attention to the social determinants of health, education, social protection, living conditions and employment. The discussion identified issues of mutual concern, including poverty, social exclusion, the right to adequate housing and the continued need for specific emphasis on the protection of vulnerable persons.

Human rights and the environment

On 19 May, the Commissioner gave an interview in connection with the Council of Europe's World Forum for Democracy (WFD). Speaking to the interviewers – two young environmental activists – the Commissioner commended the way in which young people had rallied around initiatives to demand rights related to a clean and healthy environment. Referring to the WFD's thematic focus on "Defending the defenders", the Commissioner stressed the need for governments in Europe to take more resolute action to provide a safe and enabling environment for environmental human rights defenders and journalists and to combat their stigmatisation. She expressed her commitment to speaking out in defence of all those who faced attacks, reprisals or undue restrictions in connection with their efforts to support human rights and the environment.

On 25 May, the Commissioner published a [Human Rights Comment entitled "Let us make Europe a safe place for environmental human rights defenders"](#). It paid tribute to the work and critical contribution of environmental defenders and journalists in Europe, and included a number of inspiring stories of how environmental action had benefited the human rights and collective safety of communities. It also, however, threw into sharp relief the rise in attacks and reprisals against environmental defenders and journalists, observing that in many places around Europe today, standing up for the environment or denouncing the effects of climate change carried considerable risks. The text reviewed a range of examples – some known to the Commissioner via direct testimonials from victims – of violent attacks, beatings, intimidation and harassment, as well as cases of stigmatisation, surveillance and other restrictions on environmental activism and journalism across Europe. The Commissioner also made recommendations to governments, including about the need to provide a safe and enabling environment for environmental defenders and journalists; to put an end to their stigmatisation; to ensure respect for their freedom of expression, association, and peaceful assembly; and to remove barriers to access to justice by victims of human rights violations caused by environmental degradation or climate change.

National Human Rights Structures

On 15 April, in connection with a ruling issued earlier that day by Poland's Constitutional Court, declaring that a provision allowing an Ombudsman whose term had expired to remain in office until a successor had been elected was unconstitutional, the Commissioner [cautioned](#) about the worrying gap that the ruling created in the continuity and functioning of the Ombudsman institution between terms of office. She called for a successor to be elected as a matter of urgency, in a manner fully in keeping with the Polish Constitution, law and international standards.

On 26 April, the Commissioner took part in an online [high-level meeting](#) organised by the European Network of National Human Rights Institutions (ENNHRI) to coincide with the adoption by the Committee of Ministers of the Council of Europe of Recommendation [CM/Rec\(2021\)1](#) on the development and strengthening of effective, pluralist and independent national human rights institutions (NHRIs). In her statement, among other points, the Commissioner noted that NHRIs were essential partners in her work and that co-operation with her Office was multifaceted. She stressed that she stood ready to raise her voice whenever an independent NHRI came under attack. The Commissioner expressed her hope that Council of Europe member states would proceed with the full implementation of the new Recommendation, pointing out that it was planned to review progress in five years. Stressing that there was room for improvement everywhere, she suggested that each member state examine the Recommendation, identify relevant points in the national context, and draw up a roadmap for implementation, in close consultation with their NHRIs and other stakeholders.

On 27 May, the Commissioner participated in the “Kyiv International Forum on Roma Inclusion” organised by the Ombudsman of Ukraine and which brought together good practices from equality bodies in various Council of Europe member states on promoting Roma inclusion (see under ‘Human rights of Roma’).

On 7 June, the Commissioner participated in an exchange of views with the Human Rights Delegation of the Finnish Human Rights Centre. She underlined the important role played by NHRIs in the context of the ongoing health crisis, which had quickly developed into a broader human rights crisis. As the monitoring bodies with the closest view of developments in their countries, NHRIs were an enormous asset for the work of the Commissioner and indispensable partners in promoting the dissemination and understanding of her recommendations at national level. The Commissioner welcomed the Delegation’s recommendations on the impacts of COVID-19 on human rights in Finland and their focus on particularly vulnerable groups.

Transitional justice

Following her [letter](#) to the UK House of Commons on the Overseas Operations Bill, published in November 2020, the Commissioner continued to call on lawmakers to ensure the Bill’s provisions were human rights compliant. On 13 April, the Commissioner [added her support](#) to the crucial statement by the UN High Commissioner for Human Rights, warning that the Bill risked undermining the UK’s human rights obligations by shielding military personnel operating abroad from accountability for war crimes.

On 20 April, she again [called](#) on members of the House of Commons to stand up for human rights and to ensure the Bill’s provisions fully met the UK’s obligations under the ECHR.

On 22 April, on the occasion of the Jasenovac commemorations in Croatia, the Commissioner [stated](#) that such commemorations were important to pay tribute to the victims and build resolve to work together to overcome divisions. She added that advancing human rights and social cohesion and fighting hatred should be the beacon for all to ensure that such atrocities never happened again.

On 31 May, the Commissioner [paid tribute](#) to the thousands of persons, including 102 children, killed in 1992 in the town of Prijedor in Bosnia and Herzegovina, reiterating her call on local authorities to honour the parents’ initiative and build a memorial for their children in the town.

In a [statement](#) published on 8 June following the final conviction of Ratko Mladić for the Srebrenica genocide, crimes against humanity and war crimes committed under his command during the 1990s war in Bosnia and Herzegovina, the Commissioner stressed that while nothing could erase the horrors of the past and the suffering of the victims, their struggle for justice had been honoured. She underlined the importance of using the rich legacy of the International Criminal Tribunal for the former Yugoslavia to combat the widespread denial of genocide and war crimes, dehumanisation of genocide victims and the glorification of war criminals in the region.

Human rights in conflict and post-conflict situations

On 4 June, the Commissioner [reacted](#) to the explosion of a landmine which killed three people, including two journalists, and wounded several others in Azerbaijan. She stressed that this incident showed the urgent need to demine the conflict areas affected, including through international co-operation.

3. Other meetings

Meeting with the President of the Republic of Moldova

On 19 April, the Commissioner had a meeting with the President of the Republic of Moldova, Maia Sandu. Issues discussed included the negative impact of COVID-19 pandemic on the enjoyment of social and economic rights and access to education, notably for children residing in rural areas; ratification of the Istanbul Convention; combating hate speech; access to healthcare; and judicial reforms and fight against corruption.

Meeting with the Minister of Justice of France

On 23 April, the Commissioner met with the Minister of Justice of France, Éric Dupond-Moretti, on the occasion of his visit to the Council of Europe. They exchanged views on the fight against hate speech online, conditions of detention, and the situation of European nationals affiliated with suspected IS foreign fighters detained in North-East Syria.

Meeting with President of the European Committee for the Prevention of Torture

On 29 April, the Commissioner met with the newly-elected President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Alan Mitchell. They exchanged information on their respective work and priority areas and discussed ways to strengthen existing co-operation between the two institutions.

Meeting with the Deputy Minister of Foreign Affairs of Azerbaijan

On 18 May, the Commissioner met in Strasbourg with Fariz Rzayev, Deputy Minister of Foreign Affairs of Azerbaijan. They discussed human rights-related developments during and after the recent conflict between Armenia and Azerbaijan. The Commissioner raised questions related to the post-conflict situation including the problem of landmines and the importance of dealing with issues related to transitional justice and durable peace.

Meeting with the President of the Conference of INGOs

On 25 May, the Commissioner held an online meeting with Gerhard Ermischer, the newly elected President of the Conference of INGOs of the Council of Europe. Mr Ermischer outlined key priorities and plans for future activities of the Conference, and the Commissioner outlined her recent work in relevant areas, including women's rights, environment and human rights and support for human rights defenders. They agreed to continue co-operating on all topics of mutual interest.

Exchange of views with European Union Human Rights Ambassadors

On 11 June, the Commissioner participated in an exchange of views with the European Union's Human Rights Ambassadors on the human rights situation in Europe. The discussion focused on several human rights issues including the need to defend the Istanbul Convention and promote its full implementation, the increase of violence based on racism, sexism, homophobia and other forms of intolerance, the protection of refugees and migrants and pressures faced by human rights defenders. The Commissioner pointed out that these alarming trends had been compounded by the erosion of the rule of law, which was a precondition for realising human rights.

4. Human Rights Defenders

As per usual practice, the Commissioner continued to devote her close attention to the situation of human rights defenders in her work during the reporting period.

As part of her continuous dialogue with member states, the Commissioner addressed the issue of a hostile environment for human rights actors in various European countries. In a [letter](#) addressed to the Greek government on 3 May, the Commissioner, among other issues, expressed concern about reported attempts to discredit the work of civil society organisations working with migrants and refugees and called on the Greek authorities to review its legislation governing the registration and operation of NGOs. In a [memorandum](#) dated 4 June concerning freedom of expression and media freedom in Slovenia, the Commissioner addressed, among other things, the issue of stigmatisation of human rights defenders and NGOs, as well as its consequences on their ability to carry out their legitimate activities and express their opinions freely (see under 'Reports and continuous dialogue').

On 24 May, the Commissioner issued a [statement](#) via social media concerning the arrest and criminal prosecution of Roman Protasevich, former editor-in-chief of the Telegram channel "Nexta", in Belarus. She noted that his abduction and arrest were unacceptable, and that Mr Protasevich ran the risk of ill-treatment and capital punishment. The Commissioner also stated that reprisals against journalists and human rights defenders in Belarus must stop and that Mr Protasevich should be released immediately.

On 24 May, the Commissioner participated in a [conference](#) on the challenges and limitations of human rights and freedoms in today's world: "Alarm and Hope. XXI Century" – dedicated to the 100th anniversary of the birth of Andrei Sakharov. [Addressing the conference](#), the Commissioner paid tribute to Andrei Sakharov's actions and legacy that continued to inspire many human rights defenders today. She also took stock of the current challenges in relation to human rights, democracy and the rule of law in Europe and pointed to positive trends which gave her reason to hope that, when it came to peace, human rights and progress, ground would be regained in the future.

On 25 May, as part of her ongoing efforts to promote an enabling environment for human rights defenders, the Commissioner published a [human rights comment](#) on the situation of environmental human rights defenders in Europe. Expressing her deep concern about the rise of reprisals against them, including attacks, stigmatisation, intimidation and harassment, the Commissioner highlighted their essential role in our societies and proposed several steps to remedy the situation for the benefit of everyone's human rights, well-being and a clean environment. The Commissioner also took part in a side event on young environmental human rights defenders organised by the INGO Conference's Expert Council on NGO Law and gave an interview on the same subject for the World Forum of Democracy (see under 'Environment and human rights').

5. System of the European Convention on Human Rights

Third Party Intervention before the European Court of Human Rights in the case of Cláudia Duarte Agostinho and others v. Portugal and 32 other States

On 11 May, the Commissioner published her [written observations](#) to the European Court of Human Rights concerning the case of *Cláudia Duarte Agostinho and others v. Portugal and 32 other States* pending before it, which relates to the negative impact of climate change on a range of human rights, in particular those of younger generations. Noting the pronounced impact of environmental degradation and climate change on human rights, such as the right to life, the right to private and family life, freedom from inhuman or degrading treatment, the prohibition of discrimination, and many economic, social and cultural rights, the Commissioner argued that international environmental law and children's rights law instruments should play a significant role in defining the scope of states' obligation to prevent human rights violations caused by environmental harm. She considered that the European Convention on Human Rights, notably under Articles 2, 3 and 8, already encompassed many elements of the right to a healthy environment, and together with the prohibition of discrimination enshrined in its Article 14 provided a solid legal framework for protecting victims of climate change. The Commissioner also emphasised the importance of the right to a remedy and its central role in a human rights approach to combating climate change. Pointing to the barriers faced by victims in accessing justice due to the extraordinary nature of climate change, the Commissioner stressed the need to adapt the protection offered by the Convention and to avoid a strict and formalistic interpretation of standing requirements when human rights violations caused by climate change were at stake, particularly when children were concerned.

Third Party Intervention before the European Court of Human Rights in the case of Eugeniu Clipea and Virginia Iapara v. the Republic of Moldova

On 28 June, the Commissioner published her [written observations](#) to the European Court of Human Rights in the case of *Eugeniu Clipea and Virginia Iapara v. the Republic of Moldova*, which concerns the human rights of persons with psychosocial disabilities and specifically, alleged human rights violations in connection with the applicants' stay in a psychiatric hospital. In her written observations, the Commissioner drew the Court's attention to the ongoing evolution of the approach towards mental health services under way at the international and European levels, in large part due to the entry into force of the UN Convention on the Rights of Persons with Disabilities (CRPD). She observed that the approach taken by the UN Committee on the Rights of Persons with

Disabilities whereby institutionalisation and coercion were considered as categorically incompatible with the CRPD was increasingly being followed by other international and Council of Europe bodies. The Commissioner also referred to her own work relating to these questions, including in the Republic of Moldova, highlighting that mental health laws allowing for coercion were detrimental to long-term mental health outcomes and that the safeguards they included frequently failed to prevent human rights violations. The reasons for this failure included the stark power asymmetry between patients and doctors in such systems, as well as entrenched forms of discrimination against persons with psychosocial disabilities in courts, which also affected their ability to seek justice for violations of their human rights. In the light of these considerations, the traditional approach taking coercion for granted as a “last resort” option, even with procedural safeguards, was no longer tenable. The Commissioner argued that member states should instead provide recovery-oriented, community mental health services based on consent.

The Commissioner concluded that the reading of the European Convention on Human Rights needed to evolve in order to avoid a widening gap between the Convention system and the CRPD. She considered that this was feasible in keeping with the Court’s existing case-law, while sharing her reflections on how this evolution could take place, for example by expecting member states to make a number of reasonable accommodations for persons with psychosocial disabilities in enforcing their rights under the Convention, or looking at the availability of community mental health services before assessing whether coercion was employed as a last resort. She also considered that a wide array of general measures were necessary in order to deal with the widespread and systemic human rights violations caused by coercion-based mental health systems.

Execution of judgments of the European Court of Human Rights

On 19 April, the Commissioner issued a [statement](#) via social media reiterating her demand for Alexei Navalny to be released, and pointing out that the European Court of Human Rights had found his conviction to be arbitrary and unreasonable. In the light of Mr Navalny’s serious health deterioration, she also urged the Russian authorities to give him full access to medical care.

6. Communication and Information work

The Commissioner’s work generated more than 250 news items from different national and international news outlets. The main topics covered by the media were freedom of expression, migration and the human rights of LGBTI people.

Many media covered the Commissioner’s work on migration, including *AFP, Agencia Lusa, Al Jazeera, ANSA, Avvenire, Daily Sabah, Reuters, EFE, Wiener Zeitung, InfoMigrants, Kathimerini, Redattore Sociale, L’Humanité Dimanche, ORF, The Associated Press, The Guardian, The Irish News, Trouw, TRT World, Vita.it, Welt Online.*

The Commissioner’s work on freedom of expression was covered by *24ur.com, ABC News, The Associated Press, AFP, Agence Belga, La Libre Belgique, Agence Europe, Agencia Lusa, Al Jazeera, ANSA, SDA/ATS, APA, Der Standard, B92, Tanjug, Beta, N1 Info, Daily Sabah, Delo, Dnevni Avaz, El Nacional, Hina, Index.hr, N1 Info, Novi List, Hirado.hu, MTI, L’Espresso, Le Monde, Libération, L’Inkiesta, L’Obs, Magyar Hirlap, Osservatorio Balcani e Caucaso, Radio Sarajevo, STA, RTV Slovenia, SwissInfo, The New York Times, Vecer, Wpolarity, Zurnal24.*

On the human rights of LGBTI people the Commissioner was covered by dozens of media, including *DW, AFP, Radio Slobodna Evropa, Agence Europe, APA, Tiroler Tageszeitung, BBC, Bianet, Bild, BILD, DELFI, DPA, El Diario, EUObserver, Euronews, Europortalen, Faz.net, The Associated Press, The Canadian Press, Kurier Online, Wiener Zeitung, Newsweek, N-TV, Reuters, RFE/RL, The Guardian, The Irish Examiner, Zeit Online*.

The Commissioner's positions on human rights defenders were covered by *ABC News, Independent Online, The Associated Press, The Canadian Press, The Washington Post, Us News, Yahoo News, AFP, APA, Der Standard, DPA, Kurier.at, Volksblatt, Bild, De Standaard, DPA, EUObserver, EurActiv, Gazeta Wyborcza, Le Monde, NRC, STA, RTV Slovenija, TASS, The Parliament Magazine, Wiadomosci*. The annual report was covered by *Agence Europe, ANSA, APA, Libertas, Pressorg24, RIA Novosti, TASS, Trend, Ukrinform, ZDF, Zerkalo.az*.

The work on media freedom was covered by *Adnkronos, AFP, Al Jazeera, France 24, Agence Europe, BTA, Deutsche Welle, DPA, Göttinger Tageblatt, Hannoversche Allgemeine Zeitung, Kieler Nachrichten, Kurier Online, Leipziger Volkszeitung, Lübecker Nachrichten, Märkische Allgemeine Zeitung, Neue Presse Online, Rheinische Post, SDA/ATS, Westfalen-Blatt, Wolfsburger Allgemeine, Il Matino, SRF, STA, TASR, Teraz.sk, The Guardian*.

An opinion editorial on the Istanbul Convention was published on Deutsche Welle in several languages.

Additional coverage concerned repatriation of children of foreign fighters (*Le Monde*), contact mission to Ukraine (*Interfax, Ukrainian News, Ukrinform, Unian*), COVID-19 (*Radio Chisinau*), the environment and human rights (*EFE, EPD, EurActiv, InfoBae, SwissInfo*), freedom of assembly (*Exit*), justice system (*DPA, DW, Interfax, SwissInfo, Los Angeles Times, Süddeutsche Zeitung, Ukrinform, VOA, Welt Online*), mental health (*Agence Europe*), Nagorno-Karabakh (*AFP, L'Orient - le Jour, Mediapoint, ArmenPress, Arminfo, AzerNews, Diario Armenia, News.am, Public Radio of Armenia, Turan*), persons with disabilities (*N1 Info, Reporter.gr*), racism (*El Periodico de Catalunya*), Roma (*Linkiesta*) rule of law (*Independent Online, The Financial Times*), transitional justice (*ANSA, DPA, SDA/ATS, Famiglia Cristiana, FENA, RIA Novosti*) and women's rights (*Gariwo, DW, Affaritaliani, The Parliament Magazine*).

On Twitter, 41 tweets were published, earning a total number of 2 million impressions, an engagement rate of 1.3% and an increase of 1877 followers (+3.3%). On Facebook, 29 posts reached 50816 people and garnered 175 new page likes (+1.38%).

Over 87 000 unique visitors consulted the Commissioner's website, similar to the trend observed in the second quarter of 2020.