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COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

3RD QUARTERLY ACTIVITY REPORT 2019

1 July to 30 September

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 July to 30 September 2019.

1. Visits and Missions

Visit to Turkey

The Commissioner carried out a visit to Turkey from 1 to 5 July, focusing on the judiciary and human rights, as well as the situation of human rights defenders and civil society.

During her visit, the Commissioner met with the Minister of Foreign Affairs, Mevlüt Çavuşoğlu; the Minister of Justice, Abdülhamit Gül; the Vice-President of the Constitutional Court, Engin Yıldırım; the Deputy Minister of the Interior, Muhterem İnce; the Vice-President of the Council of Judges and Prosecutors, Mehmet Yılmaz; and the Chief Ombudsman, Şeref Malkoç. She also met with representatives of bar associations and lawyers, civil society representatives and human rights defenders, journalists and academics, as well as representatives of political parties. The Commissioner also went to Silivri Prison, where she spoke with Osman Kavala, Ahmet Altan and Selçuk Kozağaçlı.

The Commissioner expressed concern about the erosion of the independence of the Turkish judiciary during the recent two-year state of emergency, including as a result of critical constitutional changes regarding the Council of Judges and Prosecutors which went against Council of Europe standards, and the suspension of ordinary safeguards and procedures for the dismissal, recruitment and appointment of judges and prosecutors. She stated that the long-standing problem of an overly broad definition of terrorism-related offences and the judiciary's tendency to stretch them even further had reached unprecedented levels. She was particularly concerned about the use by prosecutors, and increasingly also the courts, of lawful and peaceful acts and statements as proof of criminal activity, without balancing security concerns against human rights. The ensuing impossibility to foresee in good faith the legal consequences of actions discouraged legitimate dissent and criticism. The Commissioner also shared her view with the Turkish authorities that the new Judicial Reform Strategy, while acknowledging certain problems, does not address other crucial ones, such as the constitutional framework guaranteeing judicial independence, and the need for effective safeguards ensuring fair trial, equality of arms and legal certainty. She stated that in any event a complete and urgent overhaul of key legislation, including the Criminal Code, Anti-Terrorism Law and the Code of Criminal Procedure, was necessary.

The Commissioner found that the legitimate work of independent, rights-based civil society organisations was being subjected to undue pressure, including through the tightening of an already restrictive regulatory framework, the outright closure of NGOs without court decisions, toxic political discourse and smear campaigns, and numerous criminal proceedings against human rights defenders. As a result, all of Turkish society was subjected to a profound chilling effect.

The Commissioner paid particular attention to the situation of lawyers. She pointed notably to measures restricting procedural defence rights, as well as judicial actions specifically targeting lawyers.

The Commissioner's report on her visit to Turkey is forthcoming.

Visit to Azerbaijan

The Commissioner carried out a visit to Azerbaijan from 8 to 12 July 2019, focusing on the right to freedom of expression, recent developments concerning the situation of lawyers and the human rights of internally displaced persons.

During the visit, the Commissioner met with the Minister of Foreign Affairs, Elmar Mammadyarov; the Minister of Justice, Fikrat Mammadov; the Minister of Internal Affairs, Vilayat Eyvazov; the Head of the Department of Foreign Policy Affairs in the Presidential Administration, Hikmat Hajiyeu; the Prosecutor General, Zakir Garalov; the President of the Supreme Court, Ramiz Rzayev; and the Chairman of the State Committee for Affairs of Refugees and IDPs, Rovshan Rzayev. In addition, the Commissioner met with the Ombudsman, Elmira Suleymanova, representatives of civil society, lawyers, and with the Chair and members of the Bar Association. The Commissioner made field visits to two settlements of internally displaced persons in the Yasamal and Sabunchu districts of Baku. She also went to prisons where she met with the journalists Seymur Hazi and Afgan Mukhtarli.

Recalling the European Court of Human Rights' judgments stressing a troubling pattern of arbitrary arrest and detention of government critics, civil society activists and human rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law, the Commissioner highlighted that releasing all persons who are in detention because of the views they expressed should remain a priority. She also reiterated her call to decriminalise defamation.

In addition, the Commissioner raised with the authorities the issue of travel bans imposed on journalists, lawyers, political activists and human rights defenders, some of which have been found in violation of the European Convention on Human Rights. She stressed that the authorities should refrain from resorting to the disproportionate practice of imposing travel bans arbitrarily and lift immediately those which are in contradiction with the right to leave the country.

The Commissioner also noted that Azerbaijan has the lowest number of lawyers per 100 000 inhabitants in the Council of Europe area. This undermines access to justice, especially in rural areas where the number of lawyers is very low. The Commissioner was informed of the Presidential Decree of 3 April 2019 providing for legislative, institutional and practical reforms in the justice system, which should lead to improved access to justice. In addition to these reforms, the Commissioner pointed out that the government should step up its efforts to address effectively the shortage of lawyers in the country, in particular in the regions, including by ensuring that admission to the Bar Association is based on a transparent qualification process and objective criteria. Stressing that the freedom of expression of lawyers is related to the independence of the legal profession, the Commissioner noted with concern a number of interferences with lawyers' freedom of expression, including through the opening of disciplinary proceedings.

Another focus of the Commissioner's visit was the situation of internally displaced persons (IDPs). Azerbaijan has a significant population of IDPs as a consequence of the unresolved conflict in the Nagorno-Karabakh region and the seven adjacent districts. The Commissioner commended important steps taken by the authorities to address human rights issues of IDPs, notably by providing durable housing. She observed that many people have expressed their wish to return to their homes; however, in the meantime it is important to ensure that livelihood opportunities are provided. In this regard, the Commissioner reiterated the importance of finally reaching a peaceful settlement of the unresolved conflict in and around the Nagorno-Karabakh region, so that those IDPs who wish to return there may do so on a voluntary basis, in safety and dignity.

The Commissioner's report on her visit to Azerbaijan is forthcoming.

Mission to the Netherlands

On 19 and 20 September, the Commissioner carried out a mission to the Netherlands. On 19 September, she held meetings with various stakeholders to hold a dialogue about enhancing human rights protection in the Caribbean part of the Kingdom of the Netherlands. She held meetings with the Vice Prime Minister and Minister of Interior and Kingdom Relations, Kajsa Ollongren; the State Secretary of Interior and Kingdom Relations, Raymond Knops; the Minister Plenipotentiary of Curaçao, Anthony Begina; the Minister Plenipotentiary of Aruba, Guillfred Besaril; and the Minister Plenipotentiary of Sint Maarten, Jorien Wuite. She also held discussions with the representatives of the National Ombudsman, the Children's Ombudsman, the Netherlands Institute for Human Rights, the Law Enforcement Council, the Advisory Council on International Affairs, and the Advisory Committee on Migration Affairs.

On 20 September, the Commissioner delivered the Peter Baehr lecture 2019, organised by the National Institute for Human Rights (SIM) of Utrecht University, under the title *'From hostility to reconnection: how to make human rights relevant for all'*. In the lecture, the Commissioner identified a number of challenges to human rights in contemporary society: the gender pay gap; attacks on human rights defenders; obstacles to an independent life for persons with disabilities; the increasing use of divisive language towards 'the Other'; and the effects of artificial intelligence. Despite considerable challenges, the Commissioner identified reasons for hope, including the continued commitment of many states to human rights, the possibility to engage in constructive dialogue with governments, her encounters with highly dedicated NGOs, journalists, human rights defenders, national human rights institutions and ombudspersons keeping the torch of human rights burning, and the willingness of youth to mobilise around crucial issues. She noted that moving forward and coming out of the current situation stronger relied on a number of steps. This included human rights institutions being more willing to reflect on themselves and the way that people have become disinterested in human rights, the need for more engagement, including with those who see things differently, becoming more inclusive in the way rights are defended, acknowledging that people – and not human rights institutions – are the owners of human rights, giving space to those who suffer human rights violations to be part of the decision-making process, and holding our elected officials accountable for their obligation to uphold human rights commitments. The full lecture will be published in the December issue of the Netherlands Quarterly of Human Rights.

2. Reports and continuous dialogue

Letter to the High Commissioner for Human Rights in the Russian Federation regarding the case of Svetlana Prokopyeva

On 19 July, the Commissioner published a letter she had addressed to Tatiana Moskalkova, High Commissioner for Human Rights in the Russian Federation (Federal Ombudsman), concerning new developments in the case of Svetlana Prokopyeva, a freelance journalist who is a suspect in a criminal investigation for alleged "justification of terrorism" in Pskov, Russian Federation. The criminal case had been initiated in connection with Ms Prokopyeva's public criticism of the state authorities while reflecting on the reasons that had led a teenager to detonate a bomb in Arkhangelsk in October 2018, killing himself and injuring several FSB officers. In her July letter, the

Commissioner expressed concern that the Russian Federal Financial Monitoring Service – Rosfinmonitoring - included Ms Prokopyeva on its list of persons considered as being involved in extremist activity or terrorism and blocked her bank accounts, thereby depriving her of financial income. Finding that those measures interfered disproportionately with Ms Prokopyeva's rights, affecting her financial autonomy and depriving her of the presumption of innocence in the absence of any judicial decision establishing her guilt, the Commissioner also reiterated that the misuse of anti-terrorism and anti-extremism legislation that limits legitimate reporting or criticism of state authorities is not in conformity with European human rights standards.

The letter is available on the Commissioner's website.

Letter to the Minister of Interior of the Russian Federation concerning the policing of demonstrations in Moscow

On 28 July, the day after protests in Moscow against the refusal by the city's electoral commission to register certain candidates for local elections, the Commissioner spoke out via Twitter against the violent dispersal of the demonstrations. Underlining that peaceful gatherings should be protected and that those arrested should be immediately released, the Commissioner announced her intention to raise those issues with the Russian authorities as a matter of priority.

On 2 August, the Commissioner addressed a letter to Vladimir Kolokoltsev, the Minister of Interior of the Russian Federation, expressing concern about the actions taken by law enforcement agencies to disperse the largely peaceful protests in Moscow on 27 July. In her letter, the Commissioner referred to reports that dozens of protesters sustained injuries, some of them serious, as a result of force used by law enforcement officers. Noting with concern that law enforcement officers apprehended well over a thousand persons, she referred to statements given to the media by members of the Council on Civil Society and Human Rights under the President of the Russian Federation and its Chairman, Mikhail Fedotov, who had witnessed "unfounded apprehensions" of peaceful protesters. Reportedly, journalists were among those apprehended and/or injured. The Commissioner also referred to reports by human rights groups indicating that persons detained in police stations after the rally were not provided with basic necessities, including water, hygiene items and sleeping places, and that lawyers were prevented from accessing and extending legal assistance to them. The Commissioner's letter was published on 5 August, after further protests on 3 August in the centre of Moscow were once again marred by nearly a thousand arrests of peaceful protesters, apparently including dozens of minors, as well as numerous reports and video recordings indicative of excessive use of force by law enforcement officials.

The Commissioner recommended that the Russian authorities review the methods and criteria allowing law enforcement agents to identify and apprehend individuals in the context of peaceful assemblies and align them with applicable human rights standards. Emphasising the need to ensure accountability for human rights violations committed by law enforcement officials during the above-mentioned events in Moscow, the Commissioner requested information about any proceedings initiated in that regard. She also urged the Russian authorities to provide law enforcement personnel involved in maintaining public order with adequate training, and to render possible their clear identification during public gatherings.

The letter is available on the Commissioner's website.

Letter to the Prime Minister of Malta regarding defamation lawsuits against the family of Daphne Caruana Galizia

On 19 September the Commissioner published a letter addressed to the Prime Minister of Malta, Joseph Muscat, in which she called on the Maltese authorities to withdraw the pending posthumous defamation lawsuits against the family of Daphne Caruana Galizia. The Commissioner stressed that the continuation of these lawsuits puts an unjustified psychological and financial pressure on the family, is perceived as an intimidation against them and raises questions about the authorities' commitment to finding and bringing to justice the masterminds of the crime which led to Daphne Caruana Galizia's death. Moreover, as the burden of proof lies with the respondents, the family may be obliged to reveal information about Daphne Caruana Galizia's journalistic work and sources. This is not only an excessive and very complex burden for the respondents but may also amount to undue interference with the right to protection of journalistic sources. The Commissioner recommended that Maltese legislation should permit the courts to take a more flexible approach and to consider the reversal of the burden of proof. Lastly, the Commissioner underlined that the situation endured by the heirs of Daphne Caruana Galizia stands as an ominous warning to all journalists in Malta and that the current legal provisions which allow the passing of civil defamation cases to heirs put journalists and families at risk and have a chilling effect on investigative journalism. She therefore recommended that the authorities repeal these provisions.

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

3. Themes

Human rights of immigrants, refugees and asylum seekers

On 12 September, the Commissioner published her Human Rights Comment '*Time to deliver on commitments to protect people on the move from human trafficking and exploitation*' where she called attention to the extensive legal toolbox of the Council of Europe in tackling these abuses. She highlighted her own role in contributing to addressing human trafficking and exploitation of refugees, asylum seekers and migrants, as evident from her country work. She noted that the fight against human trafficking and exploitation of people on the move is impacted in various ways by member states' migration policies. For example, delays in asylum procedures may affect the timely identification of victims of human trafficking, whilst limits on access to reception facilities may leave them without assistance. Policies focused on discouraging people from irregularly staying in member states may also sweep up victims of trafficking or those vulnerable to it. The Commissioner called specific attention to the situation at Europe's external borders and the findings of her Recommendation on the situation in the Mediterranean, showing that policies may leave those trafficked and exploited trapped in such situations, or stuck at sea without a safe port when trying to escape such treatment. She noted that closing down safe and legal routes provides the ground on which human trafficking can flourish. In this light, she called on Council of Europe member states: to redouble their efforts to tackle human trafficking and exploitation of refugees, asylum seekers and migrants; to review how their internal and external migration policies are impacting on the prevention of human trafficking, and the identification and protection of victims; to expand safe and legal routes; to prioritise early identification of potential victims among arriving asylum seekers; to ensure adequate reception conditions, especially for unaccompanied refugee and migrant children; and to ensure victims receive appropriate assistance.

Human rights of Roma

On 1 August, the Commissioner published an opinion article in *OpenDemocracy* entitled “Drawing the right lessons from the Roma Holocaust” on the occasion of the 75th commemoration of the Roma genocide perpetrated during the Second World War (2 August). The Commissioner stressed the relevance of this commemoration in view of the prevailing climate of rejection and simmering violence in which many Roma live in Europe today. She expressed particular concern about the persistence of hostile demonstrations and collective attacks against Roma, which sometimes force them to move away for their own security, and the fact that such attacks do not always result in an appropriate judicial response. She called for a more responsible political debate and stressed that Roma should not be used as scapegoats to attract votes or divert people’s attention from other issues. She also urged the authorities to step up action in the field of education and access to housing and recommended the setting-up of truth and reconciliation commissions to set the record straight on past human rights violations against Roma, set the grounds for compensation of the victims and promote mutual understanding and trust.

Human rights of LGBTI people

On 6 September, the Commissioner published a statement ahead of the Sarajevo Pride March, the first in Bosnia and Herzegovina, which took place on 8 September. Noting that marches are instrumental to raising awareness about the human rights of LGBTI people, the Commissioner expressed full support to this event as an important step forward towards ensuring equality of all citizens in the country. The Commissioner emphasised that, as a Council of Europe member state, Bosnia and Herzegovina must guarantee to each citizen the enjoyment of the human rights and fundamental freedoms guaranteed by the European Convention on Human Rights. She called on the authorities to take all the necessary measures to allow the March event to take place in a peaceful and safe manner. The Commissioner expressed her hope that after this event the self-affirmation and visibility of LGBTI people will no longer be out of the ordinary in Bosnia and Herzegovina.

The Commissioner was pleased to note that the March took place on 8 September in a safe and dignified atmosphere, and that more than 2000 persons took part in it.

Co-operation with National Human Rights Structures

On 5 September, a member of the Office of the Commissioner for Human Rights attended an informal exchange of views of the Committee of Ministers, convened by the French Presidency of the Committee of Ministers of the Council of Europe, on the role and contributions of National Human Rights Institutions (NHRIs) and Ombudsman institutions. Effective and independent national human rights structures are key actors in promoting and defending human rights, with whom the Commissioner co-operates closely. The representative from the Office recalled that the Commissioner has expressed concerns about attempts to undermine the independence and effectiveness of national human rights structures in several European countries. The ongoing revision of relevant Recommendations presents a good opportunity for the Committee of Ministers to call on member states to strengthen the relevant institutions.

On 26 September, on the margins of the 25th anniversary conference of the European Commission against Racism and Intolerance (ECRI), the Commissioner convened an exchange of views with representatives of 35 European Equality Bodies and the EQUINET Network. The Commissioner and Equality Bodies discussed their respective priorities in the promotion of equality, as well as the

challenges faced by Equality Bodies in the current political environment in Europe. Acknowledging the many existing strands of co-operation between the Commissioner's office and Equality Bodies, several concrete ideas for further enhancing synergies were presented.

The second part of the meeting was focused on the role that Equality Bodies can play in tackling algorithmic discrimination, as a follow-up to the Commissioner's Recommendation "Unboxing Artificial Intelligence: 10 steps to protect Human Rights". Participants recognised that discrimination related to the use of algorithms and automated decision-making was becoming an urgent issue appearing in many areas of their anti-discrimination work. A few Equality Bodies have already analysed the use of Artificial Intelligence (AI) and possible discrimination risks in their countries, launched investigations, and handled individual complaints, in line with their mandates and functions. Based on their findings, priority areas for further work included: focusing on preventing violations, working with private actors designing algorithms, and educating the public at large. Several participants also insisted on the fact that AI carries important positive potential to help in the fight against discrimination, through the identification and documentation of patterns of bias, for example. While interested in playing their part in tackling algorithmic discrimination, Equality Bodies nonetheless noted that they face challenges in doing so, including a lack of technical expertise, scarce resources, underreporting by victims, lack of awareness of those using AI systems about the risks, and lack of access to evidence when the systems are not transparent.

Counter-terrorism and human rights

On 19 July, the Commissioner reacted to the decision of the United Kingdom government not to establish a judge-led inquiry into detainee mistreatment and renditions following the terrorist attacks in New York on 11 September 2001. The Commissioner noted that the decision not to hold it was regrettable, and that it remained a crucial step to protect human rights while countering terrorism in order to better prevent torture and other abuses. It is recalled that in a letter addressed to the then Prime Minister Theresa May in August 2018, the Commissioner had called for such an inquiry to be carried out.

On 25 September, the Commissioner's Office organised a consultation meeting in Paris on the human rights aspects of the return of foreign fighters and their families to Council of Europe member states, which gathered a small number of academics, legal professionals and representatives of international organisations (including the Office of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism), civil society organisations, national human rights structures and national authorities. The experts discussed the human rights issues pertaining to the return of children; the jurisdiction and responsibilities of Council of Europe member states towards their nationals; the right to a fair trial and connected rights; and the rehabilitation and reintegration of returned foreign fighters and their relatives. The meeting served to gather existing expertise, in order to explore possibilities for further work of the Commissioner in this area.

Independence of the judiciary

On 3 September, the Commissioner published her Human Rights Comment '*The Independence of judges and the judiciary under threat*'. In this Comment the Commissioner warned about increasing and worrying attempts by the executive and legislative to use their leverage to influence and instruct the judiciary and undermine judicial independence. Several cases of intimidation of and verbal public threats to judges by representatives of the executive were mentioned in the Comment to

illustrate the aforementioned increasing negative trend. The Commissioner listed all the efforts taken at the European level in recent years to protect the rule of law and judicial independence, including the relevant work in this field of the European Court of Human Rights, the Parliamentary Assembly, the Venice Commission, GRECO and European Union institutions. While these developments showed that European institutions have not been complacent in this field, the Commissioner noted that some of the actions taken were long overdue.

In order to address this negative trend, the Commissioner stressed the need for European institutions to be stronger, more resolute and more vocal in defending the rule of law and the independence of the judiciary. Council of Europe member states need to fully comply with the European standards in this field and uphold the independence of the judiciary. The Commissioner also called for more systematic scrutiny of the rule of law in Council of Europe member states against the relevant Council of Europe standards. Judges need to be involved and consulted in the preparation of legislation which concerns them and about the functioning of the judicial system and should enjoy security of tenure and protection from undue early removal from office or involuntary transfer. The right of judges to express their views on matters of public interest should be safeguarded. Lastly, the Commissioner invited European citizens to hold their governments to account when the governments' actions undermine the rule of law, democracy and human rights.

Racism and Xenophobia

On 26 and 27 September the Commissioner and representatives of her Office participated in the high-level conference "On the Road to Effective Equality - New responses to racism and intolerance needed?" organised by the European Commission against Racism and Intolerance (ECRI) on the occasion of its 25th anniversary. In her speech, the Commissioner stressed that despite important advances promoted by ECRI and other human rights bodies, the struggle for a society free of racism, xenophobia, intolerance and inequality is not over. The most affected by racism and intolerance are Jews, Muslims, Roma, foreigners and LGBTI people. Furthermore, the Commissioner underlined that the present challenge is to ensure that laws and standards are implemented and that institutions function effectively. Lastly, the Commissioner expressed her hope for a renewed commitment to confront deeply-rooted prejudices, stereotypes and myths and for a new impetus to the ambition to establish a democratic and pluralist society respecting the equal dignity of all human beings. In a session of the conference dealing with new technologies and the Internet, a representative of the Commissioner's Office addressed the issue of the human rights compliant use of artificial intelligence, as delineated in the Commissioner's Recommendation '*Unboxing Artificial Intelligence: 10 steps to protect Human Rights*'.

4. Other meetings

Meeting with the President of the Supreme Court of Ukraine, Valentyna Danishevskaya

On 24 September, the Commissioner met in Strasbourg with Valentyna Danishevskaya, President of the Supreme Court of Ukraine. The meeting served to present some of the main achievements and challenges in the work of the new Supreme Court since it had taken up its functions in December 2017, against the general backdrop of the reform of the judiciary initiated in Ukraine in 2016. The exchange also touched upon draft legislation currently being examined by Ukraine's Parliament, which among other things foresees important changes to be made to the composition and the

functioning of the Supreme Court. The Commissioner stressed that the independence of the judiciary in all member states was high on her list of priorities.

5. Human Rights Defenders

On 11 July, the Commissioner expressed alarm via Twitter about the arrests of Crimean Tatar activists who were demonstrating peacefully against the criminal prosecution of members of their community in Moscow. Stressing the need to protect minorities, the Commissioner urged the Russian authorities to review the legislation on public gatherings and ensure that all people enjoy freedom of assembly on an equal basis.

On 15 July, the Commissioner issued a statement commemorating the 10-year anniversary of the murder of Natalia Estemirova, whose work in defence of human rights in Chechnya was widely renowned. The Commissioner paid tribute to her courage and dedication in helping victims of human rights violations to establish the truth and obtain justice, including through the European Court of Human Rights. Recalling that the brutal murder of Natalia Estemirova sent a sinister message to all human rights defenders in the North Caucasus, the Commissioner emphasised the moral imperative for the Russian authorities to pursue more resolute efforts to elucidate the full circumstances of her murder and ensure that all those involved in her murder, in particular those who ordered it, are held to account.

On 18-19 September, a member of the Commissioner's Office participated in the 9th Inter-Mechanisms Meeting for the protection of human rights defenders hosted by the OSCE/ODIHR in Warsaw. Such meetings have taken place on a regular basis since 2008 upon the initiative of the Observatory for the protection of human rights defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) with the aim of discussing current issues and exchanging experiences concerning the situation of human rights defenders worldwide.

Participants in the meeting included the UN Special Rapporteur on the situation of human rights defenders, the Director of ODIHR, representatives of the UN OHCHR, the European Commission (DG DEVCO), the EU Fundamental Rights Agency, and representatives of international human rights NGOs.

Discussions focused on the impact of national security and counter-terrorism measures on the protection of human rights defenders. Participants agreed to continue dialogue with key stakeholders in international anti-terrorism bodies, including the UN Counter-Terrorism Committee Executive Directorate (CTED), the UN Office of Counter-Terrorism (OCT) and the UN Security Council Counter-Terrorism Committee to make sure that the policies being devised by them are human rights compliant.

The Inter-Mechanisms meeting also provided the opportunity for its participants to share information about their action in support of human rights defenders within the framework of a side-event held in the margins of the OSCE/HDIM and convey the message that human rights defenders should be considered as key partners, and not opponents, of states in implementing national security and counter-terrorism measures.

6. European Court of Human Rights

On 18 September, the Commissioner took part in a hearing before the Grand Chamber of the European Court of Human Rights in the case of *Selahattin Demirtaş v. Turkey* (no. 2), concerning the pre-trial detention of a Member of Parliament. The Commissioner's intervention followed on from the written observations submitted in Chamber proceedings by her predecessor in November 2017.

In her intervention, the Commissioner drew the Court's attention to a number of systemic problems in Turkey in order to put in context many cases currently pending before the Court. She expressed her main concerns regarding the use of pre-trial detention by Turkish courts, including defective reasoning, the use of statements which should be protected under Article 10 of the European Convention on Human Rights as evidence, and undue limitations to the ability of suspects to challenge their detention and obtain a speedy review.

She also shared her view that judicial actions, such as arrests, initial and continuing detention, were being used to silence critical voices, including of opposition politicians, and that the inconsistency of the evidence used in this connection undermined legal certainty and discouraged legitimate dissent. She argued that a marked erosion of safeguards ensuring the independence of the judiciary in recent years had aggravated this situation.

7. Communication and Information work

The main media coverage for the period under review concerned the Commissioner's work on media freedom, migration and the independence of the judiciary. Over 140 news items were published by national and international media outlets covering the Commissioner's work.

The Commissioner's exchange of letters with the Prime Minister of Malta concerning posthumous defamation lawsuits against the family of Daphne Caruana Galizia were covered by a variety of media outlets, including *AFP*, *ANSA*, *Athens News Agency*, *DC News*, *Die Welt*, *DPA*, *EUObserver*, *France24*, *IBTimes*, *Il Giornale*, *Interfax*, *Le Figaro*, *Lëtzebuurger Journal*, *L'Express*, *L'Obs*, *Malta Today*, *Newsbook*, *Politik.gr*, *Reuters*, *SDA/ATS*, *Sio1.net*, *Spiegel Online*, *STA*, *Süddeutsche Zeitung*, *The Guardian*, *The Malta Independent*, *Times of Malta*, *Yahoo News*, and *Zeit Online*.

The Commissioner's work on migration and previous reports on this topic were covered by *Africanews*, *ANSA*, *BETA*, *EFE*, *Egypt Independent*, *El Confidencial*, *Foreign Affairs*, *Index.hu*, *Knack.be*, *Krstarica*, *La Vanguardia*, *Le Challenger*, *Le Monde*, *Mali Actu*, *N1 Info*, *NTB*, *Oslobodjenje*, *SDA/ATS*, *Tanjug*, *The Associated Press*, *The Canadian Press*, *The Guardian*, *The New York Times*, *The Washington Post*, *TV5 Monde*, *Wiadomosci*, and *Xinhua*.

The Human Rights Comment in which the Commissioner underscored the threats to the independence of the judiciary was echoed in *24 Chasa*, *Antena3.ro*, *BTA*, *Cyprus News Agency*, *DPA*, *DW*, *Eichsfelder Tageblatt*, *EU Info*, *Euronews*, *Göttinger Tageblatt*, *Hannoversche Allgemeine Zeitung*, *Hildesheimer Allgemeine Zeitung*, *Interia Fakty*, *Kölner Stadt-Anzeiger*, *Lëtzebuurger Journal*, *Märkische Allgemeine Zeitung*, *Neue Presse*, *Prawo.pl*, *Reporter.gr*, *Romania Libera*, *SigmaLive*, *SIR*, *Sol Haber*, *StockWatch*, *Süddeutsche Zeitung*, *Topnovini.bg*, *Yeni Asia*, and *Ziare.com*.

The statements and tweets concerning the first Pride March in Sarajevo received broad media attention, in particular by *AFP, ANSA, AskaNews, BILD, Deutsche Welle, Dnevni avaz, DPA, DW, EFE, European Western Balkans, FENA, Il Piccolo, iRozhlas, Klix.ba, N1 Info, Nedeljnik, Oslobodjenje, PinkNews, Radio Wave, RTCG, SDA/ATS, and The Irish Times.*

The Commissioner's interviews on the genocide of Srebrenica were covered by *Al Jazeera, ANSA, Articolo21, Direktno.hr, Dnevnik, FoNet, HRT, Klix.ba, Kommersant, Novi list, SDA/ATS, and Telegraf.rs.* The op-ed on the same topic was published by *Danas, Kathimerini, Kommersant, Hurriyet Daily, Le Soir, openDemocracy, Oslobodjenje, and OsservatorioBalcaniCaucaso.*

The Commissioner's public comments on freedom of assembly in Russia were covered by *DW, Ekho Moskvy, Evropeiskaya Pravda, Interfax, Libertas, Lokalno, News.bg, Novaya Gazeta, Novoe Vremya, Rambler, RBC, TASS, and Vedomosti.ru.*

Aravot, AzerNews, AzerTac, Emerging Europe, Eurasia Diary, News.az, Trend, and Turan covered the visit to Azerbaijan. The visit to Turkey was mainly covered by *Ahval, Euronews, Ilerihaber, IPA News, Reporter.gr, SIR, and T24.*

The Commissioner published an op-ed in *openDemocracy* on the occasion of the commemoration of the Roma Holocaust. She stressed the importance of drawing renewed attention to this largely ignored page of Europe's recent history and to confront the deeply-rooted prejudices, stereotypes and myths that still negatively affect Roma people.

Additional coverage concerned media freedom (*Balkan Insight, EurActiv, Hina, Jutarnji List, Interfax, Newsone, and RTL.hr*), Turkey (*DW, EFE, El Confidencial, Hürriyet, La Vanguardia, and Süddeutsche Zeitung*), women's rights (*Euronews, Malta Today, The Economist, Večernji list, RTL.hr, and Slobodna Dalmacija*), human trafficking (*ANSA, InfoMigrants, and SIR*), policing (*Daily Sabah, DPA, Daily News, and The Star*), Poland (*Euronews, Libération, and Reuters*), human rights (*Agi and HuffPost Italia*) and Roma (*Politico*).

Almost 40000 unique visitors consulted the Commissioner's website during the period under review, almost 50% more compared to the same quarter of 2018. Social media activity continued to generate interactions, particularly on Twitter, where 34 tweets resulted in a total number of over 830000 impressions and an increase of more than 1400 followers.