

# COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

**3<sup>RD</sup> QUARTERLY ACTIVITY REPORT 2020**

**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 and 30 September.

## 1. Reports and continuous dialogue

### ***Letter to the Spanish Ministers of Home Affairs and for Inclusion, Social Security and Migration***

In a [letter](#) to the Spanish Ministers of Home Affairs and for Inclusion, Social Security and Migration, published on 3 September, the Commissioner raised concerns about the situation of migrants including asylum seekers accommodated in the Melilla bullring following the prolonged lockdown of Melilla's reception centre for migrants owing to the COVID-19 pandemic.

She expressed concern about the substandard conditions in which around 500 people were living, especially those placed in quarantine, who were in an even more precarious situation owing to lack of access to basic facilities, sufficient water and food, and asylum proceedings.

She urged the authorities to find alternatives to accommodation in the bullring. Referring to two Supreme Court decisions of July 2020 confirming that persons who have requested asylum in Ceuta or Melilla have the right to freedom of movement in Spain, she stressed that the authorities should extend transfers to the mainland, particularly asylum seekers and vulnerable persons, to alleviate the pressure on Melilla's limited reception capacity and provide more human rights-compatible options.

Lastly, the Commissioner expressed her dismay at continuing reports of persons drowning trying to reach the shores of Spain, especially the Canary Islands, and drew the authorities' attention to her Recommendation of 2019 entitled "Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean."

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

### ***Letter to the Parliament of the Slovak Republic on proposed restrictions on access to safe and legal abortion services***

On 10 September, the Commissioner published a [letter](#) to the Speaker of the National Council of the Slovak Republic, and the Chairpersons of the Committees on Constitutional and Legal Affairs, Health Care, and Social Affairs. In the letter, she raised concerns about a draft law intending to introduce restrictions on access to safe and legal abortion services. In particular, she addressed two issues: firstly, the proposal to lengthen the mandatory waiting period from 48 to 96 hours, and to extend its application to all situations in which a woman's health is not at immediate risk; and secondly, the proposal to introduce a new requirement for authorisation to perform abortions on health grounds, requiring two medical certificates rather than the current one, except in the case of urgent care provision. She also warned that other proposed changes, such as those concerning the provision of information on abortion, the collection and sharing of personal information and the proposed ban on 'advertising' abortion services may form substantial barriers to accessing safe and legal abortion services and stigmatise women seeking an abortion. In this connection, the Commissioner called on parliamentarians to reject any proposed measures that would, in law or

practice, lead to retrogression as regards the access of women to their sexual and reproductive health and rights. On 20 October, the draft law failed to pass a vote in the National Council.

***Letter to the Minister for Foreign Affairs of San Marino regarding the independence of the judiciary***

On 15 September, the Commissioner published a [letter](#) addressed to the Minister for Foreign Affairs of San Marino, Luca Beccari, setting out a number of concerns relating to the independence of the judiciary in the country. Referring to the applicable international standards, particularly those concerning the role of judicial councils, the Commissioner noted serious allegations of political interference in judicial matters made by members of the San Marinese judiciary. Bearing in mind the ongoing work of relevant Council of Europe bodies in assessing the institutional set-up governing the independence of the judiciary of San Marino and their potential to assist with current and future reforms, the Commissioner called on the authorities of San Marino to refrain from any further action that may fuel allegations of political interference before any Council of Europe recommendations are published and implemented.

The letter is available on the Commissioner's website, along with the reply by the Minister of Foreign Affairs of San Marino.

***Meeting with the Minister of Foreign Affairs and Trade of Hungary***

On 22 September, the Commissioner met the Hungarian Minister of Foreign Affairs and Trade, Péter Szijjártó, to discuss priorities and concerns ahead of the Hungarian Chairmanship of the Committee of Ministers (May - November 2021). The Commissioner highlighted her concerns about media freedom and the rights of transgender people in Hungary and underlined the need to ensure women's access to health services and the importance of sexuality education for the whole of society. They also discussed the main challenges faced by Hungary with respect to the COVID-19 pandemic, including its social and economic impact.

***Letter to the Chamber of Deputies of the Czech Republic on compensation for victims of forced sterilisation***

On 29 September, the Commissioner published a [letter](#) to the Speaker and members of the Chamber of Deputies of the Czech Republic in relation to the proposal for a law for a one-off financial compensation for persons who are the victims of unlawful sterilisation. In the letter, she invited parliamentarians to ensure that the consideration of the bill on compensation for victims of forced and coercive sterilisations would extend beyond the first reading and that a fair and adequate mechanism for compensation would be established quickly. The Commissioner wrote that the bill on compensation for victims of forced and coercive sterilisations, which were carried out in particular on Roma women, provided an important opportunity for elected representatives in the Czech Republic to address this historic injustice. She noted that the bill could be the last opportunity to deliver justice to the victims and this opportunity should not be wasted.

## 2. Themes

### ***Human rights of immigrants, refugees and asylum seekers***

On 2 July, the Commissioner participated in the event held by the Special Representative of the Secretary General on Migration and Refugees to launch the handbook *Family reunification for refugee and migrant children: standards and promising practices*. She delivered a speech in which she noted that family reunification was increasingly seen in member states as a secondary, non-essential issue and an added burden. This, she noted, had led to restrictions on family reunification. The Commissioner highlighted the human cost of family separation, pointing to various situations in member states in which people including families were kept apart by restrictive or poorly implemented family reunification policies. She noted the impact on the mental health of those already in Europe, and the adverse consequences for integration. The Commissioner stressed that family reunification was key for the protection of refugees and migrants, especially children, but also for the promotion of inclusive, successful societies. She noted that work was needed on several fronts, including litigation to challenge restrictions and her own interventions with the Court. She also highlighted the need to give states positive guidance to help them devise better policies, and pointed out that the handbook was a very welcome addition to the tools member states have at their disposal, commending the fact that it put the situation of those for whom family reunification was most crucial – refugee and migrant children – at the heart of the discussion.

On 6 July, the Commissioner called for action to be taken on standoffs over the disembarkation of persons rescued at sea. She [called on](#) member states not to tolerate another summer of such standoffs, as delays in safe disembarkation prolong the suffering of those rescued and put their human rights at risk. She called for measures to prevent disembarkation in unsafe places, especially Libya, priority to be given to humanitarian considerations rather than disagreements between states, and agreement on structural solutions for responsibility sharing.

On 9 September, further to the fire that destroyed most of the Moria Registration and Identification Centre and the informal settlements surrounding it on the Greek island of Lesbos, the Commissioner published a [statement](#) calling on the Greek authorities to provide adequate assistance to all those affected by the fire as a matter of urgency, protect asylum seekers and migrants from attacks and refrain from rhetoric that could heighten tensions. The Commissioner also invited the authorities in Greece and other Council of Europe member states to fundamentally rethink their approach and address the structural problems of a migratory policy that has caused so much unnecessary human suffering. In this connection, she pointed to the containment of asylum seekers and migrants on the Aegean islands, the lack of reception capacity on the islands and the mainland, and the lack of European solidarity.

### ***Safety of journalists, freedom of expression and media freedom***

On 1 July, the Commissioner [deplored](#) the excessive use of force by Russian police against the journalist David Frenkel while he was performing his duties in St Petersburg. She called this incident an unacceptable interference in press freedom, pointed out that the Russian authorities have a responsibility to protect journalists and endorsed the St Petersburg Ombudsman's call for an investigation.

On 6 July, the Commissioner issued a [statement](#) on the long-standing problem of undue restrictions to freedom of assembly, expression and press freedom in the Russian Federation. Pointing to the recent detention of several journalists and the criminal verdict against a journalist, Svetlana Prokopyeva, as an illustration of flaws affecting freedom of assembly and expression in the country, the Commissioner highlighted the need for an urgent overhaul to the relevant Russian legislation. She also noted that the misuse of anti-terrorism and anti-extremism legislation and practice restricted legitimate reporting and criticism of state authorities and had a chilling effect on all media professionals that was incompatible with the requirements of the European Convention on Human Rights. The Commissioner also recommended that the Russian authorities drop all ongoing criminal proceedings against journalists, human rights defenders and individuals targeted for exercising their rights to freedom of assembly, expression and press freedom.

On 8 July, the Commissioner made a [video speech](#) on freedom of expression in times of COVID-19 to the HELP Annual Network Conference. The speech highlighted the fact that, in many crisis situations, press freedom, and the right to receive information and express opinions freely are among the first rights to be restricted. The Commissioner stressed in particular that access to reliable information from ethical media professionals is one of the best antidotes to disinformation that a society can call for. It was especially important for journalists to be able to work in safe conditions, without fear of being harassed or attacked, both offline and online. The Commissioner also noted that digital tools could be used to make society more resilient even in the face of emergencies, but could also exacerbate problems. The Commissioner concluded that in all these areas there is a clear need for more human rights education.

The Commissioner also reacted on social media to several developments relating to media freedom in Council of Europe member states. She [called on](#) the government of Slovenia to ensure that there is enough time for meaningful consultations on new media law bills, expressed concerns about a [court decision](#) relating to the killing of Ján Kuciak and Martina Kušnírová in Slovakia and commented on the [decision](#) of the Media Council in Hungary not to renew Klubrádió's licence. She also [called on](#) the Turkish government to withdraw the amendments proposed to Internet legislation, which would make a legal framework that is already incompatible with Council of Europe standards much worse.

On 3 September, the Commissioner published a [statement](#) in which she expressed concern about the reported incidents of police violence against journalists covering demonstrations in Sofia. The Commissioner stressed that violence against journalists, especially at the hands of state officials, is contrary to states' duty to uphold press freedom and to protect the safety of journalists. She called on the Bulgarian authorities to investigate all reported cases of attacks against journalists properly and punish the police officers responsible, and highlighted the urgent need to give clear instructions to police officers to respect press freedom and allow journalists and media professionals to cover demonstrations safely.

On 17 September, the Commissioner delivered the [laudatory speech](#) for the winner of the M100 Media Award 2020, the Hungarian journalist and former editor-in-chief of the independent news website, Index, Szabolcs Dull. In her speech, the Commissioner praised the resilience to political and economic interference with media independence shown by Hungarian society, including journalists such as the winner of the award. Referring to the Hungarian Media Council's decision of 11 September to oppose the renewal of Klubrádió's licence, she deplored the fact that most active news outlets in Hungary had lost their independence, warned of the dangers for pluralistic

democracy, and called for more persistence in defending and promoting human rights, democracy and the rule of law.

### ***Freedom of assembly***

In her [statement](#) of 6 July referred to above, the Commissioner noted that the Russian legal framework governing public events and its application in practice, including the arrests of peaceful demonstrators and the use of excessive force by police, has been consistently found to infringe the applicable human rights standards. Given this, she stressed that the law needed to be changed to include explicit provisions in favour of holding public events and to set up appropriate mechanisms to ensure effective realisation of freedom of assembly in practice. The Commissioner also noted the need to change the culture in the police and the courts so that international and European human rights standards on freedom of assembly could be applied properly and criminal proceedings and arrests would no longer be used against peaceful demonstrators.

### ***Women's rights and Gender Equality***

In a [statement](#) issued on 22 July, the Commissioner regretted that amendments to Poland's Medical Professions Act, passed by the lower house of the Polish parliament (the Sejm), had failed to include a key provision explicitly obliging healthcare providers to refer patients to an alternative and willing provider in the event that they refused to provide a medical service on grounds of conscience. The Commissioner criticised the removal by the Sejm of that provision, which had been tabled by the Polish government and received backing from the Senate, finding it to be at variance with her previous recommendations to address shortcomings in Poland's legal and institutional framework for the refusal of abortion care on grounds of conscience. She also considered it to be incompatible with a recent decision by the Committee of Ministers of the Council of Europe, taken in the context of the supervision of the execution of a judgment of the European Court of Human Rights against Poland, which had strongly encouraged the government to adopt such a provision without further delay. The Commissioner therefore urged the President of Poland to veto the amendments and called on the Sejm to bring the legislation into line with the applicable human rights standards and Poland's obligations.

### ***Children's rights***

On 3 July, the Commissioner participated in an online event on the repatriation of children of suspected foreign fighters to Europe held by the General Delegate for Children's Rights of the French Community of Belgium (see 'Counter-terrorism and human rights' below).

On 21 July the Commissioner published a [Human Rights Comment](#) entitled "Comprehensive sexuality education protects children and helps build a safer, inclusive society". She pointed out that, despite overwhelming evidence that comprehensive sexuality education benefits children and society as a whole, there was renewed opposition to the provision of mandatory sexuality education in schools on the grounds that it threatened traditional and religious values. She stressed the need to dispel myths and misinformation about sexuality education and to clarify that sexuality education cannot be left entirely to families or to the Internet. The Commissioner highlighted the relevance of comprehensive sexuality education to the protection of human rights, as a tool to combat violence and sexual abuse against children, to promote gender equality and raise awareness about domestic violence and the sexual and reproductive health and rights of women, and to help young people understand sexual orientation and gender identity and dispel stereotypes about LGBTI persons. The

text contains a list of recommendations to improve the delivery of comprehensive sexuality education in schools. They include making sexuality education mandatory, mainstreaming it across the education system, gearing it to the different stages of children's development, and basing it on science and human rights standards. The Commissioner also stressed the need for families to be given accurate information on sexuality education, for young people to be consulted and involved, and for teachers to be given adequate specialised training and support. She concluded by highlighting the important role of strong political leadership in reminding society that access to comprehensive sexuality education is a human right and that it is for the benefit of all.

### ***Human rights of LGBTI persons***

On 2 July, the Commissioner [welcomed](#) the adoption by the Montenegrin parliament of a bill on life partnership for same-sex couples, which was a key step forward for the human rights of LGBTI people in the country. The Commissioner pointed out that a growing number of Council of Europe member states (then 29) provided legal recognition of stable same-sex partnerships.

On 8 August, the Commissioner [called for](#) the immediate release from detention of a Polish LGBTI activist, who had participated in a number of public actions to denounce the stigmatisation of LGBTI people in the country, including obstructing an anti-LGBTI hate van and putting up rainbow flags on various monuments around Warsaw. In connection with her actions, particularly an incident involving the driver of an anti-LGBTI hate van, the activist had been repeatedly arrested by the police and eventually placed in pre-trial detention for two months on 7 August. The Commissioner considers that the decision to detain the activist for two months and the rough treatment by the police of LGBTI demonstrators who protested against her detention sends out a very chilling signal for the freedom of expression and other human rights of LGBTI people in Poland. Following an appeal, the activist was released from detention on 28 August.

On 21 September, the Commissioner published her third-party intervention in the case before the European Court of Human Rights of *Florin Buhuceanu and Victor Ciobotaru and 12 other cases v. Romania*, which concerns the absence of any legal framework for the recognition of stable same-sex relationships in Romania. (See 'System of the European Court of Human Rights' below).

### ***Human rights of Roma***

On 31 July, prior to the commemoration of the Roma Holocaust on 2 August, the Commissioner issued a [statement](#) in which she highlighted the importance of efforts to explore the tragic chapters of Roma history by means of truth and reconciliation commissions and other such mechanisms in order to foster reconciliation and trust.

She said that the COVID-19 pandemic had once again highlighted the heightened vulnerability of Roma to human rights violations, and referred to a statement she had published on 7 April 2020, in which she had warned against the scapegoating of Roma, ethnic profiling and other discriminatory measures, and urged governments to ensure equal protection and care for Roma during the crisis.

Lastly, she deplored the ongoing forced evictions, hate speech and police abuses targeting Roma and pointed out how important it was to remember that the persistence of prejudices, racism and discrimination forms the bedrock for the repetition of serious human rights violations.

### ***Conduct of law enforcement officials***

On 8 July, the Commissioner published a [statement](#) in which she expressed serious concern about the violent dispersal of demonstrators by the Serbian police the day before in Belgrade. She stressed that police violence and disproportionate use of force must never be tolerated, even when operations aimed at maintaining public order during demonstrations are particularly complex and law enforcement officers are performing their duties in highly tense contexts. She pointed out that the Serbian authorities had an obligation to carry out effective investigations to establish responsibility and punish the officers responsible in line with the relevant case-law of the European Court of Human Rights and the Committee of Ministers Guidelines on Eradicating Impunity for Serious Human Rights Violations. The Commissioner emphasised that showing zero tolerance towards law enforcement officers who breach professional ethics or criminal law is essential to prevent impunity and strengthen public trust in the police.

### ***Transitional justice***

On 11 July, the Commissioner launched a [website](#) focusing on the Srebrenica genocide, which includes information related to the fight against impunity, genocide denial, missing persons, reparations and education. On the same date, she also published an [opinion article](#) entitled “Genocide denial concerns us all”, in which she stressed that protecting the truth from deniers and providing justice for victims of the Srebrenica genocide is our best bet where it comes to preventing genocides from occurring again. Genocide denial weakens a society's ability to detect the re-emergence of discourse and acts that may lead to new atrocities. It also dehumanises the survivors and the victims, and undermines measures to combat impunity for war crimes and ultimately, the possibility of reconciliation. The first step is to pass laws at national level which criminalise the denial of genocide, as several European countries have already done. This can contribute greatly to setting the record straight and reducing the chances that political leaders and opinion makers will engage in shameful discourse about genocides. Another step forward would be the establishment of an international remembrance day to commemorate the Srebrenica genocide, which is a long-standing request of the Mothers of Srebrenica. Lastly, the Commissioner addressed the role of schools in providing objective instruction about the past to debunk some of the dangerous myths which currently exist, and in educating about justice and equality for all.

On 31 July, prior to the commemoration of the Roma Holocaust, the Commissioner issued a [statement](#) in which she highlighted the importance of efforts to explore the tragic chapters of Roma history by means of truth and reconciliation commissions and other such mechanisms in order to foster reconciliation and trust. (See also under ‘human rights of Roma’.)

On 28 August, the Commissioner issued a [statement](#) prior to the International Day of the Victims of Enforced Disappearances, in which she called on concerned Council of Europe member states to take decisive action to establish the truth about missing persons. The Commissioner pointed out that the lack of truth and justice for missing persons is still a serious human rights issue in Europe and that enforced disappearances are still happening on the continent. She urged concerned states to search for missing persons with more resolve, to establish what happened to them, to punish those responsible for the disappearances, and to acknowledge the suffering of relatives and cater for their needs. Lastly, she called on all Council of Europe member states that have not yet done so to ratify the International Convention for the Protection of all Persons from Enforced Disappearance.

On 23 September the Commissioner published a [statement](#) in which she highlighted the importance of effectively protecting and supporting witnesses in proceedings relating to crimes committed during the wars of the 1990s in the former Yugoslavia. Prompted by two developments (the publication in local media outlets of the name of a protected witness in a war crime case in Bosnia and Herzegovina and the anonymous transfer to a veterans' organisation in Kosovo\* of war crime files containing the names of witnesses allegedly belonging to the Specialist Kosovo Chambers), the statement emphasises that these developments are unacceptable and raise a number of serious issues to be addressed by the authorities, prosecutors' offices and courts. Lack of effective protection for witnesses has been a matter of concern in the countries in the region for many years, and the Commissioner calls on politicians and members of the judiciary to take this issue seriously and ensure that no witness has to fear for their life when testifying in a war crimes case. Crucially, this includes promptly identifying and bringing to justice persons attempting to intimidate witnesses. The Commissioner also appeals to media professionals not to disclose information about the identity of protected witnesses. In doing so, not only do they violate ethical codes of journalism, but they risk being held criminally responsible.

### ***Counter-terrorism and human rights***

On 3 July, the Commissioner participated in an online event on the repatriation of children of suspected foreign fighters to Europe held by the General Delegate for Children's Rights of the French Community of Belgium. The Commissioner stated that, from a human rights perspective, repatriating these children was the only way forward, and that many in the intelligence and security community also supported repatriation so that any control or disengagement and rehabilitation measures that were necessary could be implemented. Pointing out that Council of Europe member states must take all feasible measures to ensure that children affected by armed conflicts receive protection and care, as provided for by several conventions to which they are party, the Commissioner stressed that these children should be treated first and foremost as victims. In order to safeguard their best interests, she also invited Council of Europe member states to consider repatriating the mothers, pointing out that they can be brought to justice if necessary, in accordance with domestic legislation and international and European standards.

### ***Human rights implications of the COVID-19 pandemic***

On 1 July the Commissioner participated in a hearing at the German Bundestag on safeguarding human rights in the Covid-19 pandemic. The Commissioner stressed that from the beginning of the restrictions, she had tried to raise awareness about the risks that lockdowns could pose to human rights, especially those of some groups of people whose rights had already been largely neglected before the pandemic, such as older persons, persons with disabilities, women, children, Roma, LGBTI people, detainees and migrants. She focused on three specific topics: challenges to freedom of expression and information and media freedom; the intersection between digital technologies and human rights; and challenges related to migration issues.

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\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

### 3. Human Rights Defenders

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

On 2 July, the Commissioner published a [statement](#) expressing her concerns about changes proposed to the regulatory framework governing lawyers and bar associations in Turkey designed to allow more than one bar association to exist in certain provinces and change the arrangements for the election of bar associations and their Union. The Commissioner stressed that, seen against the background of the problems concerning the independence of the judiciary and the repressive practices targeting lawyers and human rights defenders examined in her report on Turkey of February 2020, these changes had the potential to make an already bad situation even worse. In particular, she highlighted: the risk that lawyers might be stigmatised on the basis of the bar association to which they belonged, leading to a further deterioration of the appearance of impartiality within the justice system; the risk that the Union of Bar Associations would be rendered less representative; and the complete lack of consultation of Turkish Bar Associations and their almost unanimous opposition to the proposed changes. Accordingly, she urged the Turkish authorities not to impose these changes and only to contemplate reforms arising from broad consultation and the involvement of civil society.

On 3 July, the Commissioner published her submission to the Committee of Ministers in the context of the execution of the judgment delivered by the European Court of Human Rights on 10 December 2019 in the case of *Kavala v. Turkey* (see under “System of the European Court of Human Rights”).

On 20 July, the Commissioner issued a [statement](#) concerning the indictment of Semyen Simonov, a Russian human rights defender in Sochi, for not complying with the legislation on non-commercial organisations. She stressed that Mr Simonov’s NGO was punished for carrying out human rights activities, and pointed out that the prosecution of Semyen Simonov would have a massive chilling effect on the entire human rights community in Russia. She urged the authorities of the Russian Federation to drop the charges against him. The Commissioner also emphasised that the Russian legal framework unduly restricted the work of civil society organisations in the country and needed to be reviewed in line with Council of Europe human rights standards.

On 8 August, the Commissioner called for the immediate release from detention of a Polish LGBTI activist who had participated in a number of public actions to denounce the stigmatisation of LGBTI people in the country (see under “Human rights of LGBTI people”).

On 26 August, the Commissioner made a [statement](#) on the circumstances that had resulted in Alexei Navalny, a prominent Russian anti-corruption activist, blogger and public figure, falling into a coma. She said that it was crucial for the Russian authorities to carry out an effective investigation into all aspects of his case, particularly the allegations of his intentional poisoning. This was a duty owed not only to Mr Navalny but to society at large, as it was a key means of protecting freedom of expression and ensuring a safe and enabling environment for civil society activities. The Commissioner also expressed her sympathy to Alexey Navalny and his friends and family, and hoped that he would recover fully soon.

On 28 August the Commissioner published a [statement](#) relating to the death of lawyer Ebru Timtik, who died in hospital in Turkey after a 238-day hunger strike, during which her demand for a fair trial

was never met. Ms Timtik was one of the lawyers from the Progressive Lawyers' Association who were targeted by criminal proceedings in connection with the exercise of their professional activities. Expressing her sincere condolences to Ms Timtik's family, the Commissioner stressed that her death was a tragic illustration of the human suffering caused by a judicial system in Turkey that was now being used as a means of silencing lawyers, human rights defenders and journalists, through systematic disregard for the most basic principles of the rule of law. Lawyers had borne the brunt of these developments in their dual capacity as human rights defenders and a key component of an increasingly hostile judicial system. The Commissioner urged the Turkish authorities to uphold fair trial principles by rolling back restrictions to procedural defence rights introduced during the state of emergency and ensure that nobody is detained without due process. She also called on them to address the increasingly obvious attitude within the Turkish judiciary that lawyers were guilty by association with their clients.

On 10 September, the Commissioner published a [statement](#) following the abduction and ill-treatment of Salman Tepsurkaev (19), a chat moderator on a news channel on Telegram that has been highlighting human rights violations in Chechnya. The Commissioner said that his abduction, unacknowledged detention and torture in law enforcement premises in Grozny was unacceptable and urged the Russian authorities to take immediate action to ensure his safety and investigate this crime. She also stated that the tendency to crack down on critical voices had been prevalent in Chechnya for decades and called on the Russian authorities to uphold their human rights obligations.

On 30 September, the Commissioner issued a [statement](#) on the sentencing of Yuri Dmitriev, a Russian historian and human rights defender, to 13 years' imprisonment in a high-security prison in the Russian Federation. She noted in particular that such a harsh verdict could not be deemed to have complied with fair trial guarantees as it was handed down in the absence of Yuri Dmitriev's legal counsel. The Commissioner also emphasised that there had been a growing trend of judicial harassment against human rights defenders, journalists and other independent critical voices in Russia in recent years and called for the adoption of structural measures to create a safe and enabling environment for their work. As a matter of urgency, the Commissioner called on the Russian authorities to stop the criminal prosecution of a number of human rights defenders and journalists, including those of Abdulmumin Gadzhiyev, Yulia Tsvetkova, Anastasia Shevchenko and Semyen Simonov.

### ***Human rights situation in Belarus***

In a [statement](#) published on 21 September, the Commissioner said that more than a month after the beginning of mass protests following the presidential elections in Belarus, the human rights situation in the country remained extremely worrying. She called for an immediate halt to the large-scale and systematic violations of human rights, including arrests of peaceful protesters, ill-treatment and torture in detention, and harassment of journalists and human rights defenders. While noting that Belarus is not a member state of the Council of Europe, the Commissioner pointed out that this country is bound by international human rights obligations, including the duties to stop serious human rights violations, to investigate all such crimes and to prevent further violations. She also noted that the international community, including the Council of Europe, could play an important role in addressing human rights violations in Belarus and welcomed various steps that had been taken in this regard, particularly the launch of the OSCE Moscow Mechanism for Belarus.

The Commissioner also stressed that all victims of ill-treatment and torture must be provided with rehabilitation and called on Council of Europe member states to assist Belarusian victims of torture and all those in need of protection who arrived on their territories. Lastly, the Commissioner emphasised that human rights defenders and civil society could play a key role in preventing further human rights violations in Belarus, particularly by ensuring independent monitoring of detention centres.

#### **4. System of the European Convention on Human Rights**

##### ***Submission to the Committee of Ministers regarding the supervision of the execution of the judgment of the European Court of Human Rights in the case of Kavala v. Turkey***

On 3 July the Commissioner published her [submission](#) to the Committee of Ministers regarding the supervision of the judgment of the European Court of Human Rights in the case of *Kavala v. Turkey* (application no. 28749/18, judgment of 10 December 2019). In this submission made under Rule 9.4 of the Rules of the Committee of Ministers for the supervision of the execution of judgments, the Commissioner expressed her view that the current detention of Osman Kavala and the criminal proceedings against him, while being formally under different charges than those examined by the Court, constituted a seamless extension and continuation of the violations found by it. She therefore considered that the execution of the judgment required the applicant's immediate and unconditional release and the discontinuation of the criminal proceedings against him. As regards general measures needed to prevent further violations from occurring in Turkey, the Commissioner referred to her extensive work on Turkey and her existing recommendations concerning the Turkish judicial system, including the need to re-establish and reinforce constitutional guarantees, overhaul criminal legislation, ensure respect for elementary fair-trial guarantees and address serious problems faced by human rights defenders.

##### ***Submission to the Committee of Ministers regarding the supervision of the execution of the judgments handed down by the European Court of Human Rights in the case of Bălșan v. Romania***

On 5 August, the Commissioner published her [submission](#) to the Committee of Ministers in the context of the supervision of the execution of the judgment delivered by the Court in 2017 in the case of *Bălșan v. Romania* concerning the authorities' failure to protect the applicant from domestic violence and their discriminatory attitude towards the applicant as a woman. She stressed that the Romanian authorities should remove the obstacles that prevent women from accessing justice, increase the availability and accessibility of support measures for victims of domestic violence and prevent domestic violence and other forms of gender-based violence against women. The Commissioner also highlighted the need for stronger commitment by the authorities to effective protection for women from gender-based violence, as a key means of guaranteeing women's rights and advancing gender equality.

##### ***Third Party Intervention before the European Court of Human Rights in the case of Florin Buhuceanu and Victor Ciobotaru and 12 other cases v. Romania***

On 21 September, the Commissioner published her [written observations](#) to the European Court of Human Rights on the proceedings relating to *Florin Buhuceanu and Victor Ciobotaru and 12 other*

*cases v. Romania*, which concern the absence of a legal framework for the recognition of stable same-sex relationships.

The Commissioner began her submission with an overview of the work carried out by her predecessors and herself over the years on the issue, including several country visit reports in which the Commissioner recommended that states introduce a legal framework for the recognition of same-sex partnerships. Referring to her monitoring work, the Commissioner described some of the real-life consequences of the fact that same-sex couples could not gain legal recognition, including in the specific context of the COVID-19 pandemic. She stressed that, under Article 8 of the European Convention on Human Rights, States Parties have a positive obligation to take measures necessary to ensure respect for rights related to private and family life.

The Commissioner also observed that the consensus on the need to provide legal recognition of stable same-sex relationships had been rapidly and persistently hardening in Europe and beyond. She described this development among Council of Europe member states since the latest judgment by the Court on the issue in 2015, noting that 30 member states currently provide some form of legal recognition for same-sex couples, and 16 of these have introduced same-sex civil marriage. The Commissioner also made some comments on the debate concerning legal recognition of same-sex couples in Romania, and on the situation of LGBTI people more generally in the country.

The Commissioner stressed that legal arrangements for the recognition of same-sex relationships must offer effective protection and be non-discriminatory. In her view, to be truly effective, the legal framework for the recognition of same-sex partnerships must be clear, predictable and encompass the same rights as for different-sex couples, which are necessary to cover the needs of a couple in a committed relationship in all areas of life. Returning to the issue of consensus, the Commissioner stated her view that the absence of societal consensus in a given country on legal recognition of same-sex relationships cannot be an argument to deny LGBTI people the full enjoyment of their human rights to private and family life under the Convention. Lastly, the Commissioner said that she believed that when some rights and benefits are only available through civil marriage and LGBTI people are barred from marrying, then the absence of legal recognition of same-sex couples constitutes discrimination based on sexual orientation. She said that the absence of legal recognition of same-sex partnerships contributes to the stigmatisation of these relationships and of LGBTI people. She pointed out that, in fact, studies had shown that the legal recognition of same-sex unions increased social acceptance of LGBTI people.

## **5. Communication and Information work**

There were more than 270 news items from various media outlets covering the Commissioner's work. The main subjects were human rights issues related to LGBTI people, media freedom, freedom of assembly and migration.

The Commissioner's work on LGBTI people was broadly covered by 24 *Sata*, *AFP*, *Aftenposten*, *Agencia Lusa*, *APA*, *AuFeminin.com*, *Bay Area Reporter*, *BETA*, *BFM TV*, *Bild*, *Charlie Hebdo*, *CTK*, *Cyprus Mail*, *De Gazet van Antwerpen*, *Der Standaard*, *Der Standard*, *Diario Noticias de Alava*, *Diario Noticias de Gipuzkoa*, *Do Rzeczy*, *DPA*, *Dziennik*, *Dziennik Gazeta Prawna*, *Elle*, *EU Observer*, *Euronews*, *Europe Press*, *Expats.cz*, *Folha de Pernambuco*, *Folha press de Sao Paulo*, *Folhapress*, *France 24*, *France TV Info*, *France24*, *G4Media.ro*, *Gay Star News*, *Gazeta Online*, *Gazeta Prawna*,

*Gazeta Wspolczesna, Gazeta Wyborcza, Global Voices, Głos Szczeciński, Hina, HPD.de, InfoBae, Jutarnji List, Koduj24.pl, Kyiv Post, Le Devoir, Le Monde, Life Site News, Lifo.gr, Los Angeles Blade, Mediapart, Mladina, N1 Info, Najwyższy Czas!, Narod.hr, Nasz Dziennik, New Europe, Niezalezna.pl, Novi List, NTB, Observatorio G, Polish News Bulletin, Politika.pl, Polsat News, Polskie Radio 24, Polskie Radio Bialystok, Polytika.pl, Poskie Radio 24, Pressenza, Provitaefamiglia.it, Queer.pl, Radio Maryja, Radio Zet, Reuters, RFI, RND, Rolling Stone, RTE.ie, RTV, RTV Slovenija, Rzeczpospolita, Salon24, SDA/ATS, Sputnik, STA, Sud Ouest, SwissInfo, TAG24, Telewizja Republika, Têtu, The Associated Press, The Canadian Press, The Huffington Post, The Journal.ie, The National, The New York Times, The Statesman, TokFM.pl, TVN24, TVP Info, Tysol.pl, Ukrinform, US News, Vanguard, Vice, Wiadomosci, Wiener Zeitung, Wirtualna Polska, Wpolityce.pl, Wprost.pl, Yahoo News, Zeit Online, 24ur.com, Adevarul, Fanatik, G4Media.ro, Interia fakty, Mannsschaft Magasin, PlayTech.ro, Revista 22, StirileproTV.ro, Telegraph.md, Têtu, Wpolityce.pl, and Ziare.com.*

Several media outlets covered the Commissioner's statements and speeches on media freedom. They included *24ur.com, Agence Europe, BFM.ru, Cenzolovka, Delovoi Peterbourg, Die Zeit, Euronews, Glas Javnosti, Insajder, Kommersant, Libertas.mk, Liechtensteiner Vaterland, MIA, Mladina, N1 Info, News.ru, NRK, STA, Svet24.si, Svoboda, Tageschau.de, TASS, AFP, ANSA, APA, Der Standard, Dnevnik.si, DPA, DW, Finanzen, Focus Online, Handelsblatt, La Libre Belgique, La Provence, Le Monde, Le Nouvelliste, L'Express, Luxemburger Wort, Mediapart, Neue Presse, Neue Zuercher Zeitung, Paris Match, Ria Novosti, RTV Slovenia, Salzburger Nachrichten, SDA/ATS, STA, Stuttgarter Zeitung, Yahoo News, Zeit Online, BETA, BNR, Dziennik Gazeta Prawna, EuNews.it, EuObserver, Fakti, HVG.hu, Il Messaggero, N1 Info, Nova.bg, Novinite, RAI News, SVT Nyheter, The Associated Press, The Guardian, The Slovak Spectator, The Sofia Globe, Ticinonline, TopNovini.bg, Trud.bg, Vesti.bg, and Yahoo News.*

The Commissioner's speech at the Sanssoucis Media award was covered by *444.hu, AFP, APA, ATV.hu, BNE Intellinews, Der Standard, Der Tagesspiegel, Deutsche Welle, DPA, EPD, HVG.hu, Index.hu, Märkische Allgemeine Zeitung, and Welt Online.*

*Agence Europe, Actuality.sk, Bumm.sk, Devnik N, EurActiv, L'Obs, Novy Cas, Pravda.sk, Radio Prague, Romea.cz, SME.sk, StartItUp, TASR, The Slovak Spectator, Zeny v Meste, and Polityka* referred to the Commissioner's work on women's rights.

The Commissioner's work on freedom of assembly was covered by *AFP, Balkan Insight, BBC, BETA, Blic, Bloomberg TV Bulgaria, Daily Mail, Danas, Der Spiegel, Foreign Policy, Hürriyet Daily News, Krik, N1 Info, New Europe, Publico, Reflets.info, RFE/IRL, RFI, RTV Slovenija, Slobodna Bosna, STT, The Irish Times, The Times, Welt Online, Zeit Online, Agence Europe, BelaPAN, EFE, la Regnum, Karpathir.com, La Vanguardia, MTI, Rosbalt, TASS, and Ukrinform.*

The Commissioner's letters and statements on migration were covered by *AFP, Agencia Luza, ANSA, Arab News, BFM TV, Bloomberg, EFE, El Faro de Melilla, Estado de Minas, Euronews, Europa Press, Evropiskaya Pravda, Express Online, Het Parool, Iefimerida, Info Bae, La Nacion, La Tribuna, La Vanguardia, Le Devoir, Le Point, Le quotidien, Noticias ao Minuto, O Globo, Reporter.gr, Riforma.it, SDA/ATS, Swiss Info, The Associated Press, Wapa TV, Yahoo News, and Zougla.fr.*

The Commissioner published an opinion piece in Deutsche Welle calling for more action to tackle the denial of the Srebrenica genocide. Her message was covered by *Balkan Insight, BETA, Birn, Just Security, Kallxo, Klix, N1 Info, Pressenza International Press Agency, Radio Slobodna Evropa, ANSA,*

*Oslobodjenje*, *SDA/ATS*. A dedicated webpage was also set up to commemorate the 25<sup>th</sup> anniversary of the Srebrenica genocide, providing information and resources.

Additional coverage concerned human rights defenders (*Agencia Catalana de Noticies*, *AMI*, *ANSA*, *Avvenire Online*, *Il Fatto Quotidiano*, *Meduza*, *RSI*, *SDA/ATS*, *Spectrum News*, *StarTribune*, *The Associated Press*, *The Canadian Press*, *Al Akram*, *Euronews*, *Kavkaz Realii*, *Kavkaz Uzel*, *OVD-Info*), the justice system (*ANSA*, *Arab News*, *Euronews*, *Reuters*, *The New York Times*, *Il Resto del Carlino*, *Libertas*, *San Marino RTV*), counter terrorism (*Agence Belga*, *RTL.be*), sexuality education (*iNews*, *PinkNews*), and Roma (*ANSA*, *Romea.cz*).

45 tweets were published, earning a total of 2.2 million impressions and an increase of 3243 followers (+6.45%). On Facebook, 27 posts reached 139k people and garnered 612 new page likes.

Over 60 000 single visitors consulted the Commissioner's website. This is an increase of 50% compared to the same period in 2019.