

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

4TH QUARTERLY ACTIVITY REPORT 2021

1 October to 31 December

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 October and 31 December 2021.

1. Visits and Missions

Visit to Malta

The Commissioner [visited](#) Malta from 11 to 16 October. The visit focused on media freedom, certain aspects of asylum and migration as well as women's rights and gender equality.

During the visit the Commissioner met with the Prime Minister of Malta, Robert Abela; the Deputy Prime Minister and Minister for Health, Christopher Fearne; the Minister for Home Affairs, National Security and Law Enforcement, Byron Camilleri; the Minister for Equality, Research and Innovation, Owen Bonnici; the Minister for Justice and Governance, Edward Zammit Lewis; the Attorney General, Victoria Buttigieg; and the Police Commissioner, Angelo Gafà. She also met with the Parliamentary Ombudsman, Anthony C. Mifsud, the Chairperson of the National Commission for the Promotion of Equality, Renee Laiviera, and the Chairperson of the Commission on Gender-Based Violence and Domestic Violence, Audrey Friggieri. In addition, she had exchanges with journalists, human rights defenders and other representatives of civil society as well as international counterparts.

The Commissioner urged the authorities to continue their investigations to identify those involved in the murder of Daphne Caruana Galizia and ensure that they were held fully accountable. She called on them to prioritise the implementation of the recommendations of the public inquiry report which found the state responsible for Daphne Caruana Galizia's assassination and enact reforms swiftly to ensure journalists' safety and address the lack of trust in the media in Malta. This should start with a co-ordinated response to threats and harassment against journalists, including online, enhanced awareness-raising among the police and dialogue between law enforcement and media, and adequate implementation of the Freedom of Information Act. In addition, legislation should be adopted to tackle the use of vexatious lawsuits, commonly known as SLAPPs (strategic lawsuits against public participation).

Concerning refugees, asylum seekers and migrants, the Commissioner stressed that the human rights of those in distress at sea should never be put at risk. In particular, the authorities should ensure that their actions do not lead, either directly or indirectly, to returns to Libya, which is not a safe place for disembarkation. Following her visits to two open accommodation centres in Hal Far and the Safi Detention Centre, the Commissioner urged the authorities to act immediately to provide dignified conditions for those detained in Block A in that centre, to invest in alternatives to detention, to ensure that no children or vulnerable persons were detained and to guarantee independent monitoring bodies and NGOs access to places of detention.

Regarding women's rights, in order to overcome prejudices and practices based on the idea of the inferiority of women or on stereotyped roles for men and women, the Commissioner recommended that the authorities put in place broad measures, notably awareness raising and mandatory comprehensive sexuality education. She further called on the authorities to urgently decriminalise abortion and ensure that all women had access to sexual and reproductive health care, including safe and legal abortion care. She welcomed the adoption of an act aimed at achieving gender

balance in Parliament and encouraged the authorities to take further steps to advance women's representation in leadership roles and in decision-making positions in political bodies.

The Commissioner's report on her visit is forthcoming.

Mission to Poland

From 15 to 18 November, the Commissioner carried out a mission to Poland to assess the humanitarian and human rights situation along the country's eastern border with Belarus. During the mission, she met in Warsaw with the Polish Commissioner for Human Rights (Ombudsman), Marcin Wiącek, and Deputy Commissioner for Human Rights, Hanna Machińska. In the company of the Deputy Commissioner, the Commissioner travelled to Poland's eastern border where she met with and listened to local human rights defenders, representatives of civil society, humanitarian and charity organisations and talked to several groups of asylum seekers and migrants. She held discussions with local government representatives, including the Mayor of Michałowo, Marek Nazarko, local commanders of Border Guard units in Michałowo and Narewka and the deputy director of the hospital in Hajnówka providing medical treatment to asylum seekers and migrants. Lastly, the Commissioner met with the Regional Commander of the Border Guard, General Andrzej Jakubaszek, in Białystok.

On 19 November, the Commissioner issued a [statement](#). The Commissioner observed that although the situation on Poland's eastern border was the result of reprehensible actions by Belarus, it had been politicised further by an official narrative dominated by security considerations. Poland's amended regulatory framework, in particular the official ban on access to areas adjacent to the border, prevented civil society organisations and actors from providing vital humanitarian assistance and carrying out crucial monitoring and human rights work. It also prevented media from covering the situation on the border, contributing to disinformation and the sentiment of insecurity. The militarisation of border areas was taking a heavy toll on the livelihoods and well-being of the local population, moreover. The Commissioner called for urgent action to protect the lives, dignity and human rights of people stranded in the border regions. In particular, she called on Poland to discontinue the restrictions introduced through the state of emergency and to urgently allow immediate and unimpeded access for actors providing humanitarian and legal assistance as well as the media to all areas along the border and to all people in need of help.

During her visit, the Commissioner heard many testimonies from asylum seekers and migrants, including entire families with small children, some of whom had spent weeks or even months in squalid and extreme conditions in the cold and wet woods. She received consistent reports of summary returns (pushbacks) of people who had crossed into Poland, including those who expressed clear intent to apply for asylum or persons with urgent medical conditions. She witnessed first-hand the signs of their ordeal due to such pushbacks and heard disturbing allegations of severe ill-treatment, sexual violence and other abuses suffered at the hands of state agents in Belarus. The Commissioner called on Poland to end all pushbacks and to amend its legislation, which undermined the right to seek asylum and the associated safeguards, including the right to an effective remedy, by allowing for immediate returns to the border of persons who entered the territory outside of official border crossings.

The Commissioner was heartened by the lifesaving actions of many human rights defenders – civil society activists, lawyers, local government officials, employees of the Polish Ombudsman's office, and ordinary citizens, who had come forward to help those stranded in the border areas. However,

she was disturbed to witness the palpable atmosphere of hate and fear that surrounded the provision of such help, partly fuelled by the inflammatory and dehumanising official narrative targeting migrants and refugees. Calling on Poland to support human rights defenders and to provide them with a safe and enabling environment for their work, the Commissioner stressed that the situation required a human rights-centred response from all European countries based on solidarity and European values and standards.

Mission to Italy

The Commissioner conducted a contact mission to Rome, Italy, between 8 and 10 December. While the main purpose of this mission was to attend the ceremony of the 2020-2021 Human Rights Awards of the Italian Interministerial Committee for Human Rights, she also took the opportunity to meet with the Italian authorities and civil society. Among those whom she spoke to were human rights defenders working on various human rights issues, including the situation of human rights defenders, human rights of refugees, asylum seekers and migrants, gender equality, violence against women, sexual and reproductive health and rights, discrimination against Roma, the human rights of LGBTI people, freedom of the media and safety of journalists.

During her mission, the Commissioner met with Elena Bonetti, Minister for Family and Equal Opportunities. In connection with this mission, she also met Triantafillos Loukarelis, Director of UNAR, Italy's National Office against Racial Discrimination. On 9 December, the Commissioner attended a special hearing of the Sub-Committee on Human Rights of the Italian Chamber of Deputies, at which a wide range of human rights topics of relevance to Europe and to Italy were discussed.

On 10 December to mark Human Rights Day, the Commissioner attended the aforementioned Human Rights Awards Ceremony as a guest of honour. She delivered a speech hailing the work of human rights defenders and civil society activists and highlighting other sources of optimism for the future of human rights in Europe.

Visit to Austria

The Commissioner carried out a visit to Austria from 13 to 17 December, focusing on reception and integration of asylum seekers, refugees, and migrants, and on women's rights and gender equality.

During her visit, the Commissioner met with the Federal President, Alexander Van der Bellen, the Federal Minister for European and International Affairs, Alexander Schallenberg, the Federal Minister for the EU and Constitution at the Federal Chancellery, Karoline Edtstadler, the Federal Minister of Social Affairs, Health Care and Consumer Protection, Wolfgang Mückstein, the Federal Minister for Women and Integration at the Federal Chancellery, Susanne Raab, the Federal Minister of Justice, Alma Zadić, and senior officials of the Federal Ministry of the Interior. She also met Petra Bayr, member of the Austrian parliament, the Ombud for Equal Treatment, the Austrian Ombudsman Board and the Mayor of Traiskirchen, Andreas Babler, as well as representatives of civil society and international organisations.

At the end of her visit, the Commissioner [stressed](#) that the high number of femicides and the emergence of new digital dimensions of violence highlighted the need to increase Austria's efforts in the field of violence against women, and called on the authorities to ensure that sufficient resources were allocated to the prevention and the protection of victims, and to adopt a

comprehensive approach to the legal, financial, operational and human challenges involved, in close co-operation with all relevant stakeholders.

The Commissioner also underlined that women's sexual and reproductive health and rights must be safeguarded, and all existing financial and practical barriers preventing access to these health services removed. She recommended that the Austrian authorities ensure that contraceptive goods and services were covered by public health insurance or subsidy schemes and the accessibility and availability of legal abortion services guaranteed in practice throughout the country.

As regards reception and integration of asylum seekers, refugees and migrants, the Commissioner urged the authorities to appoint fully-fledged guardians for unaccompanied migrant children from the very outset of the asylum procedure, and to pursue their discussions with the provinces in order to ensure that they played their part and transferred the asylum seekers who had completed the admissibility procedure. The Commissioner also invited the Austrian authorities to safeguard the quality of the legal assistance provided by the Federal Agency for Reception and Support Services, and the independence of the agency.

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

2. Reports and continuous dialogue

Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh

On 8 November, one year after the signing of the trilateral statement which ended the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, the Commissioner published a [memorandum](#) addressing the humanitarian and human rights consequences of the conflict and formulated eight recommendations for urgent human rights protection. The Commissioner observed that access to the conflict-affected territories remained very limited for organisations providing humanitarian relief and conducting human rights monitoring and called on all the relevant authorities to ensure access to these areas as a matter of priority. Noting that the 2020 outbreak of hostilities had forced tens of thousands of people living in or near the conflict area into displacement, she reiterated the human rights of displaced persons, including their right to return. The Commissioner also addressed the high level of contamination of the region by unexploded and abandoned mines and explosive remnants of war and called on the authorities to co-operate and engage in the necessary exchange of information, including mine maps, so as to facilitate the demining process and ensure effective protection of people residing in the conflict-affected areas. Ensuring that all those still in captivity were provided with all protections guaranteed under international humanitarian and human rights law, and facilitating their release and return, remained crucial moreover. Referring to the families' right to know the fate and whereabouts of missing persons, she noted the need for increased engagement on both sides to promote communication, establish a common database, and improve the chances of location and identification of mortal remains as well as to establish the fate of all those who had disappeared or gone missing. Furthermore, noting credible reports about breaches of international humanitarian law as well as serious violations of human rights by the parties to the conflict, the Commissioner called on the authorities to carry out thorough, prompt, independent and impartial investigations into such allegations committed during the conflict and its aftermath in order to hold those

responsible accountable and provide redress to the victims. In particular, she expressed concern about reports of indiscriminate shelling of populated areas resulting in deaths and serious injuries to civilians, calling on Armenia and Azerbaijan to renounce the use of cluster munitions and to ensure effective investigations and accountability for violations of international humanitarian law as well as reparations for the victims. Lastly, noting how the public debate in both countries had increasingly been marked by toxic, hostile, intolerant and downright disrespectful communication, she encouraged the authorities to take resolute action to prevent and combat hate speech and support initiatives that promoted peaceful co-existence and reconciliation.

The memorandum is available on the Commissioner's website along with the comments of the Armenian and Azerbaijani authorities.

Letter to the National Council of the Slovak Republic about restrictions on access to safe and legal abortion services

On 19 October, the Commissioner published a [letter](#) to the National Council of the Slovak Republic, raising concerns about a draft law under discussion which would introduce restrictions on access to safe and legal abortion services. Noting that such restrictions would run counter to the principle of non-retrogression in law, she stressed that the extension of the current mandatory waiting period from 48 hours to 96 hours, covering any abortion except when a woman's health or life was at immediate risk, would exacerbate the already problematic situation. She also noted that a proposed ban on 'advertising' of abortion could prevent health care professionals from publicly providing information on safe abortion services.

The letter is available on the Commissioner's website.

Letters to the Home Secretary of the United Kingdom and the Minister of Interior of France on safe and legal routes and protection of human rights in the context of Channel crossings

On 8 December, the Commissioner published her [letters](#) to the Home Secretary of the United Kingdom, Priti Patel, and the Minister of Interior of France, Gérald Darmanin. This followed the tragic incident on 24 November, in which at least 27 women, men and children drowned while attempting to cross the Channel. The Commissioner noted that the underlying issues of the lack of safe and legal routes and other human rights aspects of this situation had largely been ignored. She particularly noted the lack of a framework for persons staying in France to apply for asylum or for a right to stay on other grounds in the UK. She also highlighted that the increasingly exclusive focus on security was exacerbating the situation by redirecting people towards the most dangerous routes. She called for co-operation to ensure access to asylum, effective co-ordination of rescue at sea, safeguards in case of return and humane and dignified treatment of all.

The letter is available on the Commissioner's website along with the reply from the Home Secretary of the United Kingdom.

3. Themes

Human rights of immigrants, refugees and asylum seekers

On 3 October, as part of her work on protecting rights and lives at sea, the Commissioner delivered a video message to mark Remembrance Day dedicated to the victims of the Lampedusa shipwreck of 3 October 2013 and organised by the *Comitato 3 Ottobre*, the Ministry of Education and the Municipality of Lampedusa. She noted that, rather than learning from history, states continued to place too much emphasis on preventing refugees and migrants from arriving in Europe, and too little on ensuring safe and legal routes, protection at sea and safe disembarkation. She praised the Remembrance Day initiative as a way to make changes and ensure victims were not forgotten.

Pushbacks and human rights violations in border settings remained a key issue within this thematic area. Thus, on 7 October, the Commissioner [reacted](#) to shocking findings by Lighthouse Reports and other outlets on pushback situations and violence in several member states, noting that it added to a long line of reports of unacceptable normalisation of such practices. On 21 October, the Commissioner issued a [statement](#) calling on member states to take a stand against pushbacks and oppose attempts to legalise the practice. This followed a proposal from 12 member states of the European Union to ‘adapt the existing legal framework to the new realities’ at their borders, ahead of a meeting of EU leaders. Noting that this constituted a key moment to speak out against pushbacks, she called on member states to emphatically reject any attempts to set aside or cherry-pick key human rights protections. She also called for action by all European states to hold each other to account for violations, and to take joint responsibility for tackling this serious human rights problem in Europe.

Following up on her earlier visit to Poland (see Visits and Missions above), on 1 December the Commissioner issued a [statement](#) concerning amendments to Poland’s Border Protection Act, adopted the day before. She observed that the new legislation effectively prolonged many of the restrictive measures put in place by the country’s now-discontinued state of emergency. In particular, the Commissioner noted that the new rules subjected journalists’ access to the border areas to special permissions and that, despite her earlier recommendations, they did not explicitly guarantee access by humanitarian actors, providers of legal aid or human rights monitors. The Commissioner reiterated that such measures have a harmful effect on the availability of humanitarian assistance and media access, as well as the situation of human rights defenders and the welfare of the local population on Poland’s eastern border.

Safety of journalists, freedom of expression and media freedom

On 7 October, the Commissioner [commemorated](#) the 15th anniversary of the killing of Anna Politkovskaya. She regretted the Russian authorities’ failure to identify the masterminds and stressed that achieving justice and ensuring journalists’ safety were crucial steps to honour her memory.

On 16 October the Commissioner released a [statement](#) calling on the Maltese authorities to ensure that justice was delivered in the case of the murder of Daphne Caruana Galizia. She stressed that full accountability for her murder had not been established. She therefore called on the authorities to identify and prosecute all those responsible for her murder, to implement long-due reforms and to ensure that impunity was not tolerated.

On 2 November, International Day to End Impunity for Crimes Against Journalists, the Commissioner [stressed](#) that this phenomenon remained dangerously widespread in Europe. She called on member states to ensure the protection of journalists, to end impunity and to enact legislation that protected journalists and shielded them from undue pressure.

On 27 October, the Commissioner [reiterated](#) her earlier recommendation that the Slovenian authorities should urgently reinstate public funding for the national press agency STA. She pointed out that the agency provided an important public service and contributed to the plurality of media and information sources in the country.

On 30 November, the Commissioner participated in the Freedom Online Conference. She underscored that universal access to open, affordable and inclusive internet remained a human rights challenge. The digital divide must be closed and no one should be prevented from exercising their rights in the digital sphere simply because of insufficient access or digital literacy. She also pointed to the fact that, in many parts of the world, including in Europe, access to the internet was regularly restricted by the authorities. Countries continued to censor access to the internet by arbitrarily blocking or filtering content, criminalising legitimate expression, or disconnecting users from internet access, including through deliberate shutdowns. She called on European countries to enhance a truly open and accessible internet for all that fully respected the right to privacy and human rights safeguards in general.

On 14 December the Commissioner sent a video message for a conference on freedom of information organised by the Platform for Freedom of Information in Madrid. She stressed the importance of keeping the spotlight on the interlinks between freedom of information and democracy, human rights and the rule of law.

Children's rights

On 18 November, the Commissioner [expressed](#) her support for European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, underlining that everyone must contribute to protecting children from abuse, which was often inflicted by persons in positions of trust, authority or influence.

On 20 November, World Children's Day, the Commissioner issued a [statement](#) reiterating her call for political leaders to give primary consideration to children's rights in all their decisions, including during emergency situations and recovery programming. Acknowledging the multiple pandemic-related challenges for governments, the Commissioner stressed that children continued to be particularly affected by the crisis and that child poverty and social exclusion had to be addressed urgently to prevent existing inequalities from deepening further. Member states had to show political will and commitment to building strong societies, including by systematically investing in children to ensure their equal access to rights.

Women's rights and gender equality

On 15 October, the Commissioner [welcomed](#) the ratification by the Moldovan Parliament of the Istanbul Convention. On 25 November, International Day for the Elimination of Violence against Women, the Commissioner [called](#) on all Council of Europe member states to ratify, fully and

effectively implement and value the Istanbul Convention to protect women and girls from violence anytime and anywhere, including in the digital sphere.

On 24 November, the Commissioner gave a [keynote address](#) for the launch of the first GREVIO General Recommendation on the digital dimension of violence against women. She expressed concerns about the disproportionate and harmful impact that cyberviolence had on women and the challenges that still lay along the path towards obtaining justice. Deploring the fact that women's rights defenders and female journalists were particularly exposed, she stressed that states must address cyberviolence using all the tools at their disposal, including GREVIO's Recommendation.

Human rights of LGBTI people

On 18 October, the Commissioner delivered an [opening statement](#) at a seminar for equality bodies on the promotion and protection of the human rights of LGBTI people organised by ECRI. Given ongoing challenges and a difficult political context, the Commissioner stated that equality bodies had a key role to play in upholding the human rights of LGBTI people, stressing that this work required knowledge, courage and a high degree of independence. Among several recommendations, the Commissioner encouraged equality bodies to organise training for their staff, secure effective co-operation with LGBTI communities and organisations and use the various tools at their disposal to defend the human rights of LGBTI people.

On 26 October, Intersex Awareness Day, the Commissioner [expressed concern](#) that progress on the protection of the rights of intersex people had stalled in Europe. She urged Council of Europe member states to take decisive steps to ensure intersex people lived free from discrimination and harmful practices.

On 2 November, the Commissioner [stated](#) that an attack against Sofia's LGBTI RainbowHub was another worrying example of mounting threats against NGOs working on the human rights of LGBTI communities. She called on the Bulgarian authorities to conduct a swift investigation and prosecute the perpetrators.

On 20 November, Trans Day of Remembrance, the Commissioner [underscored](#) that the absence of a quick, transparent and accessible legal gender recognition procedure endangered the well-being and safety of transgender people. She called on member states to prevent steps backwards and to overcome stalling in this regard.

On 9 December, the Commissioner released her [report](#) on an online round-table with LGBTI human rights defenders which she had hosted earlier in 2021. Based on the participants' contributions, the report outlines the current context in which LGBTI defenders are working, noting similar negative trends across European countries. The report gives an overview of the challenges faced by LGBTI defenders, including physical violence and hate speech; smear campaigns, including by public officials; violations of the rights to freedom of assembly and expression; police and judicial harassment; lack of access to policymakers and to funding, and burnout and exhaustion. The report discusses the negative impact of the COVID-19 pandemic and closes with the Commissioner's recommendations to member states, notably on ensuring an enabling environment for LGBTI human rights defenders.

Human rights of older persons

On 1 October, the Commissioner [marked](#) International Day of Older Persons, drawing attention to many shortcomings affecting the human rights of older persons. She particularly called on member states to reform their national laws to combat ageism and to promote the rights of older persons.

Human rights of persons with disabilities

On 5 October, the Commissioner contributed a video message to the Global Mental Health Summit held in Paris, France, which was shown at the opening plenary session of the event. The Commissioner stressed that progress regarding the necessary transition from a biomedical to a human rights-based understanding of mental health had been unsatisfactory so far, owing to embedded prejudices in mental health systems and legislation. She said that states had committed themselves under the UN Convention on the Rights of Persons with Disabilities to transforming mental health services by eliminating coercion and replacing institutions with community-based, recovery-oriented services, and that they should use human rights as their main guide and compass in this process.

Speaking on International Day of Persons with Disabilities (3 December), the Commissioner [stressed](#) the importance for policy-makers to live up to the slogan “Nothing about us without us!” at the heart of the UN Convention on the Rights of Persons with Disabilities, notably by ensuring that persons with disabilities were closely involved in the development, implementation and monitoring of all measures affecting their lives.

Social rights

On 18 October, the Commissioner participated in a high-level panel discussion to mark the [60th anniversary of the European Social Charter](#). Reiterating the crucial nature of social rights as indispensable prerequisites for a life in dignity, the Commissioner underlined the important contribution made by the Social Charter and the European Committee of Social Rights to the everyday lives of women, men and children in Europe, especially during times of crisis. She called on member states to close the widening gap between promises and reality and to increase both their political commitment and financial support for the enforcement of social rights.

On 13 December, the Commissioner participated in the launch of the [European Yearbook of Human Rights](#) organised by the European Research and Training Centre for Human Rights and Democracy at the University of Graz. Referring to the multiple human rights challenges faced by Europe in 2021, including those related to migration and the rule of law, the Commissioner underlined the importance of addressing inequalities and strengthening social and economic rights as continued disregard for existing shortcomings would come to haunt member states in the future.

Combating racism and intolerance

On 2 November, the Commissioner participated in a hearing of the Special Committee of the Italian Senate on the Fight against Intolerance, Racism, Anti-Semitism and Incitement to Hate and Violence. In her introductory speech, the Commissioner shared several observations based on her monitoring work on combating racism and discrimination in Council of Europe member states. She stressed, *inter alia*, the need to transpose relevant international standards into domestic legislation, and also to implement such legislation in a comprehensive manner, while giving examples of notable gaps

affecting various groups. She also underlined the importance of independent equality bodies with a strong mandate in combating these phenomena, and the need for close co-operation with civil society organisations.

Transitional justice

On 18 November, the Commissioner [remembered](#) the victims of the siege of Vukovar in Croatia, stressing that many of them were still awaiting truth and justice. She reiterated her call for political leaders in the region to open police and military archives which could hold information on missing persons and for improved co-operation in this field.

On the same day, the Commissioner published an [opinion editorial](#) in news media in eleven member states in which she called for a de-escalation of tensions in Bosnia and Herzegovina. To that end the Commissioner recommended securing four core principles: stripping the constitution and electoral law of the country of their discriminatory nature and making them inclusive; stopping hate speech, genocide denial and the glorification of war criminals; improving quality of life and bridging inequalities; and ethical reporting by the media.

Between 25 November and 3 December, the Commissioner held a series of meetings with NGO representatives and academics from countries of the former Yugoslavia who are working on transitional justice issues. She collected information on several topics, including the fight against impunity and domestic war crimes trials, reparations for victims of grave human rights violations, missing persons, truth and reconciliation initiatives, history teaching and separated education, and genocide and war crimes denial. The Commissioner organised these consultations as part of forthcoming work she is planning to carry out in 2022 on transitional justice and human rights in the former Yugoslavia.

Human rights and environment

On 21 October, the Commissioner published her [speech](#) in support of the decision of the Meeting of the Parties to the Aarhus Convention to establish the mandate of the independent Special Rapporteur on environmental defenders under the Aarhus Convention. The Commissioner called on all parties to the Aarhus Convention to make the new mechanism fully operational as soon as possible by providing it with adequate funding, full co-operation and political commitment.

On 28 October, the Commissioner gave a [keynote speech](#) alongside Dr David Boyd, UN Special Rapporteur on Human Rights and the Environment, at a virtual symposium "Human Rights and Climate Change" convened by the Royal Society of Edinburgh and the German National Academy of Sciences Leopoldina. In her speech, entitled "Climate change, human rights and environmental defenders – what role for academia?", the Commissioner welcomed the recent recognition by the UN Human Rights Council of the human right to a clean and healthy environment, and noted the recent proposal by the Parliamentary Assembly of the Council of Europe to anchor this right more firmly in the human rights standards of the Council of Europe. She further outlined several of her ideas on ways in which members of academia could play a role in protecting the environment and human rights.

On 9 November, the Commissioner took part in a panel discussion devoted to threats to environmental defenders, organised within the framework of the [9th World Forum for Democracy](#) (WFD) entitled "Can Democracy Save the Environment?". In the course of the discussion, the

Commissioner urged Council of Europe member states to act decisively on their responsibilities towards environmental human rights defenders and environmental journalists in order to provide a safe and enabling environment for their work and to counter their stigmatisation. In particular, she called on them to adopt zero-tolerance policies on human rights violations against environmental human rights defenders. The Commissioner further stressed the need to amplify the voice of the youngest environmental defenders and to ensure their active participation in political decision-making processes.

National Human Rights Structures

On 23 November, the Commissioner [urged](#) Georgian politicians to fully respect the independent mandate of the Public Defender. She also called on the Georgian authorities to ensure that the Public Defender and her Office were able to operate in a climate that was conducive to them carrying out their mandate independently, effectively and safely, in line with the Paris Principles and the relevant Council of Europe standards. Furthermore, she commended the Public Defender and her Office for their efforts to uphold the highest possible standards of protection of the human rights of all individuals over whom the Georgian authorities exercised jurisdiction.

On 28 December, the Commissioner [called](#) on the Georgian Parliament to refrain from adopting, in an expedited manner and without proper consultation with the relevant stakeholders, the draft law aiming at abolishing the State Inspector's Service, an independent institution responsible for personal data protection and the investigation of certain crimes committed by law enforcement officials. The Commissioner stressed that, if adopted, this draft law could only weaken the independent functioning of the national human rights protection mechanisms in Georgia.

Treatment of prisoners and rehabilitation of victims of torture

On 26 October, the Commissioner held an exchange of views with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT). The Commissioner outlined her recent activities to the CPT members and discussed issues of mutual interest, including the detention and pushbacks of migrants and asylum seekers and the situation of LGBTI people deprived of their liberty. The Commissioner expressed her willingness to continue co-operating on these and other issues in the future.

4. Other meetings

Meeting with the Undersecretary of State at the Ministry of Foreign Affairs and International Co-operation of Italy

On 6 October, the Commissioner met Benedetto Della Vedova, Undersecretary of State at the Ministry of Foreign Affairs and International Co-operation of Italy. The Commissioner and the Undersecretary of State took this opportunity to discuss several human rights issues connected to the upcoming Italian presidency of the Committee of Ministers, including gender equality, human rights and artificial intelligence and social rights. They also had an exchange on other human rights issues, such as the human rights of refugees, asylum seekers and migrants, and of LGBTI people.

Fundamental Rights Forum 2021 of the Fundamental Rights Agency

On 12 October, the Commissioner delivered a video message to the EU Fundamental Rights Forum, highlighting the need for systematic and effective efforts to close the gap between the promise of human rights for all and the reality, as well as trends that offered grounds for hope. She commended the efforts of all those who were working relentlessly to uphold human rights standards in their own countries. She also praised the engagement of the many young people mobilising to promote action in the field of climate change and social justice. Finally, she underlined the need for broader involvement of members of the public in all discussions related to human rights.

Meeting with the Director-General of the European Commission's DG for Neighbourhood and Enlargement Negotiations

On 19 October, the Commissioner had a meeting with the Director-General of the European Commission's DG for Neighbourhood and Enlargement Negotiations, Maciej Popowski. Discussions focused on human rights and rule of law issues in the Western Balkans and Turkey. The Commissioner stressed the importance of greater engagement by the international community in order to address the threats posed by rising extreme nationalism in Bosnia and Herzegovina and the region.

Annual meeting of the Council of Europe monitoring and advisory bodies

On 25 October, the Commissioner took part in the 9th annual meeting of the Secretary General with the Presidents and Executive Secretaries of the Council of Europe's monitoring and advisory bodies, which was held in Strasbourg. The meeting focused on ways to strengthen synergies and co-ordination, to increase visibility and to innovate with respect to working methods.

Meeting with Poland's Commissioner and Deputy Commissioner for Human Rights (Ombudsman)

On 28 October, the Commissioner met online with the Polish Commissioner for Human Rights (Ombudsman), Marcin Wiącek, and Deputy Commissioner, Hanna Machińska. The discussion with Prof. Wiącek, elected to this post in July 2021, and his Deputy focused on the legal, humanitarian, and human rights aspects of the situation on Poland's border with Belarus, the human rights aspects of several bills pending before the Polish parliament and certain aspects regarding judicial independence and Poland's implementation of judgments of the European Court of Human Rights.

20th Graduation Ceremony of the European Regional MA Programme in Democracy and Human Rights in South-East Europe

On 30 October the Commissioner gave the keynote speech at the 20th graduation ceremony of the European Regional MA Programme in Democracy and Human Rights in South-East Europe. The Commissioner underlined the importance of human rights education in building a universal culture of human rights in today's societies and its crucial role in fostering stability and peace in the region.

Meeting with the Deputy Minister of Foreign Affairs of Georgia

On 9 November, the Commissioner had a meeting with Lasha Darsalia, the Deputy Minister of Foreign Affairs of Georgia. Issues discussed included the human rights situation in Georgia and co-

operation between the Commissioner's Office and Georgian authorities including with regard to the Commissioner's forthcoming visit to the country.

Meeting with the Prime Minister of Montenegro

On 19 November, the Commissioner met in Strasbourg with the Prime Minister of Montenegro, Zdravko Krivokapić. Discussions focused on a number of human rights issues, including freedom of expression and of the media, safety of journalists, violence against women, fight against discrimination and hate speech. They also talked about ways of ensuring more efficient implementation of national legislation pertaining to the protection of human rights. The Commissioner used the opportunity to commend Montenegro's recent adoption of a resolution banning public denial of the Srebrenica genocide. She also welcomed the entry into force in July 2021 of a law on life partnership, making Montenegro the first country in the region to legally recognise same-sex marriage.

Meeting with the Chairman of the Georgian Dream Party

On 22 November, the Commissioner had a meeting in Strasbourg with the Chairman of the Georgian Dream Party, Irakli Kobakhidze, and the Chair of the Committee on European Integration in the Georgian Parliament, Maka Botchorishvili. Issues discussed included the importance of fully supporting the independent and effective functioning of the Public Defender of Georgia, various human rights issues and the Commissioner's forthcoming visit to the country.

5. Human Rights Defenders

On 23 November, the Commissioner published a [letter](#) to the Prosecutor General of Armenia, requesting information with regard to the ongoing criminal proceedings against Sashik Sultanyan, Head of the Yezidi Center for Human Rights. She sought clarification on the links between the charges of incitement to hatred brought against Mr Sultanyan and his human rights work. Noting the serious concerns expressed by international and national human rights actors about his prosecution, she reiterated the Armenian authorities' obligations to ensure a safe environment conducive to the work of human rights defenders when they raised human rights concerns about the treatment of minorities.

On 3 November, the Commissioner issued a [statement](#) on the need to stop reprisals against Belarusian civil society. Referring to the recent examples of criminal convictions of human rights defenders and the liquidation of hundreds of NGOs, she stressed that the situation in Belarus had reached alarming levels as the authorities were deliberately and systematically dismantling civil society, further contributing to impunity for human rights violations. While noting that Belarus was not a Council of Europe member state, the Commissioner pointed out that the country nevertheless had international obligations to uphold human rights and the rule of law, including those related to creating an enabling environment for civil society organisations and human rights defenders.

During the period under review, the Commissioner spoke out against reprisals faced by human rights defenders, lawyers, activists, journalists and many ordinary members of the Crimean Tatar community on two occasions. On 25 November, she issued a [statement](#) in relation to the arrest and detention of a large group of Crimean Tatars, calling it the latest link in a chain of reprisals and harassment directed at members of this community. She further highlighted the problem of

ensorship and pressure faced by Crimean Tatar media outlets, all but a handful of which had had to cease their activities in the peninsula as a result. In her statement, the Commissioner urged those in charge of law and order to respect and protect every Crimean Tatar's rights and freedoms, calling for an immediate end to arbitrary arrests, searches and detention of all those convicted or detained under abusive legal proceedings. Two weeks earlier, on 12 November, the Commissioner had [reacted](#) to the administrative detention of a human rights lawyer Edem Semedlyayev, drawing attention to the fact that legal counsels defending Crimean Tatars in Crimea must be allowed to work free from reprisals, harassment or hindrance.

On several occasions, the Commissioner reacted to proceedings ongoing in Russia to liquidate two of the most senior and prominent human rights NGOs – International Memorial and Human Rights Center Memorial – for non-compliance with the country's so-called "foreign agents" law. On 17 November, the Commissioner [stated](#) that the proceedings were a deeply disturbing move that would have significant negative consequences for civil society and human rights protection in the country. Pointing out that this law fell short of international and European human rights standards, the Commissioner said that applying it to shut down Memorial groups was an example of how it had been used as a means of reprisal against civil society and human rights defenders in Russia. On 30 November, the Commissioner sent a [letter](#) to the Prosecutor General of the Russian Federation on the same matter, providing detailed reasoning as to why the ongoing liquidation proceedings against Memorial NGOs did not comply with applicable European human rights standards, including the incompatibility of the so-called "foreign agents" law with Russia's obligations towards civil society organisations. The Commissioner regretted that the Russian authorities continued to restrict the space for independent civil society and free speech and urged the Prosecutor General to discontinue the liquidation proceedings against Memorial groups and to instead take an active role in bringing the relevant legislation and practice into line with applicable human rights standards. On 29 December, after domestic courts had decided to shut down Memorial NGOs, the Commissioner [called](#) the decisions a deplorable move and a harsh blow to human rights protection in Russia. She expressed her solidarity with the courageous human rights defenders working tirelessly to defend the human rights of all people in Russia and called on the Russian authorities to repeal the decisions immediately and change their hostile attitude towards human rights defenders.

6. System of the European Convention on Human Rights

Third-party intervention before the European Court of Human Rights on cases concerning abortion rights in Poland

On 10 November, the Commissioner published her [written observations](#) to the European Court of Human Rights in the cases of *K.B. v. Poland and 3 other applications*, *K.C. v. Poland and 3 other applications* and *A.L. - B. v. Poland and 3 other applications* concerning abortion rights in Poland. The Commissioner observed that the October 2020 ruling of Poland's Constitutional Tribunal resulting in a near-total ban on abortions by removing one of the three exceptions for accessing abortion care worsened the already overwhelmingly prohibitive legal and procedural framework governing access to safe and legal abortion care in Poland. Noting the broader context of the worsening situation with regard to women's access to sexual and reproductive health and rights in Poland, the Commissioner concluded that the ruling created a situation which removed Poland even further from its obligations under international human rights law, particularly those stemming from Articles 3 and 8 of the European Convention on Human Rights as well as the principle of non-

retrogression. The Commissioner further highlighted the firmly established European consensus in favour of access to safe and legal abortion and the general trend towards further removing remaining barriers in law and practice in this field. Noting that ensuring women's effective access to safe and legal abortion care was a critical component of states' obligations to respect and protect women's human rights, the Commissioner reiterated her call on Poland to urgently guarantee all women and girls full and adequate access to safe and legal abortion care by bringing its law and practice into line with international human rights standards, including the Convention, and regional best practices.

7. Communication and information work

The Commissioner's work generated more than 300 news items from different national and international news outlets. The main topics covered by the media were human rights issues pertaining to migration, human rights defenders and women.

More than half of the articles concerned the Commissioner's work on migration, with coverage from all over Europe and in particular *AFP, ANSA, Avvenire, BBC, Le Figaro, Mediapart, Der Tagesspiegel, Euractiv, Spiegel Online, Stern, Balkan Insight, Deutschlandfunk, DPA, Deutsche Welle, EFE, Gazeta Wyborcza, Associated Press, La Libre Belgique, Le Monde, RFI, The Guardian, ORF, Danas, TASS, The Irish Times, The Malta Independent, Times of Malta* and *Zeit Online*. The Commissioner also gave live interviews to *BBC World News Live with Lucy Hockings, Al Jazeera NewsHour* and *CNN-I Connect The World* on the situation at the border between Poland and Belarus.

Other media focused on the Commissioner's positions on human rights defenders, including *Charter 97, Delfi, Ekho Kavkaza, Euronews, MTI, Webradio, HETQ, RFE, RFI, SIR, TASS, The Irish Times* and *Vesti*.

Women's rights were covered mainly by *ANSA, Dagens.dk, DW, Euronews, Europa Press, Il Fatto Quotidiano, Lenta.ru, MTI, Politico RFE, SME, TASR, The Slovak Spectator* and *Zeit Online*.

The work of the Commissioner on the human rights of LGBTI people was covered mainly by *France 24, Salzburger Nachrichten, AFP, Mediapart, RTBF, Times of Malta, Agencia Lusa, Dnevnik.bg* and *Euronews*.

The visit to Malta was covered by *ABC News, The Associated Press, The Independent, The Malta Independent, ANSA, Malta Today* and *Times of Malta*, while *APA, Krone* and *ORF* covered the visit to Austria.

Additional coverage concerned media freedom (*DPA, EFE, RND, RTV Slovenia, STA, Times of Malta*), the Commissioner's Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh (*Ami Novosti, Golos Armenii, ArmInfo, ArmRadio, Asbarez, DW, Turan, Eurasianet*), national human rights structures (*Civil Georgia, RAPSI*) and transitional justice (*Belfast Newsletter, Buzz.ie, Le Monde, HINA, ABC News, The Associated Press, The Washington Post, Aljazeera, Danas, The Slovak Spectator*).

An op-ed calling for a de-escalation of tensions in Bosnia and Herzegovina was syndicated in eleven news outlets in various member states.

59 tweets were published, generating 820,400 impressions in total and an engagement rate of 2.4% and boosting the number of followers by 2,094 (an increase of 4%). On Facebook, 51 posts reached 60,366 people and garnered 74 new page likes and 78 new subscribers (up 0.5%).

Almost 100,000 unique visitors consulted the Commissioner's website, an increase of 10% compared with the same quarter of 2020.