

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

4TH QUARTERLY ACTIVITY REPORT 2023

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 2023.

1. Visits and Missions

Visit to Armenia and Azerbaijan, including the Karabakh region

From 16 to 23 October, the Commissioner carried out a [visit](#) to Armenia and Azerbaijan. The visit was prompted by the mass displacement of over 100'600 Karabakh Armenians who fled to Armenia in only a few days at the end of September. It followed Azerbaijan's military action on 19 and 20 September, its subsequent full control over the region and the prolonged disruption in the movement of people and access to essential goods, services and energy supplies experienced by Karabakh Armenians as a result of a nine-month blocking of the road along the Lachin corridor by Azerbaijan. The visit focused on the human rights situation of people affected by the conflict in and around the Karabakh region.

During the visit to Armenia, the Commissioner had meetings with the Prime Minister, Nikol Pashinyan, the Deputy Prime Minister, Tigran Khachatryan, the Minister of Labour and Social Affairs Narek Mkrtchyan, the Deputy Foreign Minister, Paruyr Hovhannisyan, the Deputy Minister of Territorial Administration and Infrastructure, Vache Terteryan, the Head of the Migration and Citizenship Service of the Ministry of Internal Affairs, Armen Ghazaryan, and the President of the Investigative Committee, Argishti Kyaramyan. The Commissioner also met with the Human Rights Defender of Armenia, Anahit Manasyan. She visited shelters for displaced persons in the cities of Aghavnadzor and Tsaghkadzor in the Kotayk province, where she spoke with Karabakh Armenians, including families, older persons, people with disabilities and other vulnerable persons. The Commissioner had also meetings with representatives of international organisations and civil society.

Welcoming the efforts made by the Armenian authorities to assist all those in need in the immediate term with the support of UNHCR, other UN agencies and civil society, the Commissioner called on Council of Europe member states to provide full support to ensure the sustainability of the necessary assistance to respond to the needs of the persons recently displaced to Armenia, especially in relation to their medium and long-term situation and with a particular attention to the needs of vulnerable groups.

During the visit to Azerbaijan, the Commissioner had meetings with the Assistant to the President of the Republic of Azerbaijan – Head of the Department of Foreign Policy Affairs of the Presidential Administration, Hikmat Hajiyev, the Deputy Minister of Foreign Affairs, Yalchin Rafiyev and the Deputy Head of Working Group of the State Commission on Prisoners of War, Hostages and Missing Persons, Eldar Samadov. She also met with the Commissioner for Human Rights of the Republic of Azerbaijan, Sabina Aliyeva. The Commissioner also visited the Karabakh region of Azerbaijan. This was the first time in decades that a human rights mission of this kind was able to visit the region, although its scope was limited due to security concerns linked to the presence of mines. The Commissioner travelled to Fuzuli, Shusha, Malibayli village, Khankendi, Khojaly and Aghdam. During the visit to Azerbaijan, the Commissioner met with displaced persons, landmine victims, witnesses and survivors of past human rights violations and their families, as well as family members of missing

persons. The Commissioner and members of her team also had meetings with representatives of international organisations and civil society.

The Azerbaijani authorities informed the Commissioner of the measures taken by the State for the reintegration of the Karabakh region and the people living there. The Commissioner stressed that Azerbaijan must guarantee the human rights of the ethnic Armenians remaining in the region and of those who have left for Armenia, including the right to return to their homes in safety and dignity.

Throughout the visit to both countries, the Commissioner heard reports of serious human rights violations in relation to the long-standing conflict and could witness the deep suffering of the civilian populations affected by the different outbreaks of hostilities throughout the years, including as a result of the most recent events which followed the blocking of the Lachin corridor and Azerbaijan's military operation. In particular, she stressed again the importance of ensuring the human rights of all displaced persons, including their right to return in dignity and safety; the right to be protected against the danger of mines and explosive remnants of war; the human rights of captives to receive protection; the right to know the fate and whereabouts of missing persons; the need for independent and effective investigations into serious human rights violations reported in relation to the conflict; and the importance of providing adequate and effective reparation to the victims. She stressed the need to take resolute action to prevent and combat hate speech and support initiative that promote co-existence and reconciliation.

The Commissioner's [Observations](#) were published on 12 January 2024.

Visit to Germany

From 27 November to 1 December, the Commissioner carried out a [visit](#) to Germany, which focused on access to social rights and the structures and legal frameworks in place to protect and promote human rights. During the visit, the Commissioner met with the Federal Minister for Housing, Urban Development and Building Klara Geywitz, the Minister of State for Europe and Climate Anna Lührmann, the Federal Commissioner for the Affairs of Persons with Disabilities Jürgen Dusel, the Federal Commissioner for Human Rights Policy and Humanitarian Assistance Luise Amtsberg, State Secretary Margit Gottstein from the Federal Ministry for Family, Seniors, Women and Youth, State Secretary Angelika Schlunck from the Ministry of Justice, State Secretary Rolf Schmachtenberg from the Federal Ministry of Labour and Social Affairs, and the Parliamentary Committee on Human Rights and Humanitarian Aid. In Saxony, the Commissioner met with the Saxon State Minister for Social Affairs and Social Cohesion Petra Köpping and the Commissioner for Children and Youth of Saxony Susann Rührich. She also met with the Director of the German Institute for Human Rights Beate Rudolf, the Independent Federal Anti-Discrimination Commissioner Ferda Ataman, as well as a wide range of civil society actors working on the topics covered, children and youth representatives, self-representative organisations of persons with disabilities, and anti-discrimination advice centres. She also delivered a [speech](#) at a conference organised by 'Forum Menschenrechte' on 75 Years of the Universal Declaration of Human Rights.

The Commissioner noted that, despite the well-developed welfare system, persistent challenges in accessing social rights had resulted in disquieting levels of poverty, social inequality and homelessness, which affected a growing part of the population. She called for rapid action to better protect the right to an adequate standard of living, especially for groups who had been marginalised

within the social security system for years, including single-parent families, children, persons with disabilities, and older persons.

The Commissioner welcomed efforts by the government to streamline application processes for social protection benefits but noted that effective access to social rights was often still impeded. She stressed that social rights triggered state obligations that should not be made dependent on the availability of resources. The Commissioner also expressed concern about the long-term impact of poverty, homelessness and social exclusion on broader access to rights, including health, quality education, the right to private life, civil rights and political participation.

The Commissioner noted limited progress in ensuring that the best interests of children are considered a priority in all matters affecting them and called on Germany to live up to its commitment to anchor children's rights in the Constitution. She noted that the vast majority of children with disabilities were still channelled into special schools, remaining behind their potential in terms of academic and professional career opportunities, and called for more action to desegregate the education and employment sectors and ensure that persons with disabilities had adequate and fully inclusive options.

The Commissioner stressed that the German Institute for Human Rights and the Independent Federal Anti-Discrimination Commissioner were both essential for increasing awareness of international human rights and equality standards in Germany, which remained limited, and called on the government to follow through with its commitment to substantively reform the General Law on Equal Treatment to bring it in line with European standards.

A report on the visit is forthcoming.

Mission to Romania

From 4 to 7 December 2023, members of the Commissioner's Office carried out a mission to Bucharest to follow up on developments concerning the human rights of persons with disabilities in the period succeeding the Commissioner's visit to Romania in November 2018 and her ensuing report, published in February 2019.

The mission focused on the human rights of persons in psychiatric hospitals and in residential care institutions for persons with disabilities, on developments in the field of legal capacity, and on the reform of the social care system in Romania. Information was also provided with respect to recent issues concerning the rights of older persons, notably the situation of those in long-term care.

During the mission, the members of the Commissioner's Office met with Carmen Orban, State Adviser within the Chancellery of the Prime Minister and with representatives of the Ministry of Labour and Social Solidarity, of the National Authority for the Protection of the Rights of Persons with Disabilities, of the Ministry of Health, of the Ministry of Justice, of the Office of the Prosecutor General attached to the High Court of Cassation and Justice and of the Superior Council of Magistrates.

The delegation also met with Cynthia Carmen Deaconescu, Deputy Ombuds in respect of the domains of family, youth, retired persons and persons with disabilities and with representatives of the National Preventive Mechanism (NPM) within the Office of the Ombudsman, with Emanuel-

Gabriel Botnariu, President of the Council for Monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities, and with representatives of civil society.

2. Reports and continuous dialogue

Letters to the Prime Minister and the Speaker of the Parliament of Malta on freedom of expression

On 3 October, the Commissioner published her [letters](#) to Malta's Prime Minister, Robert Abela, and the Speaker of the Parliament, Angelo Farrugia. In her letter to the Prime Minister, the Commissioner expressed concerns about the insufficient progress in bringing to justice all those involved in the murder of Daphne Caruana Galizia, the shortcomings of proposed legislative changes, the repeated cases of denial of access to information and the hostile climate against journalists and media workers. In her letter to the Speaker of the Parliament, the Commissioner advised against adopting certain legislative proposals that could impinge on freedom of expression, privacy rights and the protection of journalists, underlined the inadequacy of proposed measures against Strategic Lawsuits Against Public Participation and recommended inclusive and transparent public consultations to ensure compliance with international standards.

The Commissioner's letters are available on her website, along with the replies from the Maltese authorities.

Report on Denmark

On 16 November, the Commissioner published the [report](#) following her visit to Denmark in May-June 2023, with recommendations on the rights of refugees, asylum seekers and migrants, and the rights of persons with disabilities.

The Commissioner noted several positive developments in the area of asylum, particularly with regard to those fleeing Ukraine. However, she considered that the paradigm shift in Danish refugee policy towards temporary protection and return, rather than integration, presented a number of human rights risks. The Commissioner therefore called on the authorities to refocus on providing greater certainty and security to refugees and other protection holders. She further called on the authorities to abandon plans to externalise aspects of the asylum process to a third country, considering doubts about their compatibility with international human rights standards.

The Commissioner found particularly problematic the fact that individuals who cannot be returned to their country of origin, including families with children, may find their lives suspended and left in limbo for years, and encouraged the authorities to reconsider the use of return centres. Regarding administrative detention of rejected asylum seekers and other migrants, the Commissioner called on the authorities to ensure that alternative measures are prioritised, and that strict, prison-like rules and regimes are not implemented in this context. As regards integration, further steps could be taken to facilitate family reunification for protection holders. The Commissioner also underlined issues facing stateless persons, and invited the authorities to facilitate access to citizenship for children and young people who were born or grew up in Denmark.

Regarding the human rights of persons with disabilities, the Commissioner called on the authorities to foster a structural approach to improving the situation, in particular through the introduction of a general legal obligation for reasonable accommodation, as well as a comprehensive national action plan. She emphasised the need to address challenges such as the exposure to violence and abuse, including sexual abuse, in residential institutions; the continuing use of larger residential institutions; the limited opportunities for certain persons with disabilities to choose their living arrangements; and the reported increasing number of children and young people with severe mental health conditions being placed in closed care institutions, as well as the conditions within those institutions.

While noting the progress made regarding legal capacity and the right to vote, the Commissioner considered that there was a need to increase focus on supported decision-making. She urged the authorities to abolish the system of full guardianship, and with it the attendant disenfranchisement of persons deprived of their legal capacity.

Regarding the use of coercion, the Commissioner recognised efforts being made by the authorities in this area. She nevertheless called for a drastic reduction in the use of all forms of coercion, and for the end of recourse to any coercive measure that might amount to ill-treatment, including in particular the use of belt restraints for extended periods of time.

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

Letter to the Minister of Interior of Finland concerning asylum and migration in the context the closure of Finland's Eastern land border

On 11 December, the Commissioner published a [letter](#), addressed to the Minister of the Interior of Finland, Mari Rantanen, raising concerns about the rights of refugees, asylum seekers and migrants following the temporary closure of Finland's Eastern land border. While acknowledging concerns about the potential instrumentalisation by the Russian Federation of migration movements, the Commissioner underlined that member states must react in a manner that fully aligns with their human rights obligations. She expressed her concern that decisions to restrict and subsequently close access to the border might impact notably on the right to seek asylum, as well as the principle of non-*refoulement* and prohibition of collective expulsion. She asked for several clarifications on safeguards implemented and measures taken to ensure human rights protection, and to prevent a humanitarian crisis from unfolding in the context of worsening weather conditions at the border.

The letter is available on the Commissioner's website and the reply of the Finnish authorities is forthcoming.

Report on Italy

On 14 December, the Commissioner published the [report](#) following her visit to Italy, from 19 to 23 June, which focused on the human rights of refugees, asylum seekers and migrants and on women's rights and gender equality. The Commissioner stressed the need for European-wide action to end the loss of life in the Mediterranean. She reiterated her call to suspend co-operation with the Libyan government on interceptions at sea and to make any future co-operation activity with other countries in the field of migration, in particular with Tunisia, conditional on comprehensive human

rights safeguards, and no returns should take place without a proper individual assessment. She also urged the Italian authorities to repeal policies and end practices which hinder and criminalise NGOs' life-saving activities at sea. The Commissioner further warned of the lack of adequate human rights safeguards in the Memorandum of Understanding concluded with Albania and recommended that the Italian authorities prioritise improving the domestic asylum system. Specifically, she recommended that the authorities direct their efforts towards increasing support for the reception system and towards enhancing early preparedness and contingency planning. She also stressed that tailored support should be provided to the authorities and inhabitants of communities that find themselves at the forefront of the emergency, such as Lampedusa.

As regards women's rights and gender equality, the Commissioner noted a marked contrast between the legal framework and the inequalities, discrimination and violence faced by women and girls. To close this gap, she recommended that the authorities reduce regional disparities, combat gender stereotypes and improve the availability and funding of support services for victims of gender-based violence. The Commissioner stressed the need to address women's disadvantaged position in employment, including by measures to facilitate their re-entry in the labour market after childbirth. She urged the authorities to ensure that women's and girls' access to sexual and reproductive health services, including abortion care and contraception, is not undermined by refusals by health professionals to provide certain forms of healthcare on grounds of conscience or by differences in regional policies. She also encouraged amendments to criminal law to base offences of sexual violence, including rape, on the notion of freely given consent and called for increased efforts to prevent gender-based violence and for enhanced capacity building among the judiciary and law enforcement to improve treatment of women victims of gender-based violence and avoid secondary victimisation. Lastly, the Commissioner stressed the importance of strengthening institutional co-operation with women's rights NGOs.

Finally, the Commissioner recommended the decriminalisation of defamation, the establishment of a national human rights institution and the broadening of anti-discrimination laws to cover the rights of LGBTI people. Taking note of developments affecting the registration of birth certificates of children born through surrogacy or following assisted reproduction technology abroad, she recalled that in all measures concerning children the best interests of the child must be a primary consideration.

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

3. Themes

Situation in and around the Karabakh region

On 2 October, the Commissioner issued a [statement](#) concerning the rapidly changing situation in and around the Karabakh region following Azerbaijan's military action and its gaining of control over the region, which had prompted over 100,000 Karabakh Armenians to leave their homes and seek refuge in the neighbouring Armenia. The Commissioner stressed that this latest ordeal came on top of the humanitarian and human rights consequences of armed hostilities that they had suffered since 2020, aggravated in the past nine months by the prolonged disruption in movement along the

Lachin corridor and acute shortages of essential goods, services and energy supplies. While welcoming the efforts made by Armenia to protect and assist those individuals concerned in the immediate term, the Commissioner highlighted the urgency for additional assistance in addressing their needs with the support of the Council of Europe member states. She also took note of a number of measures taken by Azerbaijan to reintegrate the Karabakh region and people living there and urged the authorities to guarantee the respect of human rights of ethnic Armenians who remained there and those who had left, including their right to return in safety and dignity. Lastly, the Commissioner reiterated the importance of ensuring access to humanitarian assistance and human rights missions to all areas and people affected by the conflict and expressed her intention to seek the engagement of all relevant interlocutors from both countries.

Human rights of refugees, asylum seekers and migrants

During this period, the Commissioner addressed this issue in the country visit reports on Denmark and Italy (see *Reports and continuous dialogue*) and in the visit to Armenia and Azerbaijan in relation to people displaced from the Karabakh region (see *Visits and missions*).

On 2 October, the Commissioner published a [video message](#) on the occasion of the round table “10 years of indifference” held in Lampedusa to commemorate the shipwreck tragedy of 3 October 2013. To prevent further deaths at sea, she called on member states to put safe and legal routes in place and to meet their search and rescue obligations. She called for the establishment of a regional database to track migrants who have died or disappeared and called for the community of Lampedusa, who continue to generously assist those arriving, to be supported.

On 9 November, the Commissioner issued a [statement](#) welcoming the opening by the Greek Ombudsman institution of an independent investigation into the acts and potential omissions of members of the Greek Coast Guard in relation to the shipwreck off Pylos. She regretted that the Greek Coast Guard had decided not to carry out an internal disciplinary investigation, and called on it and all relevant institutions and stakeholders to fully co-operate with the Ombudsman’s investigation. She highlighted that ongoing criminal investigations by state authorities should be conducted in compliance with the case law of the European Court of Human Rights.

On 13 November, the Commissioner issued a [statement](#) regarding the Memorandum of Understanding between Italy and Albania on the disembarkation and processing of asylum applications, which raised important questions about its human rights impact in many areas. She stressed that the memorandum created an ad hoc extra-territorial asylum regime characterised by many legal ambiguities, which could undermine human rights safeguards and accountability, and result in differential treatment. She warned that the wider trend towards externalising asylum increased human rights risks and could undermine the European and global system of international protection. She called on member states to focus their energy on improving domestic asylum and reception systems and to prioritise creating safe and legal pathways.

Freedom of expression, media freedom and safety of journalists

During this period, the Commissioner addressed this issue in letters sent to Maltese authorities (see *Reports and Continuous dialogue*) at a number of events.

Thus, on 5 October at the Conference “The Pen is Mightier than the Sword? Meeting today’s challenges to freedom of expression and the safety of journalists”, organised under the Latvian presidency of the Committee of Ministers (Riga, Latvia), a member of the Office delivered a [speech](#) on behalf of the Commissioner stressing the urgency of protecting journalists, noting the decline in their safety in Europe due to violence, attacks, and legal threats. The speech contained a call for ending impunity, enhancing journalists’ protection (particularly women), and improving their mental health support. It also recommended to put in place better policing during protests, training for law enforcement, anti-SLAPP legislation, and support for exiled journalists, emphasising the role of National Human Rights Structures and the need to address rule of law decline and societal polarisation.

On 1 November, the Commissioner participated in the event “Lyra – Let her voice not be forgotten”, the inaugural lecture in commemoration of the journalist Lyra McKee, who was killed in Northern Ireland in April 2019. In her contribution, the Commissioner highlighted the importance of ensuring justice for Lyra McKee, as well as for other journalists who have been killed across Europe, which should not be the responsibility of loved ones, but of the state institutions. Impunity has a profound impact on journalism, as well as democracy and the rule of law. The Commissioner also reflected on the importance of Lyra McKee’s journalistic work in giving a voice to those who might otherwise not be heard, the situation of young people in Northern Ireland, the challenge of doing journalism in a divided society, and the particular threats facing women journalists. She highlighted the need to tackle any threats or intimidation, and for proactive measures to protect journalists’ safety, including tackling SLAPPs.

Women’s rights and gender equality

On 17 November, the Commissioner participated in an episode of [a podcast series](#) by the Geneva Centre for Security Sector Governance – DCAF, on the issue of cyberviolence against women in the Western Balkans. Drawing on her [human rights comment](#) on this topic and her monitoring of the human rights situation in the countries of the region, the Commissioner discussed the impact that digital violence against women has on broader efforts toward gender equality and social cohesion. She also discussed steps to be taken by the authorities to combat this phenomenon and examples of good practices.

On 24 November, ahead of the International Day for the Elimination of Violence against Women, the Commissioner [urged](#) states to implement comprehensive and effective measures to prevent violence against women, in line with the Istanbul Convention and GREVIO’s guidance.

On 27 November, the Commissioner participated in PACE’s initiative for the 16 days of activism against gender-based violence [stressing](#) the importance of states’ action to safeguard women and girls’ sexual and reproductive health and rights to combat violence against women and girls and promote gender equality.

On 29 November, the Commissioner issued a [statement](#) calling on the Andorran authorities to take all necessary steps to guarantee the right to freedom of expression for women’s rights defender Vanessa Mendoza Cortés and ensure an enabling environment for women’s rights defenders, noting that the criminal proceedings against the defender were linked to her reporting to the UN Committee on the Elimination of Discrimination against Women and to the media in 2019 on the obstacles women and girls face in enjoying their human rights in Andorra.

On 1 December, the Commissioner [welcomed](#) the vote of the Latvian Parliament to ratify the Istanbul Convention as a critical step towards a Europe free from violence against women.

On 20 October, a member of the Office attended the event “Population and Development: Ensuring Rights and Choices”, organised by the United Nations Economic Commission for Europe (UNECE) and the United Nations Population Fund (UNFPA) Regional Office for Eastern Europe and Central Asia in Geneva on 19-20 October. The discussions focused, among others, on the sexual and reproductive health and rights of women with disabilities.

Children’s rights

On 18 November, the Commissioner [marked](#) World Children’s Day with a call on member states to listen to survivors of child rights violations and to support child human rights defenders in their invaluable work towards necessary policy change.

Human rights of LGBTI people

On 12 October, the Commissioner spoke at a joint meeting of the Equality and Non-Discrimination Committee and the [Parliamentary Platform for the rights of LGBTI people in Europe](#) of PACE on “Banning ‘conversion therapies’ for LGBTI persons: a human rights imperative”. Drawing on her recent [Human Rights Comment](#) on this topic, the Commissioner underlined that these practices are incompatible with several human rights standards and called on PACE members to work in their respective countries to build on the current momentum to end them through a comprehensive human rights approach.

On 26 October, the Commissioner [marked](#) Intersex Awareness Day by calling for intersex children and adults to live free from discrimination, violence and harmful practices. She underlined that member states can take concrete action by outlawing medically unnecessary surgeries on intersex children without consent.

On 27 October, the Commissioner gave a [speech](#) during the plenary session of the ILGA-Europe annual conference in Ljubljana, Slovenia. She reflected on the challenges and increasing backlash against the human rights of LGBTI people, which she observed throughout her mandate, as well as the resilience of the movement and the importance of support from allies. She underlined that institutions should listen to and amplify LGBTI voices, while proactively defending the rights of LGBTI people and activists. She also highlighted the intrinsic links between the efforts of the LGBTI movement and the broader fight for human rights, democracy and the rule of law.

On 13 November, the Commissioner [welcomed](#) the adoption by the Latvian Saeima of the regulation on civil partnerships, which is applicable to both different-sex and same-sex couples, as a step forward for the human rights of LGBTI people there.

On 20 November, on the occasion of the Transgender (trans) Day of Remembrance 2023, the Commissioner [expressed concern](#) about the fact that digital violence against trans people and the human rights defenders working to protect their human rights is skyrocketing. Digital violence fuels hate and has real life consequences for trans people and the Commissioner called on member states and digital platforms to take seriously their responsibility to counter online violence.

On 22 November, the Commissioner [stressed](#) that the revocation in Slovakia of guidelines on medical transition and gender-affirming healthcare puts the human rights of trans people at risk. She referred to the clear caselaw of the Court that sterilisation cannot be a condition for legal gender recognition and her recent [letter](#) to the Slovak authorities on these matters.

On 1 December, the Commissioner [stated](#) that the decision by the Russian Supreme Court to label the ‘international LGBTI movement’ as extremist goes against the fundamental principle that all people are born equal in rights and dignity. She expressed concern that the decision will further endanger Russian LGBTI human rights defenders and called on member states to support them, including through the provision of humanitarian visa and access to asylum procedures.

Human rights of persons with disabilities

On 14 November, the Commissioner addressed through a [video message](#) the conference “Promoting autonomy in mental health care”, organised in Riga by the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) in cooperation with the Ombudsman of the Republic of Latvia and the University of Latvia, under the auspices of the Latvian Presidency of the Committee of Ministers. The Commissioner reiterated the importance of a human rights approach to mental health care and stressed that a paradigm shift is needed to replace institutions and coercion-based mental health services with voluntary, community-based models.

On 3 December, on the International Day of Persons with Disabilities, the Commissioner [stressed](#) the imperativeness of the pledge to leave no one behind and highlighted that the inclusion of the voices, needs and priorities of persons with disabilities in all policies and practices is key to ensuring that they can enjoy all human rights on an equal basis with others.

Rights of persons belonging to national minorities

On 13 October, the Commissioner had an online exchange of views with the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC). Among other things, she addressed the humanitarian situation for Karabakh Armenians, the long-lasting struggle of Crimean Tatars for their human rights, the situation of Roma, including the unequal treatment received in host countries by Roma fleeing Ukraine, as well as the importance of transitional justice in the Western Balkans. She also underlined the complementary and mutually reinforcing roles of her institution and the ACFC, as well as some of the shared challenges.

Combating racism and intolerance

On 8 December, the Commissioner [visited](#) the Bergen-Belsen Memorial (Germany), where she paid tribute to the victims of the Holocaust and participated in a panel discussion focusing on the topics of Holocaust commemoration and the combating of antisemitism. In her intervention, the Commissioner reiterated the obligation of member states to effectively protect Jewish communities and to remain vigilant against all forms of antisemitism and hatred. She further stressed the importance of keeping the truth of the Holocaust intact, continuing the commemoration of the Holocaust, and strengthening human rights education and history teaching.

Transitional justice

On 23 November, the Commissioner released her [Issue Paper](#) entitled “Dealing with the Past for a Better Future: Achieving justice, peace and social cohesion in the region of the former Yugoslavia”, which builds on the Office’s monitoring of transitional justice in the region over the past 15 years. The Issue Paper presents the state of play of efforts in the region to deal with gross human rights violations that were committed during the wars in the 1990s in the region. It stresses that more and better efforts on dealing with the past are required today in the region. The Commissioner emphasizes that dealing with the past is far from a backward-looking exercise; it is an essential prerequisite for the achievement of durable peace in cohesive, pluralist democratic societies based on respect for human rights.

The Issue Paper highlights the considerable legacy of transitional justice processes in the region. The atrocities committed during the wars were met with a resolute shift towards no impunity. The high rate of resolution of cases of missing persons (over 70%) serves as a blueprint for dealing with this issue. The engagement and innovative approaches led by civil society and human rights defenders are commendable and can serve as an inspiration in other post-conflict situations. Post-war processes also contributed strongly towards breaking the silence about conflict related sexual violence and the need for gender-sensitive approaches when dealing with the past.

At the same time, it examines the unfinished transitional processes in the region. War crimes prosecutions, the search for missing persons and the provision of reparations for victims have recently slowed down or stagnated mostly due to a lack of political will. Other crucial measures, such as the establishment of truth and reconciliation commissions, vetting of public officials, dealing with the root causes of the violent past and inclusive memorialisation have not taken place.

The Issue Paper analyses some of the factors and trends that are undermining these processes and shows the links between the failure to fully deal with the past and current negative human rights trends. Several issues are highlighted, such as: the return to ethnonationalist discourse, accompanied by the denial of war-related atrocities and glorification of war criminals; the increasing hate speech and intolerance among communities; challenges faced by human rights defenders working on transitional justice; and non-inclusive approaches in the field of education, history teaching and memorialisation of past crimes.

Finally, the Issue Paper charts a way forward, presenting several areas of focus for better impact on justice and reconciliation. Underscoring the importance of regional cooperation, the Commissioner urges states in the region to revive efforts through a victim-centred approach, and zero tolerance for the denial of genocide and the incitement of hatred against other ethnic groups. The intergenerational dimension of dealing with the past, including youth engagement, integrated education, history teaching and human rights-based memorialisation, requires urgent attention to break the ongoing transmission of trauma and hatred from one generation to the next. It is also crucially important to strengthen political and financial support for a strong and resilient civil society working on transitional justice.

On 10 October, the Commissioner participated, along with, among others, Alice Wairimu Nderitu, Under-Secretary-General and Special Adviser on the Prevention of Genocide, in an online [discussion](#) on “The Corrosive Effect of Genocide Denial in Post Genocide Societies” organised by the Harriman Institute at Columbia University. In her intervention, the Commissioner talked about the corrosive

impact of genocide denial and denial and relativisation of war crimes on human rights and the rule of law in post-conflict societies, with a focus on the region of the former Yugoslavia.

On 18-20 October, a representative of the Office participated in a regional meeting on “Lessons learned and good practices of transitional justice in the context of sustaining peace and sustainable development, notably the SDG 16” convened by the Office of the United Nations High Commissioner for Human Rights in Geneva.

Artificial Intelligence and Human Rights

On 12 December, the Commissioner participated in a virtual workshop organised under Chatham House rules by the Stanford University Cyber Policy Center to take stock of “the year of AI” as it relates to the nexus of AI and international human rights law and to discuss key questions to help guide research and actions in 2024.

Human Rights and environment

On 30 November, the Commissioner [called](#) on states and other actors attending the COP28 climate conference in Dubai to increase their climate ambition and action for the sake of present and future generations. Stressing that human rights should be at the centre of all decision making on climate and the environment, she called on Council of Europe member states to recognise and uphold the right to a healthy environment and to protect environmental human rights defenders and climate protesters.

Co-operation with national human rights structures

On 10 October, the Commissioner delivered a [keynote speech](#) at the 10th anniversary conference of the European Network of National Human Rights Institutions (ENNHRI) in which she stressed that in the context of human rights and rule of law backsliding and several crises, independent and effective NHRIs have shown that they can rise to the challenge. She however regretted a notable increase in threats and attacks against NHRIs. The Commissioner stressed that implementing Council of Europe standards on NHRIs will help strengthen them and increase their resilience. Co-operation and exchange of good practices, as nurtured by the ENNHRI network, and more effective outreach to the public are also essential. On 18 December, a member of the Commissioner’s Office took part in a [workshop](#) “75 anniversary of the Universal Declaration of Human Rights: human rights for all?” organised in Brussels by the Federal Institute for the Protection and Promotion of Human Rights.

4. Other meetings

Meeting with the PACE Committee on Legal Affairs and Human Rights

On 12 October, the Commissioner held an [exchange of views](#) with the members of the PACE Legal Affairs and Human Rights Committee. She focused her intervention on the situation of human rights defenders in Council of Europe member states and in Russia and Belarus (see under ‘Human Rights Defenders’); the human rights situation in Ukraine since the Russian aggression; and the execution of the judgments of the European Court of Human Rights by State parties.

Meeting with the Lord Chancellor and Secretary of State for Justice of the United Kingdom

On 31 October, the Commissioner met with the Lord Chancellor and Secretary of State for Justice of the United Kingdom, the Rt Hon Alex Chalk KC MP. Among other things, they discussed freedom of speech, the protection of Human Rights Defenders – including lawyers – in the UK, independence of the judiciary, and wider trends and issues within the Council of Europe space.

Meeting with Swedish PACE delegation

On 20 November, the Commissioner met the members of the Swedish delegation to the Parliamentary Assembly of the Council of Europe. She presented her work and provided an overview of the main human rights challenges addressed during her mandate, including the human rights implications of the Covid-19 pandemic and of the war in Ukraine.

Meeting with the Director-General of the International Commission on Missing Persons (ICMP)

On 8 November, the Commissioner met with Kathryn Bomberger, Director-General of the International Commission on Missing Persons (ICMP), in Strasbourg. The meeting focused on the Commissioner's work in Armenia and Azerbaijan, issues relating to transitional justice and missing migrants and the serious human rights violations occurring in the context of Russia's war against Ukraine.

14th Warsaw Human Rights Seminar

On 24 October, a member of the Office attended the 14th Warsaw Human Rights Seminar: Human Rights in Situations of Crisis (Turning Challenging Circumstances into Opportunities), organised by the Ministry Foreign Affairs of Poland in collaboration with the Council of Europe. The discussions focused on the recent crises in Europe along with challenges and lessons learnt, mostly within the context of the war in Ukraine and the Covid-19 pandemic.

High-level Discussion Panel at the Austrian Institute for International Affairs

On 5 December, the Commissioner participated in a high-level Discussion Panel on "Human Rights in a multi-aligned world: how to counter challenging narratives and restore universalism?" organised by the Austrian Institute for International Affairs and focusing on the legacy of the UDHR and the Vienna Declaration. The Commissioner underlined that despite challenges to human rights, there have been positive developments in Europe and that the resilience of the multilateral system in responding to crises, such as Russia's war against Ukraine, and the efforts of NGOs, journalists and youth gave hope. She concluded by stressing the need for a collective effort to uphold human rights and realise the ideals of the Vienna Declaration, and to ensure the dignity, freedom and well-being of every individual.

Lecture at Foreign Policy and United Nations Association of Austria "International Club" event series

Speaking at the International Club of the Foreign Policy and United Nations Association of Austria on 6 December, the Commissioner highlighted concerns about the erosion of the rule of law, the rise of nationalist movements and the dehumanisation of vulnerable groups such as migrants,

asylum seekers, refugees and the LGBTI community. She also warned against the resurgence of discrimination, racism and xenophobia, the challenges faced by women and girls, and the shrinking civic space. She called for a renewed commitment to human rights principles and norms, emphasising the role of state authorities, society, business, the media and the human rights community in upholding them.

International Conference “Freedom or Fear” dedicated to the 75th anniversary of the Universal Declaration of Human Rights

On 7 December, the Commissioner gave a [speech](#), by video message, at the conference entitled “Freedom or Fear” organised in Kyiv by the Office of the Ukrainian Parliamentary Commissioner (Ombudsman) and dedicated to the 75th anniversary of the Universal Declaration of Human Rights. The Commissioner acknowledged the Ukrainian people’s resilience in withstanding Russian aggression and praised their unwavering commitment to the values and aspirations of the Universal Declaration of Human Rights in the face of this existential adversity.

Inaugural meeting of the International Coalition of Countries for the return of Ukrainian children

On 8 December, the Commissioner gave a [speech](#), by video message, at the inaugural meeting of the International Coalition of Countries for the return of Ukrainian children organised in Kyiv. She acknowledged the crucial role played by organisations and networks of human rights defenders and civil societies, in Ukraine and in Russia, in facilitating the returns of Ukrainian children. Expressing hope that the recent creation of the Coalition would help to identify concrete and practical steps to support Ukraine in bringing back the children, the Commissioner reiterated her intention to continue working with civil society organisations involved in facilitating the children’s returns.

Meeting with the President of the ICRC

On 11 December, in Geneva, the Commissioner had an [exchange of views](#) with the President of the International Committee of the Red Cross, Mirjana Spoljaric Egger, about cooperation between the institutions and issues of mutual interest.

Human Rights 75 High-level Event

On 11 December, the Commissioner travelled to Geneva to take part in the Human Rights 75 [High-level Event](#), organised by the Office of the UN High Commissioner for Human Rights and co-hosted by the Government of Switzerland, and was one of the speakers in the [panel](#) discussion on “Bolstering the Human Rights Ecosystem: Challenges and Prospects”.

Meeting with the Prime Minister of Montenegro

On 14 December, the Commissioner [met](#) in Strasbourg with the Prime Minister of Montenegro, Miloško Spajić. They discussed a number of issues of common interest, including the need to revive efforts to deal with the past in the region of the former Yugoslavia, as stressed in the Commissioner’s recently published [Issue Paper](#) “Dealing with the Past for a Better Future: Achieving justice, peace and reconciliation in the region of the former Yugoslavia.”

Paris Nanterre University International Colloquy for the 75th anniversary of the Universal Declaration of Human Rights

On 22 December, the Commissioner participated online in the [international colloquy](#) on ‘Universal Declaration of Human Rights, a “social contract” for today’s world’ organised by the Paris Nanterre University in celebration of the 75th anniversary of the UDHR. Speaking in a panel on the promotion and protection of human rights discourse alongside Rafaâ Ben Achour, Professor Emeritus at the University of Carthage and judge at the African Court on Human and Peoples' Rights; Françoise Tulkens, former vice-president of the European Court of Human Rights and member of the Scientific Committee of the European Agency for Fundamental Rights of the European Union; and Marc Perrin de Brichambaut, former ambassador and judge at the International Criminal Court, she [outlined](#) the progress in the period since the adoption of the Declaration and the challenges ahead, calling for a renewed commitment to human rights from all actors involved.

5. Human Rights Defenders

During the period under consideration, the Commissioner continued to pay close attention to the situation of human rights defenders in the Council of Europe area by raising awareness about their working environment, meeting them and alerting the public and the relevant state authorities on situations when they faced risks to personal safety, liberty and security.

On 12 October, the Commissioner held exchanges with members of the PACE’s Committee on Legal Affairs and Human Rights and the PACE General Rapporteur on the situation of human rights defenders. During the meeting, she shared views on current challenges faced by human rights defenders in Europe. The Commissioner also addressed the situation of Russian and Belarusian human rights defenders in their countries of origin and Europe.

In this connection, on 15 November, the Commissioner also published a [statement](#) in reaction to the pardon issued by the Russian authorities to one of the men convicted in the murder of Anna Politkovskaya. Characterising it as an insult to justice, the Commissioner reminded that the masterminds behind that horrific crime had never been revealed nor convicted and that the fight for justice should continue. The Commissioner also expressed solidarity with her family and fellow journalists in Russia and abroad, paying tribute to Anna Politkovskaya’s remarkable work as inspiring future generations.

On 17 October, a member of the Commissioner’s Office participated in Athens in a workshop in solidarity with and support to civil society and human rights defenders, co-organised by the European Network Against Racism and the Greek Forum of Migrants. On this occasion, the Commissioner’s support to human rights defenders was reiterated and information on the difficulties they are confronted with in several members states was collected.

On 27 November, the Commissioner issued a [statement](#), calling for the proposal for a “defence of national sovereignty” package in Hungary to be abandoned. The Commissioner warned that the proposed ‘Office for the Defence of Sovereignty’, which would be vested with far-reaching powers, would pose a significant risk to human rights and provide the executive with even more opportunity

to silence and stigmatise independent voices. She called on the Hungarian Parliament to shelve the proposal.

On 13 December, the Commissioner met with Mariana Katzarova, UN Special Rapporteur on the situation of human rights in the Russian Federation. They discussed issues of common interest including the situation of Russian human rights defenders in the country or in exile.

On 17 December the Commissioner addressed a group of Russian human rights defenders during an event online, exchanging on the challenges they face and informing them on her work in support of Russian human rights defenders in and outside Russia.

6. System of the European Convention on Human Rights

*Publication of Rule 9 Submission *Identoba and Others v Georgia**

On 14 November, the Commissioner published her [submission](#) to the Committee of Ministers of the Council of Europe in the context of the supervision of the execution of the *Identoba and Others* group of judgments of the European Court of Human Rights. This group of judgments relates to discrimination and manifestations of intolerance towards LGBTI people and religious and other minority groups, as well as their right to freedom of assembly and expression. While acknowledging that the overall societal attitudes towards LGBTI people and religious and other minorities have been gradually improving, the Commissioner expressed her concern over the response given by the authorities to the repeated occurrence of discrimination and manifestations of intolerance towards these groups which has so far failed to address the broad spectrum of underlying reasons behind such manifestations. The authorities should focus their efforts on the implementation of six recommendations set out in the Commissioner's [report](#) following her visit to Georgia in February 2022: commit to a zero-tolerance police and practice towards all forms of discrimination and incitement to discrimination and violence; combat impunity for serious human rights violations committed against LGBTI people and members of religious and other minority groups; identify and effectively address any existing patterns of institutional culture within law enforcement agencies or within the criminal justice system which may directly or indirectly contribute to promoting such impunity; ensure the effective enjoyment of the right to freedom of peaceful assembly of LGBTI people and other affected groups; prevent and combat hate speech; and develop and implement a comprehensive and multi-dimensional state policy on protecting the human rights of LGBTI people and other affected communities.

7. Communication and information work

Almost 180 news items covered the Commissioner's work for the period under review. The three most covered topics were migration, transitional justice and the visit to Armenia and Azerbaijan, including the Karabakh region.

The work on migration was covered by major national and international outlets, including but not limited to *AFP*, *DPA*, *Neue Zürcher Zeitung*, *Süddeutsche Zeitung*, *SDA/ATS*, *CNN*, *The Associated Press*, *ADNKronos*, *Agence Europe*, *Agencia Lusa*, *ANP*, *ANSA*, *APA*, *Berliner Morgenpost*, *EFE*,

SwissInfo, Efsyn.gr, ERT, EUObserver, EurActiv, Euronews, Il Fatto Quotidiano, Il Manifesto, La Repubblica, N1 Info, STA, SIR, TGCom24, Top Channel.

The Issue Paper on transitional justice in the former Yugoslavia also received a quality coverage, in particular from *DPA, SDA/ATS, 24, Al Jazeera Balkans, Dnevnik.hr, Hina, HRT, Jutarnji List, N1 Info, Tportal, Vecernji List, AFP, France 24, Agence Europe, ANSA, Avaz.ba, Danas, Demonstrat.rs, Klix.ba, Slobodna Bosna, Balkan Insight, Bulgaria National Radio, Courier des Balkans, EurActiv, FENA, Le Monde, RTV Slovenija, Radio Free Europe, STA, Vecer, The Guardian, Vijesti, Voice of America.*

The visit to Armenia and Azerbaijan, including the Karabakh region were covered by *AFP, EurActiv, Nouvelles d'Arménie, SDA/ATS, L'Orient-Le Jour, Agence Europe, Agencia Lusa, RTP, Visao Online, AgerPress, ANSA, APA, Eurasia Diary, APA.az, ArmenPress, ArmInfo, HETQ, Mediamax, News.am, Public Radio of Armenia, Trend, Report.az, Turan, Asbarez, Athens News Agency, Athina984.gr, IN.gr, OT.gr, Day.az, Dnevni Avaz, EFE, Euronews, Magyar Hirlap, MTI, Panorama.am, Public Radio of Armenia, TGCom24.*

The report on Denmark was covered by *20 Minutes, AFP, Agence Belga, Agence Europe, EurActiv, KoldaNews, Le Dernière Heure, Le Figaro, MSN, Proximus.be, RTL, Yahoo Actualités, Amagerliv, Berlingske, BT.dk, DBRS, Fredriksberliv, Horsens Folkebladet, Information.dk, JV.dk, Kobenhavn, Kristeligt Dagblad, Lolland-Falster Folketidende, MSN, NI.dk, Ritzau, Nordjyske Stiftstidende, Skive Folkeblad, TV2, Viborg Stifts Folkeblad Online, The Copenhagen Post.*

The Commissioner's letters to the Prime Minister of Malta and the Speaker of Parliament in relation to the investigations into the murder of Daphne Caruana Galizia and the reforms on freedom of expression were covered by *Times of Malta, The Malta Independent, Malta Today, The Shift News, Newsbook, Hirado.hu, MTI, Ossigeno per l'Informazione, Dziennik.* The statement on the pardon by the Russian authorities of one of the men convicted in the murder of Anna Politkovskaya was covered by *AskaNews, SIR, EFE, El HuffPost, El Mundo, InfoBae, European Interest.*

Other coverage concerned children's rights (*El Pais, Canal Extremadura*), LGBTI people's rights (*El Salto Diario, Agenda.ge, Prime-News, Civil Georgia*), the report on Serbia (*Autonomija*), Roma rights (*Romea.cz, Balkan Insight*), women's rights (*Gazeta Wyborcza, VG, Malta Today*).

By 15 December 2023, 43 posts were published on X/twitter, generating 348,000 impressions in total and an engagement rate of 3,3%, and boosting the number of followers by 1121 (an increase of 1,4%). On Facebook, 40 posts, reached 8,700 people and garnered 57 new page likes (up 0.5%).

At the same date, almost 80,000 unique visitors visited the website, with more than 145,000 page views.