

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

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ANNUAL ACTIVITY REPORT 2020

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and the Parliamentary Assembly

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FOREWORD

2020 has been a disastrous year for human rights in Europe. While commitment to upholding human rights standards has been faltering all over the continent for several years, the COVID-19 pandemic has accelerated the erosion of the democratic fabric of our society, on which the protection of human rights ultimately depends. The pandemic has upended our lives and it has also provided many governments with an ideal pretext to exploit fears and crack down on dissent, restrict people's rights and pass emergency legislation that risks having long-term consequences beyond the health crisis.

This report provides an account of the main human rights challenges I have observed and worked on in 2020, all long-standing problems magnified by COVID-19.

One of these problems is the worrying erosion of the rule of law in many member states. Attempts to undermine the independence and impartiality of the judiciary; police violence against peaceful demonstrators; the undermining of national human rights structures; virulent and physical attacks on journalists and human rights defenders; and restrictions on freedom of expression and media freedom are just some of the indicators that are ringing the alarm bell.

Another worrying trend is that our societies breed divisive levels of inequality, fear and polarisation. Structural discrimination keeps millions of Europeans on the margins of our societies, especially in employment, health, education, housing, and the criminal justice system. The current pandemic crisis serves as a magnifying glass for all existing inequalities in Europe and exacerbates them. We have not all been equal in the face of the pandemic. Those who were poor before it became poorer; those who were disadvantaged faced even greater disadvantages.

As an illustration, inequalities affecting older people, women, LGBTI people and ethnic minorities grew starkly in 2020. In many of our member states older people have paid the highest price of the pandemic, not only because of the health vulnerabilities associated with age, but also because of the unfit institutions in which many of them live. Those living independently have also suffered because of the lockdown measures that have further isolated them from their families and the rest of the community.

Discriminatory treatment of women is the neglected pandemic which has been going on for decades. This is evident in the workplace, where deep-rooted societal attitudes contribute to maintaining the gender gap. Violence against women and the obstacles faced by women in access to their sexual and reproductive health and rights also derive from ingrained patterns of inequalities between women and men.

If progress on ensuring equality for LGBTI people has been remarkable in some countries, in too many others the trend is worrying. Restrictions to freedom of assembly and association, obstacles to legal gender recognition and lack of adequate protection at public events are evident failures of state authorities to uphold their commitments and legal human rights obligations to ensure equality for LGBTI people.

Hate incidents also continue to vilify Jews, Muslims, Roma, people of African descent. The stigmatisation of some groups of people because of their ethnic origin or religion remains a serious human rights violation that is largely unaddressed by state authorities.

The topics mentioned in this report provide a clear lesson for all of us - governments, parliaments, elected officials, public figures, individual citizens: we can no longer afford to procrastinate in realising human rights for all.

We need a renewed impetus now. The many challenges that our societies are facing and will have to face in the future require that the authorities give greater prominence to human rights in our societies, starting by giving more emphasis to the equal enjoyment of social and economic rights and equal access to health care and education.

This is crucial to keep Europe as the home of freedom, justice and human dignity.

Dunja Mijatović

1 COUNTRY WORK

Introduction

In 2020, the Commissioner continued her constructive dialogue with Council of Europe member states in the unprecedented context of the COVID-19 pandemic. The Commissioner addressed specific human rights issues that she had identified as requiring particular attention and also followed up on the work of her predecessor. Reports and other documents published by the Commissioner after these exchanges contain both an analysis of the selected human rights issues and detailed recommendations to member states about possible means of improvement. In certain cases, as part of her dialogue with national authorities, the Commissioner addresses letters to the former to outline concerns and provide advice on specific issues. All these documents, along with the replies from the authorities, are published on the Commissioner's website and are widely circulated among policymakers, NGOs and the media.

The present chapter contains brief summaries of the work carried out by the Commissioner and of their outcomes.

1.1 Visits

Visit and report on Republic of Moldova

The Commissioner visited the Republic of Moldova from 9 to 13 March. During the visit, the Commissioner met with the President of the Republic of Moldova, Igor Dodon; the President of the Parliament, Zinaida Greceanii; the Prime Minister, Ion Chicu; the Deputy Prime Minister for Reintegration, Alexandru Flenchea;¹ the Minister of Justice, Fadei Nagacevski; the Minister of Foreign Affairs and European Integration, Aureliu Ciocoi;² the Secretary of State at the Ministry of Health, Labour and Social Protection, Nelea Rusu; and the Chairwoman and members of the Parliamentary Committee on Human Rights and Interethnic Relations. The Commissioner also held exchanges with the People's Advocate (Ombudsman), the President of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, and representatives of civil society. The Commissioner also travelled to Comrat (Autonomous Territorial Unit of Gagauzia) and Tiraspol.

Following the visit, the Commissioner published on 25 June a [report](#), focusing on violence against women and domestic violence, children's rights, the human rights of persons with disabilities and Roma, hate speech and the rights to housing and health. The Commissioner has in particular urged the government to ensure a speedy ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), as well as to ensure that the public has accurate information about the true nature and scope of violence against women and domestic violence and the measures envisaged in the Istanbul Convention to respond to and prevent these phenomena. She also urged the authorities to expand the network of shelters and support services for victims of domestic violence and improve their access to justice.

While welcoming measures aimed at the de-institutionalisation of persons with intellectual or psychosocial disabilities, the Commissioner called for a more ambitious reform of mental health services, with the aim of progressively eliminating recourse to coercive practices in psychiatry, and ensuring that the implementation of the legal changes introducing assisted decision-making were accompanied by awareness raising measures for all those involved and monitored in close consultation with persons with disabilities and their associations.

With regard to children's rights, the Commissioner encouraged the authorities to move further away from practices of institutionalising children, including on the basis of poverty or disability; to expand alternative care models in family-type settings; and allocate more resources and support to guardians and foster care providers. The authorities should also improve access to social protection entitlements to guarantee the right of all children to an adequate standard of living; further strengthen the national framework for eliminating violence against children, including by

¹ On 16 March, Alexandru Flenchea was succeeded by Cristina Lesnic.

² On 16 March, Aureliu Ciocoi was succeeded by Oleg Țulea.

encouraging a shift in attitudes in relation to corporal punishment; and promote child-friendly justice aiming at rehabilitation and integration. They should also provide accurate information about the need for immunisation and ensure that safe and high-quality vaccines are available.

As regards the situation of Roma, the Commissioner welcomed the expansion of the network of Roma community mediators. At the same time, she noted that substandard living conditions of Roma families and limited access to education, employment and healthcare, as well as persisting societal prejudices remained major obstacles hampering the successful inclusion of Roma in Moldovan society. She called on the authorities to strengthen their role and capacities and ensure adequate funding of Roma inclusion policies.

Noting that representatives of certain groups in society, in particular Roma, migrants, LGBTI persons, persons with intellectual and psychosocial disabilities and people living with HIV/AIDS often become the target of hate speech, the Commissioner urged the government to provide better protection against this phenomenon, notably by strengthening the legislation against hate speech and hate crimes and reinforcing the role of the Council for Preventing and Eliminating Discrimination and Ensuring Equality. She called on politicians and community leaders to promote respect for diversity and refrain from perpetuating existing stereotypes and using homophobic and sexist rhetoric, including in their political campaigns.

While recognising the existing financial constraints, the Commissioner recommended developing a plan of action to increase investments in social housing for all those in need. The authorities should also make progress in guaranteeing equitable and sustainable financing of the healthcare system by increasing the relevant budgetary allocations and improving the availability and accessibility of health services, including in rural areas, and by addressing the barriers which are preventing the most vulnerable and poor members of society from accessing necessary medical services.

The Commissioner's observations following her discussions in Tiraspol related to violence against women and domestic violence; the human rights of persons with disabilities; children's rights, inclusive education and the situation of the Latin-script schools; ensuring an enabling environment for civil society organisations; and social rights were presented in the Annex to the report.

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

Online dialogue with Portugal

From 15 to 17 December, the Commissioner held a series of online discussions with the Portuguese authorities and representatives of Portuguese civil society on the following issues: tackling racism and discrimination and fighting discrimination and violence against women in Portugal.

The Commissioner met online with the Minister of Justice, Francesca Van Dunem; the Minister of Foreign Affairs, Augusto Santos Silva; the Minister of the State for the Presidency, Mariana Vieira da Silva; the State Secretary for Citizenship and Equality, Rosa Monteiro; the High Commissioner for Migration, Sónia Pereira; the President of the Commission for Citizenship and Equality, Sandra Ribeiro; and the Minister of Internal Administration, Eduardo Cabrita. Moreover, she held a discussion with the Ombuds, Maria Lucia Amaral, and meetings with representatives of several civil society organisations.

The Commissioner's Memorandum on Portugal was published in March 2021.

1.2 Missions

Mission to Sweden

On 20 January, the Commissioner delivered the Anna Lindh lecture 2020 hosted by the Raoul Wallenberg Institute, in collaboration with Lund University and the Anna Lindh Memorial Foundation in Lund, Sweden. The lecture was entitled "The State of Human Rights in Europe: forward and back?".

The [speech](#) is available on the Commissioner's website and the [video](#) recording of the lecture is available on the Raoul Wallenberg Institute website.

While in Lund to deliver the Anna Lindh lecture 2020, the Commissioner met with Sweden's Minister of Justice and Migration, Morgan Johansson. Their exchange of views focused on issues of common interest regarding the human rights of migrants and asylum seekers in Sweden and in Europe, including unaccompanied minors. They also discussed the situation of Swedish citizens suspected of having participated in ISIS and other terrorist groups' activities in Syria and Iraq, including efforts to bring them to justice when they have returned to Sweden, and the repatriation of children and their mothers who are still abroad.

1.3 Continuous dialogue

1.3.1 Reports from the 2019 visits

During 2020 the Commissioner also published reports from country visits carried out in the second half of 2019. An overview of the main analyses and recommendations are presented below.

Report on Turkey

On 19 February, the Commissioner published a [report](#) following her visit to Turkey carried out from 1 to 5 July 2019, which focused on the administration of justice and the protection of human rights in the justice system, and human rights defenders and civil society, including the situation of lawyers.

In the report, the Commissioner expressed concern about the erosion of judicial independence and impartiality in Turkey in recent years, in particular as a result of measures taken during and after the state of emergency, including the removal of constitutional and structural guarantees for judicial independence, as well as summary dismissals and recruitments of judges. The Commissioner considered that this situation jeopardised the rule of law and human rights in Turkey, whilst taking note of evidence pointing to an increased partiality of the judiciary to political interests, a situation recognised in recent judgments of the European Court of Human Rights. The Commissioner was alarmed by the fact that the Turkish judiciary displayed, especially in terrorism-related cases, unprecedented levels of disregard for basic principles of law, such as presumption of innocence, no punishment without crime and non-retroactivity of offences, or not being judged for the same facts again. She also noted that procedural guarantees such as adversarial proceedings, equality of arms and the right to a lawyer, were significantly eroded during the state of emergency, resulting in a level of legal uncertainty and arbitrariness which threatened the very essence of the rule of law.

Finding that the emergency decrees had also had a negative effect on access to justice and to an effective remedy, the Commissioner stressed that the current system, including the Inquiry Commission, was unlikely to satisfy the criteria enshrined in the European Convention on Human Rights, unless the administrative courts display a much higher level of respect for the individual's human rights. She also expressed her concern about recent developments jeopardising the effectiveness of individual applications to the Constitutional Court as a domestic remedy for human rights violations.

The Commissioner called on the Turkish authorities to revert to the situation before the state of emergency in terms of constitutional and structural guarantees for the independence of judges, as well as procedural fair-trial guarantees, and then to reinforce these progressively. She also recommended a complete review of criminal legislation in the light of the clear guidance already provided to Turkey by Council of Europe bodies over the years. Underlining the importance of civil society organisations and human rights defenders in a democratic society, the Commissioner was alarmed by the hostile environment against them and by a virulent and negative political discourse that frequently led to biased actions by administrative authorities and the judiciary, and called on the authorities to address this problem. The Commissioner considered that the misuse of criminal investigations, proceedings, detentions and sentences to silence human rights defenders and to discourage civil society engagement was the most acute symptom of the mounting pressure they were facing in Turkey. She urged the

authorities to address a number of legislative, regulatory, administrative and procedural obstacles affecting civil society organisations and to establish transparent and objective criteria and procedures regarding public funding, consultation of and collaboration with civil society organisations active in the field of human rights.

Noting that lawyers have been affected both as human rights defenders and as an integral part of the judicial process guaranteeing the right to a fair trial, the Commissioner called on the authorities to lift the restrictions to procedural defence rights adopted during the state of emergency, and to allow lawyers to work freely and safely.

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

Report on Bulgaria

On 31 March, the Commissioner published a [report](#) following her visit to Bulgaria from 25 to 29 November 2019. The report focused on racism, intolerance and discrimination; violence against women and domestic violence; and media freedom.

The Commissioner stressed the need for a political and cultural shift in the way minority groups are treated and portrayed in Bulgaria, where hate speech, discrimination and hostility against Roma, LGBTI people and persons belonging to other minority groups remain of acute concern. She called on the authorities to firmly react to incidents of hate speech, including by high-level politicians, enhance legal protection against discrimination and hate crimes, and effectively investigate and prosecute such crimes. The Commissioner deplored the climate of hostility against Roma, in particular against those who had to leave their homes following rallies targeting their communities. She called on the authorities to urgently address the situation of those affected, to strengthen the legal safeguards accompanying evictions, in accordance with the Court's relevant case-law, and to take measures to improve the housing situation of Roma, including their access to social housing. Furthermore, she urged the authorities to implement the Court's judgments on the right to freedom of association of persons identifying as ethnic Macedonians.

The Commissioner was concerned that the debates surrounding the Istanbul Convention have escalated into trends which threatened the human rights of women, children and LGBTI people. She regretted the ongoing attacks against NGOs, the withdrawal by the government of the Child Protection Strategy and the delay in the entry into force of the new Social Services Act. The Commissioner urged the authorities to confront harmful narratives, improve legislation and raise public awareness about the need to better protect victims of violence against women and domestic violence, and stressed the importance of promoting equality between men and women. She recommended that the authorities increase the number of shelters and other social services for victims of domestic violence, strengthen support to NGOs and human rights defenders active in this field and systematically collect data on gender-based violence against women. She also underlined the need to impose dissuasive sanctions on perpetrators and to guarantee victims' access to free legal aid and easily available protective measures and to provide them with effective remedies.

Noting the continuous deterioration of media freedom in Bulgaria, the Commissioner urged the authorities to foster a favourable environment for freedom of expression, particularly by preventing the excessive concentration of media ownership, repealing criminal provisions against defamation offences and punishing all perpetrators of threats and attacks against journalists. She also called on the authorities to improve journalists' professional protection and working conditions and to make the composition and mandate of the Council for Electronic Media more independent and effective.

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

Memorandum on Poland

In response to the emergence of a widespread pattern of stigmatisation and statements targeting LGBTI people in Poland in recent years, on 3 December the Commissioner published a [memorandum](#) on this topic. She called on public officials and opinion makers to stop promoting an atmosphere of hate and intolerance vis-à-vis LGBTI people,

and instead improve respect for their human rights, highlighting that stigmatisation and hate speech carry a real risk of legitimising violence.

The memorandum builds on the Commissioner's work for the protection of the human rights of LGBTI people in Europe and followed online consultations with Polish authorities, the Polish Commissioner for Human Rights (Ombudsman institution) and non-governmental organisations working on the rights of LGBTI people, which were held between 12 and 23 October 2020.

The Commissioner strongly urged all public authorities, politicians and opinion leaders in Poland not to engage in hate speech or any discourse stigmatising LGBTI people, and to firmly denounce such actions and statements, including when they come from private parties. She called on Poland to ensure that hate speech and hate crime based on sexual orientation, gender identity and sex characteristics are properly punished in law and in practice, including by recognising bias motivated on these grounds as an aggravating circumstance for hate crimes.

Particularly disturbed by the adoption of anti-LGBT declarations and charters by many local governments and municipalities in Poland and by examples of public support for homophobic projects and initiatives, the Commissioner pointed out that these actions send an alarming signal of public approval for hate, intolerance and exclusion, effectively incentivising such behaviour. Emphasising that LGBTI refers to people, not an ideology, the Commissioner calls for the anti-LGBT declarations and charters to be revoked and urges the Polish government to ensure that initiatives which directly or indirectly promote hate and intolerance against LGBTI people do not receive public support. The Commissioner also called for the rejection of several bills targeting LGBTI people which were pending in the Polish parliament.

The Commissioner expressed concern regarding numerous accounts of harassment and intimidation of LGBTI activists in Poland by law enforcement agencies and the public prosecution service, calling on the authorities to fully protect persons defending the rights of LGBTI people from hostility and aggression and to enable them to carry out their activities freely. She also notes with concern an increasing practice of banning Pride (equality) marches under the pretence of promoting public safety.

The Commissioner calls on Poland to draw up, in close consultation with civil society, the new national action plan on equality which would include provisions explicitly addressing the discrimination of LGBTI people, and to support and promote education campaigns to raise public awareness about LGBTI people.

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

1.3.2 Letters

Letter to the Marshal of the Senate of Poland regarding the bill curtailing judges' and prosecutors' independence and freedom of expression

On 13 January, the Commissioner published a [letter](#) addressed to Tomasz Grodzki, Marshal of the Senate of Poland, in connection with a bill adopted earlier by the lower house of the Parliament. The Commissioner noted in particular that the bill introduced several new types of disciplinary offences by judges accompanied in many cases by severe penalties; provided additional powers to the Minister of Justice and the Minister-appointed chief disciplinary attorneys; marginalised judicial self-government bodies; and created new rules for the selection of candidates for the post of First President of the Supreme Court. She regretted that the Sejm had fast tracked the adoption of the bill, circumventing the standard requirement of public consultation, and observed that the bill's provisions had been negatively assessed by all key stakeholders in Poland and abroad. Regretting that the new bill did not address any of the key recommendations made in her last country report published in June 2019, the Commissioner considered that the new amendments were designed to further silence dissent among critical judges and prosecutors and subordinate Poland's judiciary to the country's executive. The Commissioner recommended that the Senate reject the bill and ensure that any legislation passed is in full compliance with the relevant standards of the Council of Europe.

The letter is available on the Commissioner's website.

Letter to the Minister of Foreign Affairs and International Cooperation of Italy regarding human rights safeguards in the Memorandum of Understanding between Italy and Libya

On 21 February, the Commissioner published a [letter](#) addressed to the Minister of Foreign Affairs and International Cooperation of Italy, Luigi Di Maio, in which she called on the government to suspend co-operation activities with the Libyan Coast Guard that result in the return of persons intercepted at sea to Libya, in light of the situation there. Furthermore, in the specific context of the discussions concerning amendments to the Memorandum of Understanding between Italy and Libya, she emphasised the need to introduce key safeguards to guarantee respect for human rights in any migration co-operation with third countries, as detailed in her 2019 [Recommendation](#) on rescuing migrants at sea. Finally, the Commissioner stated that she will continue to call for more solidarity from Council of Europe member states with countries which, like Italy, are on the frontline of migration movements to Europe, and for better co-operation to ensure the effective preservation of life and the protection of the human rights of those at sea.

The letter is available on the Commissioner's website, along with the reply of the Italian authorities.

Letter to the Minister of Internal Affairs of Azerbaijan regarding disproportionate interference with the right to freedom of peaceful assembly

On 3 March, the Commissioner published a [letter](#) she addressed to the Minister of Internal Affairs of Azerbaijan, Vilayat Eyvazov, in which she raised concerns in relation to the dispersal of demonstrators in recent protests in Baku and limitations imposed on freedom of assembly in that context.

In her letter, the Commissioner expressed in particular concern about the banning of all forms of peaceful protest in the centre of Baku; the excessive use of force against demonstrators by law enforcement officials during the dispersal of demonstrations which still go ahead; the arrests and convictions to administrative fines and detentions of protesters; and the allegations of mistreatment of journalists covering the protests by law enforcement officials.

The letter is available on the Commissioner's website, along with the reply of the Minister of Internal Affairs of Azerbaijan.

Letter to the Prime Minister of Malta regarding Malta's obligations towards migrants, including asylum seekers and refugees, crossing the Mediterranean

On 11 May, the Commissioner published a [letter](#) addressed to the Prime Minister of Malta, Robert Abela, in which she urged Malta to meet its obligations to save lives at sea, ensure prompt and safe disembarkation, and investigate allegations of delays or non-response to situations of distress. The Commissioner called on Malta's government to refrain from any action that would result in returns to and disembarkations in Libya and to ensure accountability for situations in which action by Maltese authorities has led to such returns. The Commissioner also called on Malta to ensure that the human rights of those rescued are not endangered by disagreements among states about disembarkation and that humanitarian considerations always prevail. Referring to her Recommendation '[Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean](#)', the Commissioner underlined the need for all member states to seek co-operation with civil society, in particular NGOs engaged in search and rescue activities and in the monitoring and defence of the human rights of migrants at sea. The letter is available on the Commissioner's website, along with the reply by the Maltese authorities.

Letter to the Chair and members of the Swiss National Council Committee on Security Policy on the draft Federal Law on Police Counterterrorism Measures

On 13 May, the Commissioner published a [letter](#) to the Chair and members of the Swiss National Council Committee on Security Policy, raising a number of human rights concerns with respect to the draft Federal Law on Police Counterterrorism Measures. These concerns included the lack of sufficient legal safeguards regarding serious

administrative measures that the police would be authorised to take against “potential terrorists”, such as placing them under house arrest, without criminal proceedings and based on a presumption that they might commit offences in the future. She underlined the risks of excessive and arbitrary interferences with human rights as a result of the lack of precise definitions in the draft law, as well as the risk of non-conformity with the principles of proportionality and necessity when interfering with human rights, including freedom of movement, the right to respect for private and family life, as well as freedom of assembly and data protection. She was also particularly concerned that these police measures would potentially apply to children as young as twelve years (fifteen years as regards house arrests), who would not benefit from the ordinary safeguards foreseen in the juvenile justice system.

The letter is available on the Commissioner’s website along with the reply of the Chair of the Security Policy Committee of the National Council of Switzerland.

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

In a [letter](#) to the Spanish Ministers of Home Affairs and for Inclusion, Social Security and Migration, published on 3 September, the Commissioner raised concerns about the situation of around 500 migrants, including asylum seekers, accommodated in the Melilla bullring in substandard conditions following the prolonged lockdown of Melilla’s reception centre for migrants owing to the COVID-19 pandemic.

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

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

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

On 10 September, the Commissioner published a [letter](#) to the Speaker of the National Council of the Slovak Republic, and the Chairpersons of the Committees on Constitutional and Legal Affairs, Health Care, and Social Affairs. In the letter, she raised concerns about a draft law intending to introduce restrictions on access to safe and legal abortion services. The Commissioner called on parliamentarians to reject any proposed measures that would, in law or practice, lead to retrogression as regards the access of women to their sexual and reproductive health and rights. On 20 October, the draft law failed to pass a vote in the National Council.

The letter is available on the Commissioner’s website.

Letter to the Minister of Foreign Affairs of San Marino on the independence of the judiciary

In a [letter](#) she published on 15 September addressed to the Minister of Foreign Affairs of San Marino, Luca Beccari, the Commissioner recalled important European standards underpinning the rule of law and the independence of the judiciary, and in particular those applying to judicial councils and the allocation of cases to judges. Referring to communications she had received from representatives of the Sammarinese judiciary alleging undue interference with the judiciary, she called on the authorities to refrain from taking any further actions that could fuel such allegations before having implemented the recommendations of the Group of States against Corruption (GRECO), the publication of which was imminent, and made use of the assistance of other relevant Council of Europe bodies.

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

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

On 29 September, the Commissioner published a [letter](#) to the Speaker and members of the Chamber of Deputies of the Czech Republic in relation to the proposal for a law for a one-off financial compensation for persons who are the victims of unlawful sterilisation. In the letter, she invited parliamentarians to ensure that the consideration of the bill on compensation for victims of forced and coercive sterilisations would extend beyond the first reading and that a fair and adequate mechanism for compensation would be established quickly, and not to waste what may be the final opportunity to give justice to the victims.

The letter is available on the Commissioner's website.

Letter to the Minister of Foreign Affairs of Poland on the risks to the effective functioning of the Ombudsman institution

In a [letter](#) addressed to the Minister of Foreign Affairs of Poland, Zbigniew Rau, and published on 22 October, the Commissioner raised her concerns about risks regarding the continuity and the effective functioning of the Polish Ombudsman institution. The letter followed a constitutional challenge to the legal provision allowing the current Ombuds to continue to exercise his functions between the expiry of his mandate and the election of his successor. The Commissioner noted that this challenge, combined with delays in the process of electing a new Ombuds, created a serious risk that this important constitutional body may be left without a head of institution for an unknown period of time.

The letter is available on the Commissioner's website.

Letter to the House of Commons of the United Kingdom on the Overseas Operations Bill

On 3 November, the Commissioner published her [letter](#) to the Speaker and all members of the House of Commons of the United Kingdom in relation to the Overseas Operations (Service Personnel and Veterans) Bill. She noted that provisions of the bill gave cause for grave concern about their compliance with the United Kingdom's international human rights obligations and called on Members of Parliament to reject any measures that would undermine the fight against impunity for serious human rights violations or the right of victims to reparations. In this respect, she specifically pointed to the introduction of a presumption against prosecution of service personnel for acts committed more than five years earlier. She also expressed concerns about provisions regarding claims for compensation which could undermine victims' rights to prompt and adequate reparations. She further noted that legislating for a duty of future governments to consider derogating from the Convention in case of any significant overseas operation could serve as a future incentive to avoid scrutiny and accountability for serious human rights violations.

The letter is available on the Commissioner's website.

Letter to the to the Chairman of the Investigative Committee of the Russian Federation

On 19 November, the Commissioner published a [letter](#) to the Chairman of the Investigative Committee of the Russian Federation, Alexander Bastrykin, concerning Salman Tepsurkayev, a chat moderator on 1ADAT news channel on Telegram known for its criticism of the Chechen authorities. He was abducted and ill-treated, presumably by the Chechen police earlier in September, which prompted the Commissioner to issue a [statement](#) urging the Russian authorities to ensure his safety. In her letter, the Commissioner expressed concern that Mr Tepsurkayev's whereabouts were still unknown more than two months after his abduction and requested information about the progress of the investigation. The Commissioner also stressed that she attaches paramount importance to combating impunity for serious human rights violations that have prevailed in Chechnya for many years.

The letter is available on the Commissioner's website.

Letter to the Prime Minister of Slovenia

On 11 December, the Commissioner published a [letter](#) to Janez Janša, Prime Minister of Slovenia about the government's decision to suspend public funding of the national Slovenian press agency (STA). Underscoring that the STA is a well-respected media outlet which maintains high standards of journalism, the Commissioner expressed her concern that the funding cut could jeopardise the agency's operations. She called on the Prime Minister to use his authority to ensure that the funding is reinstated.

The letter is available on the Commissioner's website, along with the Slovenian authorities' reply.

Letter to the Chairman of the Council of Ministers and the Minister for Security of Bosnia and Herzegovina on migration and asylum

On 11 December, the Commissioner published a [letter](#) addressed to the Chairman of the Council of Ministers of Bosnia and Herzegovina, Zoran Tegeltija, and the Minister for Security of Bosnia and Herzegovina, Selmo Cikotić, setting out a number of concerns regarding persistent shortcomings in the authorities' handling of migration and asylum. Referring to the seriously substandard living conditions in the Lipa emergency tent camp, including lack of electricity and running water and overcrowding, the situation of hundreds of migrants who had been left without accommodation, food and medical care and the restrictions on migrants' movement that had exacerbated the situation of the most vulnerable groups, the Commissioner warned about an unfolding humanitarian crisis in the Una Sana canton. She stressed that the Federation of Bosnia and Herzegovina, Republika Srpska, Brčko District and the cantons should share the responsibility for hosting migrants and asylum seekers more evenly. Politicians should refrain from stigmatising speech and generalisations about refugees and the authorities should counter vigilante groups which reportedly carry out attacks against them. The Commissioner urged the authorities to conduct independent and impartial investigations into reported attacks and threats targeting human rights defenders who help migrants. She also stressed the need to address the problems which hinder access to the asylum procedure and to speed up asylum decisions. Finally, the human rights of hundreds of unaccompanied migrant children should be upheld, including by assigning them legal guardians, and access to mainstream education for migrant children should be provided uniformly throughout the country.

The letter is available on the Commissioner's website.

Letter to the French Senate on the General Security Bill

On 18 December, the Commissioner published a [letter](#) to the Law Committee of the French Senate, urging the senators to make substantial amendments to the General Security Bill to make it more human rights compliant. In particular, in order to avoid an infringement of the right to freedom of expression, which includes the freedom to impart information, the Commissioner invited the senators to remove the ban on disseminating images of the faces of law enforcement officers engaged in police operations, or any other means of identifying them, with the clear intent to do them physical or psychological harm. The Commissioner also recommended measures to enhance the right to privacy, including stricter limits on the conditions regarding access to CCTV footage of public spaces and certain private spaces, a better definition of the legal framework for the use of body cameras and a strengthening of the safeguards for persons subject to surveillance through drones. Lastly, acknowledging the difficult and sometimes dangerous working conditions in which law enforcement officials operate, the Commissioner stressed that it is crucial wherever possible to avoid placing them in situations of extreme tension and to secure full respect for their economic and social rights.

The letter is available on the Commissioner's website.

2 THEMATIC ACTIVITIES

Introduction

In 2020, the Commissioner covered a wide range of human rights themes. Particular attention was paid to the human rights of immigrants, asylum seekers and refugees; media freedom and the safety of journalists; and women's rights and gender equality. The Commissioner continued to highlight children's rights; the human rights of people with disabilities, LGBTI persons and Roma; and transitional justice, notably in the Western Balkans. Artificial intelligence and human rights, counter-terrorism and human rights protection and environmental protection and human rights were also among the major concerns.

2.1 Human rights of immigrants, refugees and asylum seekers

In view of the impact of the COVID-19 pandemic on refugees and migrants, on 26 March the Commissioner [called](#) for the release of immigration detainees to the maximum extent possible, citing barriers to return and concerns about the protection of their health in detention. On 16 April, she [highlighted](#) the need for search and rescue at sea and the safe and prompt disembarkation of those rescued to continue despite the pandemic, noting that this crisis could not justify abandoning rescue activities. She also used her social media presence to give visibility to good practices, such as Portugal's steps to ensure that all migrants have access to social, health and other rights during the pandemic.

Many of the key areas of concern in terms of country or regional situations which had preoccupied the Commissioner in 2019 remained of concern in 2020:

First, this relates to the situation in the Mediterranean. On 31 January, she reiterated her [call on Italy](#) to suspend its support to the Libyan Coast Guard leading to returns, in view of the serious human rights violations to which those who are intercepted and returned are subjected. This was followed by a letter to the Italian authorities in February (see 'continuous dialogue'). Following a letter to Malta on search and rescue in May (see 'continuous dialogue'), on 4 June, the Commissioner [called](#) for immediate action to disembark more than 400 people who were held on ships off Malta's coast, which she feared would result in a deterioration of their health and might have been in conflict with the right to liberty. She further exchanged views on the situation in the Central Mediterranean with the European Parliament (see 'co-operation with European and international organisations').

Second, the situation in Greece, both along its border with Turkey and on the Aegean islands, continued to require the Commissioner's attention. On 3 March, in response to the escalating situation on the Greek-Turkish border, the Commissioner [called](#) for action to ensure that law enforcement authorities refrained from using excessive force, and to assess the protection needs of those trapped in between the two countries. On 9 September, she [reacted](#) to the fire in the Moria camp on the island of Lesbos, calling for adequate shelter and support to all those affected, and highlighting the need for a fundamental rethink of the approach so far, as well as solidarity from other member states, to address the structural situation on Lesbos and other islands. She also highlighted the need to refrain from rhetoric that could heighten tensions. Throughout the year, she highlighted on several occasions the need for relocation of vulnerable persons, including unaccompanied minors, from Greece, as well as other issues such as violence against NGOs and journalists working with or reporting on refugees and migrants, plans to set up closed centres, and the eviction of many persons from reception facilities.

Third, the situation in the Western Balkans continued to be an area of concern. In addition to a letter to the authorities of Bosnia and Herzegovina in December (covering the reception and asylum situation, see 'continuous dialogue'), the Commissioner also issued a [statement](#) on 21 October following renewed reports of violent pushbacks from Croatia to Bosnia and Herzegovina. She called on Croatia to stop these pushbacks and end impunity for violence. The issue of pushbacks also was of concern in the Council of Europe area more generally.

In addition to these three geographical areas, the Commissioner dealt with other situations, such as the reception of migrants in the Spanish enclave of Melilla (see 'continuous dialogue') and family reunification in Denmark (see 'system of the ECHR'). She furthermore issued a [statement](#) regarding the United Kingdom, calling on

parliamentarians to ensure safe and legal routes for refugee children following the end of the Brexit transition period, and for the introduction of a time limit on immigration detention.

As regards wider thematic activities, the Commissioner used the occasion of World Refugee Day to [call](#) for an end to pushbacks and for better inter-state accountability for such practices, as well as better co-operation with NHRIs on this matter. On 2 December, she also had an exchange on pushbacks in Europe with the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe, in which she called attention to the role of parliamentarians in addressing this urgent issue, such as pushing for the implementation of recommendations by international bodies, ensuring strong mandates for national oversight mechanisms, using their own monitoring possibilities, and calling for accountability of governments more generally. In a [speech](#) delivered at the 20th Berlin Conference on Refugee Rights, the Commissioner discussed the role of the ECHR in this regard. She particularly noted a trend towards the circumvention of ECHR obligations towards refugees or migrants, or selective and narrow readings of the Court's case-law. She also highlighted the importance of the political context which is leading to this approach and called for collective political action to address this.

The Commissioner continued her engagement with external partners on matters related to the rights of refugees and migrants with international partners too, such as the UN, EU and OSCE (see 'European and international partners' for further details).

2.2 Media freedom and safety of journalists

The Commissioner made numerous country-specific interventions in relation to media freedom and freedom of expression in 2020, including a [report](#) on Bulgaria, a [letter](#) to the Prime Minister of Slovenia and a [letter](#) to the Chair and members of the Law Committee of the French Senate.

In the course of 2020, the Commissioner dealt with a range of significant issues, paying particular attention to freedom of expression in times of COVID-19. On 3 April, she published a [statement](#) stressing that press freedom must not be undermined by measures to counter disinformation about COVID-19. She emphasised that the legitimate need to combat disinformation about the pandemic sometimes led national authorities to adopt measures that risked unduly and disproportionately restricting press freedom. In the Commissioner's view, there is no doubt that governments are facing unprecedented challenges during this pandemic. This cannot, however, be an excuse to clamp down on the press and thus restrict the public's right to receive information. On 8 July, the Commissioner made a [video speech](#) at the HELP Annual Network Conference, highlighting the fact that, in many crisis situations, press freedom, and the right to receive information and express opinions freely are among the first rights to be restricted.

The safety of journalists continued to feature prominently in the Commissioner's work. The Commissioner made statements in relation to the murder of journalist Ján Kuciak and his fiancée Martina Kušnírová in the Slovak Republic and the murder of Daphne Caruana Galizia in Malta. In addition, she published a [statement](#) about the ongoing proceedings concerning the extradition of Julian Assange from the United Kingdom to the United States, expressing her view that he should not be extradited due to the potential impact on press freedom and concerns about ill-treatment.

On 30 April, ahead of World Press Freedom Day, the Commissioner recalled in a [statement](#) that free and quality journalism is an asset of democracy and paid a tribute to all journalists and media professionals who work in defence of truth and justice. On 14 November, the Commissioner also delivered a [welcome address](#) at the Online Symposium on enhancing the Safety of Journalists in Europe, organised by the Council of Europe. She underlined that acts of intimidation and reprisal, muzzling legislation and specious lawsuits endanger journalists and restrict the free, pluralist flow of information that is so vital for democracies. Finally, on the International Day to End Impunity for Crimes Against Journalists (2 November), the Commissioner [highlighted](#) that widespread impunity for crimes against journalists represents an admission of powerlessness by states which merely emboldens those who want to kill the truth.

The Commissioner also reacted to several incidents of police violence against journalists covering demonstrations in the Russian Federation, in Bulgaria and in Albania. The Commissioner stressed that violence against journalists, especially at the hands of state officials, is contrary to states' duty to uphold press freedom and to protect the safety of journalists.

In addition, in a Human Rights Comment published on 27 October, the Commissioner called for action against [SLAPPs](#) (Strategic Lawsuits against Public Participation), which are abusive lawsuits intended to intimidate and silence critics. These suits pose a significant and growing threat to the right to freedom of expression in several Council of Europe member states, perverting the justice system and the rule of law more generally.

On 1 December, on the occasion of the entry into force of the Council of Europe Convention on Access to Official Documents (the Tromsø Convention), the Commissioner published another Human Rights Comment on [access to official documents](#). Access to official documents is essential for transparency, good governance and participatory democracy and a key means of facilitating the exercise of other human rights and fundamental freedoms. The Commissioner called on Council of Europe member states which have not yet ratified the Tromsø Convention to do so as soon as possible.

2.3 Freedom of peaceful assembly

In 2020, the Commissioner urged the authorities of several member states, including [Albania](#), [Serbia](#) and the [Russian Federation](#), to refrain from excessive use of force in the policing of demonstrations.

In her country work, she also deplored attacks against journalists covering demonstrations. She stressed that the response to the COVID-19 pandemic does not give authorities carte blanche to use force when policing assemblies and that blanket bans on public assemblies and the dispersing of demonstrations for the sole reason that they violate lockdown rules should be avoided. She reiterated that the policing of demonstrations should be based on communication and collaboration and aimed at de-escalating tensions.

Moreover, she invited the Russian authorities to improve the legal framework governing public events to include explicit provisions in favour of holding public events and to set up appropriate mechanisms to ensure the effective realisation of freedom of assembly in practice. In December, she also addressed the French Senate, expressing concern about the chilling effect which several provisions foreseen in the General Security Bill may have on freedom of assembly.

2.4 Women's rights and gender equality

In 2020, the Commissioner actively dealt with several women's rights-related concerns, in particular violence against women -which worsened in the context of the COVID-19 pandemic-, and sexual and reproductive health and rights. She consistently warned against an ongoing backlash against women's rights, upheld by ultra-conservative movements, which endangers the progress towards gender equality achieved so far and negatively impacts on women's access to reproductive health services.

In several statements and speeches, the Commissioner condemned attacks against the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) based on false narratives and misrepresentations about the Convention. She reiterated that violence against women is a human rights violation which cannot be tolerated and stressed the Convention's importance for combating discrimination against women and achieving gender equality, a prerequisite to tackling violence against women. She repeatedly called on member states who have not yet acceded to the Convention to do so.

The Commissioner actively communicated on the occasion of the International day for the elimination of violence against women (25 November). She issued a [statement](#) urging member states to address cyberviolence targeting women and girls, whose exposure to this type of violence has increased during the COVID-19 pandemic; she gave a [keynote address](#) in a conference of the Nordic Council on "the Angry Internet", on 25 November, in which she stressed the negative impact of sexist hate speech online and called for further action to combat this scourge. In a

conference on violence against women and girls in France, organised by the French National Consultative Commission on Human Rights on 3 December, she [focused](#) on the key role of the Istanbul Convention to combat a broad range of forms of violence against women. She reiterated her [message](#) about the Istanbul Convention in a contribution to the campaign #16 days of activism to eliminate violence against women of the PACE Network Women free from violence.

Moreover, the Commissioner highlighted the crucial role played by women human rights defenders and NGOs in defending women's rights, respectively in a [statement](#) of March 2020 and in a [speech](#) of October 2020 delivered on the occasion of the annual conference of the network Women Against Violence Europe (WAVE).

As part of her country work, she raised issues pertaining to women's rights, especially violence against women, during her visit to Republic of Moldova (March 2020) and ensuing report, in the report following her visit to Bulgaria (March 2020) and during the online dialogue on Portugal held in December 2020. Furthermore, she addressed the authorities of [Poland](#) and [Slovakia](#) concerning legislation affecting access to safe and legal abortion services and, in a [Letter](#) of 22 September, invited the Czech Parliament to adopt legislation setting up a fair and adequate mechanism for compensation of women victims of forced and coercive sterilisations.

Additionally, the Commissioner submitted a [communication](#) to the Committee of Ministers in the context of the supervision of the execution of three judgments of the European Court of Human Rights related to access to abortion in Poland. She also made a [submission](#) regarding a case dealing with domestic violence (*Bălșan v. Romania*).

2.5 Children's rights

The protection and promotion of children's rights remained high on the agenda of the Commissioner during 2020, in her country work and thematically. In January, she participated in an urgent debate at the PACE and called on parliamentarians to support the repatriation of children stranded in Northern Syria. In her country work, she underlined the importance of de-institutionalising children, including based on poverty or disability, to eliminate segregated schooling and to strengthen efforts to ensure an adequate standard of living for all children. Concerned about the increased risks of violence and sexual abuse online for children during the pandemic, the Commissioner issued a Human Rights [Comment](#) on comprehensive sexuality education in July. She pointed to overwhelming evidence that comprehensive sexuality education benefits children and society as a whole by teaching young people about their human rights and their bodies and empowering them to develop safe and respectful relationships, and deplored the proliferation of myths and misinformation about sexuality education being a threat to traditional and religious values.

On the occasion of World Children's Day, the Commissioner [expressed](#) her serious concern about the possible adverse long-term effects of COVID-19 on children's health, safety, education and living conditions across Europe. As pre-existing inequalities have been deepened and children's ability to enjoy their human rights has been undermined by growing violence, poverty and neglect, she called on all member states to safeguard the best interest of the child in all their COVID-19-related measures and adhere to their commitments stemming from the UN Convention on the Rights of the Child.

2.6 Human rights of persons with disabilities

The Commissioner's work on the human rights of persons with disabilities was marked by the COVID-19 pandemic, as persons with disabilities have been disproportionately affected by it, not only because they are more likely to develop complications due to underlying health conditions, but also because member states often failed to take their specific needs into account while responding to the pandemic. In two statements, on the [need to have a disability-inclusive response to the pandemic](#) (published on 2 April) and on the occasion of the [International Day of Persons with Disabilities](#) (3 December), the Commissioner referred to the fact that failure by member states to comply with their undertakings under the United Nations Convention on the Rights of Persons with Disabilities resulted in deaths and suffering which should and could have been prevented. These undertakings concern different areas such as accessibility, including to pandemic-related information, discrimination in access to health care, the

right to autonomy, to live independently and to be included in the community, and the right to participate in decision-making processes.

The rights of persons with disabilities was an area of focus in the Commissioner's report on her visit to Republic of Moldova, where she pointed to the need to develop community-based services to support independent living in order to achieve further progress on de-institutionalisation, to reform mental health services in order to progressively eliminate recourse to coercion in psychiatry, and to involve persons with disabilities in the reforms concerning supported decision-making.

2.7 Human rights of LGBTI people

In 2020, LGBTI people and LGBTI human rights defenders were faced with several negative trends, including rising intolerance and hatermongering by various societal actors and the impact of the COVID-19 pandemic, requiring ongoing attention from the Commissioner.

The Commissioner took multiple initiatives to document and condemn hate speech and stigmatisation of LGBTI people. She examined this phenomenon in several countries including [Bulgaria](#), [Republic of Moldova](#), [Poland](#) and [Hungary](#).

In her [statement](#) on the 2020 International Day against Homophobia, Transphobia and Biphobia, the Commissioner called on all Council of Europe member states to take firm action against hate speech targeting LGBTI people, noting that it is dangerously spreading across Europe. She stressed that prejudiced and hateful statements are a major hindrance to the inclusion of LGBTI people in society and enablers of violence against them. A specific area of concern was the emergence of anti-transgender hate rhetoric over the past months, which the Commissioner asked member states to take seriously in a [statement](#) on the occasion of the Trans Day of Remembrance, commemorating persons who were killed because of being transgender.

One key take-away of the COVID-19 pandemic was that it has exacerbated existing inequalities. This is true for LGBTI people. The Commissioner sought to contribute to raising awareness about the negative impacts of COVID-19 for them, including socio-economic vulnerability, increased domestic violence, delays in legal gender recognition and gender-affirming health care, and separation of LGBTI families for lack of legal recognition. She co-signed [a statement](#) with the United Nations Independent Expert on Sexual Orientation and Gender Identity and 95 other human rights experts detailing these issues and urging states to take into consideration the experiences of LGBTI people when designing their policy responses to the pandemic. The Commissioner continued to disseminate this message throughout her work on the pandemic in 2020, including at events with the Greek Presidency of the [Committee of Ministers](#) of the Council of Europe and with the [Public Defender](#) of Georgia.

Against this backdrop, the Commissioner was sensitive to the difficulties faced by LGBTI human rights defenders. She raised the need for states to maintain an enabling environment for LGBTI defenders in her report on Bulgaria and her Memorandum on Poland. She [urged](#) the release of a Polish activist who had been placed in pre-trial detention. The Commissioner also supported and maintained a dialogue with ILGA-Europe and its member organisations across Europe through her participation at the 2020 European [Equality Gala](#) and the closing plenary of the [Gathering Online](#).

In 2020, the Commissioner intervened in two cases before the European Court of Human Rights concerning the absence of legal recognition of stable same-sex relationships. In her submissions in these cases against [Romania](#) and [Poland](#), the Commissioner observed that the consensus on the need to provide legal recognition of stable same-sex relationships has been rapidly and persistently growing in Europe and beyond. She argued, among other things, that the absence of legal recognition of stable same-sex couples constitutes discrimination on grounds of sexual orientation and contributes to the vilification of these relationships and of LGBTI people. The Commissioner also welcomed the adoption by the Parliament of [Montenegro](#) of a bill on life partnership and the adoption of a law on same-sex marriage in [Switzerland](#).

With regard to the human rights of intersex people, the Commissioner gave an [opening speech](#) in a webinar organised by Finland and the Council of Europe, in which she referred to the findings and recommendations of [an Issue Paper](#) published by her Office on this topic five years ago, finding that progress had been too slow. She urged member states to collect data, consult intersex organisations, raise awareness about the situation of intersex people and prohibit medically unnecessary sex-normalising surgeries without informed consent, notably on intersex children. On Intersex Awareness Day, she [reiterated](#) the need for states to take steps to protect the rights of intersex people to bodily integrity and to health.

2.8 Human rights of Roma and Travellers

In 2020, the Commissioner paid particular attention to the negative impact of the COVID-19 pandemic on Roma and Travellers. In a [statement](#) published on 7 April, she highlighted the difficulties for many Roma to implement hygiene, social distancing and isolation measures due to the lack of water and sanitation and overcrowded housing. She also deplored hate speech against Roma and Travellers and the imposition of special measures targeting them. She called on governments to ensure that they benefit from access to basic sanitation and to refrain from hate speech and discriminatory measures.

The Commissioner also recalled the heightened vulnerability of Roma to human rights violations in the context of the pandemic in a [statement](#) issued on the occasion of the 2 August commemoration of the Roma Holocaust. Moreover, she stressed the importance of efforts to explore the tragic chapters of Roma history by means of truth and reconciliation commissions.

Furthermore, the Commissioner submitted two communications to the Committee of Ministers in the context of the supervision of the execution of two judgments of the European Court of Human Rights (*Yordanova v Bulgaria*, [submission](#) of 16 October; and *D.H. and Others v. the Czech Republic*, [submission](#) of 22 October). They dealt respectively with forced evictions of Roma and with the right of Roma children to inclusion in mainstream education.

As regards country work, the Commissioner addressed the human rights situation of Roma in her [report](#) on Bulgaria, in her [report](#) on the Republic of Moldova, and in her [letter](#) to the members of the Czech Parliament.

2.9 Social Rights

Social rights, including the rights to health and to housing, have been a priority for the Commissioner in 2020. In January, she published a Human Rights [Comment](#) on the right to affordable housing in Europe, which is increasingly in short supply across the continent. She expressed her concern about the growing phenomenon of homelessness that has affected in particular migrants, young people, women, and families, with children becoming the largest group of people in emergency shelters. She called for decisive measures by governments to reverse this trend and prevent a further upsurge in inequalities, underlining that access to affordable housing is a human right, the full realisation of which states are obliged to strive for. The Commissioner also pointed to the special housing needs of internally displaced people in Europe who often live in dire or substandard conditions, including in dormitories and collective centres.

In April, the Commissioner published a Human Rights [Comment](#) in which she highlighted the lessons learnt from the COVID-19 pandemic for health care systems. She pointed out that the right to the highest attainable standard of health is most effectively protected through universal and affordable health coverage for all. In addition, she underlined that a broader social rights approach is urgently needed to address the deeply entrenched health inequalities stemming from social determinants of health, including living and working conditions, social security and education. Effective approaches to the protection and promotion of social rights must be gender-sensitive, as women and men experience different risks and gaps in their access, with women often facing multiple and interdependent levels of discrimination.

2.10 Combating racism and intolerance

In 2020, the Commissioner addressed various topics concerning racism and intolerance both in her thematic and in her country work. As in previous years, the Commissioner continued to raise awareness about antisemitism and other forms of racism by marking international commemoration days and other global observances. The events of Minneapolis in May and the ensuing developments across the world and in Europe, as well as certain interventions in some member states in relation to the pandemic set the ground for the Commissioner's continued work on racial profiling and police brutality against persons belonging to minority groups. In addition, the Commissioner paid attention to the need to address Afrophobia in the Council of Europe area.

In reference to the International Day of Commemoration in memory of the victims of the Holocaust, on 24 January, the Commissioner published a [statement](#) marking 75 years since the liberation of the concentration camp and extermination centre of Auschwitz-Birkenau. The Commissioner underlined that despite the advancements made at institutional level in European countries, antisemitism, hate speech and hate crimes were again on the rise on our continent. She therefore called on member states to strengthen their efforts to fight antisemitism and all forms of racism, xenophobia and intolerance and to invest more in education to help current and future generations understand the danger posed by unfettered hatred and prejudice to democratic values and human rights. The Commissioner also stressed that beyond commemoration days, the fight against hate is a challenge that must be met every day.

In a [statement](#) published on 16 March, the Commissioner urged governments to remain vigilant against racist, xenophobic or stigmatising acts in the context of the COVID-19 pandemic. Furthermore, in a social media message published on 21 March, on the occasion of the International Day for the Elimination of Racial Discrimination, she urged authorities to speak out against discrimination and hate speech and ensure that already marginalised groups are not left behind in this context.

In June, the Commissioner published an [article](#) in which she stressed that ethnic profiling is incompatible with the principles of pluralism and respect for human rights that define democratic societies. She called on European states to stamp out this practice and underlined the need for law enforcement authorities to engage with local communities to gain their trust and respect, and not to perpetuate prejudice, in their communication with the media, by linking criminality to national origin or immigration status. The Commissioner also urged states to end impunity for police misconduct and underscored in this respect the importance of setting up independent complaints mechanisms covering all law enforcement officials.

Furthermore, on 24 November, the Commissioner held an online round-table meeting with human rights defenders working to combat Afrophobia in Europe. The event gathered human rights defenders from several member states of the Council of Europe, members of the Commissioner's Office, and other Council of Europe representatives. The round-table sought to map and assess major trends in racism and racial discrimination affecting people of African descent in Europe and to explore possible ways to address them, as well as to identify proposals regarding the protection of human rights defenders active in combating Afrophobia and the promotion of their work. The discussions provided an opportunity for fruitful exchanges, aimed at allowing the Commissioner to define her future activities related to combating Afrophobia in Europe, and in support of human rights defenders working in this field.

2.11 Transitional justice and missing persons

In 2020, the Commissioner continued to press states to live up to their obligation to deal with past gross human rights violations, insisting on the importance of reparations, accountability, and memory of the past to build respect for human rights and the rule of law today. This year's International Day of Commemoration in memory of the victims of the Holocaust marked 75 years since the liberation of the largest concentration camp and extermination centre, Auschwitz-Birkenau, where 1,1 million persons lost their lives. On this occasion, the Commissioner published a [statement](#) in which she called on member states to invest more in education about the Holocaust to help current and future generations understand that hatred and prejudice, if left unaddressed, undermine democracy and human rights. She also urged member states to strengthen their efforts to fight anti-Semitism and all forms of racism, xenophobia and intolerance. On the occasion of the commemoration of the Roma Holocaust, the Commissioner

[highlighted](#) the importance of efforts to explore the tragic chapters of Roma history by means of truth and reconciliation commissions in order to foster reconciliation and trust.

In an effort to contribute to upholding truth and memory, the Commissioner launched a [special webpage](#) on the Srebrenica genocide, which gathers information related to the fight against impunity, genocide denial, missing persons, reparations and education. She underscored the importance and necessity of 11 July as Srebrenica remembrance day in a [WebTalk](#) with the World Jewish Congress. She also continued to denounce efforts to manipulate history and deny past crimes. For example, she [condemned](#) demonstrations held on Orthodox Christmas in Srebrenica glorifying war criminals and expressed strong concerns about a mass planned in Sarajevo to commemorate soldiers killed in [Bleiburg](#) in the aftermath of the Second World War, stressing that it risked becoming a glorification of the Nazi-allied Ustasha regime. In July, around the commemoration of the Srebrenica genocide, the Commissioner [called for](#) steps to combat genocide denial, stressing that protecting the truth from deniers and providing justice for victims are key to preventing future genocides.

The Commissioner encouraged further efforts in the Western Balkans to deal with grave crimes committed during the wars in the 1990s. In several statements, which concerned the former extermination camp in [Jasenovac](#), 25 years since the [Tuzla massacre](#) and the children killed in [Prijedor](#), the Commissioner stressed the need for truth, memorialisation and for ensuring justice for the victims. In reaction to reports of leaked information from proceedings at the Kosovo Specialist Chambers and in a war crimes trial in Bosnia and Herzegovina, the Commissioner issued a [statement](#) urging national authorities and the media to act responsibly and to effectively protect witnesses in such cases. She also participated in a hearing held by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on transitional justice in Bosnia and Herzegovina and stressed the need to move forward with these issues in an [opinion piece](#) and a webinar dedicated to the 25th anniversary of the Dayton agreement.

With regard to missing persons, the Commissioner [recalled](#) that clarifying the fate of the disappeared and ensuring accountability for what happened to them remains an issue of concern in numerous Council of Europe member states. She urged member states to ratify the International Convention for the Protection of all Persons from Enforced Disappearances and to take urgent steps to ensure justice for the victims and their families. In a statement on the commemoration of the [Vukovar](#) massacre, the Commissioner stressed that hundreds of people remain missing and that national and regional efforts are required to solve these pending cases.

2.12 Counter-terrorism and human rights protection

In 2020, the Commissioner continued to pay particular attention to the return of nationals of member states of the Council of Europe suspected of having joined ISIS and other terrorist groups in Syria and Iraq to their home countries. Addressing the Parliamentary Assembly of the Council of Europe on 30 January in the context of its urgent debate on the repatriation of children from war and conflict zones, she underscored that the children of suspected ISIS and other fighters stranded in the camps of Northern Syria are not responsible for their parents' decision to join these groups and should be treated first and foremost as victims. She stated that repatriating these children is the only way forward from a human rights perspective and noted that, from a security perspective, many in the intelligence and security community also support repatriation to better exercise any necessary control or implement disengagement or rehabilitation measures. In order to safeguard the best interests of these children, the Commissioner also invited Council of Europe member states to consider repatriating their mothers, noting that this does not prevent states from bringing them to justice as appropriate, in accordance with their legislation and international and European standards. On 3 July, the Commissioner reiterated her call for repatriation on the occasion of an event on this topic organised by the General Delegate for Children's Rights of the French Community of Belgium.

The Commissioner also pursued her work on democratic and effective oversight of national security services, in particular through her participation in a webinar on setting democratic global standards for intelligence agencies on 9 November. In her intervention, the Commissioner highlighted the guiding principles set out in the Issue Paper published in 2015 by her Office on this topic, and in particular the need for: involvement of parliaments; *ex ante* authorisation of the most intrusive measures; an independent body able to issue legally binding decisions over

complaints by individuals affected by security activities and access all intelligence-related information; oversight bodies mandated to scrutinise the human rights compliance of security service co-operation with foreign bodies, including exchange of information, joint operations and the provision of equipment and training. Underlining that the implementation of these principles requires a coordinated approach at European level and beyond, the Commissioner stressed that the Council of Europe has an important role to play in this context.

2.13 Treatment of prisoners and rehabilitation of victims of torture

The treatment of prisoners and rehabilitation of victims of torture continued to receive attention in the Commissioner's country and thematic work in 2020.

On 20 February, the Commissioner made a [statement](#) concerning Julian Assange's possible extradition from the United Kingdom to the United States noting that he should not be extradited because he would incur a real risk of treatment contrary to Article 3 of the European Convention on Human Rights.

In September and November 2020, the Commissioner raised with the authorities of the Russian Federation the case of Salman Tepsurkayev, a social media activist abducted and tortured, allegedly by Chechen police officers. In her respective [statement](#) and [letter](#), the Commissioner urged the Russian investigative authorities to take immediate action to ensure the safety of Mr Tepsurkayev and carry out an effective investigation into this crime.

On 21 September, the Commissioner issued a [statement](#) concerning the human rights situation in Belarus. Noting that Belarus is not a Council of Europe member state, the Commissioner pointed out that the Belarusian authorities bear prime responsibility for human right violations, including ill-treatment and torture committed by their national authorities on a large scale in the aftermath of the presidential elections. She also noted that the international community, including the Council of Europe, could contribute to the investigation of those human rights violations and the rehabilitation of victims of torture.

On 6 April, the Commissioner issued a [statement](#) with regard to the rights and health of prisoners and persons in remand centres in Europe in the context of the COVID-19 pandemic. Noting the inability to observe protective measures in detention facilities, the Commissioner stressed that the long-standing problems of overcrowding, unsatisfactory health services and poor detention conditions exacerbated the risks to detainees. She urged all Council of Europe member states to take a series of steps to prevent large-scale coronavirus outbreaks in places of detention, including making use of alternatives to deprivation of liberty whenever possible. She also noted the need to respect the human rights of those who remain in detention, underscoring the paramount importance of preventing ill-treatment and torture.

2.14 Conduct of law enforcement officials

The conduct of law enforcement authorities in the course of policing of assemblies, including excessive use of force against demonstrators and/or arbitrary detentions, featured prominently in the Commissioner's thematic and country work in 2020, including in her [letter](#) addressed to the Minister of Internal Affairs of Azerbaijan, her statements of [1](#) and [6 July](#) on the Russian Federation, of [8 July](#) on Serbia, of [3 September](#) on Bulgaria and of [16 December](#) on Albania. Another recurrent topic was the situation of journalists who were either targeted by the police or prevented from carrying out their duties, including when documenting the operations of law enforcement officials.

Issues pertaining to alleged abduction and ill-treatment by Chechen police officers were in the focus of the Commissioner's [statement](#) of 10 September and a [letter](#) to the Chairman of the Investigative Committee of the Russian Federation published on 19 November.

2.15 Human rights and business

On 25 June, the Commissioner delivered opening remarks on human rights and business at an online conference "Prosperity Through Diversity", hosted by the Ministry of Foreign Affairs, Ministry of Justice and Ministry of Labour

and Social Affairs of Greece. Pointing out the key role of the private sector in the field of Artificial Intelligence and in setting the boundaries of free speech in the digital sphere, she called for strengthened co-operation and dialogue on human rights between state actors, private companies, international organisations and civil society. Noting the growing trend towards the adoption of binding legislation regulating business conduct, she expressed support to the ongoing efforts to create a binding international instrument on this topic and encouraged the involvement of the Council of Europe. The Commissioner further saluted the dedication of the private sector workers delivering medical responses and essential services during the COVID-19 pandemic. The Commissioner's Office was also represented at the 2020 [UN Forum on Business and Human Rights](#), held virtually between 16 and 18 November. Several panel discussions were relevant to the Commissioner's previous and ongoing work in this area, including those on *National human rights institutions as "preventive watchdogs"*; *Mandatory human rights due diligence*; and *Regional trends in both eastern and western Europe*.

2.16 Artificial Intelligence

On 29 and 30 January, a member of the Commissioner's Office carried out a mission to Belgrade, Serbia, in order to promote the Serbian version of the Commissioner's Recommendation 'Unboxing Artificial Intelligence: 10 steps to protect Human Rights'. This mission represented an opportunity to raise awareness about the human rights implications of artificial intelligence systems. The member of the Office had a number of meetings with Serbian NGOs, the Commissioner for Information of Public Importance and Personal Data, representatives from the diplomatic community, the Commissioner for the Protection of Equality and representatives from various ministries. In this context, the issue of smart video surveillance in Belgrade, where hundreds of cameras with facial recognition software have recently been installed, was notably discussed.

In March, a member of the Office took part in an International Ombudsman Institute workshop on artificial Intelligence and human rights.

On 28 May, the Commissioner participated in an [online event organised by the Global Network Initiative](#) with a view to exploring a human rights based approach to content regulation in the context of the EU Digital Services Act (DSA). On this occasion, the Commissioner highlighted the disparate impacts of digital transformation: technology has been valuable for healthcare, education, and employment, but abuses can also contribute to extensive personal data collection or threaten diverse and pluralistic political information environments. Furthermore, the pandemic response has accelerated digital rights infringements in the name of public health. The Commissioner referred to her Recommendation on artificial intelligence (AI) and human rights as a practical tool to mitigate the negative impact that AI systems may have on people's lives and rights.

2.17 Data protection

The Commissioner's attention was especially drawn to the impact of anti-COVID measures on the right to privacy and the protection of personal data. In an Op-Ed on the impact of digital measures to fight the COVID-19 pandemic on privacy published in April and May in several European newspapers, she invited governments not to sacrifice privacy to protect health and to ensure that digital devices are designed and used in compliance with privacy and non-discrimination norms. During a webinar on Public Health, Digital Tools and Human Rights in the Context of COVID-19 hosted by ITU and the Office of the UN Under Secretary-General Special Advisor - Digital Cooperation on 13 May, the Commissioner stressed that sensitive personal data - such as health data - can be collected, used and stored by states only under exceptional and precise conditions, adding that these operations must be based on a law, pursue a legitimate aim, and be strictly necessary to the aim pursued. She further underscored that these requirements imply that any digital tool should be the least intrusive possible, and that digital measures should be lifted once the reason for introducing them no longer exists, *i.e.* once COVID-19 no longer represents a threat to public health.

2.18 Environmental protection and human rights

In 2020, the Commissioner continued to emphasise the link between protecting the environment and respecting human rights in both formal fora and in engagements with human rights defenders.

On 27 February, the Commissioner was one of the keynote speakers at the High-Level Conference on Environmental Protection and Human Rights organised under the aegis of the Georgian Presidency of the Committee of Ministers. In her [speech](#), the Commissioner stated her intention to use her mandate and voice to shield environmental human rights defenders and journalists from harm and to help them in their work. In partnership with national human rights institutions, she also hoped to take under closer scrutiny how member states translate related Council of Europe standards into laws, policies and measures and how they mitigate any negative consequences of the green transition. The Commissioner further cautioned member states against disregarding the consequences of the pollution produced in Europe for the human rights of people living outside of our continent. She concluded by calling on the member states who have not yet ratified the Aarhus Convention to promptly do so, and encouraged all Council of Europe member states to show clear support for the explicit recognition, at the United Nations level, of the right to a healthy environment.

On 18 December, the Commissioner hosted an online roundtable with fourteen environmental human rights defenders hailing from across Europe and representing a wide spectrum of expertise. The event was a valuable opportunity to identify specific problems faced by human rights defenders and activists working on environmental issues, to provide a platform for participants to exchange and learn from one another, and to help identify and select areas where the Commissioner could bring the most added value in the future. In opening the discussion, the Commissioner emphasised that in order to protect human rights, we must urgently get more serious about looking after the environment we live in. Acknowledging that some among the participants had faced pushback or reprisals for their work, she stressed that facing harassment for speaking up for environmental causes is absolutely unacceptable, and that she will continue to work towards the protection of human rights defenders across Europe.

2.19 Independence of the judiciary and the rule of law

Issues pertaining to the rule of law and the independence of the judiciary remained high on the Commissioner's agenda in 2020. She made several country-specific interventions related to this topic, including through statements, country reports and letters on Hungary, Poland, the Russian Federation, San Marino and Turkey. The issues covered were numerous and include the continuing erosion of fundamental legal guarantees against undue influence of the executive on the judiciary; the lack of consultations in the legislative process; the need to ensure strong and independent human rights structures; the dangerously shrinking space for civil society; and increasing restrictions to the practical enjoyment of the right to peaceful assembly. During the year, the Commissioner also highlighted the non-implementation of the judgments of the European Court of Human Rights as a clear threat to the rule of law.

2.20 Human rights in armed conflicts

On 1 October, the Commissioner published a [statement](#), deeply regretting the resumption of the military conflict between Armenia and Azerbaijan. She reminded both states about their obligation under the European Convention on Human Rights to safeguard the right to life and to protect populations from torture and inhuman or degrading treatment or punishment. In addition, she emphasised the importance of objective reporting from the conflict zone, as misreporting and propaganda can only inflame tensions further, and called on the media to apply the highest possible standards of journalistic ethics and professionalism when reporting on the conflict. Lastly, the Commissioner underlined that there is an imperative need to avoid political rhetoric designed to fuel tension between the two countries and that the authorities in both countries should take action against any use of hate speech in the media and promote mutual understanding and trust. She urged both sides to stop military escalation and resume negotiations for a peaceful settlement to the conflict over Nagorno-Karabakh.

2.21 Human rights implications of the COVID-19 pandemic

Since the onset of the COVID-19 pandemic, the Commissioner has released several general recommendations to Council of Europe member states concerning the need to ensure a human rights compliant response to this unprecedented emergency.

In a [statement](#) issued on 16 March, the Commissioner identified access to health care for all population groups based on sound medical evidence as a priority and urged member states to take action to mitigate the pressure on health professionals, to whom she [expressed her gratitude](#) on the occasion of World Health Day, on 6 April. She also underlined, in a [Human Rights Comment](#) published on 23 April, the importance of universal and affordable health coverage, the need to address health inequalities through a broader social rights approach, and the central role of a gender focus in devising effective responses.

On 20 May, the Commissioner published a [statement](#) in which she deplored the high number of deaths in long-term care facilities, affecting especially older persons and persons with disabilities, and stressed states' obligation to shed light on these deaths and to prevent further tragedies, including by ensuring that the concerned persons have access to care in health facilities and to other medical services on an equal basis with others.

In a [statement](#) issued on 20 March as well as in a [statement](#) published on the International Day of Older Persons, on 1 October, the Commissioner stressed the need to encourage intergenerational solidarity and social contact with older persons, address the situation in residential long-term settings, and shift to a system of individualised support and the inclusion of older persons in the community. She added that the disproportionate effects of COVID-19 on older persons were also rooted in the inadequate crisis management and persisting structural failings in member states, especially in the delivery of long-term care.

On 2 April, the Commissioner [urged](#) member states not to leave persons with disabilities behind in their response to the pandemic, to consider the support needs of persons with disabilities and to take urgent steps to mitigate the risks posed by large residential settings to the health of residents. In a [statement](#) published on the International Day of Persons with Disabilities, on 3 December, the Commissioner underlined that member states' failures to deliver on their obligations deriving from the UN Convention on the Rights of Persons with Disabilities, concerning disability-inclusive emergency preparedness, accessibility, access to health care, the right to live independently and to be included in the community, access to information and participation and the involvement of persons with disabilities in decision and policy-making, had led to suffering and loss of life which could have otherwise been avoided or alleviated.

On 26 March, the Commissioner issued a [statement](#) in which she noted the poor possibilities in migration detention centres to protect migrants and staff against COVID-19 and called on member states to release rejected asylum seekers and irregular migrants to the maximum extent possible, prioritising the most vulnerable, in particular children. On 16 April, she [expressed concern](#) over port closures and the discontinuation of rescue operations related to COVID-19 and urged member states to continue saving lives at sea and disembarking survivors in a safe port (see *Human rights of immigrants, refugees and asylum seekers*).

The Commissioner addressed the rights of prisoners and persons in remand centres in a [statement](#) issued on 6 April. With a view to preventing large-scale outbreaks of infections, she urged member states to decrease the prison population by using alternatives to deprivation of liberty whenever possible, giving particular consideration to certain detainees such as those with underlying health conditions. Stressing that the human rights of detained persons must be respected while taking measures to fight the pandemic, the Commissioner underlined the paramount importance of preventing ill-treatment and torture by ensuring the independent monitoring of detention facilities.

In a [statement](#) published on 7 April, the Commissioner addressed the highly adverse effects of the pandemic on Roma and Travellers. She noted that for many impoverished and marginalised Roma, lack of water and poor living conditions made the observance of COVID-19 related measures difficult and deplored the incidence of hate speech against Roma in this respect. The Commissioner called on governments to ensure that Roma and Travellers benefit from the same access to information on the pandemic as others and from basic sanitation, in particular clean water (see also *Human Rights of Roma*).

On 3 April, the Commissioner published a [statement](#) regarding the preservation of press freedom while countering disinformation about COVID-19. Referring to cases in which journalists had been prevented from covering information related to the pandemic or had suffered reprisals for such coverage, as well as to other practices

affecting access to information, the Commissioner urged member states to ensure that measures to combat disinformation do not impede the work of journalists and media actors or lead to the undue blocking of content on the Internet (see *Safety of journalists, freedom of expression and media freedom*).

In an article entitled [Coronavirus concerns are not carte blanche to snoop](#), published in April and May, the Commissioner noted that while digital tools to contain the pandemic had potential worth exploring, they could also intrude on private lives and restrict the ability to participate in society. She emphasised the need to find a balance in protecting privacy and health, first of all by ensuring that digital devices are designed and used in compliance with privacy and non-discrimination norms (see also *Artificial intelligence*).

In a [statement](#) issued on 7 May, the Commissioner stressed that to uphold women's rights in times of pandemic, states should ensure full and non-discriminatory access to essential sexual and reproductive health information, services and goods for women, such as abortion care, contraception and quality maternal healthcare. She also warned against backslidings in protecting women's sexual and reproductive health and rights and made recommendations on the ways in which to ensure that various actors can play their role in assisting women during the pandemic (see also *Women's rights and gender equality*).

On World Children's Day, 19 November, the Commissioner [called](#) on states to prioritise the best interest of the child in all their measures to limit the effects of COVID-19, drawing inspiration from the rights enshrined in the UN Convention on the Rights of the Child. She added that efforts to protect children from violence, poverty and neglect should be strengthened (see *Children's rights*).

On 14 May, the Commissioner co-signed a [statement](#) on the impact of the COVID-19 pandemic on LGBTI people, together with the UN Independent Expert on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz, the Inter-American Commission, and independent human rights experts. The statement detailed some of the negative impacts of the pandemic for LGBTI people, including delayed access to healthcare, increased exposure to domestic violence, economic and social hardship, and isolation and called on states to better take into account the experience and needs of LGBTI people in their response to the pandemic (see *Human rights of LGBTI people*).

Furthermore, the Commissioner participated in a series of events in which she discussed human rights concerns related to the pandemic.

In the PACE Legal Affairs Committee hearing on the impact of COVID-19 on human rights and the rule of law, on 27 April, the Commissioner joined a discussion on the compatibility of national emergency measures with human rights and democracy, the situation of members of vulnerable groups, misinformation and freedom of expression, and the possible legacy of the crisis.

On 13 May, in the "Digital Cooperation during COVID-19 and beyond" Joint Webinar hosted by UN Under Secretary-General Fabrizio Hochschild, ITU, WHO and OHCHR, on the topic of "Public Health, Digital Tools and Human Rights", the Commissioner referred to the Council of Europe standards in this area and stressed that digital measures introduced during the pandemic should be lifted once COVID-19 no longer represents a threat to public health.

In the web event on "Challenges posed to human rights by COVID-19" organised by the Council of Europe office in Georgia in partnership with the Public Defender's (Ombudsman) Office of Georgia, on 14 May, the Commissioner highlighted the central role played by National Human Rights Institutions, Equality Bodies and their networks in protecting human rights and stressed the need to bridge inequalities in the enjoyment of social and economic rights and to provide youth with opportunities for work and study.

On 19 May, the Commissioner addressed the Parliamentary Assembly Committee on Social Affairs, Health and Sustainable Development during a hearing on "Lessons for future public health emergencies from an effective and rights-based response to the COVID-19 pandemic". The Commissioner emphasised in particular the need to ensure universal and affordable health coverage and to address health inequalities through the broader issues of poverty and social determinants of health.

In her intervention in the OSCE Parliamentary Assembly’s web dialogue “Protecting refugees and migrants during the pandemic: camps and closed centres under lockdown”, on 26 May, the Commissioner welcomed in particular the initiative of some states to release detained migrants and asylum-seekers and stressed the need for states to start using alternatives to detention on a larger scale.

In a [speech](#) delivered at an exchange of views organised on 3 June by the Greek Chairmanship of the Committee of Ministers of the Council of Europe on the lessons learned from the COVID-19 pandemic, the Commissioner called on states to give a renewed impetus to realising human rights for all, highlighting that three lessons could be drawn from the pandemic: the need for more equality, the urgency of avoiding procrastination in realising human rights for all, and the importance of strengthened multilateralism.

On 23 June, upon invitation by the School of International Studies of the University of Trento, the Commissioner gave an online guest lecture on “Respecting human rights in a health emergency and beyond”, focusing on the situation of older persons; women’s sexual and reproductive health and rights; and the human rights compliant use of digital tools aimed at containing the spread of infections.

On 1 July the Commissioner participated in a hearing at the German Bundestag on safeguarding human rights during the COVID-19 pandemic. In her intervention, the Commissioner focused on the challenges to freedom of expression and information and media freedom; the intersection between digital technologies and human rights; and challenges related to migration issues.

Lastly, on International Human Rights Day, on 10 December, the Commissioner delivered a [keynote speech](#) at an event organised by the Ludwig Boltzmann Institute, the University of Vienna, and the Austrian section of Amnesty International. She stressed that the pandemic had amplified existing inequalities in Europe, shed light on structural problems affecting health systems, and exposed the ubiquity of gender inequality. The Commissioner also expressed concern about the digital divide revealed and aggravated by the pandemic, warned against disproportionate restrictions on press freedom while combating disinformation, and highlighted the need to give more prominence to human rights, starting with the equal enjoyment of social and economic rights and equal access to health care and education.

The Commissioner also addressed issues related to the impact of COVID-19 on human rights in her continuous dialogue with member states and in her statements.

On 23 March, the Commissioner expressed concern at the Hungarian coronavirus Bill T/9790 which envisaged extensive powers granted to the government to rule by decree without a clear cut-off date and safeguards. She also raised concern about the situation of migrants, including asylum seekers, in Melilla, and Malta’s observance of its search and rescue obligations (see *Continuous dialogue*). The Commissioner welcomed, on 28 March, the measures taken in the United Kingdom to ensure the access of rough sleepers in England to emergency accommodation, and on 30 March, Portugal’s decision to temporarily grant a right to stay and access to services to migrants and asylum seekers with pending applications. She also discussed the role and contribution of national human rights institutions, Ombudspersons and equality bodies in protecting human rights during the pandemic at the Inter-Agency Human Rights Council Meeting on “Human rights during the pandemic in Georgia”, on 12 June, and in a video conference on 23 June with Tatiana Moskalkova, High Commissioner for Human Rights in the Russian Federation.

3 HUMAN RIGHTS DEFENDERS

The Commissioner continued to pay close attention to the situation of human rights defenders in the Council of Europe area.

On many occasions, she intervened in cases where the life, safety and security of human rights defenders were in danger. In particular, the Commissioner reacted to the physical assault against Elena Milashina and Marina Dubrovina in the Chechen Republic of the Russian Federation; the re-arrest of Osman Kavala in Turkey; the delivery

of a long-term criminal sentence to Yuri Dmitriev in Russia; and the death of Ebru Timtik in Turkey following her hunger strike in detention.

The Commissioner also raised the situation of human rights activists and NGOs in her dialogue with several Council of Europe member states. In February, she published a [report](#) following her visit to Turkey, focusing, among other issues, on the legal framework regulating NGO activities; the situation of lawyers; and intimidating practices against civil society activists. In May, the Commissioner addressed a [letter](#) to the authorities of Malta, highlighting the need to co-operate with NGOs carrying out search and rescue activities at sea. In her [statement](#) of 7 December, the Commissioner drew the attention of the Russian parliament to the shortcomings in certain legislative proposals that restrict the rights of civil society activists, NGOs and the freedoms of assembly, expression and association. Noting with dismay the increased stigmatisation and harassment of civil society and human rights defenders in the country, the Commissioner urged Russian lawmakers to refrain from the adoption of those provisions and to align the current national legislation on NGOs with European human rights standards.

During the year, the Commissioner also pursued her efforts to promote a safe and enabling environment for the activities of human rights defenders. In her [statement](#) issued on the occasion of International Women’s Day in March, the Commissioner acknowledged the essential role played by women’s rights defenders in promoting gender equality and urged all Council of Europe member states to support them. In a [statement](#) issued on the occasion of the International Day Against Homophobia, Transphobia and Biphobia, the Commissioner raised concern about the continuous reprisals faced by LGBTI activists in some member states and urged the relevant authorities to ensure that they are duly protected against hate speech and crimes.

While assessing the human rights implications of the COVID-19 pandemic, the Commissioner issued a series of [statements](#) that emphasised the pivotal role of human rights activists and civil society organisations in assisting persons in need. In particular, the Commissioner commended the invaluable work carried out by social workers, volunteers and NGOs in assisting persons with disabilities; providing help to migrants, refugees and asylum-seekers; supporting Roma; and defending women’s rights during the pandemic. She encouraged all Council of Europe member states to support human rights defenders and ensure a safe and enabling environment for them.

As part of her regular interaction with human rights defenders, the Commissioner hosted two on-line round-tables in November and December 2020. The events gathered activists working respectively on combating Afrophobia and environmental protection. Those meetings allowed the Commissioner to assess challenges faced by human rights defenders while carrying out their legitimate activities, and identify good practices and recommendations regarding their protection and the promotion of their work.

In her [statement](#) published on 21 September in relation to the human rights crisis following the presidential elections in Belarus, the Commissioner, while noting that Belarus is not a member state of the Council of Europe, praised human rights defenders and civil society, emphasising in particular the key role they have played in documenting human rights violations, including in places of detention.

4 CO-OPERATION WITH NATIONAL HUMAN RIGHTS STRUCTURES

National Human Rights Structures (NHRSS) and National Human Rights Institutions (NHRIs) – in the form of Ombudsman institutions, human rights commissions and institutes and equality bodies – are essential partners in the Commissioner’s dialogue with Council of Europe member states, as envisaged in the Commissioner’s mandate. The Commissioner maintains close contacts with NHRSS and their networks, such as the European Network of NHRIs (ENNHRI), the International Ombudsman Institute (IOI), EQUINET and the European Network of Ombudsmen for Children (ENOC). In 2020, the Commissioner held bilateral meetings with NHRSS during her country visits, as well as meetings in Strasbourg and online in order to gain insights about human rights developments at the national level. She also took into consideration the information produced by NHRSS when reacting to urgent situations with implications for human rights. For example, the Commissioner consistently called on Council of Europe member

states to heed the recommendations of their NHRs in order to design human rights compliant policy responses to the COVID-19 pandemic.

The situation and contribution of NHRs was one of the topics examined during the Commissioner's visits to [Bulgaria](#) and [Republic of Moldova](#). In Bulgaria, she observed that the Equality Body (Commission for the Protection against Discrimination) was facing significant challenges in its work. She called on the authorities to take the necessary steps to ensure that it was fully independent and effective, in accordance with the European Commission Against Racism and Intolerance General Policy Recommendation Nr 2 on Equality Bodies to combat Racism and Intolerance at the National Level. The Commissioner welcomed the accreditation of the Bulgarian institution of the Ombudsman as a NHRI with A Status with the Global Alliance of NHRIs at the United Nations. In Republic of Moldova, the Commissioner observed that the Council for Prevention and Elimination of Discrimination and Ensuring Equality was one of the few public agencies to have addressed hate speech and called for it to be further empowered, including through legal amendments and the allocation of sufficient budgetary resources.

In certain situations, the Commissioner spoke out in support of the independence and integrity of NHRs. For example, she expressed her concerns about the continuity of the Polish Ombudsman institution in a [letter](#) to the authorities, given delays in the nomination of the successor to the incumbent and a pending constitutional challenge threatening the transitional arrangements. In a [statement](#), she called on the Hungarian parliament to postpone the adoption of several bills, including one foreseeing the merging of the Equal Treatment Authority and the Ombudsman Institution. She observed that such merges should guarantee the effectiveness and independence of both institutions, while, in this case, there were some questions about the functioning of the Ombudsman institution.

The Commissioner's strong willingness to co-operate with and support the work of NHRs is also illustrated by her and her Office's participation in substantive projects and various events over the year. For example, her Office contributed to the steering boards of two projects carried out by ENNHRI and which concluded in 2020, one of them on the role of NHRIs in non-government controlled areas, and the other in relation to the rights of migrants, asylum seekers and refugees. Members of her office attended or spoke at various other events, including an ENNHRI leadership workshop on the rule of law, a conference by the IOI on Artificial Intelligence and the role of Ombudsman institutions, and ENNHRI's annual conference. The Commissioner was the guest speaker at an online event on the [human rights implications of COVID-19](#) organised by the Georgian Public Defender and at a webinar by the French National Commission for Human Rights on [women's rights](#) 25 years after the Beijing Declaration.

The Commissioner spotlighted the important role played by Equality Bodies in a building fairer Europe in a [Human Rights Comment](#) published in June. After discussing examples of Equality Bodies' contributions, such as work on tackling hate speech, socio-economic inequalities, the COVID-19 pandemic and algorithmic discrimination, the Commissioner noted that they still face various challenges, including incomplete mandates, insufficient resources and attempts to undermine their independence. She called on member states to ensure that their Equality Bodies are in line with the recently adopted European standards, including by ECRI and the European Commission.

5 CO-OPERATION WITH EUROPEAN AND INTERNATIONAL ORGANISATIONS

5.1 European Union

Co-operation with the European Union focused on migration and refugees, the rights of women, LGBTI persons and persons with disabilities.

In March, the Commissioner published a [letter](#) concerning the upcoming EU Pact on Migration and Asylum addressed to the Vice-President for Promoting our European Way of Life, Margaritis Schinas, and the Commissioner for Home Affairs, Ylva Johansson, of the European Commission.

In April, the Commissioner participated in an [exchange](#) with the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament on the situation in the Central Mediterranean.

In November, the Commissioner had a video meeting with the EU Commissioner for Home Affairs, Ylva Johansson, on issues pertaining to migration, counterterrorism and the protection of children, as well as a video meeting with the EU Commissioner for Equality, Helena Dalli, concerning the rights of LGBTI persons and women's rights.

In December, the Commissioner participated in an online event, organised by the EU Delegation to the Council of Europe, and alongside the EU Special Representative for Human Rights, Eamon Gilmore, on the occasion of the launch of the EU Action Plan on Human Rights and Democracy 2021-2024.

As regards co-operation with the EU Fundamental Rights Agency (FRA), on 4 March 2020, the Commissioner met in Strasbourg with the FRA Director to discuss issues pertaining to the situation of migrants and rule of law issues, including in specific country contexts; the situation of LGBTI persons; and the European Fundamental Rights Information System (EFRIS).

5.2 Organisation for Security and Cooperation in Europe

On 12 February, a member of the Office presented the Commissioner's position in favour of repatriating children of suspected ISIS and other terrorist groups' fighters at an event on repatriation of "foreign terrorist fighters" and their families from conflict zones in Syria and Iraq organised by OSCE- ODIHR in the context of the Joint Regional High-level Conference on "Foreign Terrorist Fighters – Addressing Current Challenges" convened in Vienna by the OSCE, UNOCT and Switzerland, in co-operation with the Albanian OSCE Chairmanship.

On 26 May, the Commissioner intervened in the OSCE Parliamentary Assembly's [web dialogue](#) 'Protecting refugees and migrants during the pandemic: camps and closed centres under lockdown'. She noted in particular that the COVID-19 pandemic was not only creating new problems but amplifying existing ones; and that ensuring respect for human rights standards and resilience in the face of this crisis was of the utmost importance and consequently called on parliamentarians to ensure that shared responsibility, solidarity and accountability were put at the heart of asylum and migration policies.

5.3 United Nations

On 20 and 21 February, the Commissioner carried out a mission to Geneva where she met with the Director-General of the International Organisation for Migration, António Vitorino; the President of the Human Rights Council, Ambassador Elisabeth Tichy-Fisslberger; the High Commissioner for Refugees, Filippo Grandi; and the High Commissioner for Human Rights, Michelle Bachelet.

The main topic discussed during these meetings was the situation of refugees and migrants across Europe, including specific country and regional situations of concern. Discussions also focused on broader thematic human rights issues in Europe, such as women's rights, human rights and the environment, the repatriation of foreign terrorist fighters, and the rule of law, including in specific country contexts.

Also in February, the Commissioner had a meeting in Strasbourg with the UN Special Rapporteur on human rights and the environment, David R. Boyd. They discussed their respective priorities in the field of human rights and the environment and looked at ways to pursue the shared goal of promoting the global recognition of the right to a safe, clean, healthy and sustainable environment.

6 SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

European Court of Human Rights

On 4 November, the Commissioner participated in a commemorative ceremony, in Athens, on the occasion of the 70th anniversary of the European Convention on Human Rights. In the speech she delivered, she stressed that the Convention has been a permanent reference point in her work, be it in her country monitoring, thematic work or

third-party interventions before the European Court of Human Rights. She concluded that preserving the Convention system as the home of freedoms, justice and human dignity is the best birthday gift we can give.

Grand Chamber hearing of the European Court of Human Rights in the case of M.A. v. Denmark (online)

On 10 June, the Commissioner participated in the first ever online Grand Chamber hearing in the case of *M.A. v. Denmark*, dealing with the three year waiting period for family reunification applied to persons receiving temporary protection. The Commissioner emphasised that the issue of family reunification is key to the lives of many people receiving international protection in Europe. She also noted the negative effects of long-term family separation on persons applying for family reunification, their family members who have been left behind, and the host society as a whole.

The Commissioner's [oral intervention](#) was published on her website.

Third party interventions

In 2020, the Commissioner made three written interventions as a third party, pursuant to Article 36, paragraph 3 of the European Convention on Human Rights.

On 21 September, the Commissioner published her [written observations](#) to the Court on the proceedings relating to *Florin Buhuceanu and Victor Ciobotaru and 12 other cases v. Romania*, which concern the absence of a legal framework for the recognition of stable same-sex relationships. This was followed by the submission, on 30 October, of [written observations](#) concerning the cases of *Katarzyna Formela and Sylwia Formela v. Poland* and 3 other applications, *Cecylia Przybyszewska v. Poland* and 9 other applications, and *Antoni Meszkes v. Poland*, which also relate to the absence of a legal framework for the recognition of stable same-sex relationships. In these submissions, the Commissioner emphasised that stable same-sex couples, with or without children, are part of the rich diversity of families that make up our societies – regardless of whether a state recognises them or not. She stressed that in the absence of such recognition, however, they are barred from fully enjoying their right to private and family life, as guaranteed under the European Convention on Human Rights (Article 8), and that this has a substantial impact on their daily lives.

Finally, on 22 December, the Commissioner submitted her [written observations](#) to the Court on the cases of *S.B. v. Croatia*, *A.A. v. Croatia* and *A.B. v. Croatia*. These cases relate to the summary return of the three applicants, who are nationals of Syria, from Croatia to Bosnia and Herzegovina. The Commissioner stressed in particular that all the information available points to the existence of an established practice of collective returns of migrants from Croatia to Bosnia and Herzegovina, which are carried out outside of any formal procedure and without identifying the persons concerned or assessing their individual situation.

These [observations](#) are available on the Commissioner's website.

Submission to the Committee of Ministers regarding the supervision of the execution of judgments of the European Court of Human Rights

The amendment introduced in 2017 to the Rules of the Committee of Ministers for the supervision of the execution of judgments (Rule 9) allows the Commissioner to submit written comments on the execution of judgments directly to the Committee of Ministers of the Council of Europe. The Commissioner started to use this new possibility in 2020, in three cases covering issues related to access to legal abortion and women's sexual and reproductive health and rights in Poland, one case relating to the detention of a human rights defender in Turkey, one case regarding the protection of women from gender-based violence in Romania, one case concerning evictions of Roma people in Bulgaria and another relating to discrimination in the enjoyment of Roma children's right to education in the Czech Republic.

On 11 February, the Commissioner published her [submission](#) to the Committee of Ministers in the context of the supervision of the execution of the judgments handed down by the Court in three cases against Poland regarding

access to abortion. The Commissioner's submission reviewed Poland's legal framework and practice regarding access to safe and lawful abortion, the use by medical professionals of conscience-based refusals to perform abortions, and the question of available remedies. The Commissioner recalled her recommendation that abortion should be made legal on a woman's request in early pregnancy, and thereafter throughout pregnancy to protect women's health and lives and to ensure freedom from ill-treatment.

On 3 July, the Commissioner published her [submission](#) to the Committee of Ministers regarding the supervision of the judgment of the Court in the case of *Kavala v. Turkey*. The Commissioner expressed her view that the current detention of Osman Kavala and the criminal proceedings against him, while being formally under different charges than those examined by the Court, constituted a seamless extension and continuation of the violations it had previously found. She therefore considered that the execution of the judgment required the applicant's immediate and unconditional release and the discontinuation of the criminal proceedings against him. As regards general measures needed to prevent further violations from occurring in Turkey, the Commissioner referred to her extensive work on Turkey and her existing recommendations concerning the Turkish judicial system, including the need to re-establish and reinforce constitutional guarantees, overhaul criminal legislation, ensure respect for elementary fair-trial guarantees and address serious problems faced by human rights defenders.

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

On 2 November, the Commissioner published her [submission](#) to the Committee of Ministers regarding the supervision of the execution of the judgment delivered by the Court in 2012 in the case of *Yordanova and Others v. Bulgaria*, which concerns the planned eviction of Roma people from an informal settlement in Sofia. In the submission, the Commissioner stressed that in addition to seriously infringing the right to adequate housing, forced evictions may lead to violations of a wide spectrum of human rights, meaning that it is essential to prevent them. Noting that the problem of evictions of Roma in Bulgaria can only be effectively addressed in the context of a broader effort to tackle the widespread prejudice and institutional racism against Roma and through structural changes in the area of housing rights, the Commissioner reiterated her concerns about the numerous obstacles to Roma access to social housing.

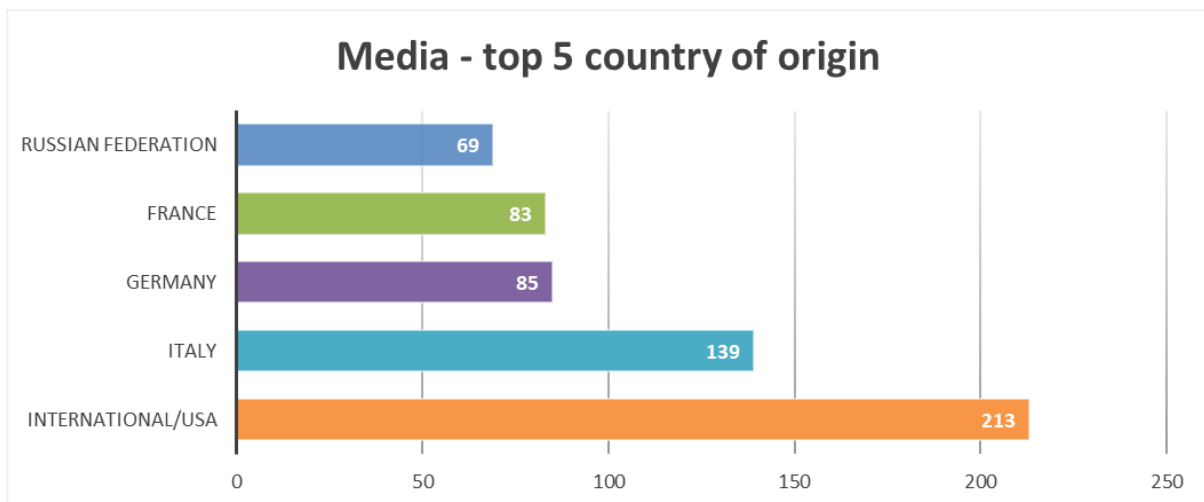
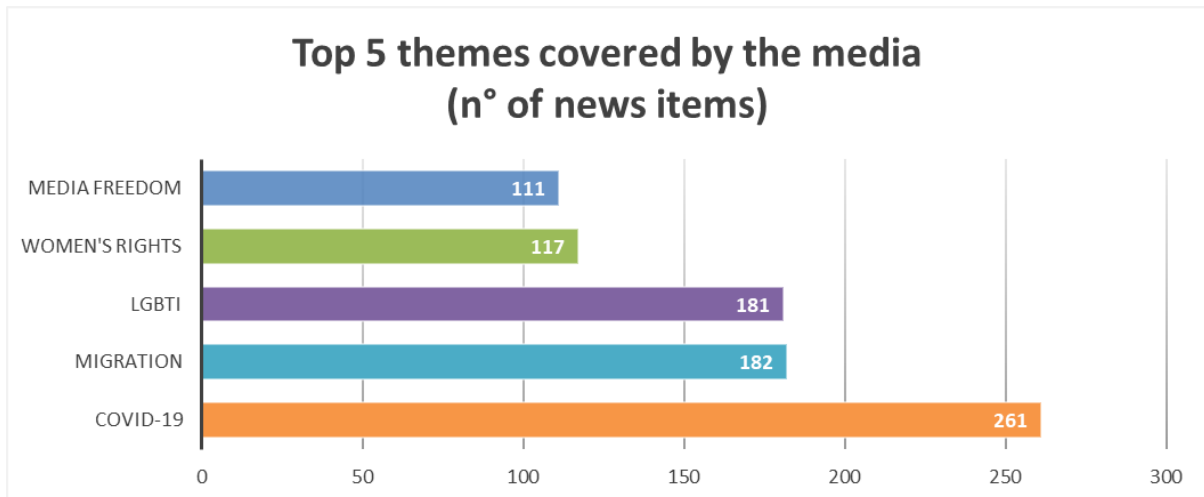
On 9 November, the Commissioner published her [submission](#) to the Committee of Ministers with regard to the case of *D.H. and Others v. the Czech Republic*, relating to a violation of Article 14 of the Convention (prohibition of discrimination) in conjunction with Article 2 of Protocol No. 1 (right to education) on account of the fact that children were assigned to special education as a result of their Roma origin. The Commissioner noted that measures taken to improve the inclusion of Roma children in mainstream education had not provided the breakthrough necessary to solve the deep-rooted inequalities that underlie discrimination against Roma children in education. The Commissioner also recommended several steps to ensure the sustainability of the inclusion of Roma children in mainstream, quality education, building on positive measures already in place.

7 COMMUNICATION AND INFORMATION WORK

The Commissioner's work in 2020 saw an increase of media coverage and social media engagement. Almost 1,200 news pieces were published by media outlets. The main themes covered by the media concerned the Commissioner's work on the impact of COVID-19 on human rights, migration, LGBTI people, women's rights and media freedom.

Five opinion articles were published. The first concerned the threats of surveillance that digital technology adopted to counter the spread of the coronavirus may pose to privacy. It was syndicated in newspapers from 12 member states. The other op-eds focused on ethnic profiling, the Srebrenica genocide, equality and the human rights situation in Bosnia 25 years after the Dayton agreement.

A [thematic page](#) was created to present the Commissioner's work on the impact of COVID-19 on human rights.



Human Rights Comments

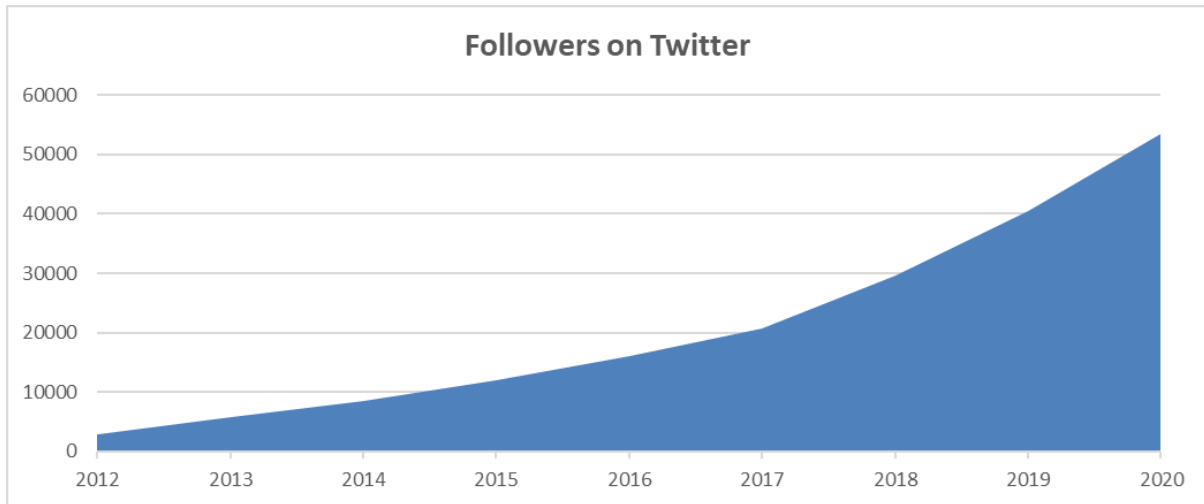
Six Human Rights Comments were published in 2020:

- [The right to affordable housing: Europe's neglected duty](#) (23 January)
- [Learning from the pandemic to better fulfil the right to health](#) (23 April)
- [Tapping the full potential of Equality Bodies for a fairer Europe](#) (26 June)
- [Comprehensive sexuality education protects children and helps build a safer, inclusive society](#) (21 July)
- [Time to take action against SLAPPs](#) (21 October)
- [Access to official documents is crucial – let's make it a reality](#) (1 December)

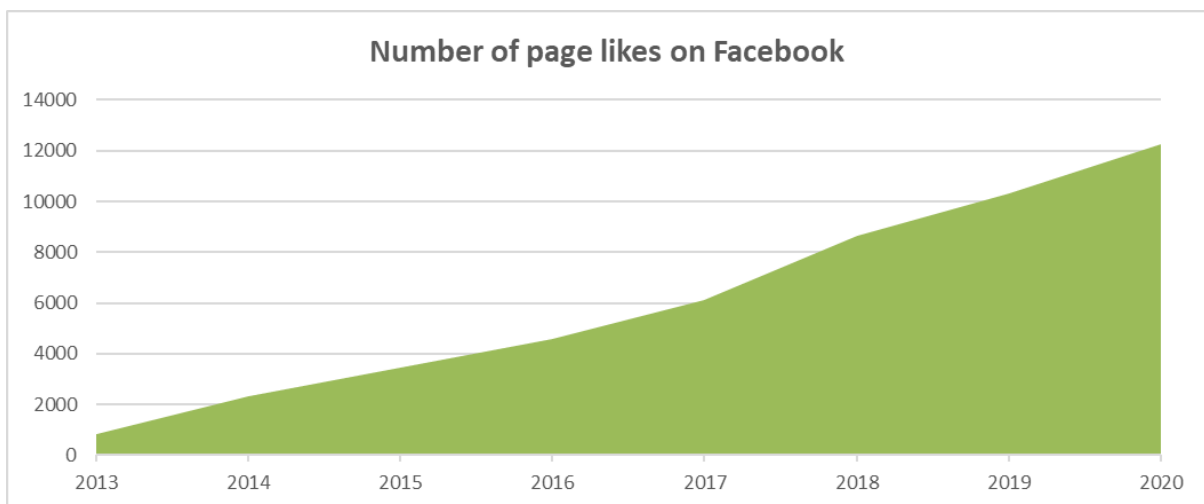
Web site and social media

Over 330,000 unique users visited the Commissioner’s website, almost 50% more than the number recorded in 2019.

The 251 tweets published earned a reach of 8.7m impressions and 13019 new followers with a total of 53499 followers (an increase of 32% compared to the increase recorded in 2019). The average engagement rate is 1.6% (above the industry benchmark of 1.2%).



On Facebook, 148 posts earned a reach of 446 166 and 1969 new page likes with a total of 12268 page likes at the end of the year (an increase of 19.2% from last year).



8 STAFF AND BUDGET

In 2020, the total number of permanent posts in the Commissioner's office amounts to 27 posts (19 A-grade posts and 8 B-grade posts). The Office employed five temporary staff members financed by the ordinary budget. The ordinary overall budget appropriations were of €3,777,600 which represents 1.5% of the total ordinary budget.

The budget of the Commissioner for Human Rights covers the basic structure necessary for the implementation of the mandatory activities which should be assured by permanent means from the ordinary budget of the Council of Europe.

APPENDIX

List of office activities in 2020

A. Visits and reports

In 2020 the following country visits, missions and online dialogue were carried out:

20 January	Sweden
9 to 13 March	Republic of Moldova
19 to 23 October	Poland
15 to 18 December	Portugal

In 2020, the following country reports and letters were published:

Azerbaijan

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Vilayat Eyvazov, Minister of Internal Affairs of Azerbaijan regarding disproportionate interference with the right to freedom of peaceful assembly (dated 25 February 2020 and published on 3 March 2020).

Bosnia and Herzegovina

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Zoran Tegeltija, Chairman of the Council of Ministers and Selmo Cikotić, Minister for Security of Bosnia and Herzegovina regarding migration and asylum (dated 7 December and published on 11 December 2020).

Bulgaria

- [Report](#) by the Council of Europe Commissioner for Human Rights following her visit to Bulgaria from 25 to 29 November 2019. Issues: racism, intolerance and discrimination; violence against women and domestic violence; and media freedom (published on 31 March 2020 with reference CommDH(2020)8).

Czech Republic

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Speaker and members of the Chamber of Deputies of the Czech Republic on compensation for victims of forced sterilisation (dated 25 September 2020 and published on 29 September 2020).

France

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Chair and members of the Law Committee of the French Senate regarding the General Security Bill (dated 15 December 2020 and published on 18 December 2020).

Italy

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Luigi Di Maio, Minister of Foreign Affairs of Italy, regarding the human rights safeguards in the Memorandum of Understanding between Italy and Libya (dated 13 February 2020 and published on 21 February 2020).

Malta

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Robert Abela, Prime Minister of Malta regarding Malta's obligations towards migrants, including asylum seekers and refugees, crossing the Mediterranean (dated 5 May 2020 and published on 11 May 2020).

Poland

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Tomasz Grodzki, Marshal (Speaker) of the Senate of Poland, regarding the bill curtailing judges' and prosecutors' independence and freedom of expression (dated 9 January 2020 and published on 13 January 2020).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to Zbigniew Rau, Minister of Foreign Affairs of Poland, regarding the independence and effectiveness of the Ombudsman institution (dated 13 October 2020 and published on 22 October 2020).
- [Memorandum](#) by the Council of Europe Commissioner for Human Rights on the stigmatisation of LGBTI people in Poland (published on 3 December 2020 with reference CommDH(2020)27).

Republic of Moldova

- [Report](#) by the Council of Europe Commissioner for Human Rights following her visit to Republic of Moldova from 9 to 13 March 2020. Issues: violence against women and domestic violence, children's rights, the human rights of persons with disabilities and Roma, hate speech and the rights to housing and health (published on 25 June 2020 with reference CommDH(2020)10).

Russian Federation

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Alexander Bastrykin, Chairman of the Investigative Committee Russian Federation, regarding the case of Salman Tepsurkayev (dated 13 November 2020 and published on 19 November 2020).

San Marino

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Luca Beccari, Minister for Foreign Affairs of San Marino, regarding the independence of the judiciary (dated 8 September 2020 and published on 15 September 2020).

Slovak Republic

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Speaker of the National Council of the Slovak Republic, and the Chairpersons of the Committees on Constitutional and Legal Affairs, Health Care, and Social Affairs regarding proposed restrictions on access to safe and legal abortion services (dated 7 September 2020 and published on 10 September 2020).

Slovenia

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Prime Minister of Slovenia Janez Janša regarding the suspension of public funding for national press agency (dated 7 December and published on 11 December 2020).

Spain

- [Letter](#) from the Council of Europe Commissioner for Human Rights to José Luis Escrivá Belmonte, Spanish Minister for Inclusion, Social Security and Migration and to Fernando Grande-Marlaska, Minister of Home Affairs, regarding the situation of migrants including asylum seekers accommodated in the Melilla bullring (dated 27 August 2020 and published on 3 September 2020).

Switzerland

- [Letter](#) from the Council of Europe Commissioner for Human Rights to Ida Glanzmann-Hunkeler, Chair, and to the members of the Swiss National Council Committee on Security Policy regarding the draft Federal Law on Police Counterterrorism Measures (dated 7 May 2020 and published on 13 May 2020).

Turkey

- [Report](#) by the Council of Europe Commissioner for Human Rights following her visit to Turkey from 1 to 5 July 2019. Issues: administration of justice and the protection of human rights in the justice system, as well

as human rights defenders and civil society, including the situation of lawyers (published on 19 February 2020 with reference CommDH(2020)1).

United Kingdom

- [Letter](#) from the Council of Europe Commissioner for Human Rights to members of the House of Commons regarding provisions of the Overseas Operations (Service Personnel and Veterans) Bill (dated 30 October 2020 and published on 3 November 2020).

B. Third Party Interventions before the European Court of Human Rights

The Commissioner fosters the effective observance of human rights by assisting member states in the implementation of Council of Europe human rights instruments, in particular the European Convention on Human Rights. The Commissioner submitted written observations concerning the following Court cases:

- Third party intervention by the Council of Europe Commissioner for Human Rights: application No. 20081/19 [Buhuceanu and Ciobotaru v. Romania and 12 other applications](#) (submitted on 14 September and published on 21 September with reference CommDH(2020)16);
- Third party intervention by the Council of Europe Commissioner for Human Rights: [Katarzyna Formela and Sylwia FORMELA v. Poland and 3 other applications; Cecylia PRZYBYSZEWSKA v. Poland and 9 other applications, and Antoni MESZKES v. Poland](#) (submitted on 30 October and published on 13 November with reference CommDH(2020)25);
- Third party intervention by the Council of Europe Commissioner for Human Rights: [application no. 18810/19 S.B. v. Croatia, application no. 18865/19 A.A. v. Croatia, application no. 23495/19 A.B. v. Croatia](#) (submitted on 18 December and published on 11 January 2020 with reference CommDH(2020)33).

C. Submissions to the Committee of Ministers regarding the supervision of the execution of the judgments handed down by the European Court of Human Rights (Rule 9)

The Commissioner can address communications to the Committee of Ministers of the Council of Europe, which supervises the execution of judgments of the European Court of Human Rights. This possibility was introduced in 2017 when the Committee of Ministers amended its Rules for the supervision of the execution of judgments and of the terms of friendly settlements.

The Commissioner submitted communications in the following cases:

- Submission to the Committee of Ministers by the Council of Europe Commissioner for Human Rights: [application no. 5410/03 Tysic v. Poland, application no. 27617/04 R. R. v. Poland and application no. 57375/08 P. and S. v. Poland](#) (submitted on 27 January and published on 1 February with reference CommDH(2020)3);
- Submission to the Committee of Ministers by the Council of Europe Commissioner for Human Rights: application no. 28749/18 [Kavala v. Turkey](#) (submitted on 18 June and published on 3 July with reference CommDH(2020)14);
- Submission to the Committee of Ministers by the Council of Europe Commissioner for Human Rights: application no. 49645/09 [Blsan v. Romania](#) (submitted on 20 July and published on 5 August with reference CommDH(2020)15);
- Submission to the Committee of Ministers by the Council of Europe Commissioner for Human Rights: application no. 25446/06 [Yordanova and Others v. Bulgaria](#) (submitted on 16 October and published on 2 November with reference CommDH(2020)23);

- Submission to the Committee of Ministers by the Council of Europe Commissioner for Human Rights: application no. 25446/06 [D.H. and Others v. the Czech Republic](#) (submitted on 22 October and published on 9 November with reference CommDH(2020)24).

D. Events organised by the Office

With the aim of promoting awareness of human rights and exploring specific concerns, the institution of the Commissioner organises workshops and conferences on topical questions. The Commissioner and her Office also contribute to debates on human rights through their participation in major conferences.

In 2020, the Commissioner's office organised or co-organised the following events:

- Expert brainstorming meeting on policing on Europe (15 October);
- Round-table with human rights defenders on "Combating racism and racial discrimination against people of African descent/black people in Europe" (24 November);
- Round-table with environmental human rights defenders and activists on environmental rights activism and advocacy in Europe (18 December).

E. Events in which the Commissioner or the Office took part

The Commissioner or the Office participated in the following major events during 2020:

- Anna Lindh lecture 2020 "The State of Human Rights in Europe: forward and back?" hosted by the Raoul Wallenberg Institute, in collaboration with Lund University and the Anna Lindh Memorial Foundation (Lund, 20 January);
- Exchange of views with PACE Committee on Equality and Non-Discrimination (Strasbourg, 29 January);
- Council of Europe Parliamentary Assembly (PACE) urgent debate on the occasion of International obligations concerning the repatriation of children from war and conflict zones (Strasbourg, 30 January);
- Exchange of views with Council of Europe Steering Committee for the Rights of the Child (Strasbourg, 4 February);
- Consultation meeting organised by the European Network of National Human Rights Institutions – ENNHRI on the potential roles of NHRIs in European rule of law mechanisms (Brussels, 5-6 February);
- Introductory speech to meeting convened by the Committee of Ministers Thematic Co-ordinator on Information Policy – TC-INF (Strasbourg, 6 February);
- Event on repatriation of "foreign terrorist fighters" and their families from conflict zones organised by OSCE-ODIHR in the context of the Joint Regional High-level Conference on "Foreign Terrorist Fighters – Addressing Current Challenges" convened in Vienna by the OSCE, UNOCT and Switzerland, in co-operation with the Albanian OSCE Chairmanship (Vienna, 12 February);
- High-level conference "Environmental Protection and Human Rights" organised under the aegis of the Georgian Presidency of the Committee of Ministers of the Council of Europe (Strasbourg, 27 February);

- International workshop on “Artificial Intelligence and Human Rights - challenges, functions and mechanisms”, organised by International Ombudsman Institute (IOI) and the Catalan Ombudsman (Barcelona, 2-3 March);
 - Exchange of views on the situation of refugees and migrants in Libya and on the Central Mediterranean Route with the Civil Liberties, Justice and Home Affairs Committee (LIBE) of the European Parliament (27 April)
 - PACE Committee on Legal Affairs and Human Rights/ Sub-committee on Human Rights Hearing on the impact of COVID-19 on human rights and the rule of law (27 April);
 - European Governmental LGBTI Focal Points Network (29 April);
 - Webinar on “Public Health, Digital Tools and Human Rights in the Context of COVID19” hosted by UN Under Secretary-General Fabrizio Hochschild, ITU, WHO and OHCHR (13 May);
 - Webinar “Challenges posed to human rights by COVID-19”organised by the CoE Office In Tbilisi and the Public Defender of Georgia (14 May);
 - PACE Committee on Equality and Non-Discrimination parliamentary webinar on “COVID-19 and Sexual and Reproductive Health and Rights: Challenges and Opportunities” (19 May);
 - PACE Committee on Social Affairs, Health and Sustainable Development Hearing on “Lessons for future public health emergencies from an effective and rights-based response to the COVID-19 pandemic” (19 May);
 - OSCE Parliamentary Assembly Web Dialogue "Protecting refugees and migrants during the pandemic: Camps and closed centres under lockdown" (26 May);
- Global Network Initiative event on “The Rights Foundation: Building Freedom of Expression and Privacy into the Digital Services Act” (28 May);
- Webinar organised by the French Defender of Rights on “Algorithms, biases, and the fight against discrimination” (28-29 May);
 - High-level videoconference of the Greek Chairmanship of the Council of Europe on “Human Rights during the pandemic” (3 June);
 - Inter-Agency Human Rights Council Meeting “Human rights during the pandemic in Georgia (12 June)
 - 20th Berlin Conference on Refugee Rights on *Europe, Coronavirus and Human Rights - The Significance of the European Convention on Human Rights for the Protection of Refugees*, speech on “Protecting refugees in Europe: the ECHR and beyond” (22 June);
 - “Respecting human rights and the rule of law in a time of sanitary crisis and beyond” Guest Lecture at the School of International Studies at the University of Trento, Italy (23 June);
 - “Human rights and Business - Prosperity Through Diversity” virtual conference under the auspices of the Greek Chairmanship of the Council of Europe (25 June);
 - ILGA-Europe European Equality Gala Online (25 June);

- 8th Annual meeting of the Secretary General with the Presidents and Executive Secretaries of the Monitoring and Advisory Bodies (29 June);
- “How to advance the human rights of intersex people: lessons learned from Finland” webinar organised by the Permanent Representation of Finland to the Council of Europe and the CoE Sexual Orientation and Gender Identity Unit (30 June);
- Event held by the Special Representative of the Secretary General on Migration and Refugees to launch the handbook *Family reunification for refugee and migrant children: standards and promising practices* (2 July);
- Online event on the repatriation of children of suspected foreign fighters to Europe held by the General Delegate for Children’s Rights of the French Community of Belgium (3 July);
- World Jewish Congress WebTalk series moderated by WJC Associate Executive Vice President, Menachem Rosensaft (7 July);
- 1st plenary meeting of the Council of Europe Steering Committee on Anti-Discrimination, Diversity and Inclusion – CDADI (8-10 September);
- Laudatory speech for Szabolcs Dull by the Council of Europe Commissioner for Human Rights at the M100 Sanssouci Colloquium in Potsdam (17 September);
- “70 years of the European Convention on Human Rights and Fundamental Freedoms: challenges and prospects” organised by the Institute of International and European Union Law of the Mykolas Romeris University Law School in Vilnius, Lithuania (17 September);
- *Le Réseau francophone des régulateurs des médias* (REFRAM) and Tunisia’s *Haute Autorité indépendante de la communication audiovisuelle* (HAICA) Summer University event on regulation and education for media and for information (*Université d’été de la régulation et d’éducation aux médias et à l’information*) (22 September);
- Normandy Peace Forum debate organised by WARM Foundation (1 October);
- PACE Monitoring Committee exchange of views on transitional justice in Bosnia and Herzegovina (Strasbourg, 5 October);
- “Structural inequality as the root of violence against women” Annual conference of the Women Against Violence Europe (WAVE) network (Strasbourg, 7 October);
- Conference organised by the European Court of Human Rights and the Sexual Orientation and Gender Identity Unit of the Council of Europe on the occasion of the 70th anniversary of the European Convention on Human Rights “A living instrument for everyone: the role of the European Convention on Human Rights in advancing equality for LGBTI people” (8 October);
- 2nd Regional Journalists’ Days (13 October);
- Council of Europe online Conference on Safety of Journalists (Strasbourg, 14 October);
- 7th Annual Regional Rule of Law Forum for South-East Europe (Baden-Baden, 16 October)
- ILGA-Europe 2020 Gathering Online (23 October);
- Celebratory ceremony on the occasion of the 70th anniversary of the European Convention on Human Rights (Athens, 4 November);

- Webinar “Setting democratic global standards for intelligence agencies: the way forward” co-organised by the Council of Europe Data Protection Unit and the delegation of the social-liberal Dutch party Democrats 66 (D66) in the European Parliament (9 November);
- Council of Europe Conference to mark the European Day against sexual exploitation and sexual abuse of children (12 November);
- 9th Annual UN Forum on Business and Human Rights (16-18 November);
- Conference of the Nordic Council on the “Angry Internet” (25 November);
- Exchange of views with PACE Committee on Migration, Refugees and Displaced Persons on “Pushbacks on land and sea: illegal measures of migration management” (2 December);
- ENNHRI Annual Meeting online (2 December);
- “Violence against Women and Girls in France” conference held by the French National Consultative Commission on Human Rights (3 December);
- Online event organised by the Ombudswoman of Croatia, Lora Vidović on major human rights challenges in the Council of Europe region (4 December);
- EU delegation to the Council of Europe online event on the Joint Communication on a new EU Action Plan on Human Rights and Democracy 2020-2024 (7 December);
- Virtual fireside chat within the Framework of the German chairmanship of the Council of Europe’s Committee of Ministers “Women and Human Rights – Personal Stories” (8 December);
- Human Rights Talk on COVID-19 and human rights, co-organised by the Ludwig Boltzmann Institute, the University of Vienna, and the Austrian chapter of Amnesty International (10 December);
- Georgetown Institute for Women, Peace & Security virtual event “Standing with Women Leaders of Belarus.” (11 December);
- “Twenty-five years later. The Dayton Agreement and the European Pathway for Bosnia and Herzegovina” event hosted by the Ministry of Foreign affairs of Italy (18 December).