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COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

ANNUAL ACTIVITY REPORT 2018

Presented to the Committee of Ministers
and the Parliamentary Assembly

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FOREWORD

The first annual report of my mandate focuses on the nine months I spent as Commissioner in 2018. An appendix covers the activities that my predecessor, Nils Muižnieks, carried out from January to March. I am very grateful to him for maintaining and passing on to me a well-functioning Office and a team of committed professionals. This helped greatly in ensuring a smooth transition and in enabling me to rapidly begin the implementation of my mandate, through country work, thematic work and awareness-raising activities.

In the first nine months of my mandate, I carried out five country visits, published three country reports and addressed several letters to the governments of member states. I also pursued continuous dialogue with governments through contact missions and addressed written observations to the European Court of Human Rights regarding three cases. In addition, I published seven Human Rights Comments covering topical issues and have engaged in thematic and awareness raising activities, including by engaging with the press and on social media platforms. The picture which comes out of this work highlights some of the most pressing human rights challenges that Council of Europe member states are facing. While this report covers a variety of human rights issues, from children's rights, to transitional justice and human rights in the era of artificial intelligence, four topics are most recurrent in my work: migration; women's rights; human rights of persons with disability; and human rights defenders and the safety of journalists.

Migration is among the most pressing human rights issues on my agenda. This report presents the different ways in which I urged national authorities to improve the treatment of immigrants, asylum seekers and refugees, and to put human rights and the principle of responsibility sharing at the centre of their migration and asylum policies. As regards women's rights, I have focused in particular on the need to tackle gender stereotypes and prejudices and to put an end to violence against women. I also highlighted the need to reduce the gender pay gap, which is a major obstacle to effective equality between men and women, and a widespread problem all over Council of Europe member states, both in the public and private sectors. The protection of human rights defenders also required much attention during my first months in office. I have drawn the attention of the authorities of member states to violent physical attacks, as well as to laws and practices that significantly reduce their ability to provide their contribution to the democratic fabric of our society. Many of these concerns are also reflected in my work in defence of press freedom and the safety of journalists. One of the first public interventions I made at the beginning of my mandate focused on the need to protect journalists and the duty of Council of Europe member states in this respect.

In addition to these most recurrent topics, another problem that the report highlights is the difficulty that many member states still face in tackling discrimination or deep rooted prejudices against persons with disabilities, children, older persons, Roma and LGBTI people. In the countries I engaged with there has been some progress, but there are also long-standing cultural, social and economic problems that breed inequalities and segregation.

These nine months of work have given me an insight into the potential of the institution and what its added value can be. However, I have also taken stock of the many serious challenges to human rights, democracy and the rule of law prevailing at this time. It is clear that there is still much work to be done in order to protect human rights throughout Europe. I am determined to commit my energy to this task, and I fully intend to develop constructive co-operation with governments and civil society for the common goal of upholding human rights.

I consider annual reports as much more than statutory obligations. They provide a snapshot not only of my work but of the human rights situation in Europe. I intend to use them as a tool to engage further with national and local authorities in order to help them better uphold human rights standards and the principles of equality, respect, diversity, and inclusiveness on which they are based.

Dunja Mijatović

1 COUNTRY WORK

Introduction

Since the beginning of her mandate in April, and throughout 2018, Commissioner Mijatović has relied on country visits as an important means of pursuing a continuous, constructive dialogue with member states.

In her country visits, 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. Issues covered by the visits include: children's rights; rights of persons with disabilities; gender equality and women's rights; the human rights of older persons; reception and integration of migrants; the impact of austerity on the rights to health and education; access to free legal aid; and national human rights structures.

Reports and other documents published by the Commissioner after these visits 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 visits carried out by the Commissioner and of their outcomes.

1.1 Visits

Visit to Albania

The Commissioner carried out a visit to Albania from 21 to 25 May, focusing on children's rights, the rights of persons with disabilities, and access to free legal aid.

During her visit, the Commissioner held discussions with national authorities including the Prime Minister, Edi Rama; the Minister for Europe and Foreign Affairs, Ditmir Bushati; the Minister of Justice, Etilda Gjonaj; the Minister of Education, Sports and Youth, Lindita Nikolla; the Deputy Minister of the Interior, Romina Kuko; and the Deputy Ministers of Health and Social Protection, Bardhylka Kospiri and Mira Rakacolli. In addition, the Commissioner met with the Ombudsman, Erinda Ballanca and the Commissioner for the Protection against Discrimination, Robert Gajda.

Meetings were also held with civil society organisations and international organisations working on a wide range of human rights issues. Additionally, in close co-operation with UNICEF, the Commissioner carried out a field visit to Shkodra where she visited the kindergarten "Guerille", the special school for children with disabilities "3 qershori" and the public residential care institution for children "Shtëpia e Fëmijës".

Following the visit the Commissioner published a report on 13 September in which she welcomed the authorities' commitment to ensuring better protection of children through the adoption of several pieces of legislation, including the 2017 law on the protection of children's rights, while stressing the need for more effective implementation of the existing legislation and better co-operation between different levels of responsible authorities.

As regards violence against children, in particular violence in schools which appeared to be widespread, the Commissioner stressed the need for continuous awareness-raising and encouraged the authorities to continue addressing bullying and violence among peers. She also underlined the importance of raising the capacity and training of education professionals in preventing cases of violence, including sexual violence and children witnessing domestic violence. Noting with concern the negative impact of domestic violence on children in Albania and certain reported shortcomings in domestic judicial proceedings initiated to prosecute such violence, the Commissioner urged the authorities to implement the recommendations of the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in this regard.

The Commissioner encouraged the authorities to move towards full deinstitutionalisation of about 700 children from state care, while ensuring that no child is left without protection and adequate care, and that the best interest of the child is always adequately taken into account. She also recalled that children cannot be removed from their parents' custody solely on grounds of the family's socio-economic condition, but that the authorities should instead provide adequate support to families.

While noting with satisfaction that the principle of inclusive education and the prohibition of discrimination in education were enshrined in Albanian legislation, the Commissioner was concerned about the lack of inclusion of some Albanian children, in particular Roma children and children with disabilities, in mainstream education. She called on the authorities to sustain their efforts aimed at the inclusion of Roma children in mainstream education, by working closely with Roma parents and increasing their efforts to tackle the lack of inclusion of Roma in pre-school education. As regards children with disabilities, the authorities were called upon to provide them with the necessary individual support and reasonable accommodation in mainstream education settings.

Regarding some 4 900 people who are reportedly stateless or at risk of statelessness in Albania - many of whom are Roma, including children, the Commissioner called on the authorities to address this issue in line with Albania's human rights obligations, starting by establishing a dedicated statelessness determination procedure. Albania was also urged to accede to the Council of Europe Convention for the Avoidance of Statelessness in relation to State succession.

As regards the protection and inclusion of persons with disabilities, the Commissioner was pleased to note the improved legislative framework in this area, however she recommended a better implementation of the legislation, resolving structural problems in the social care system, and improving access to quality education and to employment. The Commissioner called on the authorities to fix a time-frame for rendering public buildings, especially schools, accessible for persons with disabilities, and to ensure that rules laying down accessibility requirements for the construction of new buildings are always respected. The Commissioner was also concerned that there remain persons with intellectual and psycho-social disabilities, including children, in institutions for social care in Albania. She recommended drawing up and implementing a comprehensive plan on deinstitutionalisation and replacing institutions with community-based services, providing the necessary protection and support to individuals and their families after they leave institutions and abstaining from any new placement of persons with disabilities in institutional settings.

The Commissioner also called on the Albanian authorities to review the legislation that makes it possible to deprive persons with intellectual or psychosocial disabilities of their legal capacity and, as a consequence, of their civil and political rights. The authorities were called upon to align domestic law and practice with UN standards and the case-law of the European Court of Human Rights in this field, in order to ensure that these persons can exercise their legal rights and obligations on an equal basis with others in all aspects of life.

Last but not least, emphasising the importance of access to free legal aid for children and persons with disabilities, the Commissioner welcomed the adoption in 2017 of the new Law on Free Legal Aid which broadens the scope of beneficiaries of legal aid and calls for its effective and prompt implementation.

Visit to Estonia

The Commissioner carried out a visit to Estonia from 11 to 15 June. The visit focused on two main topics: gender equality and women's rights, and the human rights of older people. The visit also provided an opportunity to take stock of the situation of national human rights structures.

In the course of the visit, the Commissioner met with the President of the Riigikogu (Estonian parliament), Eiki Nestor; the Prime Minister, Jüri Ratas; the Minister of Social Protection, Kaia Iva; the Minister of Health and Labour, Riina Sikkut; officials from the Ministry of Justice and the Ministry of Foreign Affairs; and members of parliament and of the Estonian delegation to the Parliamentary Assembly of the Council of Europe. She also met with local authorities in the municipality of Jõhvi. In addition, the Commissioner had exchanges with the Chancellor of Justice,

Ülle Madise and the Gender Equality and Equal Treatment Commissioner, Liisa Pakosta, as well as with civil society organisations. The visit also covered parts of the Ida-Viru county in eastern Estonia, where a large portion of the population belongs to the Russian-speaking minority.

Following her visit, the Commissioner published a report on 28 September. With regard to gender equality and women's rights, the Commissioner found that despite clear progress and the adoption of specific laws and policies, further efforts were required to combat discriminatory gender stereotypes in Estonia. She recommended awareness-raising campaigns on gender equality, the consideration of temporary special measures to promote better representation of women in decision-making, and increased salary transparency – in addition to other comprehensive measures – to close the gender pay gap. The Commissioner congratulated Estonia on the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and noted the well-developed system of protection and support for victims of gender-based and domestic violence. She called on the authorities to ensure the effective investigation and prosecution of violence against women, by continuing to pursue training for law enforcement and judicial officials, strengthening legal assistance to victims, and considering establishing specialised teams of prosecutors and judges to handle such cases.

The Commissioner noted that it was urgent for Estonia to address the needs of older persons - a growing segment of the country's population - in a manner fully compliant with human rights, and suggested the adoption of a comprehensive strategy on older persons. To tackle discrimination, she recommended adopting the proposed amendments to the Equal Treatment Act, and conducting public campaigns to combat ageism. The Commissioner also recommended that the Estonian authorities increase the social minima in order to combat poverty among older persons. The authorities were further invited to adopt a human rights based approach to the long-term care of older persons, which includes deinstitutionalisation and protecting older persons' autonomy and right to live independently in the community as long as they can or wish to do so. Given Estonia's rapid progress toward the digitalisation of state services, the Commissioner recalled the responsibility of the authorities to ensure that older persons also have access to new technologies in order to fully exercise their right to participate in a democratic society. As to the deployment of robots and artificial intelligence in the care of older persons, the Commissioner invited the authorities to consider the ethical and human rights aspects involved as they develop any related laws and policies.

Emphasising the key role of national human rights structures in the protection and promotion of human rights at the national level, the Commissioner welcomed the recent designation of the Chancellor of Justice as national human rights institution in Estonia, and invited the authorities to strengthen the independence and resources of the Gender Equality and Equal Treatment Commissioner.

Visit to Greece

The Commissioner carried out a visit to Greece from 24 to 29 June. The visit focused on issues pertaining to the human rights of migrants, in particular their reception and integration, and to the impact of the austerity measures on the rights to health and to education.

In the course of her visit, the Commissioner held discussions with representatives of the national authorities, including the President of the Hellenic Republic, Prokópis Pavlópoulos; the Speaker of the Parliament, Nikolaos Voutsis; the Ministers of Justice, Transparency and Human Rights, Stavros Kontonis, and of Health, Andreas Xanthos; and the Deputy Ministers of Education, Research and Religious Affairs, Meropi Tzoufi, and of Migration Policy, Ioannis Balafas. In addition, the Commissioner met with the Greek National Commission for Human Rights and the Ombudsman, Andreas Pottakis, and his deputies. The Commissioner also met with representatives of international organisations, and a number of non-governmental organisations. In Athens, she carried out visits to the Metropolitan Social Medical Centre of Elliniko, and to the premises of the NGO METAdrasi, which i.a. runs integration programmes for migrants. On the Eastern Aegean island of Lesbos, she visited the Mosaik Support Centre, the Reception and Identification Centre of Moria, and the Open Hospitality Centre for Refugees and Migrants 'Kara Tepe' run by the Municipality.

On 6 November, the Commissioner published a report following this visit. Noting that commendable efforts were made by Greece's people and authorities to welcome migrants, the Commissioner warned that the reception conditions remain well below acceptable standards, especially on the islands, and urged the authorities to urgently address the poor hygiene conditions, the psychological distress and the uncertainty that are threatening the health of migrants and asylum seekers on the islands. She stressed that they should in particular accelerate transfers to the mainland and improve migrant reception capacities there too, and invited Greece's European partners to demonstrate their solidarity by supporting Greece's efforts to improve reception conditions.

The Commissioner also expressed deep concern about the reported poor shelter conditions, the lack of social support that most unaccompanied migrant children experience in Greece, and the deprivation of liberty of those detained under the "protective custody" regime. She called on the Greek authorities to immediately stop the detention of unaccompanied migrant children and to give migrant children access to inclusive education, in order to increase their chances of integration.

Noting that Greece is becoming a country of destination and is no longer merely a country of transit, the Commissioner underscored the need to invest in integration through a comprehensive and long term policy focused in particular on family reunification, long term residence and citizenship, education, vocational training, language and integration courses, and the fight against racism and discrimination against migrants.

As regards the impact of austerity measures packages on the human rights of people in Greece, the Commissioner stressed that shortages in staff and equipment and disruptions in the Greek healthcare system coupled with budget cuts in patients' wages and pensions have hampered access to health care. She urged the authorities to increase their efforts to recruit medical staff, remove obstacles to universal medical coverage, and support the mental health sector and the inclusion of persons with disabilities. In the education sector, the Commissioner noted that budget cuts have led to a marked deterioration in pupils' well-being, teachers' working conditions and school equipment, and called on the authorities to lift all barriers to effective access to education, including through targeted policies to include vulnerable children, children with disabilities and Roma children.

Visit to Armenia

The Commissioner carried out a visit to Armenia from 15 to 20 September, focusing on women's rights, gender equality and domestic violence, the human rights of disadvantaged and vulnerable groups, and questions related to accountability for past human rights violations. In the course of the visit, the Commissioner and her delegation met with various representatives of the authorities, members of civil society, political and legal experts, diplomats, as well as the Human Rights Defender (Ombudsman).

On 29 January 2019, the Commissioner published a report on her visit, in which she urged the authorities to ensure full and effective representation of women in public decision-making – especially at the highest levels and at the local level – as well as equal pay and equal access to the labour market. In order to counter persisting discriminatory gender stereotypes, efforts are needed to foster a gender-equal education environment and promote role models and champions of women's equality. Addressing the issue of domestic violence, the Commissioner welcomed recent legislative changes and the signature by Armenia of the Istanbul Convention. She recommended that Armenia ratify the Convention while ensuring that the new domestic legislation is effectively applied in practice, particularly by increasing the availability of shelters for victims of domestic violence and by ensuring access to education for children staying in them.

Welcoming Armenia's efforts towards the deinstitutionalisation of persons with disabilities and the commitment to make all education inclusive for children with disabilities by 2025, the Commissioner recommended that special attention be given to making education inclusive at the pre-school level, and to pursuing deinstitutionalisation equally for children with and without disabilities. She also called on Armenia to put an end to plenary guardianship for persons with psychosocial disabilities and to introduce a regime for supported decision-making. On children's rights, she recommended that Armenia strengthen its efforts to combat child poverty and to guarantee the right of all children to an adequate standard of living. Particularly concerned by the placement in state care of children whose parents face socio-economic difficulties, the Commissioner encouraged the authorities to allocate sufficient support

to parents resuming care over their children and to continue in parallel to promote foster care, including for children with disabilities. She also recommended that Armenia improve its legislation protecting all children against sexual exploitation and sexual abuse, specifically by ratifying the Council of Europe Lanzarote Convention. To address the inadequate level of social protection of older persons in Armenia, the Commissioner recommended raising old age pensions, increasing the availability of health care at home or in the community, and tackling the shortage of professionals specialised in geriatric care. She also recommended the prompt adoption of a comprehensive anti-discrimination law that includes sexual orientation and gender identity among the prohibited grounds for discrimination, and urged the government to take prompt and resolute action against all instances of violence, hate speech and hate crime targeting LGBTI persons. She also urged parliamentarians to unequivocally reject any legislative proposals that may infringe on the rights of LGBTI persons or stoke anti-LGBTI sentiments.

Regarding accountability for past human rights violations, the Commissioner welcomed the steps taken to establish responsibility for the ten deaths that occurred during the violent events of March 2008, but stressed the importance of carrying out the process in full respect of the rule of law, judicial independence and the presumption of innocence of any person charged with criminal misconduct. Lastly, the Commissioner urged all politicians and opinion leaders to exercise special care and to avoid using polarising, stigmatising or inflammatory language in their public discourse.

Visit to Romania

The Commissioner carried out a visit to Romania from 12 to 16 November, focusing on the human rights of persons with disabilities and violence against women. In addition, she held discussions with the authorities on the on-going reform of the judicial system in Romania and the protection of journalists' rights. The Commissioner met with the Prime Minister of Romania, Vasilica-Viorica Dăncilă; the Minister of Foreign Affairs, Teodor-Viorel Meleşcanu; the Minister of Justice, Tudorel Toader; the then Minister of Labour and Social Justice, Lia-Olguța Vasilescu; the First Deputy to the Prosecutor General, Laura Oprean; officials from the Ministry of Health and representatives of the National Authority for the Protection of the Rights of the Child and Adoption, of the National Authority for Persons with Disabilities, and of the National Agency for Equal Opportunities for Women and Men. She also met the Ombudsman and his deputies; the president of the National Council for Combating Discrimination; the president of the Council for the monitoring of the implementation of the UN Convention on the Rights of Persons with Disabilities; and representatives of civil society. In Vâlcea County, the Commissioner visited several residential institutions for persons with disabilities, a special school, and a shelter for victims of domestic violence.

In a press release published at the end of the visit, the Commissioner expressed concern about shortcomings in the implementation of the legislation on the rights of persons with disabilities, noting in particular the problems posed by the overlapping mandates of the responsible authorities. She regretted that the legislation lacked adequate safeguards against involuntary placements in institutions and that efforts to reduce the number of persons in institutions fell short of the structural changes necessary to ensure their access to community-based services. She also urged the authorities to ensure that measures taken for the legal representation of persons with disabilities would no longer involve their deprivation of legal capacity. While noting that small residential homes may provide a better alternative to large institutions, the Commissioner stressed the goal of providing care for children in families.

Concerning violence against women, the Commissioner welcomed the ratification by Romania of the Istanbul Convention in 2016. She emphasised the need to ensure that women's complaints against violence are effectively investigated and that victim protection is strengthened. She also called on officials at the highest political levels to send a strong message that gender-based discrimination is unacceptable.

The Commissioner stressed that for a better protection of the rights of persons with disabilities and of victims of domestic violence, it was crucial to fully implement the relevant judgments of the European Court of Human Rights. She also drew attention to the significant role of civil society in the protection of the rights of vulnerable persons and urged the authorities to enhance their co-operation with NGOs.

Regarding the reform of the judicial system, the Commissioner underlined the importance of maintaining the independence of the judiciary and urged the authorities to give effect to the recommendations of the Venice

Commission and GRECO and to carry out the reform in compliance with Romania's international human rights obligations.

Lastly, the Commissioner called for the protection of journalists' right to confidential sources. Noting that the Romanian authorities had recently asked a journalism organisation to disclose information on the sources of their investigative report on an alleged fraud concerning European funds, or face the threat of a very large fine in case of non-compliance, the Commissioner urged the Romanian authorities to withdraw these measures and to avoid similar cases in the future.

The Commissioner's report following her visit to Romania will be published in 2019.

1.2 Missions

Mission to Berlin

On 16 April, the Commissioner took part in an event in Berlin on "Technology and the next frontier in human rights", where she delivered keynote remarks on the most important human rights challenges in the digital environment, and took part in a panel discussion. During her stay in Berlin from 16 to 17 April, the Commissioner discussed various human rights issues with the Director and Deputy Director of the German Institute for Human Rights, as well as with representatives of Human Rights Watch and Transgender Europe. She also visited the European Roma Institute for Arts and Culture (ERAC) and met with the Federal Government's Commissioner for Human Rights Policy and Humanitarian Aid, Bärbel Kofler.

Contact mission to Turkey

The Commissioner conducted a contact mission to Turkey from 15 to 19 October. The aim of this mission was to initiate a dialogue with the Turkish authorities and civil society on a number of human rights issues of interest to the Commissioner.

During her visit, the Commissioner travelled to Istanbul and Ankara. She held meetings with the President of the Turkish Constitutional Court, Zühtü Arslan; the Minister of Justice, Abdülhamit Gül; the Head of the Turkish Delegation to the Parliamentary Assembly of the Council of Europe, Akif Çağatay Kılıç; the Deputy Minister of Foreign Affairs, Ambassador Faruk Kaymakçı; the Chair and members of the Inquiry Commission on the State of Emergency Measures; and representatives of the Directorate General of Migration Management. She also met three ombudspersons, responsible for: human rights; women's rights; children's rights; and the public service regime and prisons; as well as the Chair and members of the Board of the Turkish Human Rights and Equality Institution. The Commissioner also held a series of meetings in Istanbul and Ankara with a number of NGOs and civil society representatives.

During the contact mission, the Commissioner announced to the Turkish authorities her intention to conduct a fully-fledged country visit to Turkey in the first half of 2019.

Mission to Poland

The Commissioner travelled to Poland from 22 to 23 November 2018 at the invitation of the Polish Ministry of Foreign Affairs to speak at the 7th edition of the annual "Warsaw Dialogue for Democracy" conference organised by the Polish Ministry of Foreign Affairs. During her mission, the Commissioner discussed different human rights topics, including as regards the situation in the judiciary and that of civil society, with several government officials, representatives of the judiciary and the Ombudsman, as well as representatives of civil society and judges' associations. In her remarks at the conference, the Commissioner emphasised the need to oppose certain negative tendencies observable in a number of European countries, notably the stigmatisation of social groups and professions and the weakening of democratic institutions and civil society freedoms; further, she delivered several key messages on human rights in the digital sphere.

1.3 Continuous dialogue

Letter to Semiha Borovac, Minister for Human Rights and Refugees, and Dragan Mektic, Minister for Security of Bosnia and Herzegovina

On 15 May, the Commissioner published a letter sent to the Minister for Human Rights and Refugees and the Minister of Security of Bosnia and Herzegovina concerning the migration situation in Bosnia and Herzegovina, in light of the increased arrivals of refugees and migrants into the country. Stressing her concern about the lack of a systematic response by the authorities to the humanitarian needs of the many refugees and migrants, including families and children, the Commissioner called on the authorities, as a matter of urgency, to provide all refugees and migrants, including asylum seekers, with adequate accommodation using all available resources, including the refugee reception centre in Salakovac. The Commissioner also raised her concern about reports indicating that many potential asylum seekers faced obstacles in accessing the asylum procedure, in particular those persons who have been unable to register their address on time in Bosnia and Herzegovina. She noted in this regard that the relevant procedure has been simplified and it should now be easier for newly arriving migrants to regularise their status. Lastly, noting the government's intention to step up border controls to prevent further arrivals, the Commissioner drew the authorities' attention to their human rights obligations with a view to ensuring that all persons who wish to seek international protection in Bosnia and Herzegovina have the possibility to do so.

Letter to Theo Francken, Secretary of State for Migration and Asylum of Belgium

On 14 June, the Commissioner published a letter she had addressed to the Secretary of State for Migration and Asylum of Belgium, in which she raised concerns about the possibility that migrant families with children may be detained in newly built closed detention units near Brussels airport. The Commissioner stressed that full respect for children's rights implies that children should never be detained on grounds of their or their parents' immigration status and that, even when the material conditions for detention are adequate and the duration short, immigration detention is never in the child's best interests. Underscoring the investments made by Belgium in the last decade to develop human rights compliant alternatives to detention, she invited the authorities to continue on this path and to avoid reverting to past detention practices.

Letter to Yury Chaika, Prosecutor General of the Russian Federation

On 17 July, the Commissioner published a letter she had addressed to the Prosecutor General of the Russian Federation, regarding the situation of Oyub Titiev, the leading member of the Human Rights Centre Memorial, who has been detained in the Chechen Republic since 9 January 2018 and is under prosecution for alleged drug possession.

In her letter, the Commissioner underscored Mr Titiev's important work in defending human rights in the North Caucasus and, in particular, his quest for accountability for serious human rights violations by officials belonging to law enforcement agencies or other security structures. She stressed that decisive steps should be taken to ensure respect of Mr Titiev's rights, including by urgently releasing him from custody. In this respect, she also referred to an expert opinion of the Council on Human Rights and Civil Society Development under the President of the Russian Federation (the Presidential Human Rights Council), which concluded that there had been insufficient follow-up to Mr Titiev's counterclaim that the charges against him had been fabricated and that law enforcement officers had "planted the evidence".

Letters to Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation and to Pavlo Klimkin, Minister of Foreign Affairs of Ukraine

On 21 August, the Commissioner published letters addressed to the Ministers of Foreign Affairs of the Russian Federation and Ukraine concerning the situation of several persons who have been detained or imprisoned since 2014 in the respective countries. Expressing her profound concern about the alarming situation of some of those individuals, the Commissioner appealed to the authorities of both member states to take urgent action in order to prevent any further deterioration of their situation, as well as to do their utmost in order to achieve meaningful

progress in the resolution of those cases. She also confirmed her willingness to offer her good offices to assist with overcoming the existing impasse and invited the authorities to discuss, at their earliest convenience, the possible modalities for such an engagement on her part.

Letter to Rt. Honourable Theresa May, Prime Minister of the United Kingdom

On 4 September, the Commissioner published her exchange of letters with the Prime Minister of the United Kingdom, on the topic of a judge-led inquiry into detainee mistreatment and renditions following the terrorist attacks of 11 September 2001. The Commissioner called for such an inquiry to follow up on questions that had remained unanswered and un-investigated in the report of the Parliament's Intelligence and Security Committee (ISC). She noted that agreeing to such an inquiry would enable the United Kingdom to learn all necessary lessons of the past, which could be used to strengthen the human rights compliance of current policies and practices aimed at addressing the challenge of terrorism. It would also send out a positive signal about the United Kingdom's commitment to combating impunity, she noted.

Letter to Andrej Plenković, Prime Minister of Croatia

On 5 October, the Commissioner published a letter addressed to the Prime Minister of Croatia in which she raised her concerns about allegations of collective expulsions from Croatia of 2500 migrants since the beginning of 2018 and reported violence and other crimes allegedly committed by law enforcement officers in this context. The Commissioner called on the Croatian authorities to initiate and carry out prompt, effective and independent investigations into all recorded cases of collective expulsions and of allegations of violence against migrants, as well as other alleged crimes such as theft and to take all necessary measures to end such practices and prevent their recurrence. It was reiterated in the letter that all efforts to manage migration should be made strictly in line with the rule of law and binding international legal principles and urged the authorities to ensure that anyone who intends to make an asylum application has access to a fair and effective procedure.

Letter to Ana Pastor Julián, President of the Congress of Deputies of Spain and Pío García Escudero, President of the Spanish Senate

On 23 November, the Commissioner published a letter addressed to the President of the Congress of Deputies of Spain and the President of the Spanish Senate, about the review of the 2015 Law on Citizens' Safety. While welcoming the resumption of the review process, the Commissioner highlighted her concerns about the reported negative impact the application of this law has had on the enjoyment of the rights to freedom of expression and freedom of peaceful assembly. She urged the parliament to ensure that the review of the law eliminates possibilities of disproportionate interferences with these rights.

The Commissioner also referred to the provisions of the law regarding foreigners entering the cities of Ceuta and Melilla and underlined that these failed to provide clear guarantees against refoulement and collective expulsions as well as adequate safeguards for the right of every person to seek asylum. She reiterated her previous recommendation that the authorities should provide without delay the border police with clear and mandatory guidance on how to act in compliance with international human rights standards when intercepting migrants at the borders of Ceuta and Melilla.

Letter to Maree Todd MSP, Scottish Minister for Children and Young People

On 20 December, the Commissioner published her exchange of letters with the Scottish Minister for Children and Young People, on the Age of Criminal Responsibility (Scotland) Bill. In light of the fact that Scotland has the lowest age of criminal responsibility in Europe, at 8 years of age, the Commissioner welcomed the Government's intention to raise it. However, the Commissioner urged the Scottish Government to increase the age of criminal responsibility to 14 at least, rather than 12, as currently proposed. Additionally, the Commissioner called for clear safeguards in relation to the recording and disclosure of information about children who come into conflict with the law. She also noted that, when such children need to be taken to a place of safety, reasonable alternatives to taking them to police stations should be available in practice, such as providing for a non-custodial environment.

2 THEMATIC ACTIVITIES

Introduction

In 2018, 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 racism and intolerance were also among the major concerns.

2.1 Human rights of immigrants, refugees and asylum seekers

In 2018, the Commissioner made numerous country-specific interventions on the rights of refugees, asylum seekers and migrants, including a country visit and subsequent publication of a report on Greece; letters to Bosnia and Herzegovina, Belgium, Croatia and Spain; a third party intervention before the Grand Chamber of the European Court of Human Rights in the case of *N.D. and N.T. against Spain*; and a statement on Hungary, details of which are provided elsewhere in the report.

In addition, in a statement on 5 July, the Commissioner reacted to the current developments in European migration policy, including plans for 'disembarkation platforms' and 'controlled centres' as a response to the migratory situation in the Mediterranean, as outlined in the conclusions of the European Council in June. She urged states to put human rights and the principle of responsibility sharing at the centre of their policies. More specifically, she called for a sufficiently resourced and fully operational search and rescue system, and for ensuring that instructions given in the course of rescue operations fully respect the human rights of rescued migrants. Furthermore, the Commissioner called for transparency and accountability in external migration co-operation, on the basis of human rights risk assessments and independent monitoring. She further indicated the basic preconditions that places of disembarkation should meet to be human rights compliant, including safeguards against *refoulement* and the arbitrary deprivation of liberty.

A particular issue of concern to the Commissioner has been the situation of individuals and non-governmental organisations (NGOs) providing assistance to migrants, asylum seekers and refugees. In a statement on 19 June, the Commissioner expressed her concern about the increasing pressure and restrictions put on their work, including through placing them under administrative burdens, the use of hostile political rhetoric, and criminal prosecution. She called on Council of Europe member states to refrain from interfering with the legitimate work of these persons and organisations, to co-operate with them and to provide them with support. In the above-mentioned statement of 5 July, she subsequently noted the crucial role of NGOs in search and rescue work in the Mediterranean. She called on states to allow such organisations to use their ports, to make full use of NGOs' search and rescue capacities, and to ensure that instructions given to them fully respect the rights of rescued migrants. In her dialogue with France, the Commissioner also called for legislative changes to ensure that solidarity with migrants would not be discouraged or restricted. In a statement regarding Hungary, the Commissioner called for a Bill which would criminalise NGOs assisting migrants to be dropped.

Another area of recurring attention has been the reception conditions for asylum seekers and migrants, which were addressed in the report on Greece and in a letter to the authorities of Bosnia and Herzegovina, in which the Commissioner called on the authorities to ensure that adequate reception conditions be provided. This should be complemented by adequate protection, including by ensuring the possibility to apply for asylum and to have an asylum request handled in a fair asylum procedure. The need for access to such procedures and their fairness were addressed, for example, with regard to Bosnia and Herzegovina and Croatia. Furthermore, the Commissioner published the Human Rights Comment *Open minds are needed to improve the protection of LGBTI asylum seekers in Europe*, which highlighted the need for better protection of this group (see section below on human rights of LGBTI people).

Push-backs of migrants at the borders of Council of Europe member states remained a persistent concern in 2018. The Commissioner called for an independent and effective investigation into allegations of collective expulsions and ill-treatment in Croatia and Greece. She furthermore intervened before the Grand Chamber of the European Court of Human Rights in the case of *N.D. and N.T. against Spain*, highlighting the importance of the prohibition of collective expulsions and refoulement at the borders.

Finally, in her Human Rights Comment *Europe's duty to internally displaced persons*, the Commissioner drew attention to the situation of close to four million internally displaced persons (IDPs) in the Council of Europe area, highlighting the obligations of member states to provide human rights based solutions. She underscored the importance of ensuring that IDPs are empowered to make free and informed decisions and their preferred course of action is always taken into account. In particular, the needs of vulnerable individuals and groups such as older persons, those with disabilities, pregnant women, Roma, LGBTI persons and others should be given priority.

2.2 Media freedom and safety of journalists

Media freedom and more particularly the safety of journalists are among the priorities of the Commissioner's mandate. In 2018, the Commissioner reacted to a number of developments affecting the safety of journalists through statements published on social media (Facebook and Twitter). These statements concerned violent assaults on Olivera Lakić, investigative journalist in Montenegro, and on Vladimir Kovačević, a journalist working for BN TV in Banja Luka. The Commissioner also called for an urgent and full investigation into the murder of the journalist Victoria Marinova which took place in October in Bulgaria. In addition, the Commissioner issued a statement commemorating the twelfth anniversary of the murder of Anna Politkovskaya, paying tribute to her remarkable work and highlighting the need to establish the truth regarding her assassination.

On 5 October, the Commissioner had a telephone conversation with the Croatian journalist Domagoj Margetić who had been on hunger strike for more than one month. During this exchange the Commissioner noted Mr Margetić's concerns which prompted him to go on hunger strike, notably the alleged lack of investigation into death threats, attacks against his property and physical attacks against him. The Commissioner invited Mr Margetić to end the hunger strike. Following the aforementioned exchange and his meeting with the Prime Minister of Croatia, on 22 October, Mr Margetić ended his 44 day hunger strike.

The Commissioner also addressed media freedom related issues during her visit to Romania, calling for the protection of journalists' right to confidential sources, after Romania's data protection authority requested that RISE Project - a journalism organisation based in Bucharest - disclose information on the sources of their investigative report on a case of alleged fraud involving European funds, or face the threat of a 20 million Euro fine in case of non-compliance.

Ahead of World Press Freedom Day in May, the Commissioner wrote an opinion editorial that more than 20 leading news outlets published. The article showed the extent of the threats faced by journalists Europe, calling upon states to protect them and recommending concrete action that states should take: increase the protection of journalists; end impunity for crimes against them; improve legislation; and change the hostile attitude many politicians have towards the press. Another op-ed was published in the *Times of Malta* on the one-year anniversary of the brutal killing of journalist Daphne Caruana Galizia in October.

On the International Day to End Impunity for Crimes against Journalists (2 November), the Commissioner reiterated her call for stepped up action to close the gap between commitments and practice and to effectively work to create an enabling environment for journalists to perform their work independently and without undue interference.

In a Human Rights Comment entitled *Misuse of anti-terror legislation threatens freedom of expression*, published on 4 December, the Commissioner stressed that the glorification of terrorism is widespread, especially online, and must be combated, but that counter-terrorism legislation may become a dangerous tool when the offences are either not clearly or too widely defined and lead to unnecessary or disproportionate restrictions to the right to freedom of expression. The Commissioner called on member states to pay attention to existing human rights standards before adopting any new counter-terrorism measures and also urged them to limit the restrictions on freedom of

expression to those that are strictly necessary to protect national security and are proportionate to the legitimate aim pursued.

Finally, co-operation with other Council of Europe bodies continued in 2018. On 29 November, the Commissioner participated in an exchange of views with the Council of Europe Steering Committee on Media and Information Society (CDMSI). After an overview of the first eight months of her mandate, the Commissioner focused on her work concerning human rights defenders; plans to further engage with the topic of artificial intelligence from a human rights perspective; and her work on the safety of journalists and other media actors, notably the fight against impunity. She stressed that persistent impunity has a chilling effect on society as a whole and creates an atmosphere of fear. Possible synergies with the CDMSI were also discussed.

2.3 Women's rights and gender equality

In 2018, the Commissioner looked into women's rights and gender equality during her visits to Armenia and Romania and in her visit report on Estonia. During all of these visits, a special focus was put on combating violence against women and promoting the ratification and full implementation of the Istanbul Convention. The Commissioner called on the Estonian authorities to ensure the effective investigation and prosecution of violence against women. She also recommended awareness-raising campaigns on gender equality, measures to promote better representation of women in decision-making, and increased salary transparency to close the gender pay gap in Estonia.

On 22 November, the Commissioner published a statement to support the ratification and implementation of the Istanbul Convention. She pointed out that the aim was the speedy ratification of the convention by all 47 member states of the Council of Europe. The Commissioner also noted that there were growing efforts to sow confusion and spread false narratives about the Istanbul Convention to obstruct its ratification. In view of the high number of states which have already accepted to be bound by the Istanbul Convention, she stated that increasing emphasis needed to be put on its effective implementation.

2.4 Children's rights

In 2018, the Commissioner dealt with a range of significant children's rights-related issues during country visits, in letters addressed to the authorities and in Human Rights Comments.

The importance of ensuring equal access to quality inclusive education for all children, including children from different ethnic and linguistic communities, those with disabilities, Roma children and migrant children, was raised during visits to Albania, Greece, Armenia and Romania (for more details, see above: Country Work). The Commissioner warned that separation breeds mistrust, stereotypes and prejudices and called upon the authorities to support education systems in which all children have the opportunity to meet, and learn about and from each other. The development of free and mandatory inclusive pre-school education was also stressed as a crucial element to combat segregation.

Moreover, the Commissioner highlighted challenges connected with child poverty, in particular the frequent institutionalisation, in some countries, of children from poor families (visit to Albania), and recommended providing families in need with increased socio-economic support. In general, the need to step up processes of deinstitutionalisation of all children, in particular those with disabilities, and to provide increased opportunities for children to be brought up in a family-type environment was also stressed.

Another prominent issue throughout the year was violence against children, including sexual abuse and exploitation of children. Countries which have not done so were called on to ratify both the Istanbul Convention, which protects children against domestic violence, and the Lanzarote Convention on Protection of Children against Sexual Exploitation and Sexual Abuse.

As regards migrant children, the Commissioner raised concerns about the lack of consideration for the child's best interests in asylum procedures and the lack of speedy family reunification procedures facing unaccompanied migrant children (report on Greece). The importance of better meeting the humanitarian needs of migrant children (letter

to the authorities of Bosnia and Herzegovina and report on Greece) and of providing adequate protection to unaccompanied migrant children (report on Greece) were highlighted. The Commissioner also called on member states to put an end to the practice of detaining migrant children on grounds of their immigration status, which can never be in the child's best interest (letter to the Belgian authorities and report on Greece).

Furthermore, the Commissioner raised issues pertaining to juvenile justice, including the need to ensure that children have access to free legal aid (report on Albania) and the importance of having a sufficiently high minimum age of criminal responsibility so as to ensure that children coming into conflict with the law are treated in a child-friendly way (letter to the Scottish authorities).

2.5 Human rights of persons with disabilities

The human rights of persons with disabilities remained a priority for the Commissioner in 2018 and was raised in several country visits and reports. Taking as a core reference point the UN Convention on the Rights of Persons with Disabilities (CRPD), currently ratified by 46 member states, the Commissioner focused in particular on the right to live in the community, including the need to close institutions (visits to Albania, Armenia, Romania) and the right to an inclusive education (visits to Albania, Armenia, Romania), as well as issues concerning accessibility and inclusion in the labour market.

Another important concern in this field was the right to legal capacity for persons with intellectual and psychosocial disabilities, a topic which was raised during the country visits to Albania, Armenia and Romania. This issue is also linked to the right to vote, which was the subject of a third-party intervention before the European Court of Human Rights concerning a person with intellectual disabilities deprived of her right to vote in Spain. In her third-party intervention, the Commissioner stressed in particular that depriving persons of their right to vote on the basis of disability, including following an assessment made by a judge of the person's cognitive capacity or mental health status, was not compatible with the CRPD or any legitimate aim, and amounted to discrimination. She stressed that stripping a person of their right to vote protected neither the person nor society, while perpetuating exclusion and stigma. She also recalled the positive obligations of states to render the right to vote effective for persons with disabilities.

The Commissioner also raised a number of concerns relating to the human rights of persons with psychosocial disabilities, in particular in the context of the on-going preparation by the Council of Europe Committee on Bioethics (DH-BIO) of a draft Additional Protocol to the Convention on Human Rights and Biomedicine "concerning the Protection of Human Rights and Dignity of Persons with Mental Disorder with regard to Involuntary Placement and Involuntary Treatment". In a joint hearing organised by two Committees of the Parliamentary Assembly of the Council of Europe (Social Affairs, Health and Sustainable Development; Equality and Non-Discrimination), as well as in her written comments to the DH-BIO, she expressed her opposition to this draft due to three main concerns.

Firstly, she pointed to the fact that the Parliamentary Assembly, several UN bodies, including the treaty body established under the CRPD, and relevant UN Special Rapporteurs, the Fundamental Rights Agency of the EU, as well as her predecessor and herself considered the approach behind the draft Additional Protocol to be incompatible with several provisions of the CRPD. Secondly, the Commissioner expressed doubts about the potential added value of the draft Additional Protocol and its assumption that the lack of legal safeguards is the main reason behind most of the serious human rights violations suffered by persons with psychosocial disabilities, when they are not considered in a much broader legal and mental health context. Finally, she pointed to the insufficient consultation in the drafting process of the most representative pan-European disability rights NGOs, in particular those specialising in the human rights of persons with psychosocial disabilities, and their firm opposition to the draft Additional Protocol. For these reasons, the Commissioner recommended that the DH-BIO focus instead on non-binding standards regarding alternatives to involuntary measures.

2.6 Human rights of LGBTI people

The persistence of intolerance, hate speech and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people across Council of Europe member states continued to be of particular concern in 2018. In a statement

published on the International Day Against Homophobia and Transphobia (IDAHOT) 2018, the Commissioner urged member states to invest more efforts in combating homophobia and transphobia, including by sending an unequivocal message that those responsible for hate crimes will be prosecuted. She recalled with specific concern the targeted persecutions against LGBTI people in Azerbaijan and in Chechnya in 2017. More recently, there have been allegations that serious human rights violations against members of this community have continued to occur in Chechnya.

With regard to LGBTI people's rights to assembly and expression, the Commissioner expressed support to several Pride Marches in video messages sent to the Baltic Pride in June, and the Pride Forum in Serbia in September. On 12 October, the Commissioner welcomed a court decision lifting a ban on the Pride March in Lublin, Poland, imposed by the city's mayor. Noting with concern that LGBTI human rights activists are particularly exposed, the Commissioner invited a representative of ILGA-Europe to a roundtable gathering human rights defenders, which she organised in December.

The Commissioner paid attention to the human rights of trans people, by meeting with the non-governmental organisation Transgender Europe, and taking part, together with several United Nations Special Rapporteurs, in a video message on the occasion of the Trans Day of Remembrance 2018. The message called on policy-makers to take steps to protect trans people from violence. A member of the Commissioner's Office participated in the 7th European Transgender Council 2018 in Antwerp, at which activists stressed the importance of good legislation on legal gender recognition, access to health care, and depathologisation of gender variance, and reflected on the backlash that has followed recent gains for transgender people.

In a Human Rights Comment published in October entitled *Open minds are needed to improve the protection of LGBTI asylum seekers in Europe*, the Commissioner specifically highlighted the plight of LGBTI asylum seekers who face a number of challenges when seeking protection in Council of Europe member states. At a time when the institution of asylum is under pressure across Europe, LGBTI asylum seekers are particularly at risk of the rolling back of protection. Lacunae in the application of international standards on asylum, stereotyping and other humiliating practices during the assessment of claims, and a failure to ensure safe reception conditions were some of the issues mentioned in the Comment. To overcome these challenges, the Commissioner set out several recommendations to Council of Europe member states, including ensuring that domestic laws explicitly recognise a well-founded fear of persecution on the basis of sexual orientation, gender identity and sex characteristics as valid grounds for recognition as a refugee; ensuring practical guidance and training for all those involved in the asylum procedure; and engaging in further research and exchanges of experience on how to ensure safe reception conditions for LGBTI asylum seekers.

2.7 Human rights of Roma and Travellers

In 2018, the Commissioner paid specific attention to the need to better understand and be aware of Roma history so as to overcome the legacy of human rights violations against Roma. On 16 April, she visited the newly established European Roma Institute for Arts and Culture in Berlin, which has among its core tasks awareness-raising on Roma history and culture. On 2 August, she took part, at Auschwitz-Birkenau's Memorial, in the 74th commemoration of the Roma Holocaust during the Second World War, where she stressed the duty to remember and the crucial importance of combating persisting prejudices and hatred against Roma.

In a statement on 25 June, the Commissioner expressed concerns about attacks against Roma settlements in Ukraine, and called on the authorities to invest more in prevention efforts and to prosecute and hold the perpetrators of such violent acts to account.

Persisting school segregation of Roma children was another focus, with recommendations addressed in this respect to the Albanian and Greek authorities, who were called on to enhance their efforts to ensure the full inclusion of all Roma children in mainstream education.

2.8 Combating racism and intolerance

In 2018, the Commissioner continued to devote attention to various issues pertaining to the fight against racism and intolerance. In a statement published on 9 November to honour the victims of the Kristallnacht, the Commissioner underlined the need to recommit to combating all the contemporary forms of hate which aim to dehumanise the Other.

Throughout the year, the Commissioner also focused on xenophobia and intolerance against migrants. On 1 June, the Commissioner issued a statement concerning proposed legislative measures in Hungary, providing for criminal law sanctions for those 'facilitating illegal immigration', stressing that such measures were also likely to incite xenophobia against migrants. The Commissioner also highlighted the need to combat racism and discrimination against migrants during her visit to Greece from 25 to 29 June and in the report following the visit, published on 6 November.

The Commissioner's work also covered inter-ethnic relations and increasingly intolerant attitudes and behaviour towards minorities. In an address delivered on 25 September at the Fundamental Rights Forum organised in Vienna by the EU Fundamental Rights Agency, she noted that Muslim communities, Roma and other minorities are more and more ostracised by stigmatising and divisive language and highlighted the need to stand up for the values of equality, respect, diversity and inclusiveness, which underpin the European system of human rights protection. Furthermore, in a keynote speech delivered at the Warsaw Dialogue for Democracy on 22 November, the Commissioner stressed the need to denounce and oppose the current trend of pitting parts of society against one another and scapegoating various social groups, minorities, or professions.

2.9 Transitional justice

On 11 July, the Commissioner delivered a speech in commemoration of the 23rd anniversary of the Srebrenica genocide, honouring the memory of the victims and their families and calling on political leaders in Bosnia and Herzegovina and Serbia to make the search for missing persons a top priority. The Commissioner stressed that governments, the judiciary, international organisations, NGOs, individuals all have to help the victims and their families to find justice, obtain respect and receive reparation for the harm they endured.

On 2 August, the Commissioner attended the commemoration of the Roma Holocaust during the Second World War at the Auschwitz-Birkenau Museum and Memorial. In her speech, the Commissioner paid her respects to the survivors, and stressed the crucial importance of combating persisting prejudices and hatred against Roma.

In her video address to the participants of the 3rd Global Forum Against the Crime of Genocide, held in Yerevan on 9-11 December, the Commissioner stressed the importance of early action on genocide prevention, obtaining justice for victims and their families, and confronting the past responsibly, in particular through education that fosters reconciliation rather than stigmatising the Other.

2.10 Counter-terrorism and human rights protection

On 4 December, the Commissioner published a Human Rights Comment entitled *Misuse of anti-terror legislation threatens freedom of expression*. While acknowledging that terrorism constitutes a serious threat to human rights and democracy which requires states' action to prevent and effectively sanction terrorist acts, the Commissioner stressed that the misuse of anti-terrorism legislation has become one of the most common threats to freedom of expression, including media freedom, in Europe. The Commissioner stressed that counter-terrorism legislation may become a dangerous tool when offences such as glorification of terrorism are not clearly or too widely defined and lead to unnecessary or disproportionate restrictions to the right to freedom of expression. In addition, legislation aimed at countering terrorism and extremist violence is frequently adopted following accelerated procedures and/or in the direct aftermath of terrorist attacks marked by shock and anxiety, leaving little space for thorough and peaceful discussions on the human rights impact and safeguards and increasing the risks of misuse either for political or for what could be called 'populist' reasons.

The Commissioner stressed that, before adopting any new counter-terrorism measures, member states should pay attention to existing human rights standards and notably ensure that these measures are compatible with Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights, which guarantee the right to freedom of expression. The Commissioner also called on member states to formulate the relevant legislation with sufficient precision to enable media actors and others to foresee the consequences which a given action may entail. Underlining that anti-terror legislation should only apply to content or activities which necessarily and directly imply the use or threat of violence with the intention to spread fear and provoke terror, the Commissioner stressed the need to address any other type of content or activities in the context of the duties and responsibilities that the exercise of freedom of expression carries with it. Finally, the Commissioner invited member states to free all persons imprisoned because of the legitimate criticism they have expressed and to clear the criminal records of those who have been convicted for such reports.

2.11 Treatment of Persons deprived of their liberty

The Commissioner continued to promote the use of alternative measures to the detention of migrants, as reflected in the letter to the Belgian Secretary of State for Migration and Asylum urging the authorities to abolish the detention of migrant minors and to develop human rights compliant alternatives to detention, and in the public statement to the attention of EU member states in response to developments in European asylum and migration policy.

On 6 November, the Commissioner held an exchange of views with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which focused on various topics, such as the detention of migrants, the use of coercive measures vis-à-vis persons with disabilities, and the situation of older persons accommodated in specialised institutions.

2.12 Human rights and business

On 5 October, the Commissioner and her office took part in an internal training on Human Rights and Business, organised with the help of a trainer from the Danish Institute on Human Rights. Building on the basis of an earlier Human Rights Comment *Business enterprises begin to recognise their human rights responsibilities*, published in April 2016 on the occasion of the adoption by the Committee of Ministers of the Recommendation CM/Rec(2016)3 on human rights and business, as well as on the country and thematic work done in this area, the training reviewed the human rights standards and major reference documents as well as the current state of affairs in the field of business and human rights at the global and regional level. It also provided an occasion for the Commissioner and her team to reflect on future awareness-raising activities and the possible ways of engagement in helping states, National Human Rights Institutions and civil society to ensure business compliance with human rights, including in the context of the 2030 Agenda for Sustainable Development and the UN Sustainable Development Goals (SDGs), or in connection with the use of artificial intelligence.

2.13 Artificial Intelligence

On 3 July, the Commissioner published a Human Rights Comment entitled *Safeguarding human rights in the era of artificial intelligence*. While the benefits of grounding decisions on mathematical calculations can be enormous in many sectors of life, the Commissioner warned that relying too heavily on artificial intelligence (AI), which inherently involves determining patterns beyond these calculations, can also turn against users, perpetrate injustices and restrict people's rights.

AI in fact touches on many aspects of the Commissioner's mandate, as its use can negatively affect a wide range of human rights, from privacy and equality to freedom of expression and assembly. When data-based decision making reflects societal prejudices, it reproduces – or even reinforces – the biases of that society. The Commissioner stressed that the problem is compounded by the fact that decisions are taken on the basis of these systems, while there is no transparency, accountability or safeguards in how they are designed, how they work and how they may change over time.

The Commissioner underlined that a number of standards already exist and should serve as a starting point in this area. Member states should notably make sure that the private sector, which bears the responsibility for AI design, programming and implementation, upholds human rights standards. In addition, people's "AI literacy" should be increased and member states should invest more in public awareness and education initiatives to develop the competencies of all citizens, and in particular of the younger generations, to engage positively with AI technologies and better understand their implications for our lives. Finally, national human rights structures should be equipped to deal with new types of discrimination stemming from the use of AI.

The Commissioner intends to focus on AI during her mandate, to bring the core issues to the forefront and help member states to tackle them while respecting human rights.

3 HUMAN RIGHTS DEFENDERS

The situation of human rights defenders remained a key focus in 2018. On 11 July, the Commissioner sent a letter to the Prosecutor General of the Russian Federation concerning the criminal prosecution of Oyub Titiev, the leading member of the Human Rights Centre Memorial in Chechnya who had been deprived of his liberty in January. The Commissioner requested that the Russian authorities ensure respect for his rights, including by urgently releasing him from custody. There were also interventions by the Commissioner on several cases of human rights defenders at risk, e.g. following threats received by an LGBTI activist in "the former Yugoslav Republic of Macedonia"¹; attacks against Roma activists in Ukraine; the abduction and ill-treatment of an Amnesty International researcher in Ingushetia, Russia; as well as the arrest and prosecution of several human rights defenders and activists in Turkey, Azerbaijan and the Russian Federation. The Commissioner also intervened before the European Court of Human Rights as a third party in two cases of human rights defenders (*Emin Huseynov v. Azerbaijan* and *Mehmet Osman Kavala v. Turkey*) involving, respectively, deprivation of nationality and arrest and detention.

During the year, the Commissioner continued to pursue efforts to promote an enabling environment for the activities of civil society organisations and, particularly, NGOs assisting migrants and asylum-seekers in Europe (see above section on human rights of immigrants, refugees and asylum seekers). In this context, the Commissioner made public statements, notably expressing concern over legislative amendments criminalising the work of NGOs in Hungary (June); highlighting the crucial role played by NGOs in rescuing and assisting asylum-seekers in the Mediterranean (July); and urging Council of Europe member states to better support them (December).

On 13 and 14 December, the Office of the Commissioner organised a round-table in Helsinki with human rights defenders from different parts of the Council of Europe area, focusing on the current challenges faced by them and on possible solutions. The discussion also examined the risks stemming from the use of new technology and artificial intelligence and sought to identify the opportunities in the evolving digital environment to improve the protection of human rights defenders in different contexts. The exchanges of views during the round-table allowed the Commissioner to gain a more accurate understanding of the current situation, and will be applied to target future efforts in supporting human rights defenders.

In the course of the year, the Commissioner and her Office regularly engaged in a mutually supportive manner with other actors working towards the protection of human rights defenders and safeguarding the environment for their important work.

4 CO-OPERATION WITH NATIONAL HUMAN RIGHTS STRUCTURES

National Human Rights Structures (NHRs) and National Human Rights Institutions (NHRIs) – in the form of ombudsman institutions, human rights commissions 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 meets with representatives of NHRs and NHRIs during country visits and in Strasbourg to discuss

¹ As of 12 February 2019, the official name of the country changed to North Macedonia

human rights concerns. The Commissioner regularly uses information provided by NHRs and NHRIs when preparing country visits and refers to it in subsequent reports. In the course of the year, there was a high level of engagement with NHRs, both at the bilateral level and through their regional networks.

The situation of NHRs was one of the topics examined during the visit to Estonia. The Commissioner welcomed the designation by law of the Chancellor of Justice as the country's national human rights institution, and encouraged the Chancellor to seek accreditation with the Global Alliance of NHRIs (GANHRI) as soon as possible. She invited the Estonian authorities to strengthen the independence and resources of the Gender Equality and Equal Treatment Commissioner.

The Commissioner maintained close contacts with NHRIs when reacting to urgent situations with implications for human rights. For example, the Commissioner had exchanges with the Armenian Human Rights Defender in the course of mass protests that led to a change of government in the country in May, and she had contacts with the Ukrainian and Russian Ombudswomen on the issue of prisoners and detainees.

The Commissioner's strong willingness to co-operate with NHRs is also illustrated in messages of support, for example the video message sent to the annual meeting of Equinet (the European Network of Equality Bodies), and the participation of a member of the Office in the conference held on the occasion of the 40th anniversary of the International Ombudsman Institute and in the European Network of NHRIs (ENNHRI)'s General Assembly conference.

The Commissioner spotlighted the important role played by NHRIs in a Human Rights Comment published in December on the occasion of the 25th anniversary of the "Principles Relating to the Status of National Institutions", better known as the Paris Principles. The Commissioner underscored that Paris Principles-compliant NHRIs have become recognised actors within the global human rights framework, and noted that several NHRIs have risen to the challenge in the current difficult environment by forcefully defending human rights. She also expressed concern that several NHRIs have suffered blows to their effectiveness and independence over the past few years, including through budget cuts, non-implementation of their recommendations, weakening of their leadership, and verbal attacks by politicians. Emphasising the crucial role of NHRIs in protecting ordinary citizens and human rights defenders, the Commissioner urged states that do not yet have an NHRI to create one, and all others to strengthen their NHRIs by ensuring they are fully independent and sufficiently resourced.

5 CO-OPERATION WITH EUROPEAN AND INTERNATIONAL ORGANISATIONS

5.1 European Union

In September, the Commissioner addressed a video message to the FRA Fundamental Rights Forum held in Vienna, highlighting several significant challenges to human rights protection in Europe, notably artificial intelligence and its impact on human rights; migration and increasingly intolerant attitudes and behaviour towards minorities; and stigmatising rhetoric and restrictive legislation aimed against NGOs and individuals working to promote human rights. The Commissioner also underlined the need to work jointly towards upholding the values of equality, respect, diversity and inclusiveness in policy discussions. The Commissioner's Office took part in the different discussions held in the framework of the Forum.

In December, the Commissioner met with the Director of the European Union Agency for Fundamental Rights (FRA), Michael O'Flaherty, to exchange views on their respective priorities and on-going activities, including in the field of asylum and immigration, civil society, artificial intelligence and national human rights institutions. They also discussed co-operation between the two institutions and ways to enhance it further.

5.1 Organisation for Security and Cooperation in Europe

In December, the Commissioner addressed the 1210th Plenary Meeting of the OSCE Permanent Council. In her introductory intervention, she described her role and activities and highlighted priorities for her mandate, namely:

migration and asylum; rights of persons with disabilities, women, children, older persons, Roma and LGBTI; safety of journalists; protection of human rights defenders; and artificial intelligence and its impact on human rights. A variety of issues were discussed afterwards, including: the need to promote gender equality; ensuring the safety of journalists; the situation of internally displaced persons in Europe; the rise of intolerance and antisemitism; the shrinking space for civil society in Europe; and efforts to promote further co-operation between the OSCE and the Council of Europe.

5.3 United Nations

Co-operation with the UN institutions focused on migration and refugees, freedom of expression, the protection of human rights defenders, human rights of internally displaced persons, the 2030 Agenda for Sustainable Development and communicating on human rights.

In April, the Commissioner held meetings in Strasbourg with the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Cecilia Jimenez-Damary, as well as with the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst. The discussions with Special Rapporteur Jimenez-Damary focused on current and future priorities, most notably on addressing protracted displacement and upholding of the human rights of IDPs in Europe and beyond. The Commissioner and Special Rapporteur Forst had an exchange of views on their respective work concerning human rights defenders in member states, and strategies and plans for their respective work, in particular in the context of the 20th Anniversary of the United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (the UN Declaration on Human Rights Defenders).

On 13 and 14 June, a member of the Commissioner's Office participated in the coordination meeting hosted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva. The meeting focused on the issues of freedom of expression, including via the Internet, and the role of human rights defenders.

6 EUROPEAN COURT OF HUMAN RIGHTS

High-level conference "Continued Reform of the European Human Rights Convention System – Better Balance, Improved Protection"

On 12 April, the Commissioner attended the High-Level conference on "Continued Reform of the European Human Rights Convention System – Better Balance, Improved Protection" organised in Copenhagen by the Danish Chairmanship of the Council of Europe's Committee of Ministers.

In her speech, the Commissioner called on member states to ensure that the Court remains independent and effective. Highlighting the vital role the Court plays in guaranteeing freedom, justice and human dignity, the Commissioner underscored that attempts to reform the system should not undermine the ability of the Court to interpret the European Convention on Human Rights in a dynamic way. Drawing member states' attention to their obligation to protect all rights equally and to strictly respect the Court's independence, the Commissioner also underlined that member states should avoid misinterpreting the principle of subsidiarity to restrict the Court's role.

While acknowledging her particular role and responsibility in relation to the European system of protection of human rights, the Commissioner stressed that she intends to contribute to this endeavour by continuing to increase the awareness of national authorities and civil society about the Convention system and help member states to remedy structural problems that may hinder the protection of human rights. In addition, she intends to provide the Court with objective and impartial information through third party interventions and to develop her contribution to the execution of judgments possibly by making use of the new Rule 9 of the Rules of the Committee of Ministers, given that the non-execution of judgments remains a major problem in many member states.

Seminar on the occasion of the 20th Anniversary of the New Court

On 26 November, the Commissioner participated in a seminar held on the occasion of the 20th anniversary of the single, full-time European Court of Human Rights. In her speech, she stressed that despite remarkable achievements, the Court is facing a number of problems. The trend of selective or non-implementation of Court judgments is one of them. In relation to the Court's workload, the Commissioner underscored that the issue of workload is not only about statistics, or about the need to save an institution flooded with complaints: it is about human beings turning to the Court because they feel unable to find justice at home. According to the Commissioner, the problem is not that people complain, but that they have reasons to do so. The Commissioner indicated that she intends to devote a significant part of her work to issues related to the Convention system.

Grand Chamber hearing in the case of N.D. and N.T. v Spain

On 26 September, the Commissioner took part in a hearing before the Grand Chamber of the European Court of Human Rights in the case of *N.D. and N.T. v. Spain* in relation to two complaints concerning alleged summary returns of migrants from the Spanish city of Melilla to Morocco.

The Commissioner's intervention followed on from the written observations submitted in November 2015 and March 2018. It was her first appearance before the Court since the beginning of her mandate.

In her intervention, the Commissioner underlined the special importance that this case has for the protection of the human rights of migrants, asylum seekers and refugees. In particular, she emphasised the protection against collective expulsions and safeguards against violations of the principle of non-refoulement. She insisted that these were crucial components of a migration control system that is human rights compliant.

In her concluding words at the hearing, the Commissioner underscored that the practice of summary returns of migrants deprives them of the possibility of being identified, of having their individual situation duly assessed and of having access to an effective remedy. She stressed that the challenges states meet in managing migratory flows cannot justify practices incompatible with their obligations under the European Convention on Human Rights.

Third party interventions before the European Court of Human Rights

In addition to the submission in the case of *N.D. and N.T. v. Spain* (above), the Commissioner made two interventions as a third party, pursuant to Article 36, paragraph 3 of the ECHR, in 2018.

On 17 July, the Commissioner published the written observations she had submitted to the European Court of Human Rights in the case of *María del Mar Caamaño Valle v. Spain*, concerning a person with intellectual disabilities whose right to vote had been withdrawn by a court in Spain.

Her observations were based on the Commissioner's previous work on the right to vote of persons with disabilities and an overview of Council of Europe and international standards regarding this issue, in particular the UN Convention on the Rights of Persons with Disabilities. The Commissioner stressed that depriving persons of the right to vote on the basis of disability, including following an assessment made by a judge of the person's cognitive capacity or mental health status, is contrary to these standards. It is not compatible with any legitimate aim in a modern democracy and amounts to discrimination. Moreover, it perpetuates exclusion and stigma against persons with disabilities and deprives society of a legislature which represents its full diversity.

The Commissioner also pointed to a number of positive obligations states need to fulfil to make the right to vote effective for persons with intellectual and psychosocial disabilities. In addition to general accessibility measures and reasonable accommodation, this should include assistance and support to the person to understand the stakes in an election, to make a choice and to vote.

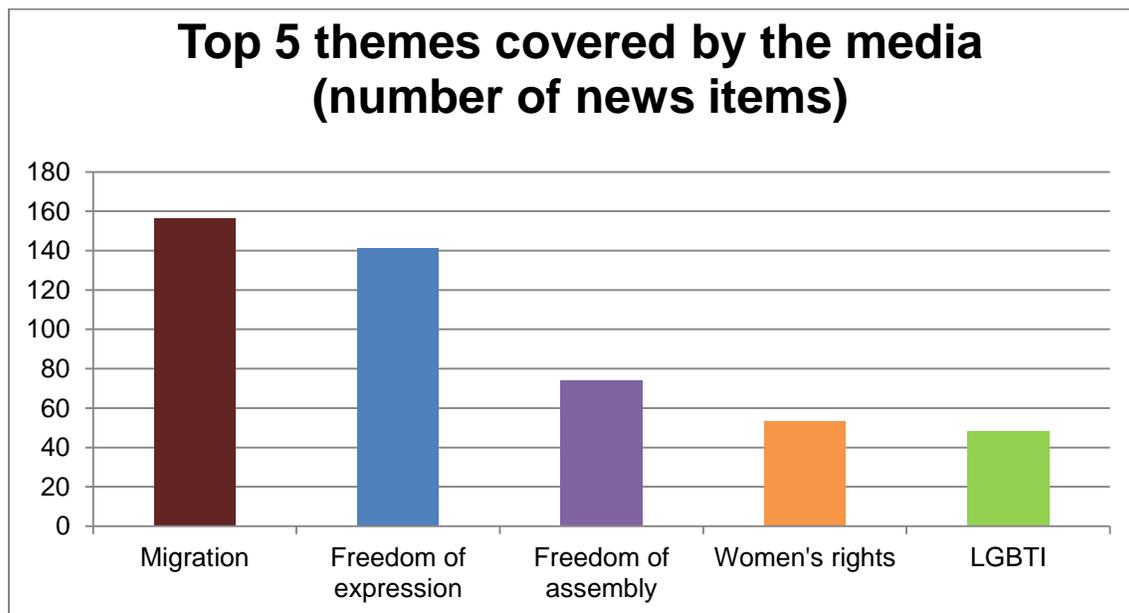
On 4 October, the Commissioner published her written observations in the case of *Emin Huseynov v. Azerbaijan*. This case relates to the deprivation of nationality of the applicant, who subsequently became stateless.

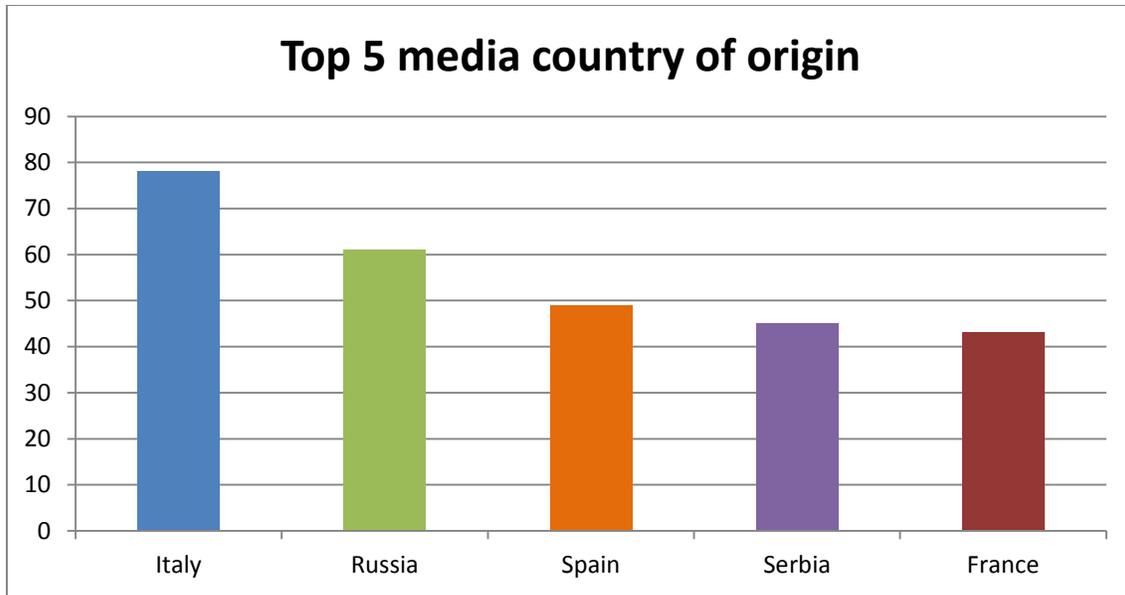
In her submission, the Commissioner highlighted the clear pattern of repression in Azerbaijan against those expressing dissent or criticism of the authorities and underscored that deprivation of nationality can also be used as a tool of punishment to silence dissenting and critical voices. The consequences for the enjoyment by these persons of their human rights are even more serious when deprivation of nationality leads to statelessness. In the Commissioner's view, given the very serious impact that statelessness may have on an individual's enjoyment of a wide range of human rights, there should be no deprivation of nationality that leads to statelessness.

7 COMMUNICATION AND INFORMATION WORK

During 2018 the Commissioner's work continued to be widely covered by media outlets with national and international reach. It was also the source of a large number of social media interactions, in particular on Facebook and Twitter. More than 1,000 news pieces were published by media outlets.

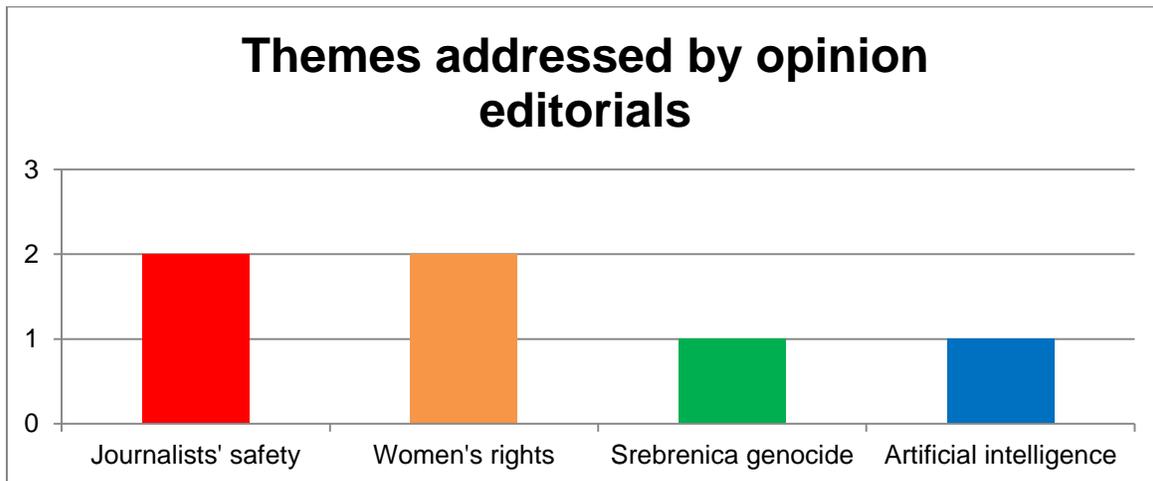
The main themes covered by the media concerned the Commissioner's work on migration, freedom of expression and assembly, as well as women's rights and the human rights of LGBTI people.





Four opinion editorials were published in twenty-two leading national and international newspapers:

- Learning the right lessons (*Times of Malta*, 16 October);
- We must not forget Srebrenica, (*OpenDemocracy*, *BBC Serbia*, *Osservatorio Balcani Caucaso*, *BalkanInsight*, *Danas*, *Oslobodjenje*, and *Dnevnik*, 9 - 11 July);
- In the era of artificial intelligence: safeguarding human rights (*OpenDemocracy*, 3 July);
- Europe’s duty to protect journalists (*El País*, *L'Espresso*, *Danas*, *Oslobodenje*, *Vijesti Macedonian Information Agency*, *Ukrainska Pravda*, *Cumhuriyet Gazetesi*, *Kommersant*, *Gazeta Wyborcza*, *Süddeutsche Zeitung*, *Le Temps*, *Politiken*, *Vesti*, *Le Soir*, and *The Times of Malta*, 26 April – 3 May);

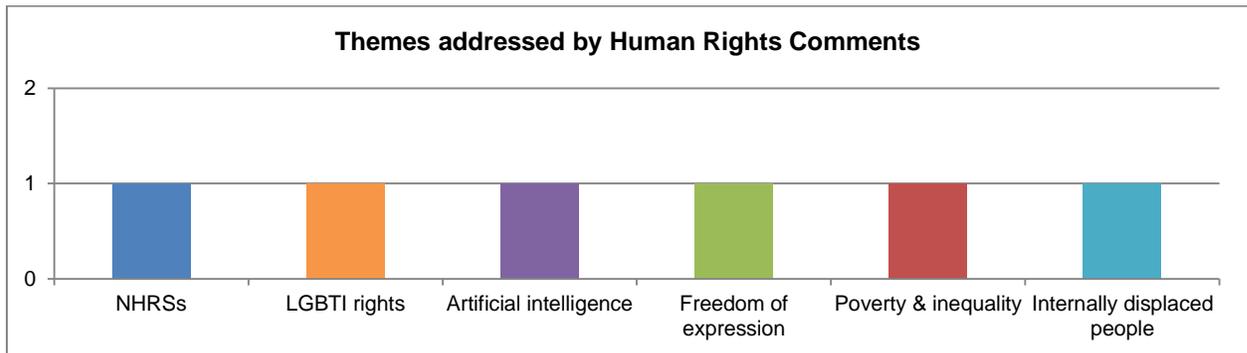


Human Rights Comments

Seven Human Rights Comments were published:

- Paris Principles at 25: Strong National Human Rights Institutions Needed More Than Ever, 18 December
- Misuse of anti-terror legislation threatens freedom of expression, 4 December
- Open minds are needed to improve the protection of LGBTI asylum seekers in Europe, 11 October
- Keeping the promise: ending poverty and inequality, 24 July

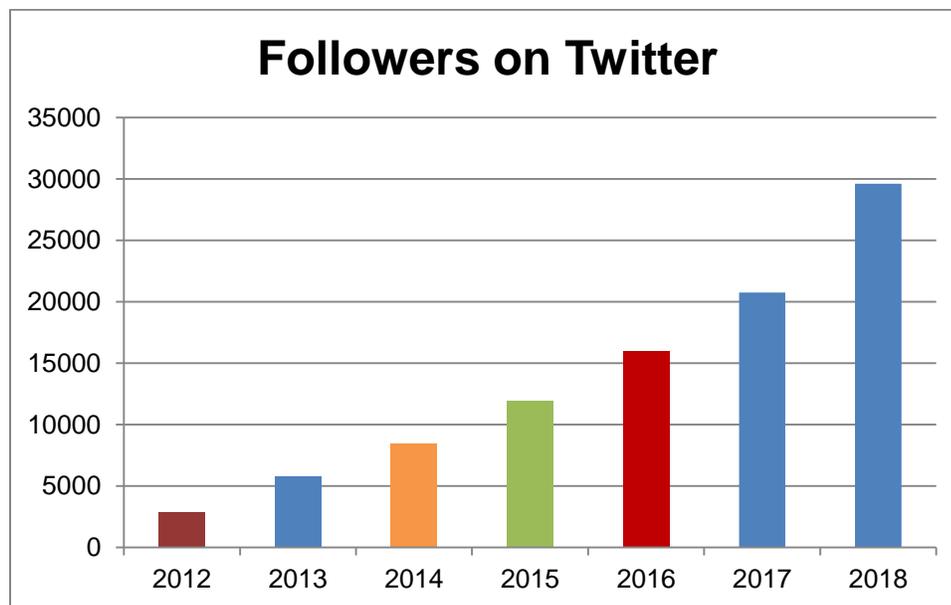
- Safeguarding human rights in the era of artificial intelligence, 3 July
- Europe's duty to internally displaced persons, 29 May



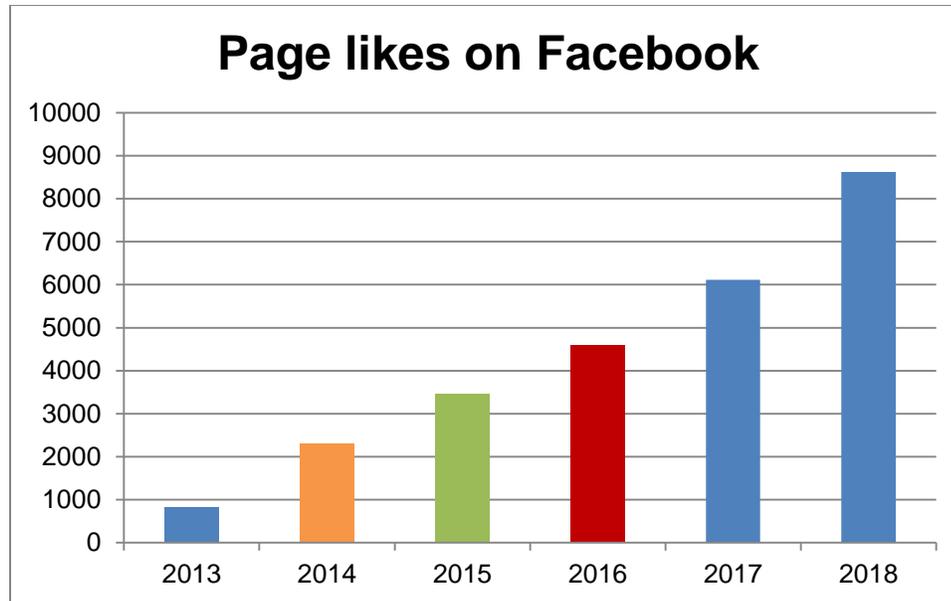
Web site and social media

There were over 130,000 unique visitors to the Commissioner's website. The most viewed news were those concerning the letter urging Spain to ensure that the Law on Citizens' Safety upholds the rights to freedom of expression and freedom of peaceful assembly, the Human Rights Comment on safeguarding human rights in the era of artificial intelligence, and the press release announcing the beginning of the mandate of the new Commissioner. The most visited thematic pages were those concerning LGBTI people, migration and women's rights, while the top three country pages concerned Turkey, Poland and Hungary.

218 tweets were published, reaching more than 5 million users and generating over 8,800 new followers, which is almost double the increase in followers registered in 2017.



On Facebook the Commissioner published 102 posts, reaching more than 500,000 users. The page received almost 2500 new likes, an increase of 28% over the previous year.



8 STAFF AND BUDGET

In 2018, the total number of permanent posts in the Commissioner's office amounts to 24 posts (16 A-grade posts and 8 B-grade posts) and 3 fixed-term positions. The Office employed one temporary staff member financed by the ordinary budget. The ordinary overall budget appropriations were of €3,507,500, which represents 1.3% of the total ordinary budget.

In 2018, the Commissioner's office received one voluntary contribution of €80,000 from Finland to support its work with Human Rights Defenders.

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 1

Summary of activities 1 January – 30 March 2018

This appendix contains a summary of the activities carried out by the Commissioner for Human Rights, Nils Muižnieks, between 1 January and 31 March 2018, date of the end of his six year mandate.

Visits and missions

Mission to “the former Yugoslav Republic of Macedonia”²

The Commissioner conducted a follow-up mission to “the former Yugoslav Republic of Macedonia” between 29 January and 2 February. The main theme of the mission was the promotion of social cohesion, interaction and understanding in a multi-ethnic society, including through inclusive education to overcome the current situation of segregation between ethnic communities. The Commissioner also followed up on topics from a previous visit to “the former Yugoslav Republic of Macedonia” in November 2012, including certain aspects of the implementation of the Ohrid Framework Agreement, transitional justice and the human rights of Roma.

In a press release published at the end of the mission, the Commissioner noted with concern that Macedonian society remains deeply divided along ethnic and linguistic lines. The Commissioner learned that separation between ethnic communities may even have worsened since his last visit, because of geographical concentration and through separation in education. While the implementation of the Ohrid Framework Agreement, which ended the inter-ethnic conflict in 2001, led to changes for example in the fields of equitable representation of communities in public institutions, decentralisation and the use of languages, social cohesion has not been achieved. The Commissioner called on the government to develop a long-term vision and strategy to overcome divisions along ethnic lines.

The Commissioner was particularly concerned about increased separation between ethnic Macedonian and ethnic Albanian children, who have little opportunity to meet because the education system is divided according to the language of instruction. The Commissioner urged the authorities to continue current projects that foster joint activities between children of different ethnic backgrounds but noted that such ad hoc projects cannot replace a more systematic and long term policy to ensure that the education system promotes interaction and understanding between ethnic communities. The Commissioner also encouraged the authorities to ensure that all children have an opportunity at a young age to learn the Macedonian language and Albanian and other non-majority languages in areas where such communities live in significant numbers.

The Commissioner welcomed the work carried out by the authorities to re-evaluate Roma children who may have been wrongly directed to special schools and to reintegrate them in regular schools. He observed, however, that certain schools in different parts of “the former Yugoslav Republic of Macedonia” had a student body composed almost entirely of Roma, as a result of geographical segregation and “flight” by non-Roma linked in part to societal prejudices. Young persons graduating from those schools face discrimination when trying to continue their education. Having regard to concerns about the very limited inclusion of children with disabilities in regular schools, the Commissioner also emphasised that such children should be included in regular classes (not special classes) and that the education system should adapt to their needs. Overall, the Commissioner recalled that children are the future of any society and must be given the skills to build mutual understanding, respect and tolerance.

In relation to the human rights of Roma, the Commissioner welcomed efforts to eliminate ethnic profiling at the borders of those seeking to leave the country, an issue that was of particular concern during his 2012 visit. He encouraged the authorities to devise policies to support people returned from abroad, who may have difficulties in reintegrating into Macedonian society and the education system, and thus risk sinking into poverty or marginalisation. He also recommended decisive action to solve the situation of the approximately 500 people in “the former Yugoslav Republic of Macedonia” who are de facto stateless because of a lack of identity documents.

² As of 12 February, 2019 the official name of the country changed to North Macedonia

With regard to various other human rights issues, the Commissioner welcomed plans to expand the list of prohibited grounds in the anti-discrimination legislation to include sexual orientation and gender identity, and to strengthen the functioning of the Commission for the Protection against Discrimination. He encouraged the parliament to adopt the necessary legislative amendments to create an Independent Police Oversight Mechanism. He also urged the authorities to combat human rights violations against migrants and asylum seekers, in particular trafficking, and to end pushbacks. He praised current efforts to take forward and complete the process of deinstitutionalisation, which began several years ago.

Noting an opportunity to achieve real change in the country, the Commissioner called on political leaders of all sides to work together in a constructive spirit so that all members of Macedonian society can enjoy their human rights.

Mission to Serbia

The Commissioner carried out a follow-up mission to Serbia from 19 to 22 February, focusing on certain issues relating to transitional justice, freedom of the media and inclusive education.

Following the mission, the Commissioner published a press release in which he noted the need for all the countries in the region, including Serbia, to step up their work in addressing the remaining obstacles to establishing the fate of missing persons, including through the opening of military and police archives that may hold important information about missing persons. The Commissioner urged the Serbian authorities to ensure that all perpetrators of serious human rights violations committed during the 1990s' wars were brought to justice without further delays. He also called on the authorities to put this issue higher on their agenda and draw from positive legislative examples in the region, in particular as concerns reparations for victims of war related crimes of sexual violence.

The Commissioner was seriously concerned that certain persons convicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY) have been given a public platform in Serbia to promote their views and deny the crimes for which they were convicted, while leading politicians have not distanced themselves from such persons, and have even included them in some political processes. He stressed that this approach to dealing with the past was harmful for reconciliation in the region and is an insult to the victims of those crimes. The Commissioner underlined that raising young generations in Serbia in the spirit of peace, tolerance and respect for the other would be difficult as long as persons convicted for wartime crimes are treated as heroes in society.

Concerning statelessness, the Commissioner was pleased to note the additional progress made by Serbia in ensuring systematic birth registration of Roma and providing them with personal identity documents and encouraged the authorities to make additional efforts to resolve about 2000 remaining cases of Roma lacking personal identity documents.

As concerns freedom of the media, the Commissioner expressed his appreciation for the great work of investigative journalists in Serbia, some of whom have been presented with prestigious international awards. He emphasised the important role played by the Commissioner for Information of Public Importance in this field stressing that he should be fully supported by the authorities and his decisions be fully complied with.

However, the Commissioner noted several serious issues of concern and called on the authorities to take steps to address those. First, he noted that despite some efforts by the authorities to ensure a better institutional response to crimes committed against journalists, few such cases have been effectively prosecuted. Smear campaigns, inflammatory remarks and other forms of pressure against journalists have increased and have led to self-censorship and discouraged journalists from performing their important work. The Commissioner urged the authorities to investigate and prosecute all crimes against journalists and politicians to unequivocally condemn all cases of violence targeting journalists. Secondly, the Commissioner was concerned that the implementation of project-based funding of media, introduced in 2014, lacked transparency and resulted in politically motivated decisions and funding being awarded to tabloids and media known to be violating media ethics.

Emphasising the importance of inclusive education for social cohesion and the educational opportunities of all children, the Commissioner was pleased to note the authorities' clear commitment to inclusive education and their wide acceptance of the principle of inclusion of all children in mainstream education, including children with disabilities and Roma. Another positive development noted by the Commissioner was that Roma children were no longer systematically sent to special schools. Moreover, the authorities have recognised the importance of mandatory pre-school classes and the work of pedagogical assistants for better inclusion of children in mainstream education and that further improvements in this context have been planned.

Notwithstanding these positive developments, the Commissioner called on the authorities to enhance their efforts to ensure full inclusion in mainstream education of all Roma children and children with disabilities. Noting the importance of the provision of children with disabilities with personal assistants for their better inclusion in mainstream education and the lack of funding in some local communities for the engagement of such assistants, the Commissioner called on the authorities to find a systemic solution in this regard to further inclusion. Last but not least, the Commissioner urged the authorities to make enhanced efforts to include children with disabilities residing in six institutions for social care in mainstream education.

Mission to the Slovak Republic

From 12 to 16 March, the Commissioner carried out a follow-up mission to the Slovak Republic, focusing on inclusive education of children with disabilities and Roma children.

The Commissioner noted that little meaningful progress had been achieved in the field of inclusive education and urged the Slovak authorities to start addressing the continuing segregation of Roma children and children with disabilities by taking bold and sustainable measures. The Commissioner noted the lack of a clear roadmap to desegregation at the national, regional and local levels, as well as the need for guidance from the state to schools on how to achieve successful desegregation. The problem of non-enforcement of legal obligations was also highlighted. The Commissioner recommended that a clear obligation and an enforceable right to inclusion be introduced in law, combined with a strong and internally coherent system of support to schools and pupils. The Commissioner welcomed the proposal to introduce a compulsory year of pre-primary education. The Commissioner also recommended tackling the issue of school segregation in its wider social context, including addressing anti-Gypsyism and spatial segregation of Roma, and deinstitutionalisation of persons with disabilities.

The mission came shortly after the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová. In this context, the Commissioner met with representatives of the media to discuss the safety of journalists. The Commissioner noted the shock, fear and distinct mistrust in state institutions tasked with ensuring the free and safe exercise of journalism, and called for a prompt and effective investigation into the murders, especially with a view to identifying and punishing those who ordered them. The Commissioner also called for an urgent public discussion about media freedom and the safety of journalists, focusing in particular on political discourse, with a need to stop smear campaigns and derogatory remarks about the press. The Commissioner also called for ensuring good co-operation between the police and journalists to enable effective responses in case of threats.

Reports and continuous dialogue

Letter to Joseph Muscat, Prime Minister of Malta

On 16 January, the Commissioner published a letter addressed to the Prime Minister of Malta, in which he urged the government to ensure that the Bill on gender-based and domestic violence and its implementation measures would effectively address gender inequality and violence against women. He called on the authorities to take measures to lift obstacles to the implementation of the existing legislative framework and urged the government to address the shortage of places in women's shelters and to allocate more financial resources to social care provided to victims of domestic violence. The Commissioner also called on the authorities to decriminalise abortion and facilitate access to safe and legal abortion care on a woman's request.

Letter to Tsveta Karayancheva, President of the National Assembly of Bulgaria

On 22 January, the Commissioner published a letter addressed to the President of the Parliament of Bulgaria, concerning the ratification of the Istanbul Convention. The Commissioner stressed the importance of eliminating misconceptions about the Convention in public discourse in Bulgaria and highlighted that the Convention is about preventing violence against women and domestic violence, protecting victims, and prosecuting perpetrators. The Commissioner urged the Bulgarian Parliament to ratify the Convention as soon as possible and to promote a more objective debate so as to foster public awareness of the Convention and its future implementation.

Letter to Michael Farrugia, Minister for Home Affairs and National Security of Malta

On 1 February, the Commissioner published a letter addressed to the Minister for Home Affairs and National Security of Malta, in which he stressed the need to lift barriers to migrant integration, including by facilitating the access of long term residents to citizenship. Noting that under Maltese law, beneficiaries of subsidiary protection are not entitled to family reunification, the Commissioner urged the authorities to ensure that flexible, prompt and effective procedures are put in place to secure the right of all beneficiaries of international protection to respect for family life. He also urged Malta to take appropriate measures to facilitate the access of migrants and beneficiaries of international protection to the labour market, affordable housing and social security benefits. Lastly, the Commissioner invited the authorities to address shortcomings in the work of the Refugee Appeals Board and to provide a full judicial review of its decisions.

Letter to Mateusz Morawiecki, Prime Minister of the Republic of Poland

On 6 February, the Commissioner published a letter addressed to the Prime Minister of the Republic of Poland, following his mission to Poland in December 2017. In his letter, the Commissioner stressed that certain laws adopted in recent years compromised judicial independence, the separation of powers and the rule of law in Poland. He also set out his concerns about increased barriers hindering women's access to emergency contraception and abortion care, and urged the authorities to ensure comprehensive sexuality education, repeal any retrogressive laws and reject new measures that would diminish women's sexual and reproductive health and rights. The Commissioner cautioned against the dangerous chilling effect that police searches reported in 2017 may have had on the work of NGOs active in the area of women's rights and assistance to victims of domestic violence, and recommended that the authorities ensure an enabling environment for NGOs. The Commissioner also urged the authorities to preserve the independence of the Ombudsman's office and the office-holder.

Report on Sweden

On 16 February, the Commissioner published a report following his visit to Sweden from 2 to 6 October 2017, focusing on the human rights of immigrants, refugees and asylum seekers and the human rights of persons with disabilities.

While welcoming Sweden's renewed commitment to participate in the relocation of asylum seekers and to increase resettlement, the Commissioner called on Sweden to move beyond emergency mode and return to the levels of protection in place before the surge of arrivals in 2015. He notably recommended the lifting of the restrictions on the right to family reunification and the granting to refugees and beneficiaries of subsidiary protection of the same rights in this regard. Concerned by the humanitarian consequences of the amendment to the Law on the Reception of Asylum Seekers, the Commissioner also recalled that the authorities should ensure that the basic needs of those rejected asylum seekers who cannot be returned and are at risk of destitution are met. In addition, he recommended that the authorities strengthen the support they provide to unaccompanied migrant children and ensure that the best interest of the child is a primary consideration in all decisions relating to asylum and migration. This includes considering the cases of unaccompanied minors as a priority so as to avoid long waiting periods, which contribute to psychological distress, and granting minors the benefit of the doubt if uncertainty remains as to their age. In this respect, the authorities should not rely only on a medical assessment of age, but establish multidisciplinary procedures. Concerning the particular vulnerability of unaccompanied minors whose asylum claim has been rejected and who face forced return to Afghanistan, the Commissioner stressed that any decision on return should be based

strictly on individual circumstances and that states should not return a child to a country where there are substantial grounds for believing that they are at risk of irreparable harm. Furthermore, he recommended the establishment of a statelessness determination procedure and that persons identified as stateless be granted a permanent residence permit on this ground.

As regards the human rights of persons with disabilities, the Commissioner called for the full incorporation of the UN Convention on the Rights of Persons with Disabilities (CRPD) into Swedish law. Welcoming the extension of the protection afforded by the Discrimination Act to include the denial of reasonable accommodation to persons with disabilities, he encouraged the authorities to further expand the scope of protection to all spheres of life. The Commissioner was particularly concerned at reports of a trend towards re-institutionalisation as a result of a decrease in state-funded personal assistance. He called on the authorities to closely monitor the impact of these cost-reduction measures, notably in terms of access to education and employment, resort to congregated settings and remedicalisation of the approach to disability. In the context of labour market measures for persons with disabilities, he recommended phasing out the term “reduced capacity to work” and instead focusing on the ability of the person to work, with adequate support. The Commissioner also called on the authorities to sustain progress in replacing all forms of substituted decision-making with supported decision-making, in line with the CRPD.

Lastly, the Commissioner urged the authorities to review the legislation on involuntary placement so that it applies objective and non-discriminatory criteria, which are not specifically aimed at people with psychosocial disabilities. He also stressed that the authorities should clearly signal that their goal is to reduce and progressively eliminate recourse to coercion in psychiatry and to put sufficient safeguards in place.

Letter to members of the French National Assembly

On 12 March, the Commissioner published a letter addressed to members of the French National Assembly, expressing concern at the risk of violations of the rights of migrants, including asylum seekers, posed by certain provisions of the then debated draft law for managed immigration and an effective right to asylum.

While welcoming a number of measures securing the right of residence of refugees and beneficiaries of subsidiary protection, the Commissioner expressed concern about the proposal to reduce the deadline for submitting asylum applications to 90 days, the proposal to reduce the deadline for appeals to the National Asylum Court (CNDA) to 15 days, and about the abolition of the automatically suspensory nature of appeals lodged with the CNDA by certain categories of asylum seekers. The Commissioner stressed that these reforms cast doubts on the effectiveness of these procedures.

The Commissioner also expressed deep concern at the proposal to increase the maximum duration of administrative detention, which constitutes a far-reaching interference with migrants’ right to liberty, and urged the members of the National Assembly to put an end to the detention of minors and to find alternatives to the detention of adults.

Themes

Human rights of immigrants, refugees and asylum seekers

The Commissioner made country-specific interventions on the rights of refugees, asylum seekers and migrants, including the publication of a report on Sweden and letters to Malta (see above). The Commissioner drew attention to the importance of integration policies. The letter to Malta was dedicated to recommendations on how to better support the integration of migrants, including those who are beneficiaries of international protection. In the country report on Sweden, the right to family reunification was addressed as an important precondition for successful integration.

Media freedom and safety of journalists

On 15 February, the Commissioner held an exchange of views on Internet related activities during a meeting convened by the Thematic Co-ordinator on Information Policy (TC-INF) of the Committee of Ministers of the Council

of Europe. After an overview of the work on the Internet and digital rights undertaken during his mandate, he highlighted some of the current challenges in this area. He stressed that the Internet has destroyed the core revenue source for traditional media, but has not replaced weakened quality media. With the proliferation of new actors, fewer funds were available for traditional media; the decrease in revenue also has implications for the independence of media. In addition, social media have created an “echo chamber effect” wherein people are only exposed to views similar to their own, thereby contributing to exacerbating social, political and cultural divisions in societies. The Commissioner also underlined that technological advances, weak democratic oversight of national security services, and pressure to prevent terrorist attacks have led to bad surveillance laws which threaten privacy. Furthermore, the emergence of Internet trolls, “propaganda” or “weaponisation of information” and “fake news” in social media has not yet been satisfactorily addressed through the human rights framework. Lastly, he expressed concern at the risks of outsourcing censorship to private companies in the context of current European efforts to combat hate speech and fake news online.

Women’s rights and gender equality

Women’s rights were highlighted in several letters addressed to national authorities. On 16 January, the Commissioner published a letter sent to the Prime Minister of Malta which referred to domestic violence and women’s sexual and reproductive health and rights. On 26 February, he also published an opinion editorial on the latter topic in the Times of Malta. The Commissioner urged Bulgaria to ratify the Istanbul Convention in his letter to the President of the National Assembly of Bulgaria, published on 22 January. On 6 February, he published a letter to the Prime Minister of Poland in which he highlighted women’s sexual and reproductive health and rights, the situation of NGOs working on women’s rights, and support services for women victims of violence.

On 1 March, the Commissioner addressed the European Parliament plenary on women’s rights and gender equality. He encouraged the ratification of the Istanbul Convention by the European Union and its member states. The Commissioner also stressed the need to eliminate all barriers impeding women’s access to comprehensive sexuality education, modern contraception and safe and legal abortion care. He called on all states and members of society, men and women alike, to join efforts to make Europe a place where all women live the life they want, free from gender-based violence and sexism. In his message to mark International Women’s Day on 8 March, the Commissioner urged an honest and well-informed public debate about the Istanbul Convention.

Children’s rights

The importance of ensuring equal access to quality inclusive education for all children, including children from different ethnic and linguistic communities, those with disabilities, Roma children and migrant children, was raised during missions to “the former Yugoslav Republic of Macedonia”, Serbia and Slovakia.

The importance of providing adequate protection to unaccompanied migrant children was highlighted in the report on Sweden. The challenges connected with child poverty, in particular the frequent institutionalisation, in some countries, of children from poor families, were addressed during the Serbia mission, recommending providing families in need with increased socio-economic support.

Combating racism and intolerance

On 25 January, on the occasion of the International Day of Commemoration in memory of the victims of the Holocaust, the Commissioner published a statement urging European states to honour the victims of that tragedy and to renew their commitment to peace and freedom for all. Noting the recurring antisemitic hate speech, racism and xenophobia in contemporary societies, the Commissioner recalled the importance of a press which fulfils its fundamental obligation to impart information and ideas in an ethical and pluralistic way and highlighted the need for education programmes enabling children to acquire the skills necessary to recognise and counter the pernicious ideas spread by racist and intolerant discourse.

Statelessness

Concerns regarding statelessness were discussed with the authorities of Serbia and “the former Yugoslav Republic of Macedonia”, who were urged to pursue their efforts to solve the remaining cases of statelessness, or risk thereof. In Sweden, the Commissioner also recommended the setting up of dedicated statelessness determination procedures.

Other meetings

EU Working Party on OSCE and the Council of Europe (Brussels)

On 2 March, the Commissioner held an exchange of views with the EU Working Party on OSCE and the Council of Europe (COSCE) in Brussels. The Commissioner presented his recent activities as well as the main challenges in the field of the protection of human rights during his 6 year mandate. The subsequent discussion covered a broad range of topics, including: women’s sexual and reproductive health and rights in Europe; how to support the ratification of the Istanbul Convention; work related to human rights and business; human rights work in conflict zones and territory under the effective control of authorities which are not recognised internationally; co-operation with EU institutions relevant for human rights protection; and relations with the OSCE and the relevant UN bodies.

High-level panel discussion entitled “Beyond Jargon: Reframing our Communication on Human Rights”

On 6 March, on the margins of the 37th session of the Human Rights Council in Geneva, the Commissioner participated in a high-level panel discussion entitled “Beyond Jargon: Reframing our Communication on Human Rights”. The other speakers were Kate Gilmore, United Nations Deputy High Commissioner for Human Rights, Michael O’Flaherty, Director of the EU Fundamental Rights Agency (FRA), Lora Vidović, Ombudswoman of Croatia and Chair of the European Network of National Human Rights Institutions (ENNHRI), Florence Simbiri-Jaoko, Special Envoy of the Global Alliance of National Human Rights Institutions (GANHRI), and Bruno Stagno-Ugarte, Human Rights Watch Deputy Executive Director for Advocacy. The event also brought together leaders from national, regional, international and non-governmental human rights institutions to discuss the difficulties they are facing in the current political environment marked by populism and widespread disaffection with institutions, and to identify ways to communicate more effectively to convince the public at large about the importance and value of human rights. The Office of the UN High Commissioner for Human Rights, the Office of the Council of Europe Commissioner for Human Rights, FRA, ENNHRI and GANHRI adopted a joint statement in which they pledged to work harder and improve the way they reach out to people in order to build broader and stronger support for human rights, so that the promise contained in the Universal Declaration of Human Rights, which was adopted 70 years ago, can truly become a reality for all.

While in Geneva, Commissioner Muižnieks also had a meeting with United Nations High Commissioner for Human Rights Zeid. Their discussions mainly focused on their respective work in member states, and they also held an exchange of views on strategies that human rights institutions could consider so that their message reaches a wider audience.

Communication and Information work

The activities which received the most extensive media coverage were the publication of the 2017 Annual Activity Report, the report on Sweden and the country visits.

The following Human Rights Comment was published during the period concerned:

- The right of older persons to dignity and autonomy in care (18 January).

APPENDIX 2

List of office activities in 2018

A. Visits and reports

In 2018 the following country visits, missions and contact visits were carried out:

| | |
|--------------------------|---|
| 29 January to 2 February | “The former Yugoslav Republic of Macedonia” |
| 19 to 23 February | Serbia |
| 12 to 16 March | Slovak Republic |
| 16 to 17 April | Germany |
| 21 to 25 May | Albania |
| 11 to 15 June | Estonia |
| 24 to 29 June | Greece |
| 15 to 20 September | Armenia |
| 15 to 19 October | Turkey |
| 12 to 16 November | Romania |
| 22 to 23 November | Poland |

In 2018, the following country reports and letters were published:

Albania

- Report by Council of Europe Commissioner for Human Rights following her visit to Albania from 21 to 25 May. Issues reviewed: children’s rights, the rights of persons with disabilities, and access to free legal aid (published on 13 September 2018 with reference CommDH(2018)15).

Belgium

- Letter from the Council of Europe Commissioner for Human Rights to Theo Francken, Secretary of State for Migration and Asylum of Belgium, on the detention of migrant children (dated 5 June 2018 and published on 14 June 2018).

Bosnia and Herzegovina

- Letter from the Council of Europe Commissioner for Human Rights to Semiha Borovac, Minister for Human Rights and Refugees, and Dragan Mektic, Minister for Security of Bosnia and Herzegovina, concerning the migration situation (dated 9 May 2018 and published on 15 May 2018).

Bulgaria

- Letter from the Council of Europe Commissioner for Human Rights to Tsveta Karayancheva, President of the National Assembly of Bulgaria, on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence - Istanbul Convention (dated 19 January 2018 and published on 22 January 2018).

Croatia

- Letter from the Council of Europe Commissioner for Human Rights to Andrej Plenković, Prime Minister of Croatia, concerning allegations of collective expulsions from Croatia of migrants and reported violence and other crimes allegedly committed by law enforcement officers in this context (dated 20 September 2018 and published on 5 October 2018).

Estonia

- Report by Council of Europe Commissioner for Human Rights following her visit to Estonia from 11 to 15 June. Issues reviewed: gender equality and women’s rights, the human rights of older persons, and national human rights structures (published on 28 September 2018 with reference CommDH(2018)14).

France

- Letter from the Council of Europe Commissioner for Human Rights to members of the French National Assembly, on rights of migrants, including asylum seekers (dated 8 March and published on 12 March 2018).

Greece

- Report by the Council of Europe Commissioner for Human Rights following her visit to Greece from 25 to 29 June 2018. Issues reviewed: reception and integration of migrants; the impact of austerity on the rights to health and education (published on 6 November 2018 with reference CommDH(2018)24).

Malta

- Letter from the Council of Europe Commissioner for Human Rights to Joseph Muscat, Prime Minister of Malta, regarding gender equality and women's rights (dated 5 December 2017 and published on 16 January 2018).
- Letter from the Council of Europe Commissioner for Human Rights to Michael Farrugia, Minister for Home Affairs and National Security of Malta, regarding the protection and integration of migrants (dated 14 December 2017 and published on 1 February 2018).

Poland

- Letter from the Council of Europe Commissioner for Human Rights to Mateusz Morawiecki, Prime Minister of Poland, regarding recent developments affecting the independence of the judiciary; women's access to sexual and reproductive rights; the deteriorating environment for NGOs active in the area of women's rights and assistance to victims of domestic violence; and attacks against the independence and effectiveness of the Ombudsman (dated 19 January 2018 and published on 6 February 2018)

Russian Federation

- Letter from the Council of Europe Commissioner for Human Rights to Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation, concerning the situation of several persons who have been detained or imprisoned since 2014 in the Russian Federation and Ukraine (dated 9 August 2018 and published on 21 August 2018).
- Letter from the Council of Europe Commissioner for Human Rights to Yury Chaika, Prosecutor General of the Russian Federation, concerning regarding the situation of Mr Oyub Titiev from the Human Rights Centre Memorial (dated 11 July 2018 and published on 17 July 2018).

Spain

- Letter from the Council of Europe Commissioner for Human Rights to Ana Pastor Julián, President of the Congress of Deputies of Spain and Mr Pío García Escudero, President of the Spanish Senate, on the review of the 2015 Law on Citizens' Safety (dated 20 November 2018 and published on 23 November 2018).

Ukraine

- Letter from the Council of Europe Commissioner for Human Rights to Pavlo Klimkin, Minister of Foreign Affairs of Ukraine, concerning the situation of several persons who have been detained or imprisoned since 2014 in the Russian Federation and Ukraine (dated 9 August 2018 and published on 21 August 2018).

United Kingdom

- Letter from the Council of Europe Commissioner for Human Rights to Rt. Honourable Theresa May, Prime Minister of the United Kingdom, concerning a judge-led inquiry into detainee mistreatment and renditions following the terrorist attacks of 11 September 2001 (dated 10 August 2018 and published on 4 September 2018).

- Letter from the Council of Europe Commissioner for Human Rights to Maree Todd MSP, Scottish Minister for Children and Young People, on the Age of Criminal Responsibility (Scotland) Bill (dated 6 December 2018 and published on 20 December 2018).

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: applications No. 8675/15 and No. 8697/15 *N.D. v. Spain and N.T. v. Spain* (submitted on 22 March and published on 28 March reference CommDH(2018)11);
- Third Party Intervention by the Council of Europe Commissioner for Human Rights: application No. 43564/17 *María del Mar Caamaño Valle v. Spain* (submitted on 9 July and published on 17 July with reference CommDH(2018)16);
- Third Party Intervention by the Council of Europe Commissioner for Human Rights: application No. 1/16 *Emin Huseynov v. Azerbaijan* (submitted on 28 September and published on 4 October with reference CommDH(2018)23).

C. 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 2018, the Commissioner's office organised or co-organised the following events:

- Human Rights Council side-event "Beyond Jargon: Reframing our Communication on Human Rights" co-organised by the EU Fundamental Rights Agency, the Office of the Council of Europe Commissioner for Human Rights, the Office of the United Nations High Commissioner for Human Rights and national human rights institutions' networks ENNHRI and GANHRI (Geneva 6 March) (see joint statement);
- Round-table with Human Rights Defenders "Human Rights Defenders in the Council of Europe Area: Current Challenges and Possible Solutions" (Helsinki, 13-14 December).

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

The Commissioner or the Office participated in the following major events during 2018:

- ENNHRI's project on Human Rights and Conflict Stakeholders Engagement Meeting (Brussels, 30 January);
- UNIA (Belgium equality body) conference on inclusive education in Belgium (Brussels, 5 February);
- Exchange of views with Committee of Ministers Thematic Co-ordinator on Information Policy (TC-INF) on internet governance issues (Strasbourg, 15 February);
- Round table "Prevention mechanisms of violence and discrimination: challenges and solutions proposed by the Council of Europe" (Kazan, Russian Federation 27 February);

- CommHR address to the European Parliament plenary on the issue of women’s rights and gender equality upon invitation by the President of the Parliament in view of International Women’s Day (Brussels, 1 March – see video);
- Exchange of views with EU Council Working Group on OSCE and the Council of Europe – COSCE (Brussels, 2 March);
- 34th Session of the Congress (Strasbourg, 27 March);
- High-level conference “Continued Reform of the European Human Rights Convention System – Better Balance, Improved Protection” organised by the Danish Chairmanship of the Council of Europe’s Committee of Ministers (Copenhagen, 12 April);
- 20th anniversary of the Ombudsman institution in “the former Yugoslav Republic of Macedonia” (Skopje, 30-31 May);
- 10th meeting of the Association of Mediterranean Ombudsmen (Skopje, 30-31 May);
- Human Rights Watch Council Summit, Panel discussion “Quo Vadis Europe?” (Zurich, 7 June);
- Conference on Freedom of Speech and Assembly, organised on the occasion of the Baltic Pride 2018 (Riga, 8 June);
- Informal briefing of Ambassadors on the work currently carried out by the Committee on Bioethics (DH-BIO) to draw up an Additional Protocol to the Convention on Human Rights and Biomedicine (Oviedo Convention) (Strasbourg, 8 June);
- 10th Office of the United Nations High Commissioner for Human Rights-Council of Europe Coordination Meeting (Geneva 13-14 June);
- 7th European Transgender Council 2018 (Antwerp, 28-29 June);
- Memorial Day (Srebrenica, 11 July);
- 8th Inter-mechanisms Meeting for the Protection of Human Rights Defenders (New York, 23-24 July);
- 74th Roma Holocaust Memorial Day (Auschwitz-Birkenau, 2 August);
- European Wergeland Centre Arendal Week event on “Human Rights: a democratic imperative and a challenge” (Arendal, 13 August);
- European Network of National Human Rights Institutions (ENNHRI) workshop on counter-terrorism and human rights (Belfast, 11-12 September);
- Pride Forum Serbia 2018 (Belgrade, 15 September);
- ECtHR Grand Chamber Hearing (Strasbourg, 26 September);
- FRA Fundamental Rights Forum (Vienna, 27 September);
- Conference “The Ombudsman in an open and participatory society” organised by the European branch of the International Ombudsman Institute on the occasion of the 40th anniversary of the institution (Brussels, 1-3 October);

- Hearing on protecting the rights of people with psychosocial disabilities with regard to involuntary measures in psychiatry, organised jointly by the PACE Committee on Social Affairs, Health and Sustainable Development and the PACE Committee on Equality and Non-Discrimination (Strasbourg, 9 October);
- Human Rights House Foundation side-event on Human Rights Defenders (Strasbourg, 24 October);
- European Network of National Human Rights Institutions (ENNHRI) annual conference (Athens, 24-25 October);
- European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) annual conference (Brussels, 26 October);
- World Summit on Human Rights Defenders (Paris, 29-31 October);
- Exchange of views with CPT Plenary (Strasbourg, 6 November);
- Equinet Annual General Meeting 2018 (Brussels, 7 November);
- Panel discussion on the “shrinking space” for civil society and its impact upon young people and their organisations (Strasbourg, 7 November);
- 7th Annual Warsaw Dialogue for Democracy (Warsaw, 22-23 November);
- Seminar held on the occasion of the 20th anniversary of the single, full-time European Court of Human Rights (Strasbourg, 26 November);
- Exchange of views with the Council of Europe Steering Committee on Media and Information Society – CDMSI (Strasbourg, 29 November);
- 3rd Global Forum Against the Crime of Genocide (Yerevan on 9-11 December);
- Exchange of views with OSCE Permanent Council (Vienna, 20 December).