

COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

DUNJA MIJATOVIĆ

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FOREWORD

Trends undermining human rights protection have continued in 2021, a year still largely affected by the Covid-19 pandemic. The following chapters present some of these trends and my response to them both in the context of country monitoring and of thematic work. The topics covered in 2021 vary from media freedom and journalists' safety to the protection of migrants, from freedom of peaceful assembly to the rights of women and girls, LGBTI people, persons with disabilities, human rights defenders and children, as well as transitional justice, the right to health, and racism.

I tried to increase the protection of and awareness about these rights by publishing four memoranda and twenty letters addressed to eighteen different countries. I also intervened four times before the European Court of Human Rights and published six Human Rights Comments. Despite the pandemic, I was able to resume some travel to member states. I carried out two full country visits and three missions. I also published an Issue Paper on the right to health, a follow-up to the 2019 Recommendation on rescuing migrants at sea and three reports of meetings with human rights defenders on Afrophobia, environmental rights and the rights of LGBTI people and activists.

The right to health has also been at the centre of my work in 2021. The pandemic severely affected people's ability to enjoy human rights. The death toll has been and still is huge, and economic insecurity has grown. The Covid-19 pandemic has also put enormous strain on the democratic fabric of our society, on which the protection of human rights ultimately depends. Some governments have also continued to use the pandemic as a pretext to exploit fears and to crack down on dissent, to unduly restrict people's rights and pass emergency legislation that risks having long-term consequences, beyond the health crisis. These problems required urgent action by governments. In the Issue Paper I published at the beginning of the year, I identified several areas in which governments should intervene, in particular in relation to universal health coverage, better protection for patients' rights and dignity, more transparency and accountability in decision-making, and measures to ensure the equitable global distribution of medical products and vaccines.

This report also highlights the persistence of violence against women and girls. Lockdowns imposed during the pandemic resulted in a sharp increase in domestic violence and online acts of violence against women and girls, particularly online sexual abuse. Tools to protect victims, prosecute offenders and prevent the online and offline dimension of violence against women and girls exist. What is needed now is a stronger political will and adequate implementation in order to step up concrete actions. Important measures are needed to dismantle ingrained patterns of patriarchy and sexism that form the bedrock for violence. Politicians and public authorities play a key role in influencing society's attitudes. Unfortunately, some politicians spread misogynistic views and block the adoption of measures to curb violence against women and girls. This is extremely concerning. As I have stated on several occasions, all politicians should firmly condemn acts of violence against women, including domestic violence. It is crucial to take more resolute action to better implement the provisions of the Istanbul Convention, and to promote its ratification in countries which have not yet acceded to it.

It is also essential to support women's rights defenders, including female journalists, who are increasingly the target of attacks, and to provide an enabling environment for all of them everywhere in Europe by removing all obstacles to their work.

Another topic that has constantly been high on my agenda since the beginning of my mandate is the protection of the human rights of refugees, asylum seekers and migrants. In many countries they are kept in inhumane conditions, stranded at member states' borders, denied access to asylum and pushed back. This situation is the result of an approach focused on deterrence and containment at the expense of human rights and dignity, while the availability of safe and legal routes remains extremely limited. It also stems from a lack of solidarity among member states and bad faith by some member states in implementing their human rights obligations. By actively supporting or silently condoning practices which are not compliant with human rights, member states are increasingly sending the signal that violations are an acceptable part of migration control. Human rights violations in regard of refugees, asylum seekers and migrants will continue if there is no overall reconsideration of member states' policies, individually and collectively.

Freedom of expression and in particular media freedom continued to suffer setbacks. Acts of intimidation, reprisals, muzzling legislation and specious lawsuits are being used more and more often to silence journalists, human rights defenders and people who express dissent. Many governments have become increasingly intolerant towards public demonstrations. Faced with the multiplication of protests, several countries have taken measures that erode the rights which are essential to the good functioning of democracy, including the right to gather, impart and receive information.

Pressure on human rights defenders remained an issue of concern too. For years they have been reliable partners of the Commissioner's office and I wish to salute their strength and courage despite all the adversity they face. Without them society would be much worse off. Yet they suffer greatly at the hands of both private and government actors, including through violent physical, verbal and cyber-attacks.

Over the past year, the manipulation of LGBTI-phobia for political gain has continued, with a serious impact on the human rights and well-being of LGBTI people in many of our member states. It is of concern that this has happened at the very moment when the LGBTI movement's ability to do human rights advocacy has been weakened by the pandemic, including because of the need to redirect work towards humanitarian assistance, restrictions on freedom of assembly and access to policy-makers. I also observed clear emerging patterns in the types of obstacles faced by LGBTI activists in several European countries, including insufficient funding, verbal attacks and hate speech online, judicial harassment, the increasing influence of the so-called "anti-gender" movement, as well as leaks of personal data. At the same time, the resilience of LGBTI activists has been an inspiration.

These topics are not new. I have covered them in previous reports, as did my predecessors. What is particularly alarming is the scale of retrogression on many human rights principles and the widespread undermining of the rule of law, which is a precondition for human rights protection. There can be no human rights without a solid system of checks and balances, including an independent and impartial judiciary, but also active parliaments, strong and independent national human rights structures, pluralist and professional media and a vibrant civil society.

The trends shown in this report must be reversed. We have the instruments to do so, we now need the political will.

Dunja Mijatović

1 COUNTRY WORK

Introduction

In 2021, the Commissioner continued her constructive dialogue with Council of Europe member states. The Commissioner addressed specific human rights issues she had identified as requiring particular attention. Reports and other documents published by the Commissioner after these exchanges contain both an analysis of the selected human rights issues and detailed recommendations to member states on possible means of improvement. This work continued to be affected by the Covid-19 pandemic. In particular, in order to pursue her constructive dialogue in a context marked by travel restrictions, the Commissioner resorted in some instances to online consultations with the authorities, which were followed by memoranda. In other cases, as part of her dialogue with national authorities, the Commissioner also addresses letters sent to them to outline concerns and provide advice on specific issues. All these documents, together with the replies from the authorities, are published on the Commissioner's website and are widely circulated among policy-makers, NGOs and the media.

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

1.1 Visits, missions and reports

Memorandum on combating racism and violence against women in Portugal

On 24 March, the Commissioner published a [memorandum](#) in which she called on the Portuguese authorities to address more resolutely racism in the country and to take additional steps to prevent and combat violence against women and domestic violence. The memorandum is based on online exchanges held with the Portuguese authorities and civil society organisations from 15 to 17 December 2020.

Firstly, the Commissioner expressed concerns about the rise of racially motivated hate crimes and hate speech targeting, in particular, Roma, people of African descent and persons perceived as foreigners in Portugal. She invited the authorities to implement a comprehensive action plan against racism and discrimination and urged politicians to refrain from using or tolerating racist rhetoric. She also recommended that the police and prosecution services carry out prompt, rigorous and impartial investigations into all incidents with racial overtones. She called for further efforts to tackle antigypsyism and racist bias against people of African descent inherited from the colonial past and historical slave trade. Additionally, she urged the authorities to apply a policy of zero tolerance towards any manifestation of racism in the police, to improve human rights training and recruitment procedures for police officers and to set up a fully independent police complaints mechanism.

As regards violence against women, the Commissioner welcomed the longstanding commitment of the Portuguese authorities to eliminating domestic violence and to working towards gender equality. However, she recommended additional steps, including raising further awareness in society that violence against women, including domestic violence, is a serious human rights violation and a crime, for which perpetrators must be held accountable. She therefore urged the authorities to ensure that domestic violence and sexual offences, including rape, are adequately investigated and prosecuted, and that sentencing is commensurate with the gravity of offences and sufficiently dissuasive. The Commissioner also invited the authorities to continue improving training for members of the law enforcement agencies, the judiciary and all those providing services to women victims of violence. Lastly, the Commissioner recommended that the authorities further amend the definition of rape in the Criminal Code and ensure that it is entirely based on the absence of the free consent of the victim.

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

Memorandum on freedom of expression and media freedom in Hungary

On 30 March, the Commissioner published a [memorandum](#) on freedom of expression and media freedom in Hungary. Following online consultations with the Hungarian authorities, national human rights structures and

representatives of civil society and the media community in early February 2021, the memorandum finds that there had been a systematic erosion of media pluralism and freedom of expression in Hungary since 2010.

The Commissioner noted the wide discretion of the media regulatory authority, whose members were all chosen by the ruling party, as well as the opaque processes for distributing state advertisement contracts to politically loyal media. As a result, the media market was significantly distorted, which curbed the free exchange of information and diversity of opinion, particularly outside the capital. She also expressed her alarm at sustained smear campaigns against human rights defenders and investigative journalists that were stifling civil society and discouraged any criticism of the government.

The Commissioner stressed the lack of accountability in Hungarian public service media and pointed to rising levels of interference with the work of the independent media and investigative journalists, particularly in 2020 during the application of successive emergency rules. Repeated manifestations of disregard for the independence of the judiciary had had a chilling effect on judges and public officials, on civil society organisations engaged in the defence of human rights and on marginalised groups. The effects had become noticeable across Hungarian society, including where academic freedoms and culture were concerned.

The Commissioner called on the Hungarian authorities to comply with Council of Europe standards on media pluralism and to show due regard for the editorial independence of all public and private media. She further urged them to put an end to the spread of smear campaigns and misinformation about civil society organisations, human rights defenders and government critics, as hate speech represented a threat to the whole of society. Lastly, she called on the Hungarian authorities to ensure a level playing field for all political candidates ahead of the 2022 parliamentary elections, notably in terms of media coverage.

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

Contact mission to Ukraine

From 6 to 9 April, the Commissioner carried out a contact mission to Kyiv to engage in direct dialogue with officials and the civil society with a view to preparing a full country visit to Ukraine and to discuss various human rights issues. During her mission, she met with the Deputy Head of the Presidential Office, Ihor Zhovkva, the Minister for Foreign Affairs, Dmytro Kuleba, the First Deputy Foreign Minister, Emine Dzhaparova, and the Chairperson of the Parliamentary Committee on Human Rights, Dmytro Lubinets. She also held meetings with the Parliamentary Commissioner for Human Rights, Liudmyla Denisova, civil society representatives, leaders of the Crimean Tatar Mejlis, and the UN Human Rights Monitoring Mission in Ukraine.

The Commissioner received assurances from the authorities of their commitment at the highest level to Ukraine's ratification of the Istanbul Convention and expressed her readiness to support them in this endeavour. She also noted the progress made by Ukraine in drafting a new law on the rights of minorities, which she hoped would provide an appropriate legal framework for the protection of all minority languages in various spheres of public life, including in education, and invited the authorities to consider requesting an opinion from the Venice Commission on the draft law. Many discussions held with officials led the Commissioner to conclude that her physical access to Crimea remained an extremely remote possibility. However, she indicated that she intended to continue to seek such access and to carry out human rights work on Ukraine's non-government-controlled areas in accordance with her mandate.

Memorandum on freedom of expression and media freedom in Slovenia

On 4 June, the Commissioner published a [memorandum](#) on freedom of expression and media freedom in Slovenia, following online consultations with the Slovenian authorities, national human rights structures, journalists and other media representatives, as well as academics and civil society representatives. The Commissioner concluded that there had been a marked deterioration in freedom of expression and media freedom in the country over the past months.

Regarding freedom of expression, the Commissioner noted that certain recent developments risked undermining the ability of critical voices to speak freely. In particular, she expressed concern about the increasingly hostile nature of public debate, reflecting an intensifying polarisation in society. She expressed concern about the negative discourse by members of the government and other politicians about NGOs and human rights defenders, and the negative impact it could have on their ability to speak freely. While acknowledging the authorities' responsibility to tackle the Covid-19 pandemic and preserve public health, the Commissioner found that extensive restrictions on the right to protest over the past year had likely been disproportionate.

As to media freedom, the Commissioner observed that the working environment of journalists had drastically worsened, in part because of the flawed attitude of some members of the government towards the press. The Commissioner expressed especially grave concern about the sexist harassment faced by female journalists. Stressing the key role of public media services in the provision of accurate and objective information to all groups in society, the Commissioner noted with regret that several government actions risked undermining the national press agency STA and the national broadcaster RTV. She observed that these current problems were enabled by structural weaknesses in the media landscape.

To curb these trends, the Commissioner recommended *inter alia* that the Slovenian authorities take steps to defuse tensions and encourage mutual respect in the exchange of opinions. In particular, she stressed that political leaders should refrain from promoting hostile speech against journalists and make dignified use of social media to set an example. The Commissioner reiterated her position that the government should immediately reinstate funding for the STA.

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

Visit to Malta

During her [visit](#) to Malta, from 11 to 16 October, the Commissioner focused on media freedom, asylum and migration, and women's rights and gender equality. She met with the Prime Minister of Malta, Robert Abela; the Deputy Prime Minister and Minister for Health, Christopher Fearne; the Minister for Home Affairs, National Security and Law Enforcement, Byron Camilleri; the Minister for Equality, Research and Innovation, Owen Bonnici; the Minister for Justice and Governance, Edward Zammit Lewis; the Attorney General, Victoria Buttigieg; the Police Commissioner, Angelo Gafà; the Parliamentary Ombudsman; the Chairpersons of the National Commission for the Promotion of Equality and the Commission on Gender-Based Violence and Domestic Violence; and journalists, human rights defenders and international counterparts. She visited the Safi Detention Centre and two open accommodation centres for asylum-seekers in Hal Far and paid tribute to the journalist Daphne Caruana Galizia in Bidnija.

The Commissioner urged the authorities to ensure full accountability for Daphne Caruana Galizia's murder, prioritise the implementation of the recommendations of the public inquiry report which found the state responsible for her assassination, and act swiftly to ensure journalists' safety and improve trust in the media, starting with a co-ordinated response to threats against journalists; enhanced awareness raising among the police; greater compliance with the Freedom of Information Act; and enacting legislation against [SLAPPs](#) (strategic lawsuits against public participation). She furthermore stressed that the human rights of persons in distress at sea should never be put at risk and that refugees, asylum seekers and migrants should not be returned to Libya. She called for immediate action to ensure dignified conditions in the Safi Detention Centre and for steps to enhance alternatives to detention, end child detention and guarantee independent monitoring bodies and NGOs' access to places of detention. To strengthen gender equality and the protection of women's rights, she urged the authorities to enhance awareness raising; introduce mandatory [comprehensive sexuality education](#); decriminalise abortion; ensure all women's access to sexual and reproductive health care, including safe and legal abortion care; and advance women's participation in public and political decision-making.

The Commissioner's report on her visit was published in 2022.

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

On 8 November, one year after the signing of the trilateral statement which ended the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, the Commissioner published a [memorandum](#) addressing the humanitarian and human rights consequences of the conflict and formulated eight recommendations for urgent human rights protection. The Commissioner observed that access to the conflict-affected territories remains very limited for organisations providing humanitarian relief and conducting human rights monitoring and called on all the relevant authorities to ensure access to these areas as a matter of priority. Noting that the 2020 outbreak of hostilities forced tens of thousands of people living in or near the conflict area into displacement, she reiterated the human rights of displaced persons, including their right to return. The Commissioner also addressed the high level of contamination of the region by unexploded and abandoned mines and explosive remnants of war and called on the authorities to co-operate and engage in the necessary exchange of information, including mine maps, so as to facilitate the demining process and ensure effective protection of the people residing in the conflict-affected areas. Moreover, ensuring that all those still in captivity are provided with all protections guaranteed under international humanitarian and human rights law, and facilitating their release and return, remains crucial. Referring to the families' right to know the fate and whereabouts of missing persons, she noted the need for increased engagement on both sides to promote communication, establish a common database and improve the chances of locating and identifying mortal remains as well as to establish the fate of all those who disappeared or went missing. Furthermore, noting credible reports about breaches of international humanitarian law as well as serious violations of human rights by the parties to the conflict, the Commissioner called on the authorities to carry out thorough, prompt, independent and impartial investigations into such allegations of violations committed during the conflict and its aftermath in order to hold the perpetrators accountable and provide redress to the victims. In particular, she expressed concern about reports of indiscriminate shelling of populated areas resulting in deaths and serious injuries to civilians, calling on Armenia and Azerbaijan to renounce the use of cluster munitions and to ensure effective investigations and accountability for violations of international humanitarian law, as well as reparations to the victims. Lastly, noting how the public debate in both countries had increasingly been marked by toxic, hostile, intolerant and downright disrespectful communication, she encouraged the authorities to take resolute action to prevent and combat hate speech and support bilateral and multilateral initiatives that promote peaceful co-existence and reconciliation.

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

Mission to Poland

From 15 to 18 November, the Commissioner carried out a mission to Poland to assess the humanitarian and human rights situation along the country's eastern border with Belarus. During the mission, she met with the Polish Ombudsman and Deputy Ombudsman, local government representatives, and regional and local commanders of the Border Guard. She also spoke with several groups of migrants and asylum seekers, representatives of the civil society, humanitarian and charity organisations, and the deputy director of a local hospital.

In her [statement](#) published on 19 November, the Commissioner observed that she had received consistent reports of summary returns ("pushbacks") by Poland of people who had crossed its border with Belarus, including those who expressed clear intent to apply for asylum or persons with urgent medical conditions. She heard appalling accounts of extreme suffering by desperate people, including families with children, trapped in the woods in sub-zero temperatures because of such pushbacks, and disturbing allegations of severe ill-treatment suffered by many people returned to Belarus in this way. Stressing that the reprehensible actions of Belarus did not absolve Poland from its own human rights obligations, the Commissioner called for urgent action to protect the lives, dignity and human rights of people stranded on the border. In particular, she called on Poland to immediately end all pushbacks and to amend its legislation undermining the right to seek asylum and the associated safeguards. She also called on the Polish authorities to discontinue the restrictions introduced by the state of emergency and to immediately allow international and national human rights actors and media to access all areas along the border with Belarus.

The Commissioner praised local government actors, the Polish Ombudsman's office and ordinary citizens for their extraordinary lifesaving actions in defence of the human rights of migrants and asylum seekers. However, she witnessed an atmosphere of hate and fear that surrounds the provision of such help, fuelled partly by the inflammatory and dehumanising official narrative targeting migrants and refugees. The Commissioner called on Poland to protect human rights defenders from harassment and intimidation and to provide them with a safe and enabling environment. She also stressed that the situation on Poland's border with Belarus was a European issue which required a human rights-centred response based on solidarity and European values and standards.

Mission to Italy

Between 8 and 10 December, the Commissioner conducted a contact mission to Rome, Italy. The purpose of this mission was to attend the ceremony of the 2020-2021 Human Rights Awards of the Italian Interministerial Committee for Human Rights on 10 December in order to mark Human Rights Day, as well as to meet with the Italian authorities and civil society.

The Commissioner met representatives of NGOs working on a wide range of human rights issues, including the situation of human rights defenders, human rights of refugees, asylum seekers and migrants, gender equality, violence against women, sexual and reproductive health and rights, discrimination against Roma, human rights of LGBTI persons, as well as freedom of the media and safety of journalists.

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

Visit to Austria

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

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

At the end of her visit, the Commissioner [stressed](#) the need for Austria to increase its efforts in the field of combating violence against women and called on the authorities to ensure that sufficient resources are allocated to prevention and the protection of victims, and to adopt a comprehensive approach to all challenges involved, in co-operation with the relevant stakeholders.

The Commissioner also underlined that women's sexual and reproductive health and rights must be safeguarded. She recommended that the Austrian authorities ensure that contraceptive products and services are covered by public health insurance or subsidy schemes and that the accessibility and availability of legal abortion services are guaranteed in practice throughout the country.

As regards reception and integration of asylum seekers, refugees and migrants, the Commissioner urged the authorities to appoint fully-fledged guardians for unaccompanied migrant children from the beginning of the asylum procedure and to pursue their discussions with the provinces to ensure that the provincial authorities transfer the asylum seekers who have completed the admissibility procedure. The Commissioner also invited the Austrian

authorities to safeguard the quality of the legal assistance provided by the Federal Agency for Reception and Support Services, and the independence of the agency.

The Commissioner's report on her visit will be published in 2022.

1.2 Continuous dialogue

Letter to the Minister of the Interior of the Russian Federation regarding policing of demonstrations

On 11 February, the Commissioner published a [letter](#) she addressed to the Minister of the Interior of the Russian Federation, Vladimir Kolokoltsev, in relation to the policing of demonstrations that had taken place in many Russian cities at the beginning of 2021. Expressing dismay over the dispersal of peaceful protests, the arrests of thousands of protesters, including journalists, and the use of violence against them, the Commissioner requested information about the Interior Ministry's policy, methods and guidelines concerning the policing of demonstrations. She further expressed concerns about the violation of the rights of those detained and requested information about action taken to ensure accountability of law enforcement officers for human rights violations. The Commissioner also noted that policing of the protests in question did not seem to have adequately catered for public health considerations in the context of the Covid-19 pandemic and urged the Russian authorities to stop the practice of apprehending individuals for the exercise of their right to peaceful assembly.

The letter is available on the Commissioner's website.

Letter to the Interior and Justice Ministers of Turkey regarding restrictions on NGO activities and freedom of association

In a [letter](#) to Turkey's Minister of the Interior, Süleyman Soylu, and Minister of Justice, Abdulhamit Gül, published on 10 March, the Commissioner raised her concerns regarding several aspects of the Law on Preventing the Financing of Proliferation of Weapons of Mass Destruction, which entered into force on 31 December 2020, calling on the Turkish authorities to refrain from further implementing it, pending the outcome of the Venice Commission review expected in June 2021. Expressing regret that the law had been rushed through parliament without any involvement of human rights NGOs, the Commissioner was particularly concerned that amendments to the laws on Associations and on Aid Collection, introduced by this law, could further stifle dissenting voices and tighten the government's control over civil society fundraising activities. The Commissioner pointed out that any measures states take to counter terrorism must comply with all their obligations under international human rights law.

The letter is available on the Commissioner's website together with the reply of the Minister of the Interior.

Letter to the Prime Minister of Poland regarding draft laws on the media sector

On 16 March, the Commissioner published a [letter](#) addressed to the Prime Minister of Poland, Mateusz Morawiecki, concerning draft legislation on the media sector. The Commissioner expressed concern that a proposed new advertising revenue tax on media outlets would, in practice, lead to the suffocation of independent media in Poland. She was also concerned about the independence of a proposed body for content regulation, the overly broad definition of 'illegal content' and the data retention obligations introduced by a separate draft law on "protection of freedom of speech of social media users". The Commissioner urged the Polish Government to ensure that any measure adopted respected European human rights standards related to freedom of expression, media pluralism and the right to respect for private life.

The letter is available on the Commissioner's website.

Letter to the Minister of the Interior of Cyprus regarding allegations of pushbacks of migrants, reception conditions and an enabling environment for NGOs working for their protection

On 18 March, the Commissioner published a [letter](#) addressed to the Minister of the Interior of Cyprus, Nicos Nouris, urging him to ensure that independent and effective investigations are carried out into allegations of pushbacks and ill-treatment of arriving migrants. She further called on the Cypriot authorities to bring the conditions in reception facilities into line with applicable human rights standards and to ensure that migrants enjoy effective access to all necessary services. Finally, noting the de-registration of several non-governmental organisations, she called on the Cypriot authorities to actively maintain an enabling legal framework and a political and public environment conducive to the existence and functioning of civil society organisations by considering alternative measures to their de-registration and dissolution, and applying proportionate sanctions, only when strictly necessary.

The letter is available on the Commissioner’s website, together with the reply from the Minister of the Interior.

Letter to the Minister of Justice of Spain regarding strengthening safeguards for freedom of expression in the Criminal Code

On 22 March, the Commissioner published a [letter](#) addressed to the Minister of Justice of Spain, Juan Carlos Campo, in which she invited the Spanish authorities to comprehensively amend the Criminal Code to strengthen existing safeguards around the right to freedom of expression and facilitate the work of Spanish courts in making decisions in line with Article 10 of the ECHR. She stressed in particular the lack of clarity of the provision on glorification of terrorism and ensuing diverging interpretations of this provision by Spanish courts, and the concerns, from the point of view of freedom of expression, arising from the provisions criminalising libel of and insults to the monarchy. She also called on the Spanish authorities to restrict the application of provisions on hate speech to cases prohibited under international human rights law and to decriminalise defamation and the offence of insults to religious feelings, in order to prevent their possible chilling effect on freedom of expression.

The letter is available on the Commissioner’s website together with the reply from the Minister of Justice.

Letter to the Senate of Romania regarding the rights of persons with disabilities

On 14 April the Commissioner published a [letter](#) addressed to the President of the Senate of Romania, Anca Dana Dragu, and the Chairperson of its Human Rights Committee, Constantin-Bogdan Matei, urging senators to use the appointment of a new president of the Council for Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) (Monitoring Council) to improve the protection of the rights of persons with disabilities. The Commissioner recalled states’ obligation to ensure the independence of mechanisms for promoting and monitoring the implementation of the CRPD, notably by establishing a transparent, inclusive and merit-based appointment process for their leadership, as required by the “[Paris Principles](#)”. Noting the reported failures by the Monitoring Council to facilitate NGOs’ access to institutions for persons with disabilities, she stressed that the leadership of the Monitoring Council should enjoy the support and trust of NGOs, with which it is meant to work closely.

The letter is available on the Commissioner’s website.

Letter to the President of Azerbaijan on the inauguration of the ‘Trophy Park’ in Baku

On 27 April, the Commissioner published a [letter](#) addressed to the President of Azerbaijan, Ilham Aliyev, in relation to the inauguration of the ‘Trophy Park’ in Baku following the conflict between Armenia and Azerbaijan in recent months. Expressing concern about dehumanising scenes of dead and dying Armenian soldiers exhibited in the park, the Commissioner stressed that such humiliating images could only further strengthen longstanding sentiments of hostility, hate speech and intolerance. She therefore called on the President to take a firm stance against any rhetoric or actions triggering animosity or hatred and instead provide his full support and political backing for efforts aimed at promoting peace and reconciliation between the populations affected by the conflict.

The letter is available on the Commissioner's website, together with the reply from the Azerbaijani authorities.

Letter to the Minister for Citizens' Protection, the Minister for Migration and Asylum and the Minister for Shipping and Island Policy of Greece regarding allegations of pushbacks of migrants, ensuring an enabling environment for NGOs and reception conditions

On 12 May, the Commissioner published a [letter](#) addressed to Greece's Minister for Citizens' Protection, Michalis Chrysochoidis, Minister for Migration and Asylum, Notis Mitarachi, and Minister for Shipping and Island Policy, Ioannis Plakiotakis, urging the Greek authorities to put an end to pushback operations and to ensure that independent and effective investigations were carried out into all allegations of pushbacks and ill-treatment. The Commissioner also called on the Greek authorities to actively maintain an enabling legal framework and a political and public environment conducive to the functioning of civil society organisations. Lastly, the Commissioner stressed the need to improve the substandard living conditions in the Reception and Identification Centres and called on the Greek authorities to safeguard the freedom of movement of their residents.

The letter is available on the Commissioner's website, together with the Ministers' reply.

Letter to the Minister of the Interior and the Minister of Justice of Turkey regarding stigmatisation of LGBTI people

On 24 June, the Commissioner published a [letter](#) addressed to Turkey's Minister of the Interior, Süleyman Soylu, and Minister of Justice, Abdulhamit Gül, calling on the Turkish authorities to fulfil the commitments enshrined in the national Action Plan on Human Rights, stop the stigmatisation of LGBTI people and uphold their freedoms of assembly, association and expression. The Commissioner urged the authorities to uphold the right of members of LGBTI communities to peaceful assembly by lifting the bans on LGBTI events and take all necessary measures to ensure the safety of participants during such events. She further noted that the use of judicial proceedings to silence human rights defenders, NGOs and lawyers and curtail civil society activism, which she had repeatedly raised in her [work](#) on Turkey, was continuing and that it had increasingly affected those who had stood up for the rights of LGBTI people. Finally, the Commissioner was concerned about the visible rise in hateful rhetoric and the propagation of homophobic narratives by some politicians and opinion-makers in Turkey and about impunity for transphobic hate crimes.

The letter is available on the Commissioner's website.

Letter to the House of Commons and the House of Lords of the United Kingdom regarding the Police, Crime, Sentencing and Courts Bill

In a [letter](#) addressed to the Speaker of the House of Commons, the Rt Hon Sir Lindsay Hoyle MP, and the Lord Speaker of the House of Lords, the Rt Hon the Lord McFall of Alcluith, published on 5 July, the Commissioner called on parliamentarians to reject restrictions on peaceful demonstrations and the proposed criminal offence of trespass in case of unauthorised encampment. She noted that new possibilities to impose conditions on demonstrations in England and Wales were often broadly formulated and risked arbitrary application, affecting the rights to freedom of expression and freedom of peaceful assembly. She also highlighted that the proposed new criminal offence of trespass could have a negative impact on Gypsy, Roma and Traveller communities leading a nomadic lifestyle, whose marginalisation has been exacerbated by the reduction of socially rented sites.

The letter is available on the Commissioner's website.

Letter to the Senate of the Czech Republic regarding a draft law on compensation for victims of forced sterilisation

In a [letter](#) addressed to the President of the Czech Senate, Miloš Vystrčil, and the chairpersons of four Senate committees, published on 16 July, the Commissioner expressed her support for the adoption of a draft law that would provide a one-off financial compensation payment for victims of unlawful sterilisation. This followed her earlier letter to the Czech Chamber of Deputies, which had already approved the draft law. The Commissioner noted

that the adoption of the draft law by the Senate would provide an opportunity to allow the victims a measure of justice and to move forward.

The letter is available on the Commissioner's website.

Letter to the Prime Minister and the Minister of Justice of the Slovak Republic regarding a compensation mechanism for victims of forced sterilisation

In a [letter](#) addressed to the Slovak Prime Minister, Eduard Heger, and the Minister of Justice, Mária Kolíková, published on 19 July, the Commissioner called for the setting up of a mechanism to ensure prompt and effective access to reparations for victims of forced or coercive sterilisation. She emphasised that neither apologies nor reparations could undo the harm inflicted on victims, both physically and mentally, but that such tangible steps would provide a measure of justice that had eluded victims for a long time.

The letter is available on the Commissioner's website together with the reply from the Minister of Justice.

Letter to the Prime Minister of Lithuania regarding asylum procedures and pushbacks

On 24 August, the Commissioner published a [letter](#) addressed to the Prime Minister of Lithuania, Ingrida Šimonytė, urging the authorities to ensure a human rights-compliant response in the context of increased arrivals of migrants and asylum-seekers through its border with Belarus. She expressed her concern about amendments to the Law on the Legal Status of Aliens and accompanying legislation, including the removal, in emergency situations, of significant safeguards in the asylum procedure, and recommended revising those to make them fully compliant with the country's human rights obligations. The Commissioner also recommended ensuring that no returns are carried out to Belarus or other countries without sufficient safeguards being in place against refoulement or collective expulsions.

The letter is available on the Commissioner's website together with the reply from the Prime Minister.

Letter to the German Federal Minister of Justice and Consumer Protection and Federal Minister for Family Affairs, Senior Citizens, Women and Youth regarding children's rights

On 31 August, the Commissioner published a [letter](#) to the German Federal Minister of Justice and Consumer Protection and Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Christine Lambrecht, in which she urged the German authorities to ensure that the best interests of the child were treated as a top priority in all actions concerning children. She regretted the fact that the UN Child Rights Convention was not anchored in the German Constitution and stressed that international child protection standards had to be upheld, notably the right of children to have their views considered in all matters affecting them. The especially long school closures in Germany connected to the Covid-19 pandemic would have long-term adverse effects on children and young people. The Commissioner called on the authorities to ensure that the protection of children's rights was given due weight in all future Covid-related decision-making.

The letter is available on the Commissioner's website, together with the response from the Federal Minister of Justice.

Letter to the Secretary of State for Northern Ireland of the United Kingdom regarding the government's proposals on the legacy of the Troubles

In a [letter](#) to the Secretary of State for Northern Ireland, the Rt Hon Brandon Lewis MP, published on 23 September, the Commissioner warned that a new plan by the UK Government for dealing with the legacy of the Troubles in Northern Ireland would undermine human rights protections. She noted that the proposal to end investigations and prosecutions, including through a statute of limitations, would fall short of obligations under the ECHR to carry out effective investigations. The Commissioner also addressed the interlinkages between investigations and prosecutions, on the one hand, and truth and reconciliation, on the other, highlighting that impunity and the absence

of justice can be a major impediment to achieving lasting peace and reconciliation. She noted that the proposals, rather than bringing legacy issues to a close, would create further delays in dealing with the past effectively. Finally, she noted the lack of a victim-centred approach.

The letter is available on the Commissioner's website, together with the response from the Secretary of State for Northern Ireland.

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

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

The letter is available on the Commissioner's website.

Letter to the Prosecutor General of Armenia regarding criminal proceedings against a human rights defender

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

The letter is available on the Commissioner's website, together with the information provided by the Prosecutor General's Office of the Republic of Armenia in response to the letter.

Letter to the Prosecutor General of the Russian Federation regarding proceedings against human rights NGOs

On 7 December, the Commissioner published a [letter](#) addressed to the Prosecutor General of the Russian Federation, Igor Krasnov, regarding the proceedings seeking the liquidation of two human rights NGOs – International Memorial and Human Rights Center Memorial – for non-compliance with the so-called "foreign agents" law in the Russian Federation. The Commissioner stressed that the law was at odds with the authorities' duty to create a safe and enabling environment for civil society organisations and human rights defenders and seriously interfered with the rights of freedom of association and expression with a significant chilling effect and stigmatisation and marginalisation of the persons concerned. She regretted that the Russian authorities continued to restrict the space for independent civil society and free speech and urged the Prosecutor General to discontinue the liquidation proceedings against Memorial groups. Instead, she encouraged him to take an active role in bringing the relevant legislation and related practice into line with European human rights standards.

The letter is available on the Commissioner's website.

Letters to the Home Secretary of the United Kingdom and to the Minister of the Interior of France regarding Channel crossings

On 8 December, the Commissioner published her [letter](#) to the Home Secretary of the United Kingdom, Priti Patel, and the Minister of the Interior of France, Gérald Darmanin, following the tragic incident of 24 November, in which at least 27 women, men and children drowned while attempting to cross the Channel. The Commissioner noted that the underlying issues of the lack of safe and legal routes and other human rights aspects of this situation had largely

been ignored. In particular, she noted the lack of a framework for persons staying in France to apply for asylum or for a right to stay on other grounds in the United Kingdom. She also highlighted that the increasing focus on security to the exclusion of all else exacerbates the situation by redirecting people towards the most dangerous routes. She called for co-operation to ensure access to asylum, effective co-ordination of rescue at sea, safeguards in case of return, and humane and dignified treatment of all.

The letters are available on the Commissioner’s website together with the response from the Home Secretary of the United Kingdom.

2 THEMATIC ACTIVITIES

Introduction

In 2021, 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. The human rights implications of the Covid-19 pandemic, environmental protection and human rights and transitional justice issues, especially in former Yugoslavia, were also among the topics covered.

2.1 Human rights of immigrants, refugees and asylum seekers

In 2021, the Commissioner carried out country visits to Malta and Austria which addressed, as one of their key topics, the rights of refugees, asylum seekers and migrants, as well as a mission specifically focused on the migration situation at Poland’s border with Belarus (see under ‘Country work – Visits, missions and reports’). The Commissioner also sent letters on this topic to Cyprus, Greece, Lithuania, France and the United Kingdom (see under ‘Country work - Continuous dialogue’).

In addition, the Commissioner continued her work on the protection of the rights of refugees, asylum seekers and migrants in the Mediterranean. In connection with her [2019 Recommendation](#), on 9 March, the Commissioner published a follow-up report entitled [“A distress call for human rights. The widening gap in migrant protection in the Mediterranean”](#). It covered developments from July 2019 until December 2020 in five key areas: effective search and rescue; timely and safe disembarkation of rescued persons; co-operation with non-governmental organisations; co-operation with third countries; and safe and legal routes. The Commissioner provided a set of actionable measures to be urgently taken by European states to protect the lives and rights of those using dangerous sea routes. In particular, she recommended guaranteeing the presence of adequate state-led search and rescue capacity at sea; ensuring safe and prompt disembarkation of those rescued; allowing NGOs involved in search and rescue activities or human rights monitoring to carry out their work; ending pushbacks and other actions that expose refugees and migrants to a return to serious human rights violations; and expanding safe and legal routes.

On 15 March, the Commissioner participated in an exchange with the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) at which she highlighted the main findings from her above-mentioned follow-up report. Furthermore, on 26 March, a representative of the Commissioner’s Office presented the main conclusions of the report at a conference entitled “Rescuing lives in the Central Mediterranean: contemporary challenges” organised by the Italian Association for Juridical Studies on Immigration (ASGI), Aditus Foundation and the Malta Jesuit Refugee Service, with the support of the Fondation Assistance International. The Commissioner also reacted to specific developments as regards the situation in the Mediterranean, including on 23 April, following another [shipwreck](#).

On 20 May, in response to the sudden arrival of migrants in Ceuta, Spain, the Commissioner [drew attention](#) to the fact that, especially in such challenging situations, human rights must be protected, including dignified treatment, access to asylum, protection of vulnerable people and adequate safeguards in case of expulsion.

On 26 May, following a report on the situation in the Central Mediterranean by the UN High Commissioner for Human Rights, the Commissioner [supported](#) its findings and particularly highlighted improving search and rescue capacity and co-ordination, stopping returns to human rights violations and ending harassment of NGOs as key points on which action was crucial.

On 9 July, the Commissioner [reacted](#) to the judgment of the Grand Chamber of the Court in the case of *M.A. v. Denmark*, in which she had submitted a [third party intervention](#), noting it was a clear recognition of the right to family reunification and a significant signal regarding overly restrictive policies in Europe in this field.

In August, the Commissioner addressed the emerging situation at Council of Europe member states' borders with Belarus. In addition to the letter to the Prime Minister of Lithuania (see 'Country work - Continuous dialogue'), on 16 August, in a [press comment](#) to Public Broadcasting of Latvia she stressed the importance of respecting international legal obligations on human rights and asylum, at all times, even in difficult circumstances. On 25 August, the Commissioner also issued a [statement](#) addressing the humanitarian situation of a group of people who had been stuck for many days in a vulnerable situation at the Polish-Belarusian border. She stressed that pushing people back, denying them access to fair asylum procedures or simply leaving them stuck in a humanitarian emergency could not be the response of a Council of Europe member state bound by international instruments such as the ECHR or the Refugee Convention. The Commissioner called on Poland to enable them to apply for international protection to which they may be entitled, and to ensure that their humanitarian needs were met. On 20 September, the Commissioner further [reacted](#) to reports of people found dead at the Polish-Belarusian border. In November, the Commissioner carried out a mission to Poland to assess the humanitarian and human rights situation along the country's eastern border with Belarus, as detailed above ('Country work – Visits, missions and reports'). In a follow-up [statement](#) published on 1 December, concerning recent amendments to Poland's Border Protection Act, the Commissioner observed that they effectively prolonged many of the restrictive measures introduced by the earlier state of emergency, and concluded that they would have a harmful effect on the availability of humanitarian assistance, media access and the situation of human rights defenders and the welfare of the local population on Poland's eastern border.

More generally, pushbacks and human rights violations in border settings remained a key issue within this thematic area. On 7 October, the Commissioner [reacted](#) to shocking findings by Lighthouse Reports and other outlets on pushback situations and violence in several member states. On 21 October, the Commissioner issued a [statement](#) calling on member states to take a stand against pushbacks and oppose attempts to legalise this practice. She called on member states to emphatically reject any attempts to set aside or cherry-pick key human rights protections. She also called for action by all European states to hold one another to account for violations, and to take joint responsibility for tackling this serious human rights problem in Europe

In response to Afghans seeking safety following the Taliban takeover of Afghanistan, the Commissioner issued a [statement](#) on 30 August, calling on member states to unequivocally commit to handling the arrival of persons fleeing Afghanistan in accordance with their human rights obligations. This should include stepping up the preparation of their reception and asylum facilities, non-criminalisation of persons arriving irregularly, investing in safe and legal routes, and observing UNHCR's non-return advisory and reassessing earlier rejections of asylum in the light of the most recent events.

On 3 September, the Commissioner published a [statement](#) urging the Greek Parliament to reconsider a legislative proposal that risked hindering life-saving and monitoring work carried out at sea by NGOs. She also noted that serious concerns had been raised by human rights organisations as regards the proposal's impact on the right to asylum, the prevention of refoulement, remedies, safeguards in return procedures and the prevention of automatic, large-scale detention.

On 3 October, as part of her work on protecting rights and lives at sea, the Commissioner delivered a video message marking Remembrance Day for the victims of the Lampedusa shipwreck of 3 October 2013, organised by the *Comitato 3 Ottobre*, the Ministry of Education and the Municipality of Lampedusa.

2.2 Safety of journalists, media freedom and freedom of expression

Promoting the safety of journalists, media freedom and freedom of expression remained a constant priority in both the country-specific and awareness-raising activities of the Commissioner. Thus, the Commissioner covered these topics in a letter to Poland and in her mission to the country's eastern border with Belarus, in memoranda concerning Hungary and Slovenia and in her visit to Malta.

On 9 February, the Commissioner [expressed](#) her disappointment that the appeal by Klubrádió, the last major independent radio station in Hungary, to maintain its broadcasting licence beyond 14 February had been rejected.

Safety of journalists continued to be a weak spot across Europe to which the Commissioner repeatedly drew the attention of national authorities. Thus, on 19 February, three years after the murder of Ján Kuciak and Martina Kušnírová in Slovakia, the Commissioner noted that their memory would best be honoured by ending impunity for crimes against journalists and ensuring that they were able to work freely and safely in Slovakia and across Europe. Later, on 15 June, she [welcomed](#) the decision of the Supreme Court of Slovakia concerning these murders and highlighted that the pursuit of justice and the fight against impunity in this case must continue, including with regard to the person alleged to have masterminded the murders. On 6 March, the Commissioner [reacted](#) to the violent arrest of human rights defender and journalist Nidžara Ahmetašević in Sarajevo and called on the authorities to carry out a prompt and independent investigation into the conduct of the law enforcement officers. Further to the killing of the Greek journalist Giorgos Karaivaz on 9 April, the Commissioner [called](#) on the authorities to urgently and fully investigate this crime and ensure that those responsible were held accountable. On 16 April, she [stressed](#) that justice had still not been done in relation to the killing of journalist Lyra McKee in Northern Ireland and pointed to the need for further action to protect journalists from threats and violence. On 25 May the Commissioner [stressed](#) that labelling political analyst Tanja Topić as a 'foreign agent' and insults addressed to her and her family by the Chairman of the Presidency of Bosnia and Herzegovina, Milorad Dodik, were dangerous and may have a serious chilling effect on her valuable work and that of other members of civil society. On 6 July, the Commissioner [expressed](#) her shock at the shooting of journalist Peter R. de Vries in the Netherlands, who died from his injuries nine days later. She called for every effort to bring the perpetrators and masterminds of this horrific crime to justice and to ensure the safety of journalists in Europe. On 7 October, the Commissioner [commemorated](#) the 15th anniversary of the killing of Anna Politkovskaya. She deplored the Russian authorities' failure to identify those who had been behind this crime and stressed that achieving justice and ensuring journalists' safety were crucial steps to take. On the International Day to End Impunity for Crimes Against Journalists on 2 November, the Commissioner [stressed](#) that this phenomenon remains dangerously widespread in Europe. She called on member states to ensure the protection of journalists, end impunity and enact legislation that protects journalists and shields them from undue pressure.

The increasingly dangerous context in which journalists work when they cover public assemblies was the focus of a Human Rights Comment - "[Journalists covering public assemblies need to be protected](#)" - published on 30 April in which she stressed that violence against journalists, especially at the hands of state officials, was contrary to states' duty to uphold press freedom and to protect the safety of journalists. She underlined that the Covid-19 pandemic had exacerbated the trend of violence against journalists already visible in previous years, with a clear rise in physical assaults against journalists covering anti-lockdown protests in recent months. The Commissioner listed several steps member states could take to uphold the specific role played by journalists and other media operatives and ensure the rights of those working in the media to safely report on public assemblies.

In a [comment](#) on strategic lawsuits against public participation (SLAPPs) given in September to RND, a German media Company, the Commissioner underscored that SLAPP suits are one of the most hurtful tools used to stifle free speech and represent a serious threat to freedom of expression and the right to acquire information of public interest. She stressed that member states should refrain from interfering with freedom of expression and have a positive obligation to protect freedom of expression from any infringement, including by private individuals. She drew attention to the Council of Europe's standards and said that any legislation should have a threefold approach: preventing the filing of SLAPPs by allowing their early dismissal; introducing measures to punish abuse, particularly by reversing the costs of proceedings; and providing practical support to those who are sued.

The Commissioner continued co-operating with Council of Europe bodies and international organisations and their mechanisms, as well as with academia. On 2 February, she spoke about her role and experience intervening before the European Court of Human Rights in cases dealing with freedom of expression at a seminar on free expression at Columbia Law School. On 28 April, the Commissioner had an exchange of views with partners of the Council of Europe Platform for the Protection of Journalism and Safety of Journalists, when their annual report 2021 was released.

On 10 June, the Commissioner delivered a keynote [speech](#) at the Council of Europe Conference of Ministers responsible for Media and Information Society “Artificial Intelligence – Intelligent Politics. Challenges and opportunities for media and democracy”. She underlined that it was crucial that governments find adequate solutions, ensure that technology benefited and enhanced freedom of expression and demonstrate strong commitment to a free, independent and pluralistic media. She pointed to three main challenges in this area: online content moderation, and the increasing role of large social media companies in enabling the exercise of the right to receive and impart information in practice; the increasing number of abusive proceedings aimed at inhibiting critical reporting, including through SLAPPs; and the impact on media freedom the pandemic had had and continued to have.

On 25 May, the Commissioner met with the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, and discussed mainly disinformation in the digital age, safety of journalists and impunity for the murder of journalists.

On 29 November the Commissioner addressed a conference organised by the Freedom Online Coalition. She referred to restrictions on Internet access through blocking or filtering content, the criminalisation of legitimate expression and the practice of disconnecting users from Internet access, including through deliberate shutdowns.

2.3 Freedom of peaceful assembly

The Commissioner continued monitoring the respect of freedom of assembly in member states. Letters to national authorities in the Russian Federation, Turkey and the United Kingdom (see ‘Country work - Continuous dialogue’ for more details) were published, highlighting concerns about legislative proposals or practices that hindered the enjoyment of the right to freedom of peaceful assembly.

On 21 January, the Commissioner issued a [statement](#) in relation to the dispersal of peaceful protests and the detention of dozens of individuals who were protesting against the arrest of Alexey Navalny. She urged the Russian authorities to ensure that the rights to freedom of assembly and expression were respected and to refrain from taking disproportionate measures against peaceful protesters. On 1 February, the Commissioner [urged](#) the Russian authorities to release all individuals who were detained after demonstrating peacefully in many Russian cities and to hold to account those servicemen who had engaged in unlawful behaviour.

On 19 March, the Commissioner participated in an online event organised by Global Initiative against Transnational Organised Crime to mark the launch of a [report](#) on civil society organisations in the Western Balkans tackling organised crime and corruption. Referring to the challenges facing civil society organisations and human rights defenders working on these topics in the Western Balkans and across Europe, the Commissioner said she would continue to remind member states of their obligation to ensure freedom of association and expression and peaceful assembly for civil society organisations.

2.4 Women’s rights and gender equality

In 2021, the Commissioner continued to actively address women’s rights-related issues. In particular, she expressed serious concerns about the worsening of violence against women in the context of the Covid-19 pandemic and warned against the ongoing backlash against women’s access to reproductive health services.

On International Women’s Day, the Commissioner [stressed](#) that the Covid-19 pandemic affected women disproportionately, and differently. She called on states to ensure that progress in gender equality is not reversed,

including in the field of health. She also raised awareness about the continuous attacks against the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) based on false narratives and misrepresentations of the Convention.

On 11 May, the Commissioner [celebrated](#) the 10th anniversary of the Istanbul Convention, stressing the positive outcomes of this instrument on the lives of thousands of women and girls in Europe and that there was no excuse for obstructing its ratification. On 23 June, the Commissioner held an online exchange of views with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) during which she addressed, among others, her work to promote the ratification and implementation of the Istanbul Convention. This includes the publication, on 22 March, of a [statement](#) regretting Turkey's Presidential Decree announcing its withdrawal from the Istanbul Convention. She also repeatedly called on member states who have not yet acceded to the Convention to do so. On 17 June, the Commissioner [welcomed](#) the ratification of the Convention by Liechtenstein, which became the 34th state party to the Convention, and on 15 October, she [welcomed](#) the Convention's ratification by the Moldovan Parliament.

The Commissioner paid particular attention to the longstanding problem of cyberviolence against women in Europe, which has taken on a worrying new dimension with the rising popularity of social media platforms. On 24 November, she gave a [keynote address](#) for the launch of the first GREVIO General Recommendation on the digital dimension of violence against women. She expressed concerns about the disproportionate and harmful impact that cyberviolence has on women and the challenges that still lie along the path to obtaining justice. Deploring that women's rights defenders and female journalists were particularly exposed, the Commissioner stressed that states must address cyberviolence by using all the tools at their disposal, including GREVIO's Recommendation. This was [reiterated](#) on 25 November, on the occasion of the International Day for the Elimination of Violence against Women.

As part of her country work, the Commissioner raised issues pertaining to violence against women in her memorandum concerning Portugal published in March. Women's rights, including women's sexual reproductive health and rights, and gender equality were addressed during the Commissioner's [visit](#) to Malta in October and to Austria in December, in a letter to the [Slovak Republic](#) and in written observations to the European Court of Human Rights in the cases of [K.B. v. Poland and 3 other applications, K.C. v. Poland and 3 other applications and A.L. - B. v. Poland and 3 other applications](#).

2.5 Children's rights

The protection of children and their rights remained a priority for the Commissioner in 2021, as children continued to be disproportionately impacted by the pandemic. Lockdown measures and prolonged school closures deprived them more than other groups of their usual routines, exposing them to isolation and an increase in violence and abuse, including in the online environment. On [World Health Day](#), on 7 April, the Commissioner expressed her alarm at the evidence of a marked increase in anxiety levels, depression and self-harm among young people and called on member states to pay special attention to the mental health of children. Childhood and adolescence were crucial periods for life-long mental health, and children needed easy access to mental health support. In a [letter](#) to the German authorities the Commissioner stressed the long-term negative effects of extended school closures on children and underlined that these had to be considered a last resort only (see Country work – Continuous dialogue).

On 1 July, the Commissioner published the Human Rights Comment [“Boosting child and youth participation – from voice to choice”](#), in which she called on member states to more effectively protect the right of children to be heard and be taken seriously on all matters affecting them. Few governments had made systematic efforts to implement Article 12 of the UN Children's Rights Convention and facilitate the meaningful participation of children in relevant decision-making, even if many of the decisions would directly impact children and their future. In many countries children still faced challenges in accessing information about their rights and the policies that affected them. The Commissioner underlined that child participation led not only to better decisions but also enriched democracy and helped young people develop citizenship life skills. She therefore encouraged member states to empower children and youth to shape their future through open and inclusive consultations, through close collaboration in agenda-setting and policy-making, and through promoting children's democratic participation, including by considering a lowering of the voting age.

On 2 July, in [written observations](#) submitted to the European Court of Human Rights as a third-party, the Commissioner reiterated her view that the children of European nationals held in camps in North-East Syria had to be repatriated urgently as the humanitarian and security situation endangered their lives and physical and mental health, and that their mothers had to be repatriated with them to safeguard their best interests.

On 20 November, [World Children's Day](#), the Commissioner reminded political leaders to give primary consideration to children's rights in all their decisions, including in economic recovery programming. Acknowledging the multiple pandemic-related challenges for governments, the Commissioner stressed that child poverty and social exclusion had to be addressed urgently to prevent existing inequalities from deepening further. Member states had to show political will and commitment to building strong societies, notably by systematically investing in children and ensuring their equal access to rights.

2.6 Human rights of persons with disabilities

In 2021, the Commissioner continued her intensive work concerning the rights of persons with disabilities. She particularly focused on the rights of persons with psychosocial disabilities, setting out her views on the much needed [reform of mental health services](#) in a Human Rights Comment dedicated to this issue that she published on 7 April. Considering the devastating impact of the pandemic which had exposed and aggravated existing failings of mental health services throughout Europe, the Commissioner pointed to the various ways in which these services were continuing to cause numerous human rights violations, in particular when they are concentrated in closed psychiatric hospitals and where they rely on coercion. She stressed that persons facing mental health problems must have access to recovery-oriented community mental health services which are provided on the basis of free and informed consent and which promote social inclusion and offer a range of rights-based treatments and psychosocial support options.

The Commissioner was vocal in speaking out against institutions and coercion in psychiatry on several occasions, for example at a hearing organised by the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly on deinstitutionalisation of persons with disabilities on 16 March and an event organised by Mental Health Europe on [Shaping the future of community mental health services](#) based on human rights on 11 May. She also participated at a launch event organised by the World Health Organisation for its new guidance on community mental health services on 10 June and contributed a video message to the opening plenary session of the Global Mental Health Summit organised in Paris, France, on 5 October.

The Commissioner also engaged with member states on issues relating to the rights of persons with disabilities, notably with a [letter](#) addressed to the President of the Senate of Romania and the Chairperson of its Human Rights Committee and published on 14 April, regarding issues relating to the monitoring of the rights of persons with disabilities (see Country work – Continuous dialogue).

On 28 June, the Commissioner published her [written observations](#) in a case concerning the human rights of persons with psychosocial disabilities, with her detailed thoughts on how the Convention system could support the paradigm shift embodied in the UN Convention on the Rights of Persons with Disabilities.

2.7 Human rights of LGBTI people

In 2021, the Commissioner continued to promote the need to respect the human rights of LGBTI people in a context of rising intolerance and negative rhetoric in several European states.

On 14 June, the Commissioner [called](#) on Hungarian parliamentarians to reject a legislative proposal by the Government which banned the provision of information to minors about sexual orientation and gender identity, stressing that it was an affront to the rights and identities of LGBTI people and curtailed freedom of expression and education of all Hungarians. The need to stop the stigmatisation of LGBTI people and to uphold their freedoms of assembly, association and expression was the subject of a Commissioner's letter to Turkey.

At a thematic level, the Commissioner raised awareness and alarm regarding a growing pattern of manipulation of LGBTI-phobia by unscrupulous politicians across many member states. On 18 May, she participated in a committee hearing of the Parliamentary Assembly of the Council of Europe during which the topic was discussed in preparation of a report on “combating rising hate against LGBTI people in Europe”. On 16 August, coinciding with World Pride, the Commissioner published a Human Rights Comment [“Pride vs. indignity: political manipulation of homophobia and transphobia in Europe”](#) on political manipulation of LGBTI-phobia in Europe. Drawing on her work over several years in several member states, she observed that the rise in violence against and intolerance of LGBTI people is often caused by politicians exploiting societal prejudices and scapegoating LGBTI people for political gain. She expressed concern about the increasing influence of so-called “anti-gender” movements. She noted that such political LGBTI-phobia is a symptom of a broader attack against human rights.

Although Pride events were hindered again by the Covid-19 pandemic in 2021, the Commissioner supported them on a number of occasions, as manifestations of the rights to freedom of assembly and association. On 5 July, the Commissioner [condemned](#) violent attacks against media professionals and LGBTI activists in Tbilisi, Georgia, by opponents to the planned Pride march. On 6 August, she sent a message to the Human Dignity Conference of the Baltic Pride in Riga, Latvia, in which she expressed hope to see further progress toward *inter alia* the recognition of same-sex partnerships and the protection of transgender people in the region.

Another key priority for the Commissioner continued to be her interactions with and support for LGBTI human rights defenders. The Commissioner started with convening an online roundtable with a group of LGBTI human rights defenders. In the [report](#) of this roundtable, published on 9 December 2021, the Commissioner documented the many challenges faced by LGBTI defenders, notably physical violence and hate speech; smear campaigns, including by public officials; violations of the rights to freedom of assembly and expression; police and judicial harassment; lack of access to policy-makers and to funding, and burnout and exhaustion. The report also discussed the specific impact of the Covid-19 pandemic on LGBTI people and activism. On 17 May, to mark International Day against Homophobia and Transphobia, the Commissioner [called](#) on member states to effectively support and co-operate with LGBTI activists. On 2 November, the Commissioner [stated](#) that an attack against Sofia’s LGBTI RainbowHub was a worrying example of mounting threats against LGBTI NGOs and called on the authorities to conduct a swift investigation and prosecute the perpetrators.

The Commissioner maintained co-operation with other international and Council of Europe partners working on the human rights of LGBTI people. On 26 February, she met Victor Madrigal-Borloz, the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI) and co-signed the [statement](#) on 14 May on the right to freedom of religion or belief and the right to live free from violence and discrimination based on SOGI (See Co-operation with European and international organisations). On 18 October, at a seminar organised by the European Commission on Racism and Intolerance, the Commissioner [stressed](#) that it is essential for LGBTI people in Europe to be able to count on Equality Bodies in the protection of their rights. She welcomed positive examples of work done in this field, recognised the challenges and made recommendations to further improve the work, including organising training for their staff, securing effective co-operation with LGBTI communities and organisations and using the wide range of tools at their disposal. On 26 October, she held an exchange of views with members of the Committee for the Prevention of Torture during which the situation of LGBTI people in places of detention was discussed.

2.8 Human rights of Roma and Travellers

In 2021, the Commissioner continued to pay particular attention to the negative impact of the Covid-19 pandemic on Roma and Travellers and the importance of combating antigypsyism and of exploring and highlighting the history of Roma in Europe in order to better understand the mechanisms which have shaped institutionalised racism against them. This was particularly stressed in a [statement](#) issued on the occasion of the 2 August commemoration of the Roma Holocaust, in which she referred to her opening [address](#) delivered on 29 March at a conference launching the Chachipen project on truth and reconciliation. In the address, she also expressed support for the project’s objectives of promoting the setting up of truth and reconciliation commissions, designing new ways of raising public awareness about Roma history and empowering Roma activists to take part in transitional justice processes. The issues of school and housing segregation and forced housing evictions were also addressed in the Commissioner’s video message on 8 April at a [conference](#) on the human rights of Roma in Europe held by the Harriman Institute (Columbia University)

to mark International Roma Day. On 27 May, the Commissioner participated in the [Kyiv International Forum on Roma Inclusion](#) organised by the Ombudsman of Ukraine, where she stressed that national human rights institutions and equality bodies played an important role in making the concerns of the most disadvantaged heard and in bringing inequalities suffered by Roma to light.

As regards country work, the Commissioner addressed issues relevant to Roma and Travellers in her [memorandum](#) on Portugal (racially motivated hate crimes and hate speech), in a [letter](#) addressed to the United Kingdom (impact of a new criminal offence of trespass on communities living a nomadic lifestyle) and in letters addressed to the [Czech Republic](#) and the [Slovak Republic](#) (compensation for victims of forced sterilisation).

2.9 Rights of persons belonging to national minorities

On 29 June, the Commissioner spoke at a high-level [conference](#) on the results and challenges of national minority rights protection, organised within the framework of the Hungarian Presidency of the Committee of Ministers. While the implementation of the two Council of Europe minority protection treaties had helped bring about important achievements, challenges remained. The Commissioner highlighted the continued politicisation of minority rights, including in the spheres of language use, education and participation in public life, and expressed her hope that the Framework Convention and the Language Charter would serve as an inspiration for a human rights-based approach to minority protection that defused tensions rather than cementing division.

2.10 Social Rights

Social rights remained of particular concern to the Commissioner in 2021. The Covid-19 pandemic placed Europe's social and economic foundations under enormous strain and exposed inherent weaknesses with far-reaching consequences. Poverty, inequality and social exclusion were exacerbated across the continent with the risk of cancelling out the progress made in Europe since the financial crisis.

On 19 February, the Commissioner published her Issue Paper '[Protecting the right to health through inclusive and resilient health care for all](#)', which contains recommendations to member states on how to protect the right to health more effectively. As Covid-19 placed health care systems under unprecedented strain, structural shortcomings and deeply embedded inequalities in accessing the right to the highest attainable standard of physical and mental health were revealed across member states. The Commissioner stressed the importance of key components to delivering inclusive and resilient health care systems, including a skilled health workforce, adequate financing, effective health communication and, crucially, effective leadership and governance. She further emphasised the need to pay close attention to the important social determinants of health (social protection, an adequate living environment, education and employment conditions), as the pandemic had painfully demonstrated how social inequalities resulted in greater health risks for affected groups, causing significant human, social and economic costs to individuals and societies. The Commissioner set out twelve recommendations relating to universal health coverage, including physical and mental health, enhanced equality and dignity for patients and the promotion of transparency and accountability in decision-making. She underlined the need for measures to ensure equitable global distribution of medical products and vaccines in all countries. She called on member states to adopt a "One Health" approach in public health preparedness and global health security and address fragmented social protection systems and other social programmes through inter-sectoral dialogue. The Commissioner encouraged member states to invest in gender-inclusive biomedical and pharmaceutical research based on the needs of patients rather than profit to adequately address the health needs of the whole population throughout their lives. She also called on them to ensure that health and social care workers were treated with dignity, fairness and respect and to increase diversity across the workforce with a view to eliminating gender disparities.

On 17 May, the Commissioner held an [exchange](#) of views with the European Committee of Social Rights focusing on the right to health. Referring to her recommendations highlighted above, the Commissioner emphasised that the structural inequalities in all member states had to be addressed without delay to find an effective response to the pandemic. The discussion identified issues of mutual concern, including poverty, social exclusion, the right to adequate housing and the continued need for specific emphasis on the protection of vulnerable persons.

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

On 13 December, the Commissioner participated in the launch of the European Yearbook of Human Rights 2021, organised by the European Research and Training Centre for Human Rights and Democracy at the University of Graz, to which she had contributed the foreword. Referring to the multiple human rights challenges faced by Europe in 2021, the Commissioner stressed that disregard for existing inequalities and insufficient efforts to strengthen social and economic rights would come to haunt member states in the future.

2.11 Combating racism and intolerance

In 2021, the Commissioner continued to raise awareness about the dangers posed by hate speech, denial of genocides, exacerbated nationalism and xenophobia, and on various occasions, in her country and thematic work, addressed issues concerning antisemitism, Islamophobia and racism and racial discrimination against persons of African descent and Roma.

In a [statement](#) issued on 27 January, on International Holocaust Remembrance Day, the Commissioner stressed the need to keep the truth about the Holocaust intact and highlighted the role of education and awareness raising in countering disinformation. She called on politicians to condemn antisemitism and urged member states to improve and fully implement their legislation against hate speech.

On 19 March, ahead of the International Day for the Elimination of Racial Discrimination, the Commissioner released a report on [“Combating racism and racial discrimination against people of African descent in Europe”](#), based on a roundtable held in November 2020 with human rights defenders working on combating Afrophobia. The report highlighted that people of African descent continue to be exposed to racial stereotyping, racist violence, racial profiling in policing and criminal justice, and practices which perpetuate social and economic inequalities. The situation is compounded by the denial of these problems and a lack of public debate on Afrophobia; limited research and equality data; insufficient efforts to address the legacy of colonialism and the slave trade; and a lack of educational and awareness-raising efforts. Moreover, human rights defenders working on combating Afrophobia regularly face threats to their lives and safety, harassment, surveillance, censorship, sanctions and profiling by automated tools. To reverse this situation, the Commissioner called on member states to prioritise the implementation of international standards and guidelines on combating racism and racial discrimination and to show commitment to addressing the legacy of colonialism and the slave trade, including in their education systems. She urged them to enhance measures to eradicate racial profiling and impunity for racist crimes committed by law enforcement officers; act against incitement to hatred against people of African descent; enhance protection against hate crimes; combat discrimination in access to education, employment, housing and health care; and ensure that artificial intelligence systems do not discriminate. She also underlined member states’ obligation to facilitate a safe and enabling environment for human rights defenders working on combating Afrophobia and the need to give them a voice in national policy and more opportunities for dialogue at regional level.

On 31 March, the Commissioner had an exchange of views with the European Commission against Racism and Intolerance (ECRI). In her introductory [speech](#), she focused on the increasing inequalities and lack of inclusion affecting vulnerable people amid Covid-19 and the challenges posed by the growing intolerance and widespread racism, including antisemitism, Islamophobia, antigypsyism and Afrophobia in European societies. She underlined, in addition, the important role of national human rights structures and human rights defenders and the need to continue to support their work.

The Commissioner addressed issues related to racially motivated hate crimes and hate speech targeting in particular Roma, people of African descent and persons perceived as foreigners in her [memorandum](#) on Portugal (see ‘Country work – Visits, missions and reports’). She raised concerns about the discrimination and intolerance affecting Roma,

including in the context of the Covid-19 pandemic, in her dialogue with the authorities of the Czech Republic, the Slovak Republic and the United Kingdom, in her exchange of views with the European Committee of Social Rights on 17 May, and on the occasion of the commemoration of the Roma Holocaust, on 2 August. She also continued her exchanges on this topic with national human rights structures. The Commissioner furthermore addressed the increase in violence based on racism, as well as other forms of intolerance, in her exchange of views with the European Union Human Rights Ambassadors on 11 June.

On 2 November, the Commissioner participated in a hearing of the Special Committee of the Italian Senate on the Fight against Intolerance, Racism, Antisemitism and Instigation to Hate and Violence. She shared observations based on her monitoring work in this field in Council of Europe member states and stressed the need to transpose the relevant international standards into domestic legislation, as well as the importance of independent equality bodies and of close co-operation with civil society organisations.

In an [article](#) published on 18 November, the Commissioner stressed that the re-emergence of inflammatory rhetoric in Bosnia and Herzegovina was dangerous for people living in the region and for Europe. Among the urgent steps needed to defuse tensions, the Commissioner called for the elimination of provisions discriminating on the basis of ethnicity from the country's constitution and electoral law, putting a stop to hate speech, genocide denial and the glorification of war criminals, and working towards improving inter-ethnic relations and ensuring the equal protection of everyone's rights. She also called on the media to play a positive role by reporting ethically and stressed the crucial role of a free press, *inter alia*, in preventing incitement to hatred and violence (see *Transitional justice*).

Representatives of the Commissioner's Office participated in the regional consultation organised by the Office of the United Nations High Commissioner for Human Rights on 20 January, with regard to the implementation of Human Rights Council Resolution 43/1 on "Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers" and in the follow-up exchange held on 23 September.

2.12 Transitional justice and missing persons

In 2021, the Commissioner reminded various member states that effective accountability, remembrance of past abuses and honouring the victims' suffering are human rights imperatives. They are also the foundation of peaceful societies in which there is respect for others, as well as for human rights and the rule of law, and trust in state institutions.

The former Yugoslavia was an area of particular concern. The Commissioner underlined the importance of memorialisation policies to honour the victims and ensure that atrocities never happen again. For example, on 22 April, she [stressed](#) the importance of commemoration ceremonies in the context of the Jasenovac commemorations in Croatia and, on 31 May, she [called on](#) the local authorities in Prijedor, Bosnia and Herzegovina, to build a memorial for the children killed there in 1992, as requested by their parents. On 8 June, following the final conviction of Ratko Mladić for genocide, war crimes and crimes against humanity committed under his command, the Commissioner [underlined](#) the importance of using the rich legacy of the International Criminal Tribunal for the Former Yugoslavia to combat the glorification of war criminals in the region. On 11 July, on the day commemorating the victims of the Srebrenica genocide, the Commissioner [repeated](#) that remembrance, justice, truth and education are all necessary to overcome genocide denial. On 18 November, the Commissioner published an [opinion piece](#) alerting about warmongering and nationalist inflammatory rhetoric in Bosnia and Herzegovina. She outlined several steps to de-escalate the situation, including eliminating discriminatory provisions based on ethnicity in the constitution and electoral law, stopping hate speech and the denial of genocide and war crimes, stepping up efforts to deal with past human rights violations, and bridging economic and social inequalities. Finally, between 26 November and 3 December, the Commissioner held a series of meetings with NGO representatives and academics from countries of the former Yugoslavia who work on transitional issues to collect information on progress and challenges in the region in this regard.

As regards country-specific work, the Commissioner raised issues related to transitional justice in several contexts throughout the year. In a [letter](#) to the United Kingdom on a new plan of the UK government for dealing with the

legacy of the Troubles in Northern Ireland ; in a letter to Azerbaijan regarding the inauguration in Baku of a “Trophy Park” about the war; and in a [memorandum](#) on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, where the Commissioner made several recommendations on addressing gross human rights violations committed during the conflict, including increased co-operation to locate missing persons, as well as criminal accountability and reparations for the victims and their families.

In 2021, the Commissioner also stressed the importance of transitional justice measures to address past human rights violations against Roma and help combat today’s antigypsyism. On 29 March, at the online conference of the Chachipen project, and again on 2 August in commemoration of the Roma Holocaust, she supported the idea of promoting the setting up of truth and reconciliation commissions and empowering Roma activists to take part in such transitional justice processes (see Thematic activities – Human Rights of Roma and Travellers).

Regarding missing persons, the Commissioner met online on 5 July with the Director General of the International Commission on Missing Persons, with whom she discussed missing persons in member states as well as the challenge of dealing with missing migrants. On 18 November, 30 years after the Vukovar siege, the Commissioner [called on](#) states in the former Yugoslavia to open their police and military archives to facilitate the search for those still missing.

2.13 Counter-terrorism and human rights protection

The issue of the return of nationals of Council of Europe member states suspected of having joined ISIS and other terrorist groups in Syria and Iraq to their home countries remained high on the Commissioner’s agenda in 2021. On 2 July, she published her written observations to the European Court of Human Rights on the cases of [H.F. and M.F. v. France and J.D. and A.D. v. France](#) regarding the fate of European nationals held in camps in North-East Syria. The Commissioner also took part in the hearing held on these cases by the Grand Chamber of the Court on 29 September.

The Commissioner also discussed the repatriation of Council of Europe nationals held in camps in North-East Syria with the UN Under-Secretary-General for Counter-Terrorism, Vladimir Voronkov, with whom she met online on 24 August. They exchanged views on democratic and effective oversight of national security services; emerging and/or resurgent terrorist threats such as far-right terrorism and terrorism inspired by conspiracy theories; and the rights of victims of terrorism.

2.14 Treatment of prisoners and rehabilitation of victims of torture

The Commissioner raised the issue of ill-treatment of migrants, refugees and asylum-seekers by law-enforcement personnel of [Croatia](#), [Greece](#) and [Cyprus](#) in the context of collective returns and pushbacks. She also raised issues relating to ill-treatments of protesters in the Russian Federation in a [letter](#) addressed to the Interior Minister and intervened as a [third party](#) in the proceedings of the European Court of Human Rights in cases related to the fate of European nationals held in Syrian camps. In her [memorandum](#) on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, she expressed dismay at the allegations of inhuman treatment and torture in detention of prisoners of war and other captives, calling on the authorities of both sides of the conflict to carry out thorough, prompt, independent and impartial investigations into all allegations of serious human rights violations committed during the conflict and its aftermath.

On 26 October, the Commissioner held an exchange of views with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) including on the detention and pushbacks of migrants and asylum seekers and the situation of LGBTI people deprived of their liberty.

2.15 Conduct of law enforcement officials

The conduct of law enforcement authorities during the policing of assemblies, including excessive use of force against demonstrators and/or arbitrary detentions, featured prominently in the Commissioner’s thematic and country work in 2021 (see Thematic activities - Freedom of peaceful assembly).

Another recurrent topic was the situation of journalists who are either targeted by the police or prevented from carrying out their duties, which was covered in her Human Rights Comment [“Journalists covering public assemblies need to be protected”](#).

Racism in the police was covered in the Commissioner’s [memorandum](#) on combating racism and violence against women in Portugal. In her Human Rights Comment [“Corruption undermines human rights and the rule of law”](#), the Commissioner also focused on the need to promote integrity within the police.

2.16 Artificial Intelligence

The Commissioner continued to examine the ongoing developments surrounding the design and use of artificial intelligence (AI) systems in public and private life, notably also the efforts at European level to advance regulatory tools for their application. On 20 January, she delivered a [keynote speech](#) at the opening of the high-level Conference on Human Rights in the Era of Artificial Intelligence, organised in the framework of the German Presidency of the Committee of Ministers. She stressed that technology did not always render processes faster, better or less expensive, and that member states had to establish effective safeguards for oversight and appropriate remedies in case of rights violations, including in the context of “digital welfare”. States had to ensure that the deployment of AI systems did not infringe the dignity of individuals, or their rights to privacy, data protection and non-discrimination.

2.17 Data protection

On 28 January, the Commissioner marked data protection day by [stressing](#) that Convention 108 is an essential tool to protect human rights and address current data protection challenges, including cross-border exchange of data by national security services, which must be subjected to democratic and effective scrutiny.

2.18 Environmental protection and human rights

In 2021, the Commissioner’s work in the area of environment and human rights centred on two main topics: supporting the recognition of the right to a clean and healthy environment at national and international level, and protecting environmental human rights defenders, in particular among young people.

On 31 March, the Commissioner published a report on the roundtable she had held with environmental human rights defenders from across Europe in December 2020. The report, entitled [“Environmental Rights Activism and Advocacy in Europe: Issues, Threats, Opportunities”](#), addressed the major trends in the area of environmental human rights, working methods and good practices for activists, and the challenges faced by environmental human rights defenders in Europe.

On 11 May, the Commissioner published her written observations to the European Court of Human Rights in the case of [Cláudia Duarte Aqostinho and others v. Portugal and 32 other States](#) concerning the negative impact of climate change on a range of human rights, in particular those of younger generations.

On 25 May, the Commissioner published a Human Rights Comment entitled [“Let us make Europe a safe place for environmental human rights defenders”](#), which threw into sharp relief the rise in attacks, reprisals and stigmatisation targeting many environmental defenders and journalists in Europe, stressing the importance of providing a safe and enabling environment for their work. The Commissioner reaffirmed her pledge to speak out in defence of environmental human rights defenders in her keynote speech delivered at the on-line [event](#) on “Young Environmental Defenders and Their Rights”, organised on 19 May by the Expert Council on NGO Law, in an [interview](#) with young environmental defenders on 25 May, and during the panel discussion devoted to threats to environmental defenders, organised on 9 November in the framework of the 9th World Forum for Democracy (WFD) entitled “Can Democracy Save the Environment?”.

In a [speech](#) published on 21 October, the Commissioner voiced her support for the [decision](#) of the Meeting of the Parties to the Aarhus Convention to establish the mandate of independent Special Rapporteur on environmental

defenders under the Aarhus Convention, calling on all parties to the Aarhus Convention to make the new mechanism fully operational as soon as possible by providing it with adequate funding, full co-operation, and political commitment.

In a [keynote speech](#) delivered at the virtual human rights and climate change symposium organised by the Royal Society of Edinburgh and the German National Academy of Sciences Leopoldina on 28 October, the Commissioner welcomed the recognition by the UN Human Rights Council of the human right to a clean and healthy environment and noted the proposal made by the Parliamentary Assembly of the Council of Europe to anchor this right more firmly in the human rights standards of the Council of Europe. She further outlined several of her ideas on how members of academia can play a role in the area of protecting environment and human rights.

2.19 Human rights implications of the Covid-19 pandemic

The Covid-19 pandemic and its implications for the exercise of human rights across Europe remained an area of high concern for the Commissioner in 2021, which she addressed in both her country-specific and thematic work. She called on member states to use the crisis as an opportunity to initiate necessary reforms and policy changes to protect human rights more effectively and enhance resilience in possible future crisis situations.

On 19 January the Commissioner [underlined](#) that corruption significantly undermined the effectiveness of healthcare systems, thereby acting as a barrier to accessing the right to health in many member states. At the same time, the Covid-19 pandemic had also exacerbated systemic problems of healthcare systems and increased the risks for corruption, such as bribery in medical service delivery and in the procurement of medical and personal protection equipment.

As mentioned above (Thematic activities – Social rights) in February the Commissioner published an [Issue Paper](#), with twelve recommendations directed at member states, calling for more autonomy and dignity in health and social care systems, efforts to promote non-discriminatory access to services for all, and vigorous enhancement of protections for health and social care workers. On various occasions throughout the year, the Commissioner emphasised that the structural inequalities in all member states had contributed significantly to the excess mortality inflicted by the pandemic and had to be addressed urgently.

On 7 April, World Health Day, the Commissioner stressed the extraordinary strain placed on [mental health services](#) as a result of the pandemic, which exposed and aggravated significant shortcomings and caused numerous human rights violations. She voiced particular concern regarding the situation in closed psychiatric hospitals and the fact that the additional mental health needs, caused by anxiety, isolation and grief over the loss of family members to the pandemic, had too often not been met. She underlined that it was essential to reform mental health services, and relevant laws and policies, urgently and from the ground up in order to rise to the challenges posed by the pandemic and pay close attention to the special mental health needs of children and adolescents.

On 29 April, the Commissioner [warned](#) that Covid-19 had exacerbated an alarming trend of growing violence against journalists, including when covering anti-lockdown protests. She voiced her concern about policing at demonstrations which was often excessively violent and recalled that the rights to peaceful assembly and freedom of information were vital for a functioning democracy, particularly during a public crisis situation.

On 1 July, the Commissioner [called](#) on member states to ensure that children, who would bear the consequences of Covid-related measures over many years, including in terms of their education rights, their employment perspectives and the mounting debt burdens, were given effective opportunities to participate in relevant decision-making, in line with Article 12 of the UN Children’s Rights Convention (see Thematic activities – Children’s rights). The Commissioner stressed that the best interests of children had to be given primary consideration in all matters affecting them, including during crisis situations. This was too often not the case. Children had continued to be disproportionately affected by the pandemic and the containment measures as their lives and routines had been particularly severely disrupted. Schools had continued to endure long closures in some countries, while restrictions on businesses and industry had been less stringent. While suicide had been one of the leading causes of death among

adolescents in Europe even before the pandemic, the evidence of significantly increased levels of anxiety, depression and self-harm among youth since was deeply alarming.

The Commissioner underlined overall the absolute necessity to focus on the special needs of those groups whose access to rights had been precarious already before the pandemic. In a number of social posts and statements, she underlined the disproportionate impact of the pandemic on women, on migrants and people on the move, as well as on Roma, persons with African descent, LGBTI and persons with disabilities. At a high-level event on 18 October marking the 60th anniversary of the Social Charter, the Commissioner paid tribute to the essential contributions made by the European Committee of Social Rights to ease the impact of the pandemic and called on member states to increase their political commitment and financial support to the enforcement of social rights to strengthen resilience against possible future health emergencies.

3 HUMAN RIGHTS DEFENDERS

In 2021 the Commissioner continued to closely monitor the situation of human rights defenders in the Council of Europe area.

On many occasions, the Commissioner addressed situations where the safety, security or liberty of human rights defenders was in jeopardy. In particular, she reacted to the prolongation of detention of Osman Kavala in Turkey; various forms of reprisals, including attacks, smear campaigns and intimidation targeting human rights defenders working in the Chechen Republic, Russian Federation; the criminal prosecution of a defender of Yezidi minority rights in Armenia; and reprisals faced by human rights defenders, including lawyers, in Crimea, Ukraine.

The Commissioner also raised issues pertaining to the working environment for human rights actors in her dialogue with various member states. In particular, as mentioned above (Country work – Continuous dialogue) she addressed attempts to discredit the work of civil society organisations assisting migrants and refugees in Greece; the stigmatisation of human rights defenders and NGOs in a [memorandum](#) concerning freedom of expression and media freedom in Slovenia; and the liquidation proceedings against two prominent human rights NGOs in the Russian Federation.

On several occasions, the Commissioner expressed her support for civil society and human rights defenders facing unprecedented reprisals in Belarus. In her [statement](#) published on 3 November, the Commissioner stressed that the situation in Belarus had reached alarming levels as the authorities were deliberately and systematically dismantling civil society. While noting that Belarus is not a Council of Europe member state, she pointed out that this country had international human rights obligations, including to ensure a safe and enabling environment for civil society organisations and human rights defenders.

As part of her continuous efforts to promote an enabling environment for human rights defenders, the Commissioner participated in various public events, including the conference dedicated to the 100th anniversary of the birth of Andrei Sakharov. The conference gave the Commissioner an opportunity to take stock of the current challenges to human rights, democracy and the rule of law in Europe, point to some positive trends and highlight the important role played by human rights defenders in today's Europe. As mentioned above, the Commissioner also published a [human rights comment](#) on the situation of environmental human rights defenders in Europe, outlining the challenges they face and recommendations to remedy the problems for the benefit of everyone's human rights.

The Commissioner also maintained her regular interaction with human rights defenders, including by organising several online meetings with them in the course of 2021. In particular, she hosted an online roundtable with LGBTI rights defenders and several meetings with human rights defenders working on the human rights situation in various areas, including Crimea and Donbas, Ukraine. Those meetings enabled the Commissioner to assess various human rights issues, including challenges human rights defenders face while carrying out their legitimate activities. The

Commissioner also issued two reports following her roundtable discussions with [environmental human rights defenders](#) and activists working to combat [racism and Afrophobia](#) in 2020.

4 CO-OPERATION WITH NATIONAL HUMAN RIGHTS STRUCTURES

The Commissioner is mandated to facilitate the work of national Ombudsman institutions and other national human rights structures, such as National Human Rights Institutions (NHRIs), human rights commissions and institutes, Equality Bodies, National Preventive Mechanisms, Data protection offices and others. National human rights structures are essential partners in the Commissioner's dialogue with member states. She maintains close contact with national human rights structures both bilaterally and through their networks, including the European Network of NHRIs (ENNHRI), the International Ombudsman Institute (IOI), EQUINET and the European Network of Ombuds for Children (ENOC).

In 2021, the Commissioner held bilateral meetings with national human rights structures in the context of her online dialogues with member states and country visits, as well as numerous other bilateral meetings online and in Strasbourg. She held an exchange of views with the ENNHRI leadership in September.

Based on her strong conviction that national human structures play a key role in enhancing the protection and implementation of human rights at national level, the Commissioner participated in several human rights events organised with or by national human rights structures. For example, on 24 March, the Commissioner participated in a hearing at the German Parliament organised on the occasion of the 20th anniversary of the German Institute for Human Rights. She spoke at the Kyiv International Forum on Roma Inclusion organised by the Ombudsman institution of Ukraine on 27 May and participated in an exchange of views with the Human Rights Delegation of the Finnish Human Rights Centre on 7 June.

On 26 April, the Commissioner took part in an online high-level meeting organised by ENNHRI to discuss Committee of Ministers Recommendation CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent NHRIs. Stressing that there was room for improvement everywhere, the Commissioner suggested that each member state examine the Recommendation, identify relevant points in their national context and draw up a roadmap for implementation, in close consultation with NHRIs and other stakeholders. On 18 October, the Commissioner [spoke](#) at a seminar organised by the European Commission on Racism and Intolerance, at which she stressed the crucial role Equality Bodies can play in defending the human rights of LGBTI people and how to strengthen such a role.

In certain situations, the Commissioner spoke out in support of the independence and integrity of national human rights structures. On 15 April, in connection with a ruling issued earlier that day by Poland's Constitutional Court declaring that a provision allowing an Ombudsman whose term had expired to remain in office until a successor had been elected was unconstitutional, the Commissioner [cautioned](#) about the worrying gap that the ruling created in the continuity and functioning of the Ombudsman institution between terms of office. She called for a successor to be elected as a matter of urgency. On 23 November, the Commissioner [urged](#) Georgian politicians to fully respect the independent mandate of the Public Defender. On 28 December, she [called](#) on the Georgian Parliament to refrain from adopting, in an expedited manner and without proper consultation with the relevant stakeholders, a draft law aimed at abolishing the State Inspector's Service, an independent institution responsible for personal data protection and investigation of certain crimes committed by law enforcement officials.

5 CO-OPERATION WITH EUROPEAN AND INTERNATIONAL ORGANISATIONS

5.1 European Union

In June, the Commissioner participated in an exchange of views with the European Union's Human Rights Ambassadors on the human rights situation in Europe.

In October, the Commissioner met in Strasbourg with the Acting Director-General of the EU DG for European Neighbourhood Policy and Enlargement Negotiations, Maciej Popowski, to discuss human rights and rule of law issues in specific country contexts.

In November, the Commissioner had an online discussion with the EU Special Representative for Human Rights, Eamon Gilmore, on issues of mutual interest.

As regards co-operation with the EU Fundamental Rights Agency (FRA), in September, the Commissioner met in Strasbourg with the FRA Director, Michael O’Flaherty, to discuss human rights topics of common interest and planned and future activities and co-operation. Furthermore, in October the Commissioner delivered a video address to the EU Fundamental Rights Forum, highlighting the need for systematic and effective efforts to close the gap between the promise of human rights for all and the reality.

5.2 Organisation for Security and Cooperation in Europe

In January, the Commissioner gave a keynote speech at an OSCE conference on the role of the human dimension in efforts to achieve stability and security, stressing that measures aimed at increasing security must be accompanied by meaningful counterbalances that protect human rights.

In March, the Commissioner had an exchange of views with Ambassador Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities, concerning their respective work and priorities regarding the rights of persons belonging to national minorities.

5.3 United Nations

In 2021, co-operation between the Commissioner and the United Nations focused on a wide range of issues of mutual interest, including the human rights of LGBTI people, the situation of migrants, refugees and asylum seekers, human rights and environment, and counterterrorism.

In February, the Commissioner had an online meeting with the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI), Victor Madrigal-Borloz, to discuss issues of concern affecting the human rights of LGBTI people in Europe.

In March, the Commissioner had an online exchange of views with the UN Special Representative on Human Rights and Environment, David Boyd, concerning their respective activities and potential areas of co-operation.

In May, the Commissioner held two online meetings: one with the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, to discuss issues of mutual interest, including reception conditions and pushbacks, and another one with the UN Special Rapporteur on freedom of opinion and expression, Irene Khan, to discuss their respective activities and areas of co-operation. She also co-signed a statement on the right to freedom of religion or belief and the right to live free from violence and discrimination based on sexual orientation and gender identity together with the UN Independent Expert on SOGI, the Inter-American Commission on Human Rights and a large number of independent UN human rights experts.

In August, the Commissioner had an online exchange of views with the Under-Secretary-General of the United Nations Counter-Terrorism Office, Vladimir Voronkov, regarding emerging issues of mutual concern and avenues for future co-operation between their offices.

In September, the Commissioner met in Strasbourg with the Assistant High Commissioner for Protection at the Office of the United Nations High Commissioner for Refugees, Gillian Triggs, to discuss protection policies in Europe.

6 SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Third-party interventions before the European Court of Human Rights are among the tools at the Commissioner's disposal to help promote and protect human rights. They are provided for by the European Convention on Human Rights and are based on the Commissioner's country work and thematic activities. In 2021, the Commissioner made four written interventions as a third party, pursuant to Article 36, paragraph 3 of the European Convention on Human Rights. She also presented oral observations in one Grand Chamber hearing.

On 11 May, the Commissioner published her written observations to the Court on the proceedings relating to [Cláudia Duarte Agostinho and others v. Portugal and 32 other States](#) relating to the negative impact of climate change on a range of human rights, in particular those of younger generations. Noting the pronounced impact of environmental degradation and climate change on human rights, the Commissioner argued that international environmental and children's rights law instruments should play a significant role in defining the scope of states' obligation to prevent human rights violations caused by environmental harm. She considered that the European Convention on Human Rights encompasses many components of the right to a healthy environment, providing a solid legal framework to protect victims of climate change, and emphasised the importance of the right to a remedy, pointing to the barriers faced by these victims in accessing justice. The Commissioner concluded that the increasing number of climate change-related applications provide the Court with a unique opportunity to continue to forge a legal path towards fuller implementation of the Convention and to offer real-life protection to individuals affected by environmental degradation and climate change.

On 28 June, the Commissioner published her written observations to the Court on the case of [Eugeniu Clipea and Virginia Iapara v. the Republic of Moldova](#) relating to alleged human rights violations committed in connection with the applicants' stay in a psychiatric hospital. The Commissioner drew the Court's attention to a fundamental shift in attitudes against institution-based mental health services and the use of coercion in psychiatry which has been taking place at global level and in Europe since the entry into force of the UN Convention on the Rights of Persons with Disabilities. She considered that, in the light of this shift, the traditional approach taking coercion for granted for some persons with psychosocial disabilities as a "last resort" option, as long as certain procedural safeguards have been respected, is no longer tenable. Member states should instead strive to provide community-based, recovery-oriented mental health services based on consent. She also pointed to the often-insurmountable barriers persons with psychosocial disabilities face in bringing human rights violations to light, owing to entrenched forms of institutional discrimination. The Commissioner concluded that an evolution is necessary in the protection afforded by the European Convention on Human Rights to persons with psychosocial disabilities in order to avoid a widening gap between this protection and that provided under the United Nations Convention on the Rights of Persons with Disabilities.

On 25 June, the Commissioner submitted her written observations to the European Court of Human Rights on the cases of [H.F. and M.F. v. France and J.D. and A.D. v. France](#) relating to the fate of European nationals held in camps in North-East Syria. The Commissioner also took part in the hearing held on these cases by the Grand Chamber of the Court on 29 September. In her written and [oral observations](#), the Commissioner stressed that nationals of the States Parties to the Convention being held in these camps fall within the jurisdiction of those states, and that the prevailing health and security situation in the camps endangers the lives and health of these persons, especially children. She further underlined that the only way for States Parties to meet their obligation to take measures to prevent violations of Article 3 of the Convention is to repatriate their nationals. Furthermore, she stressed that the refusal by certain States Parties to do so is such as to impede the effective exercise of these persons' right to respect for private and family life. The Commissioner also stated that the removal of all foreign children from the camps is an absolute and mandatory priority from the viewpoint of the rights applying to all children pursuant to the UN Convention on the Rights of the Child and its protocols, and that in order to safeguard their best interests their mothers must be repatriated with them. Lastly, the Commissioner considered that the repatriation of European nationals held in the camps in North-East Syria is essential to protect the rights of victims of terrorist acts and is a means of preventing terrorism.

On 10 November, the Commissioner published her written observations to the Court on the cases of [K.B. v. Poland and 3 other applications](#), [K.C. v. Poland and 3 other applications](#) and [A.L. - B. v. Poland and 3 other applications](#) relating to abortion rights in Poland. The Commissioner stressed that the October 2020 ruling of Poland's Constitutional Tribunal, which resulted in a near-total ban on abortions, has created a situation removing Poland even further from its obligations under international human rights law, particularly those stemming from Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 8 (right to private and family life) of the European Convention on Human Rights. She stressed that making safe abortion care legal is not in itself sufficient to ensure compliance with human rights obligations and that states must also take concrete action to guarantee the quality of abortion care and ensure that it is available and accessible in practice. The Commissioner highlighted the firmly established European consensus in favour of access to safe and legal abortion and concluded that, in order to ensure the effective protection of women's human rights, Poland should urgently guarantee to all women and girls full and adequate access to safe and legal abortion care by bringing its law and practice into line with international human rights standards, including the Convention, and regional best practices.

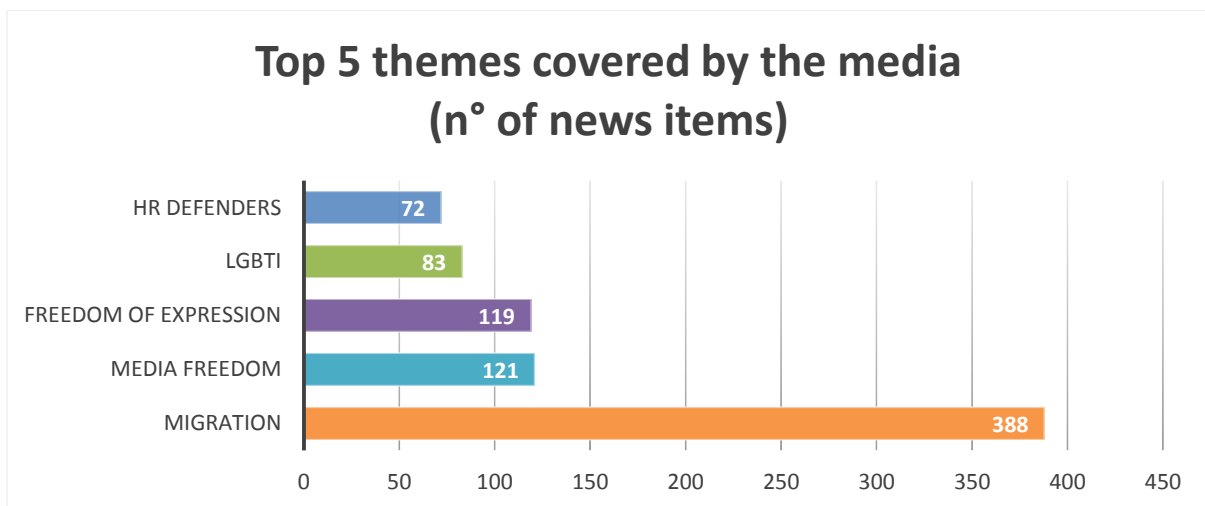
7 COMMUNICATION AND INFORMATION WORK

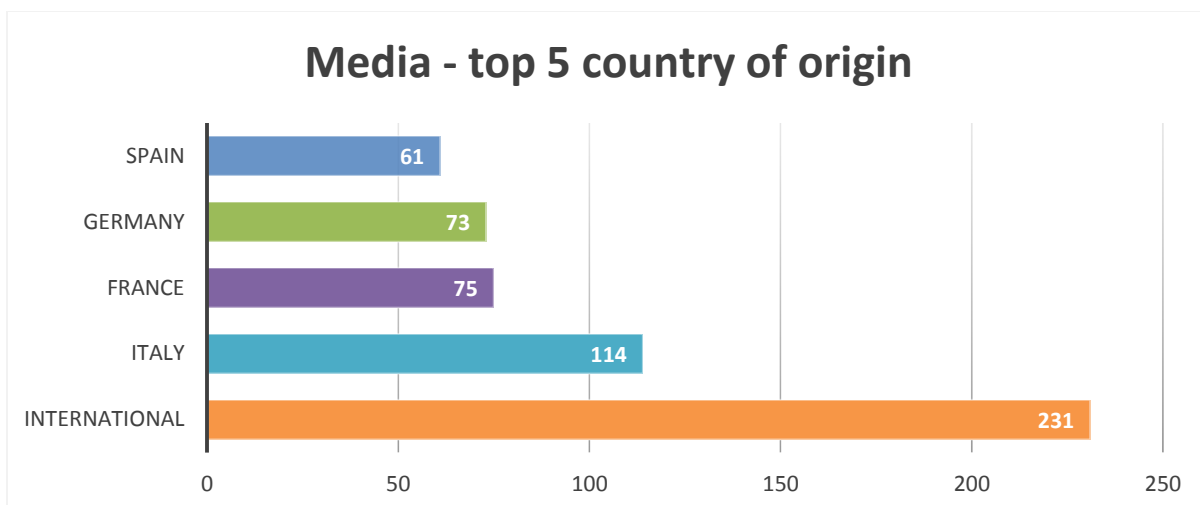
The Commissioner's work in 2021 continued to generate media coverage in leading national and international media outlets and social media engagement. Almost 1,150 news pieces were published by media outlets.

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

Three opinion pieces were published, covering [Afrophobia](#), the [Istanbul Convention](#) and the need to de-escalate tensions in [Bosnia and Herzegovina](#). The latter op-ed was syndicated in 11 news outlets of different member states.

The Commissioner also gave several interviews on the human rights of migrants, including an interview with *N1 Bosnia*, *Radio Free Europe Sarajevo*, *El Pais* and *Radio 24*, live interviews to *BBC World News Live with Lucy Hockings*, *Al Jazeera NewsHour* and *CNN-I Connect The World* on the situation at the border between Poland and Belarus. She also held a press Point in Michalowo, Poland, on 16 November that was attended by various media, including *AFP*, *Reuters*, *Polsat TV*, *TVN24*, *CGTN*.





Human Rights Comments

Six Human Rights Comments were published in 2021 covering topics such as LGBTI rights, child and youth participation, human rights defenders, the protection of journalists covering public assemblies, the need to reform mental health services and corruption.

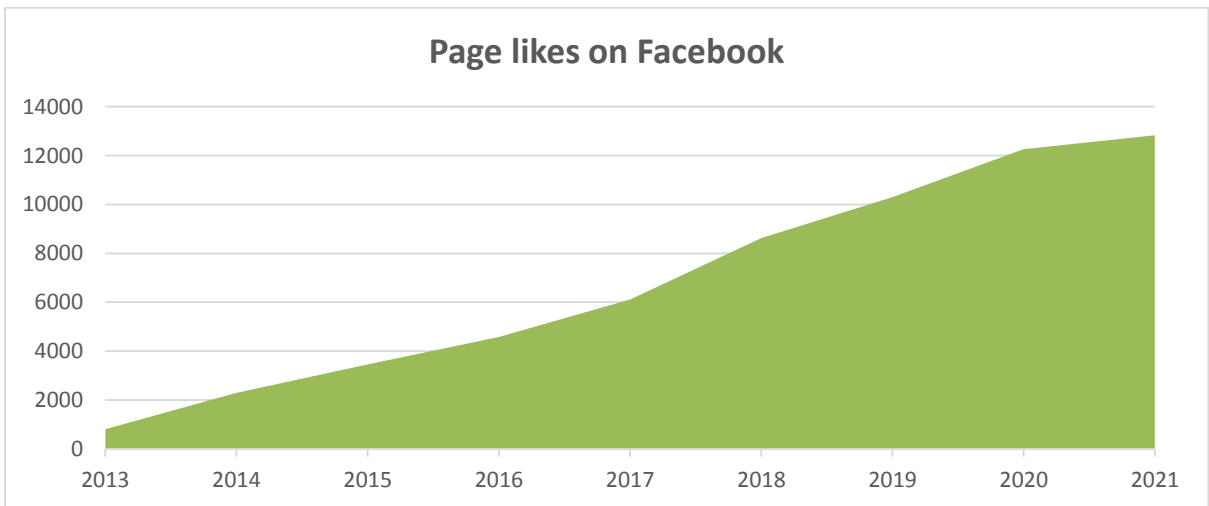
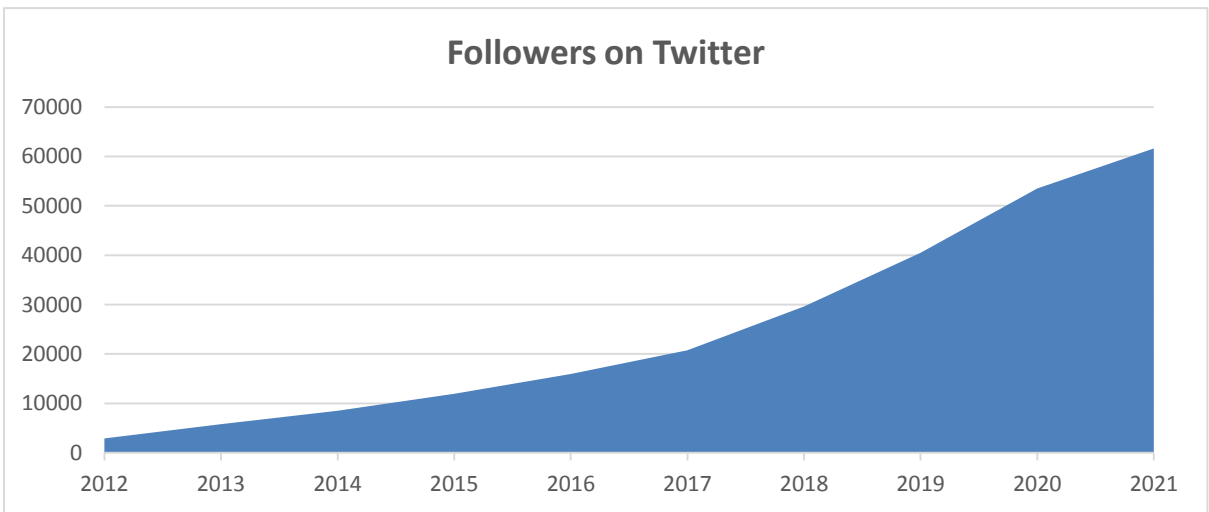
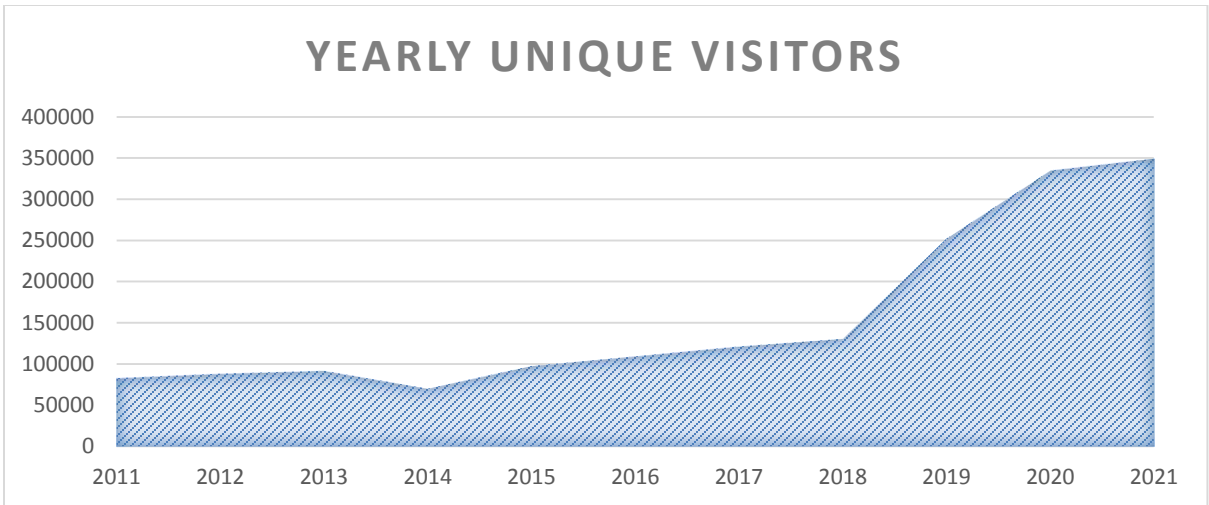
- [Corruption undermines human rights and the rule of law](#) (19 January)
- [Reform of mental health services: an urgent need and a human rights imperative](#) (7 April)
- [Journalists covering public assemblies need to be protected](#) (30 April)
- [Let us make Europe a safe place for environmental human rights defenders](#) (25 May)
- [Boosting child and youth participation - from voice to choice](#) (1 July)
- [Pride vs. indignity: political manipulation of homophobia and transphobia in Europe](#) (16 August)

Website and social media

Almost 350,000 unique users visited the Commissioner's website, 4% more than the number recorded in 2020. The most viewed news items were the [statement](#) following Turkey's withdrawal from the Istanbul Convention and two news items of 2020: the [speech](#) on Human Rights Day 2020 on the impact of Covid-19 on human rights and how to move forward and the human rights comment of 21 July 2020 on [comprehensive sexuality education](#).

The 189 tweets published earned a reach of 6.7m impressions and 8 111 new followers with a total of 61 625 followers (an increase of +15% compared to 2020 and +52% over the biennium 2020-2021). The average engagement rate is 1.6%.

On Facebook, 135 posts earned a reach of 211 349 people and 669 new page likes with a total of 12 930 page likes at the end of the year (an increase of 5% from last year).



8 STAFF AND BUDGET

In 2021, the total number of permanent posts in the Commissioner's office amounted to 27 posts (19 A-grade posts and 8 B-grade posts). The Office employed four temporary staff members financed by the Ordinary Budget. The overall ordinary budget appropriations amounted to €3,724,900 which represents 1.4% of the total Ordinary Budget.

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

APPENDIX

List of office activities in 2021

A. Visits and reports

In 2021 the following country visits, missions and online dialogue followed by memoranda were carried out:

1 to 5 February	Hungary
6 to 9 April	Ukraine
12 to 16 April	Slovenia
11 to 15 October	Malta
15 to 18 November	Poland
7 to 10 December	Italy
13 to 17 December	Austria

In 2021, the following country reports and letters were published:

Armenia

- [Memorandum](#) by the Council of Europe Commissioner for Human Rights on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh (published on 8 November 2021 with reference CommDH(2021)29).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Prosecutor General of Armenia, regarding ongoing criminal proceedings against human rights defender Sashik Sultanyan (dated 18 November 2021 and published on 23 November 2021).

Azerbaijan

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the President of Azerbaijan, regarding 'Trophy Park' (dated 20 April 2021 and published on 27 April 2021).
- [Memorandum](#) by the Council of Europe Commissioner for Human Rights on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh (published on 8 November 2021 with reference CommDH(2021)29).

Cyprus

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister of the Interior of Cyprus, regarding pushbacks and ill-treatment of migrants (dated 10 March 2021 and published on 18 March 2021).

Czech Republic

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Senate of the Czech Republic regarding the draft law on compensation for victims of forced sterilisation (dated 8 July 2021 and published on 16 July 2021).

France

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister of the Interior, regarding Channel crossings (dated 1 December and published on 8 December 2021).

Germany

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Federal Minister of Justice and Consumer Protection and Federal Minister for Family Affairs, Senior Citizens, Women and Youth of Germany, regarding children's rights (dated 13 July 2021 and published on 31 August 2021).

Greece

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister for Citizens' Protection, the Minister of Migration and Asylum, and the Minister of Shipping and Island Policy of Greece, regarding pushbacks and ill-treatment of migrants (dated 3 May 2021 and published on 12 May 2021).

Hungary

- [Memorandum](#) by the Council of Europe Commissioner for Human Rights on freedom of expression and media freedom in Hungary (published 30 March 2021 with reference CommDH(2021)10).

Lithuania

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Prime Minister of Lithuania, regarding asylum procedures and pushbacks (dated 10 August 2021 and published on 24 August 2021).

Poland

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Prime Minister of Poland, on freedom of expression, media pluralism and data protection (dated 8 March 2021 and published on 16 March 2021).

Portugal

- [Memorandum](#) by the Council of Europe Commissioner for Human Rights on combating racism and violence against women in Portugal (published 24 March 2021 with reference CommDH(2021)4).

Romania

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Speaker of the Senate of Romania and the Chairperson of its Human Rights Committee, regarding the protection of the rights of persons with disabilities (dated 9 April 2021 and published on 14 April 2021).

Russian Federation

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister of the Interior of the Russian Federation, regarding the arrest of peaceful demonstrators and the policing of demonstrations (dated 5 February 2021 and published on 11 February 2021).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Prosecutor General of the Russian Federation, regarding liquidation proceedings of Memorial human rights NGOs (dated 30 November 2021 and published on 7 December 2021).

Slovak Republic

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the National Council (Slovak Parliament) regarding restrictions on access to safe and legal abortion services (dated 15 October 2021 and published on 19 October 2021).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Prime Minister, and the Minister of Justice of the Slovak Republic, regarding reparations for victims of forced or coercive sterilisation (dated 12 July 2021 and published on 19 July 2021).

Slovenia

- [Memorandum](#) by the Council of Europe Commissioner for Human Rights on freedom of expression and media freedom in Slovenia (published on 4 June 2021 with reference CommDH(2021)17).

Spain

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister of Justice, regarding the right to freedom of expression and the Criminal Code (dated 11 March 2021 and published on 22 March 2021).

Turkey

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister of the Interior and the Minister of Justice of Turkey , regarding the stigmatisation of LGBTI people (dated 17 June 2021 and published on 24 June 2021).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Minister of the Interior, and the Minister of Justice of Turkey, regarding the restriction of NGO activities and freedom of association in the name of counter-terrorism (dated 25 February 2021 and published on 10 March 2021).

United Kingdom

- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Speaker of the House of Commons, and the Lord Speaker of the House of Lords of the United Kingdom, regarding restrictions on peaceful demonstration and the criminalisation of Gypsy, Roma and Traveller communities (dated 1 July 2021 and published on 5 July 2021).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Secretary of State for Northern Ireland of the United Kingdom, regarding the UK government's legacy proposals (dated 13 September 2021 and published on 23 September 2021).
- [Letter](#) from the Council of Europe Commissioner for Human Rights to the Secretary of State for the Home Department of the United Kingdom, regarding Channel crossings (dated 1 December and published on 8 December 2021).

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

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

- Third party intervention by the Council of Europe Commissioner for Human Rights: Application No. 39371/20, [Cláudia Duarte Agostinho and others v. Portugal and 32 other States](#) (submitted on 5 May 2021 and published on 11 May 2021 with reference CommDH(2021)16);
- Third party intervention by the Council of Europe Commissioner for Human Rights: Application No. 39468/17, [Eugeniu Clipea and Virginia Iapara v. the Republic of Moldova](#) (submitted on 17 June 2021 and published on 28 June 2021 with reference CommDH(2021)19);
- Third party intervention by the Council of Europe Commissioner for Human Rights: Application No. 24384/19 and 44234/20, [H.F. and M.F. v. France and J.D. and A.D. v. France](#) (submitted on 25 June 2021 and published on 2 July 2021 with reference CommDH(2021)21);
- Third party intervention by the Council of Europe Commissioner for Human Rights: [K.B. v. Poland and 3 other applications, K.C. v. Poland and 3 other applications and A.L. - B. v. Poland and 3 other applications](#) (submitted on 28 October 2021 and published on 10 November 2021 with reference CommDH(2021)31).

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 2021, the Commissioner's Office organised or co-organised the following events:

- Online roundtable with LGBTI human rights defenders on "LGBTI rights in Europe: current threats to equal rights, challenges faced by defenders and the way forward" (9 February);
- Meeting with human rights defenders working in and on Crimea, Ukraine (1 July);
- Meeting with human rights defenders and NGOs working in and on the Donbas, Ukraine (17 September);
- Online NGO meetings on pending transitional justice issues in the former Yugoslavia (25 November to 3 December).

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

The Commissioner or the Office participated in the following major events during 2021:

- Exchange of views with the European Affairs Committee of the French Senate (14 January);
- "Human Rights in the era of AI : Europe as international standard setter for artificial intelligence" virtual event organised by the German Federal Foreign Office and Federal Ministry of Justice and Consumer Protection as part of Germany's Presidency of the Committee of Ministers of the Council of Europe (20 January);
- OSCE Human Dimension Committee 1st meeting 2021 on "Human rights in the OSCE comprehensive security concept. The role of the human dimension in efforts towards stability and security in the OSCE region" (26 January);
- Columbia Law School seminar on free expression (2 February);
- Speech to the Cosmos Club International Affairs Committee (16 February);
- Exchange of views with the German Bundestag EU Affairs Committee (24 February);
- Exchange of views with European Parliament's Committee on Civil Liberties, Justice and Home Affairs – LIBE, on "People in distress at sea" (15 March);
- CoE Parliamentary Assembly's Committee on Social Affairs, Health and Sustainable Development hearing on deinstitutionalisation of persons with disabilities (16 March);
- Global Initiative against Transnational Organised Crime webinar "Stronger Together: Bolstering Resilience among Civil Society in the Western Balkans" (19 March);
- Exchange of views with the German Bundestag's Committee on Human Rights and Humanitarian Aid on the occasion of the 20th anniversary of the German Institute for Human Rights (24 March);

- “Rescuing Lives in the Central Mediterranean: Contemporary challenges” online event organised by ASGI, Aditus and Malta Jesuit Refugee Service, with the support of Fondation Assistance Internationale (26 March);
- Opening address at an online conference launching the Chachipen project on “Truth and Reconciliation Process to address antigypsyism in Europe” (29 March);
- Exchange of views with the European Commission against Racism and Intolerance – ECRI (31 March);
- Harriman Institute School of International and Public Affairs conference on International Roma Day "The State of Roma Human Rights in the Balkans" (8 April);
- Festival dei Diritti Umani ‘Human Rights Festival’ (21 April)
- ENNHRI High-Level Meeting on the Council of Europe Recommendation on the development and strengthening of effective, pluralist and independent National Human Rights Institutions – NHRIs (26 April);
- Exchange of views with partners of the CoE Platform on safety of journalists (28 April);
- Conference celebrating “70 years of Germany as full member of the Council of Europe” (4 May)
- Mental Health Europe webinar on “Imagining the future of community mental health services based on human rights” organised as part of European Mental Health Week 10-16 May 2021 (11 May);
- Exchange of views with the Council of Europe’s European Committee of Social Rights (17 May);
- CoE Parliamentary Assembly’s Committee on Equality and Non-Discrimination hearing on “Combating rising hate against LGBTI people in Europe” (18 May);
- “Young Environmental Defenders and their Rights” organised by the Expert Council on NGO Law for the World Forum for Democracy (19 May);
- Conference commemorating the 100th anniversary of the birth of Andrei Sakharov “Alarm and Hope. XXI Century” (24 May);
- Kyiv International Roma Forum of Equality Bodies 2021 (27 May);
- Exchange of views with Finnish NHRI and Human Rights Centre (7 June);
- CoE Conference of Ministers responsible for Media and Information Society “Artificial Intelligence – Intelligent Politics: Challenges and opportunities for media and democracy (10 June);
- Launch event of World Health Organisation (WHO) Guidance and technical packages on community mental health services “Promoting person-centred & rights-based approaches” (10 June);
- Exchange of views with European Human Rights Ambassadors (11 June);
- Conference on “Facilitating access to justice for women victims/survivors of gender-based violence in Bosnia and Herzegovina” organised by Kvinna till Kvinna Foundation (18 June);
- Exchange of views with GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence (23 June);

- Conference on “The Council of Europe and national minority rights: Results and challenges” organised in the framework of the Hungarian Presidency of the Committee of Ministers of the CoE (29 June);
- Baltic Pride 2021 conference on “Human dignity: a fundamental tool in a democratic state governed by the rule of law” (6 August);
- World Pride 2021 closing plenary “The way forward for the LGBTI community” (19 August);
- Closing event of the German Participatory Landscape-Trialogue on the Psychiatric and Psychosocial Support System (27 August);
- European Parliament LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group exchange of views on "The protection of journalists and media freedom in the EU" (1 September);
- ECRI annual seminar with Equality Bodies “Joining Forces to Promote and Protect the Human Rights of LGBTI Persons” (18 September);
- Lampedusa Remembrance Day organised by *Comitato Tre Ottobre* (3 October);
- Global Mental Health Summit “Mind Our Rights, Now!” (5-6 October 2021);
- Fundamental Rights Forum 2021 (11-12 October);
- High-level Panel Discussion for 60th anniversary of the European Social Charter (18 October);
- Joint High-level Segment of the 7th Session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters – Aarhus Convention (21 October);
- 9th Annual meeting of the Secretary General with the Presidents and Executive Secretaries of the Monitoring and Advisory Bodies (Strasbourg, 25 October);
- Exchange of views with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment – CPT (26 October);
- Human Rights and Climate Change Symposium 2021, organised by Royal Society of Edinburgh and the German National Academy of Sciences Leopoldina (28 October);
- European Regional Master Programme in Democracy and Human Rights in South East Europe – ERMA 20th graduation ceremony (30 October);
- Hearing at the Italian Senate Special Committee on the Fight against Intolerance, Racism, Antisemitism and Instigation to Hate and Violence (2 November);
- 9th World Forum for Democracy “Can Democracy Save the Environment?” Forum Talk on “Threats to environmental defenders” (9 November);
- Press conference on the liquidation proceedings against International Memorial and Human Rights Center Memorial (18 November);
- Launch event on *Combating violence against women in a digital age utilising the Istanbul Convention: GREVIO General Recommendation No.1 on the Digital Dimension of Violence against Women* (24 November);

- Freedom Online Coalition 10 Year Anniversary Conference on “Open and Accessible Internet for All” (30 November);
- Special hearing of the Sub-Committee on Human Rights of the Italian Chamber of Deputies, Rome, 9 December;
- Book Launch of the European Yearbook on Human Rights 2021, Special Edition “Human Rights in Times of a Pandemic”, Vienna (13 December);
- Platform for Freedom of Information conference on freedom of information (14 December).